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Addis Ababa, ETHIOPIA P. O. Box 3243 Tel: (251-1) 513 822 Fax: (251-1) 519 231  
Email: oau-ews@telecom.net.et

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**THIRD MEETING OF THE AFRICAN UNION  
MINISTERS OF DEFENCE AND SECURITY  
TO CONSIDER THE DRAFT AFRICAN UNION  
NON-AGGRESSION PACT**

**29 JUNE 2004  
ADDIS ABABA, ETHIOPIA**

**MIN/Def.Sec./Concl. (III)**

**REPORT OF THE THIRD MEETING OF THE AFRICAN  
UNION MINISTERS OF DEFENCE AND SECURITY ON THE  
DRAFT AFRICAN UNION NON-AGGRESSION PACT**

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UNION MINISTERS OF DEFENCE AND SECURITY ON THE  
DRAFT AFRICAN UNION NON-AGGRESSION PACT**

**I. INTRODUCTION**

1. The third meeting of the African Union Ministers of Defence and Security took place on 29 June 2004, in Addis Ababa, Ethiopia. The meeting was held pursuant to the decision of the Second Extraordinary Session of the Assembly of the Union held in Sirte, Libyan Arab Jamahiriya, from 27 to 28 February 2004, and in follow up to the first meeting of the Government Experts, held in Brazzaville, from 12 to 14 May 2004. The purpose of the meeting was to consider the Draft African Union Non-Aggression Pact, that was elaborated by the first meeting of Government Experts, which had been adopted by the same Experts at their second meeting in Addis Ababa, held from 28 to 29 June 2004.

**II. ATTENDANCE**

2. The third meeting of African Union Ministers of Defence and Security was attended by the Representatives from the following countries: Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Chad, Côte d'Ivoire, Democratic Republic of Congo, Djibouti, Egypt, Equatorial Guinea, Ethiopia, Gabon, Ghana, Guinea, Kenya, Lesotho, Libya, Mali, Malawi, Mauritania, Mauritius, Mozambique, Namibia, Nigeria, Rwanda, Republic of Congo, Saharawi Arab Democratic Republic, Senegal, Sierra Leone, South Africa, Sudan, Swaziland, Tanzania, Togo, Tunisia, Uganda, Zambia, and Zimbabwe.

**III. COMPOSITION OF THE BUREAU**

3. The Bureau of the meeting was composed as follows:

Chairperson	:	Mozambique
1 <sup>st</sup> Vice Chair	:	Tunisia
2 <sup>nd</sup> Vice Chair	:	Chad
3 <sup>rd</sup> Vice Chair	:	Nigeria
Rapporteur	:	Kenya

**IV. OPENING**

4. The Opening Ceremony was presided over by General Tobias Dai, Minister of Defence of Mozambique, who also chaired the meeting. In his opening remarks, Gen. Dai welcomed his colleagues to the third meeting of the African Union Ministers of Defence and Security. The Minister recalled the deliberations of their last two meetings held in Addis Ababa, in January 2004, and subsequently in Sirte, in February 2004. He reminded the Ministers that they had been called upon to contribute to the efforts to bring about peace and security on the continent. He expressed the hope that the meeting would live up to the expectation of Heads of State and Government.

**V. STATEMENT BY THE COMMISSIONER FOR PEACE AND SECURITY**

5. In his statement, the AU Commissioner for Peace and Security essentially provided a clarification on the background to the third meeting of the African Union Ministers of Defence and Security. He recalled the proceedings of the Second Extraordinary Session of the Assembly referred to above, which adopted at a second meeting on 28 February 2004, a Decision requesting the Chairperson of the Commission to, inter alia, convene a meeting of Government Experts to "study the three proposals on Non-Aggression and Common Defence in depth and elaborate a single document for the consideration of the Assembly at its next Ordinary Session." Those proposals were prepared by the AU Commission, the Republic of Congo and the Libyan Arab Jamahiriya.

6. The Commissioner stated that, in order to facilitate the work of the Government Experts in Brazzaville, the Commission prepared a Consolidated Document based on the three proposals referred to above. That document formed the basis of the work of the Experts.

7. He recalled that during the meeting of Government Experts in Brazzaville, there were some misunderstandings on which decision was adopted by the Extraordinary Session of the Assembly of the Union in Sirte, which should have guided the deliberations of the Government Experts. He regretted the fact that there was a communication gap on this issue at all levels, noticeable in the aftermath of the Sirte meeting. This problem continued after the Brazzaville meeting. The Commissioner further regretted the fact that the invitations sent to Member States for the second meeting of Government Experts and the third meeting of the Ministers of Defence and Security, was not clear enough to convey the message that those meetings were being convened, following consultations between the AU Chairperson,

the Chairperson of the Commission and other stakeholders, to discuss the two aspects, namely, "Non-Aggression" and "Common Defence."

8. The Commissioner also explained that, following the Brazzaville meeting, the Commission felt that the Draft African Union Non-Aggression Pact, elaborated by the Experts, did not fully capture all the aspects relating to "Common Defence," in conformity with the Decision that was taken by the Assembly in Sirte. It was in this context that the Commission reintroduced those elements contained in the Consolidated document, referred to above, into Brazzaville Draft, which was presented by the Commission to the second meeting of Government Experts, held from 28 to 29 June 2004. However, that meeting was unable to take a decision on the Draft. He apologized for any inconveniences that the initiatives taken by the Commission could have caused to Member States. Finally, he appealed to the Ministers to work with a sense of common purpose to achieve the objectives of the meeting.

9. After the statement of the Commissioner, the following observations and comments were made:

- the handling of the issue of "two decisions" from the Sirte Extraordinary Summit by the Commission has been most unsatisfactory and confusing. To this end, the need for more clarity than what the Commissioner had provided to the meeting regarding the issue of two decisions was expressed;
- there was lack of transparency in Sirte and the so called "informal closed session" was convened after some delegations had left. Even some of those delegations that were still present, were not invited to that closed session. Therefore, what happened in the closed session of the Assembly in Sirte was just an informal consultation, which could not take a decision binding on all AU Member States. In this context, some delegations underscored the fact that even if there was a second decision on the matter under consideration, that decision should have been communicated to the Member States which did not attend that meeting;
- emphasis was placed on the need to avoid double decision-making in order to prevent misunderstanding and unnecessary divisions among the Member States;
- the need for the African Union to conduct its affairs in a more transparent manner, and more so, for the Commission which is responsible for the day-to-day running of the affairs of the Union, as well as the implementation of its decisions and its policies;

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- emphasis on the need for the Commission to follow procedures and adhere to the principles of the Union in arranging for meetings of the Member States;
- the fact that the delegations came from their capitals without the mandate to discuss the issue of "Common Defence" at the meeting, moreso, in view of the "non-aggression" focused invitation that was sent by the Commission;
- the Libyan proposal for the establishment of a single "African Army" remains an important initiative which