

**EXECUTIVE COUNCIL OF THE AFRICAN UNION**  
**First Ordinary Session**  
**9-10 July 2002**  
**Durban, SOUTH AFRICA**

EC/AU/AEC/Regl. (I)

**REGULATION**

## REGULATION

The Executive Council:

Considering **the Constitutive Act of the African Union,**

**Considering** Articles 11, 12 and 13 of the Treaty establishing the African Economic Community (AEC),

**Recalling** Decision **AHG/OAU/AEC/Dec. 1 (V)** and Regulation **CM/OAU/AEC/Regl.1 VIII (IX)** adopted respectively by the Fifth Ordinary Session of the Assembly of Heads of State and Government and the Ninth Ordinary Session of the AEC Council of Ministers in Lusaka, Zambia in July 2001,

**Having examined** the Report of the Secretary General on the implementation of the Treaty establishing the AEC,

**Having taken note** of the reports of the Regional Economic Communities (RECs),

### **HEREBY RULES:**

1. **Trade and Investment**

The General Secretariat is urged to undertake continent- wide initiative that could increase trade flows and investment between the regions by:

- a) preparing a directory of exporters in Africa;
- b) harmonizing the rules of origin of the various regions and the norms between and within the RECs; and
- c) building capacities with regard to the harmonization of customs documents.

2. **Telecommunications**

- a) Is welcomed the initiative taken by the ITU to launch the project on Assistance for the Development of Telecommunications Industry in Africa (INDAFTEL);
- b) The ITU is urged to continue to provide support to the project through, among others, allocating more resources for its implementation;
- c) Appeal is made to:
  - i) All Member States to support the project and actively participate in its implementation by appointing national focal persons and allocating resources for the work of the national focal persons;
  - ii) Africa's development partners to support the project and to provide resources for its implementation;
- d) The Chairperson of the AU Commission is requested to consult with the Advisory Committee on Administrative, Financial and Budgetary Matters with a view to allocating resources as the contribution of the AU to the funding of the implementation of the project;
- e) Is endorsed the establishment of the Inter-agency Coordinating Committee composed of the AU as Chairman, the ECA as the Vice Chairman, the ITU as the Lead and Executing Agency, and UNIDO, ATU, RASCOM and the RECs as members, and the Committee is entrusted with the responsibility of supervising and monitoring the implementation of the project; and
- f) The Inter-agency Coordinating Committee is requested to regularly report to it through the Chairperson of the AU Commission.

**3. Industry**

- a) The Government and People of the Republic of Cameroon are commended for hosting the 15<sup>th</sup> Session of the Conference of African Ministers of Industry (CAMI-15) held in Yaounde, Cameroon from 22 to 24 October 2001;
- b) All Member States are called upon to take the necessary measures and actions for the implementation of the Resolution adopted by CAMI-15 as well as the recommendation of the Private Sector Forum;
- c) The African Regional Economic Communities in collaboration with ADB, ECA, UNIDO and other agencies of the UN System, as well as other financing institutions are invited to develop effective programmes for industrial integration, through coordination and harmonization of policies and strategies in the sector;
- d) UNIDO is requested to provide the necessary technical assistance to AU and its Member States as well as to RECs with the view to accelerating the implementation of the recommendations adopted by CAMI-15;
- e) The Chairperson of the Commission is also requested, in cooperation with all relevant partners and through coordination with CAMI-15 Bureau, to ensure that Africa's industrialization is accorded high priority in the agenda of the African Union.

**4. Health**

- a) Action on HIV/AIDS, TB and Other Related Infectious Diseases (ORID)
  - i) Are welcomed and endorsed the Mechanism for Monitoring and Reporting on the Implementation of the Abuja Declaration and Plan of Action on HIV/AIDS, TB and ORID as well as the Guidelines on how to operationalise and use the Mechanism as adopted by the African Ministers of Health;

- ii) Is reiterated the commitment of the Executive Council to using its leadership position at all levels in order to mobilize the whole society in the fight against HIV/AIDS, TB and ORID;
- iii) Are commended Member States for the establishment, through the participatory process, of national HIV/AIDS Strategies and Plans of Action, creation of National HIV/AIDS Councils, adoption of multisectoral approaches and the channelling of public resources directly to communities and civil society organizations for the fight against the pandemic;
- iv) Appeal is made to Member States to likewise establish and operationalise National Strategies to implement Directly Observed Treatment-Short Course (DOTS) in the fight against Tuberculosis;
- v) Member States are urged to commit adequate domestic resources to research into ways and means of fighting against HIV/AIDS, TB and ORID;
- vi) Appeal is also made to the International Community and stakeholders to support Member States in the implementation of the Abuja Declaration and Framework Plan of Action;
- vii) UNAIDS, WHO and all UN Agencies, Stakeholders and Donors are invited to support Africa in a quest for debt-relief in favour of the fight against these diseases, and Member States are urged to target funds thus saved to accelerate Health Systems Reform with a focus to fighting against HIV/AIDS, TB and ORID;
- viii) The Commission in collaboration with UNAIDS is requested to facilitate negotiations with multinational drug corporations with a view to promoting access to drugs at affordable price;

- ix) UNAIDS, WHO, UNICEF and all other relevant partners are also requested to assist the General Secretariat both technically and financially to strengthen its capacity in order to be able to follow-up, monitor and report on the implementation of the Decision and Plan of Action on HIV/AIDS, TB and ORID;
- x) The Chairperson of the Commission is further requested in collaboration with WHO, UNICEF, ECA, UNAIDS, ADB and RECs to follow-up on the implementation of National Strategic Plans on HIV/AIDS and TB as outlined in the Abuja Framework Plan of Action and report regularly to Council about progress made by Member States.

b) Fight Against Malaria

- i) The Executive Council's commitment to use its leadership position in mobilizing the whole society in the fight against Malaria in order to reduce the mortality rate due to malaria in Africa by half by year 2010 is reiterated;
- ii) Member States are commended for the formulation and implementation of country Strategic Plans for Roll-Back-Malaria;
- iii) Appeal is made to Member States to accelerate antimalarial Drug Policy change in order to overcome the challenge of drug resistance of the malaria parasites and vector resistance to insecticides; and to UN Agencies, Donors and other international partners to support Member States in building research capacity necessary to prevent and control Malaria;
- iv) The Chairperson of the Commission, in collaboration with WHO and UNICEF is requested to assist Member States in follow-up, monitoring and evaluation of the implementation of Roll-Back Malaria Strategic Plan and report to the next Session of the Executive Council.

- c) Development of Human Resources for Health in Africa
- i) The Executive Council's Commitment to its 1987 Addis Ababa Declaration on Health as a Foundation for Development, is reaffirmed;
  - ii) The vital role played by human resources in the promotion of health and general well-being of all communities worldwide is recognized;
  - iii) It is also recognised that inadequate human resources has been one of the major challenges to health systems development in Africa, and that brain drain has compounded the shortage of human resources on the Continent;
  - iv) Each Member State is called upon to develop a realistic plan for development of human resources for health, motivate existing personnel through problem-oriented training and improvement of conditions of service, as well as upgrade skills of personnel working in the health sector in order to adequately respond to existing and emerging health issues especially preventive care;
  - v) The year 2004 is proclaimed as the Year for Development of Human Resources in Africa;
  - vi) The WHO, AU, World Bank and other relevant partners are requested to establish an International Partnership for Human Resources Development (HRD) for Health for the purpose of conducting Health Sector Reforms on a sustainable basis at country level, and promote a code of ethics in international recruitment of health staff especially from Africa with the view to establishing a mechanism on how African countries can be compensated for such brain drain;

- vii) The WHO, World Bank and other relevant partners and Institutions are requested to regularly provide financial support to Member States in their efforts to promote and develop Human Resources in the Health Sector;
- viii) Lastly, the Chairperson of the Commission, in collaboration with WHO and other interested partners, is requested to call for a special Summit in 2003/2004 to consider the issue of Human Resources Development and its impact on Health Sector Reforms with special focus on HIV/AIDS, Tuberculosis and Malaria.

**5. Labour and Poverty Alleviation**

- a) The recommendations contained in the report of the Twenty-fifth Ordinary Session of the OAU Labour and Social Affairs Commission/Ministerial Conference on Employment and Poverty Reduction in Africa held in Ouagadougou, Burkina Faso from 16 – 21 April 2002, are endorsed;
- b) Member States are called upon to share experiences on building the appropriate infrastructure, reducing illiteracy, enhancing the skills and capacity of employees and surveying the labour markets with a view to creating more job opportunities in Africa;
- c) Member States are requested to include social protection and work safety areas in their national development priorities and facilitate the development of self-employment strategies, in collaboration with social partners;
- d) The appeal to Member States which have not yet done so to sign and/or ratify the African Charter on the Rights and Welfare of the Child as well as the ILO Convention 182 on the Elimination of the Worst Forms of Child Labour, is reiterated;

- e) Member States are also called upon to include compulsory education, the elimination of child labour as well as children in conflict situations and child trafficking in their priority programmes on children;
- f) The Plan of Action for the African Decade of People with Disabilities (1999-2009) is approved and Member States are called upon to provide the necessary resources for its implementation at national level;
- g) Member States are also requested to accord priority to the Migration for Development in Africa (MIDA) and promote the return of migrants to their countries of origin, create job opportunities for them and encourage them to invest in their countries with a view to reducing poverty. The International Organization for Migration (IOM) is called upon to assist African countries in this regard;
- h) The Chairperson of the Commission, in collaboration with the ILO and other interested stakeholders and in consultation with Regional Economic Communities, is also requested to convene a meeting at Experts level to develop a Social Policy Framework for the Continent;
- i) The re-election of Mr. Juan Somavia as Director General of the ILO for a second mandate during the 286<sup>th</sup> Session of the ILO Governing Board in March 2003, is supported.

## **6. Population**

- a) The challenges African countries are facing in regard to population issues particularly relating to the HIV/AIDS pandemic, Youth and Migration are recognized;
- b) The need to strengthen effective and new strategies and priorities for dealing with HIV/AIDS, TB and Other Related Infectious Diseases from an African perspective and resource mobilization context within the framework of the implementation of the Abuja Summit on these diseases is emphasized;

- c) Member States are urged to develop appropriate reproductive health and population growth and development policies, design clearly defined strategies for policies formulated, and fully involve the population at grassroot level, the NGO sector, women's groups, youth groups, etc. in policy dialogues and consultations;
- d) Member States are further urged to focus on the family to better identify its roles in the population and development interrelationships as well as to stress the content of policy-decisions and collective responsibilities at national and regional levels;
- e) The Regional Economic Communities are encouraged to establish networks of Member States and strengthen partnerships among them to ensure an effective implementation of the South-South programmes in the field of population and development and to promote regional cooperation in the field of Population and Development through sensitization;
- f) It is stressed that the APC should continue its advocacy role on population and development matters and that financial and human resources should be provided in the new African Union structure;
- g) Appeal is made to the International Community and donor agencies, in particular UNFPA, USAID, NGOs to continue supporting and providing the necessary assistance to achieve the above objectives and to support our efforts for the implementation of the Dakar/Ngor Declaration and the ICPD-PA;
- h) The UNFPA is commended for having supported the OAU in organizing the 4<sup>th</sup> General Assembly of the African Population Commission (APC);
- i) The Chairperson of the Commission in collaboration with the Executive Secretary of the ECA and the President of the ADB and other Population Institutions is requested to monitor developments in population activities in Africa and to submit reports regularly on the progress made in implementing the APC recommendations.

**7. African Decade of Disabled Persons**

- a) Is recalled Decision CM/Dec.535 (LXXII) proclaiming 1999-2009 as the African Decade of Disabled Persons;
- b) Deep concern is expressed about the increasing number of people with disabilities in the Continent due to social and political crises;
- c) Is recognized the need to integrate people with disabilities in the society, empower them and involve them in the formulation and implementation of the social and economic development policies of the Continent;
- d) Is endorsed the Plan of Action for the African Decade of People with Disabilities as adopted by the 25<sup>th</sup> Session of the Labour and Social Affairs Commission held in Ouagadougou, Burkina Faso, from 16 – 21 April 2002;
- e) Member States are urged to allocate sufficient funds to all relevant Ministries dealing with people with disabilities to ensure effective implementation of disability programmes and to establish National Coordinating Committees (NCC) to coordinate all disability issues and include people with disabilities in their national programmes;
- f) Relevant United Nations Institutions as well as other partners are called upon to assist in the implementation of the Plan of Action;
- g) Member States are called upon to report to the OAU Secretariat through the African Rehabilitation Institute (ARI) on the implementation of the Plan of Action;
- h) The Chairperson of the Commission is requested to submit progress reports to the Assembly of Heads of State and Government every two years.

**8. Education**

- a) Recommendations to Member States to implement the Programme of the Decade of Education at national level are reiterated;
- b) Is approved the strategy of the Chairperson of the Commission who has opted for a regional approach to, and regional management of the Decade, particularly through the organization of regional seminars and establishment of regional coordination structures;
- c) In this regard, gratitude is expressed to the countries which hosted the five (5) regional seminars on the Decade, as well as the countries hosting the regional coordination secretariats, and those which accepted to second officials to work for the Decade, while remaining in their respective countries, namely: The Gambia, Cameroon, Gabon, Kenya, Mozambique and Libya;
- d) Gratitude is also expressed to the partners which so readily provided invaluable assistance towards implementation of the Programme of Action of the Decade, particularly UNESCO/IICBA, ECOWAS, SADC, CEN-SAD, and others;
- e) The Regional Economic Communities are called upon to develop integrated education programmes for inclusion in their overall development programmes with a view to strengthening human resource capacities in Africa;
- f) Are endorsed the recommendations of the Second Ordinary Session of the Decade Steering Committee which took place in Tripoli in April 2002, particularly the call on African Member States to accede to the Pan-African Institute for Development Education (IPED); the Pan-African Union is urged to provide financial assistance to the Institute;

- g) International institutions/organizations as well as concerned bilateral and multi-lateral partners are invited to extend their support to the General Secretariat towards mobilization of the additional resources needed to implement the Programme of Action of the Decade and the regional projects identified at the level of each Regional Economic Community.

## **9. Environment**

- a) Effective Implementation of the UN Convention to Combat Desertification (UNCCD) in Countries seriously affected by Drought and/or Desertification
  - a) It is affirmed that the United Nations Convention to Combat Desertification constitutes an innovative and vital instrument for realizing the objectives of sustainable development as contained in Agenda 21, and the objectives of poverty elimination as spelt out in the Millennium Summit Declaration;
  - b) It is further affirmed that desertification is one of the main causes of poverty due particularly to the correlation between degradation of soils and poverty in arid, semi-arid and dry sub-tropical regions, especially in Africa;
  - c) Is welcomed the convening on African soil of the World Summit on Sustainable Development scheduled to take place in Johannesburg, South Africa, from 26 August to 4 September 2002, ten years after the United Nations Conference on Environment and Development held in Rio de Janeiro in June 1992;
  - d) It is recognized that the New Partnership for Africa's Development (NEPAD), underscores desertification control as a major component of the Environment and Sustainable Development programme in Africa;

- e) Due note is taken of the conclusions of the Africa – Latin America and Caribbean Inter-regional Forum, held in Caracas, Venezuela, from 18 to 20 February 2002, the conclusions of the Eminent Persons' Panel held in Agades, Niger, from 24 to 28 February 2002, as well as the Forum on CCD Implementation held in Praia, Cape Verde, from 5 to 8 March 2002 preparatory to the World Summit on Sustainable Development;
- f) Are also welcomed the messages addressed to the Johannesburg Summit and the contents of the Caracas Declaration, the Agades Appeal and the Praia Ministerial message, all pertaining not only to the recognition of the correlation between poverty reduction and desertification control, but also to effective financing by the International Community of Desertification Control Programmes of Action in affected developing countries, particularly in Africa;
- g) The Second General Assembly of the Global Environment Facility (GEF) due in Beijing, in October 2002, is urged to designate the Facility as the Convention's funding mechanism;
- h) All participants in the Johannesburg Summit are invited to take cognisance of the contents of this decision during their deliberations and take appropriate measures and decisions with a view to ensuring the successful implementation of a desertification control programme;
- i) The Chairperson of the Commission is requested to follow up on the implementation of this decision in collaboration with the CCD Executive Secretary and South Africa the host country of the World Summit on Sustainable Development.

- b) Revision of the 1968 African Convention on the Conservation of Nature and Natural Resources (Algiers Convention)
- i) The Governments of Algeria, Burkina Faso, Cameroon and Nigeria, Parties to the 1968 Convention, are commended for their initiative to bring about the revision of the Convention;
  - ii) The African Union Commission, the United Nations Environment Programme (UNEP) and the International Union for the Conservation of Nature and Natural Resources (IUCN), and also commended for their endeavour to update the 1968 African Convention on the Conservation of Nature and Natural Resources to the level and standard of modern international environment and natural resources instruments;
  - iii) The revised African Convention on the Conservation of Nature and Natural Resources is endorsed;
  - iv) The Assembly of Heads of State and Government is requested to adopt the Revised Convention;
  - v) The Chairperson of the Commission, UNEP, IUCN and relevant agencies of the United Nations system are called upon to ensure that the Revised Convention is opened for signature at the World Summit on Sustainable Development in Johannesburg in August/September 2002;
  - vi) All Member States are urged to, as soon as possible, sign and ratify the said Convention upon its adoption by the Heads of State and Government, in order to bring it into force at the earliest possible time.
  - viii) The Chairperson of the Commission is requested to take the necessary measures to ensure that Member States sign and ratify the Revised Convention.

c) African Environment Day

The proposal by the Great Socialist Peoples' Libyan Arab Jamahiriya regarding the institutionalisation of the African Environment Day and its celebration on 3 March each year is endorsed.

It is therefore decided that Member States celebrate the African Environment Day, by urging enterprises, institutions and centers concerned by environmental problems to undertake the following:

- organization of conferences/debates, symposia and information campaigns to sensitize African populations on environmental problems;
- organization of visits and excursions to beaches, forests, zoological parks and natural reserves with a view to involving the African population in the preservation of the environment;
- focusing efforts on desertification and drought control programmes, as well as a maximum and judicious exploitation of natural resources;
- mobilization of all available means of information to cover the celebration of the African Environment Day.

**10. External Support to the Economic Integration Programme In Africa**

- a) The African Capacity Building Foundation (ACBF) and the United Nations Development Programme are commended for the technical and financial assistance they have provided to the process of economic integration in Africa;
- b) The development partners are called upon to accord priority in their development assistance to capacity building for the effective implementation of programmes of regional integration in Africa.

**11. WTO-Compatible Trade Negotiations of the Cotonou Partnership Agreement**

- a) The ACP-EU trade negotiations for WTO-compatible trade arrangements scheduled to start on 27 September 2002, are recalled;
- b) Member States that have ratified the Cotonou Partnership Agreement are commended and those that have not yet done so, urged to ratify the Agreement without further delay;
- c) All Member States and Regional Economic Communities in the negotiations of Economic Partnership Agreements (EPAs) with the European Union, are called upon to ensure:
  - i) the consistency of these EPAs with the programme of African economic integration under the Abuja Treaty establishing the African Economic Community (Abuja Treaty) and with the Constitutive Act of the African Union;
  - ii) that all Member States and Regional Economic Communities participate actively in the current WTO negotiations so as not only to inject flexibility in the WTO rules, especially those relating to regional trading arrangements and to have the development dimension better taken into account, but also to make the future EPAs compatible with the WTO; and
  - iii) that all Member States and Regional Economic Communities maintain the solidarity of the African and the ACP Groups and negotiate as a single bloc;
- d) African Member States of the Bi-Regional Group under the Africa-Europe Cooperation are also called upon to raise the issue of the ratification of the Cotonou Partnership Agreement by the European countries at the meetings of the Group.

**12. Eradication of Tsetse Flies from Africa**

- a) Are recalled Decision AHG/Dec.156 (XXXVI) urging Member States to rise collectively to the challenge of eliminating the scourge of tsetse-transmitted diseases from Africa and assigning Chairperson of the Commission the task of initiating and coordinating a Pan African Tsetse and Trypanosomiasis Eradication Campaign (PATTEC) as well as Decision AHG/Dec.169 (XXXVII) endorsing a Plan of Action prepared by the Secretariat for the implementation of the Pan African tsetse eradication campaign;
- b) Note is taken with satisfaction of the establishment of the PATTEC Policy and Mobilisation Committee whose members are urged to actively seek ways of guiding and generating support for the PATTEC initiative;
- c) African countries which had already embarked on tsetse eradication projects are commended;
- d) Gratitude is expressed to the International Atomic Energy Agency for the support and assistance extended to Member States and the Secretariat in the implementation of the PATTEC initiative;
- e) All affected countries are urged to include tsetse eradication in their national priorities, within their Poverty Reduction Strategy Papers so as to qualify for debt relief mechanisms or other forms of budgetary support to ensure its implementation;
- f) Appeal is made to the international community to lend technical and financial support to the efforts of Member States and the Secretariat in implementing the PATTEC initiative;
- g) The Chairperson of the Commission is requested to:

- i) continue reminding all Member States about their individual and collective obligations in the struggle to eliminate the scourge of tsetse-transmitted diseases from Africa, monitor the progress made in this endeavour and report on the issue every year;
- ii) include a budgetary provision in the Budget of the African Union to cater for the activities of the Commission in coordinating the PATTEC initiative.

**13. Drug Control**

- a) The recommendations of the First OAU Ministerial Conference on Drug Control held in Yamoussoukro, Cote d'Ivoire, from 6 to 11 May 2002 are approved; and the Chairperson of the Commission is mandated to follow up and monitor their implementation;
- b) Gratitude is expressed to the Government of the Republic of Côte d'Ivoire for hosting the First Ministerial Conference on Drug Control in Africa from 6 to 11 May 2002;
- c) Gratitude is also expressed in particular to the UNDCP and all the UN Agencies and other stakeholders for their technical and financial support and assistance in the preparation and holding of the Ministerial Conference on Drug Control in Africa;
- d) That illicit drug trafficking, abuse, cultivation as well as alcoholism and other related problems are fast gaining momentum on the Continent are recognized;
- e) The Revised Declaration and Plan of Action on Drug Control and Illicit Drugs Trafficking and Abuse in Africa as adopted by the Ministerial Conference are endorsed;

- f) The African Common Position for the Ministerial Segment of the 46<sup>th</sup> Session of the Commission on Narcotic Drug (CND) scheduled to be held in April 2003, in Vienna, Austria, is endorsed; and the Bureau of the Ministerial Conference on Drug Control, in collaboration with the OAU Secretariat, the UNDCP and the African Group in Vienna are called upon to strengthen the document as they deem appropriate;
- g) Member States are invited to renew their commitment to fight the drug scourge as contained in the Declaration and mobilize requisite human and financial resources to implement the Plan of Action at their national levels;
- h) Appeal is made to the United Nations International Drug Control Programme (UNDCP) and the World Health Organization (WHO) to consider further financial assistance towards implementation of the revised and updated OAU Plan of Action on Drug Control in Africa;
- i) The Chairperson of the Commission, consistent with the decisions of the 1<sup>st</sup> OAU Ministerial Conference on Drug Control, is requested to organize training workshops on alternative development for the eradication of illicit cultivation of cannabis in Africa, initiate measures to integrate drug control policies and activities within the NEPAD programmes and undertake studies on the effects of Drugs, HIV/AIDS and conflicts on socio-economic development in Africa.
- j) The Commission, in collaboration with its developing partners and donor countries, is called upon to explore the possibilities of establishing an African Fund for Drug Control;
- k) Gratitude is expressed to the Government of the Republic of Mauritius for offering to host the next Ministerial Conference to be held in 2004;
- l) The Chairperson of the Commission is requested to:

- i) strengthen the Drug Control Focal Point of the Commission, give it more visibility in the new structure of the African Union and provide it with necessary funds within its budget; and
- ii) submit progress reports on implementation of the Declaration and Plan of Action to subsequent sessions of Council.

**Done at Durban, South Africa  
on 10 July 2002**

**Nkosazana Dlamini – Zuma  
Minister of Foreign Affairs of the Republic of South Africa  
Chairperson of the Executive Council.**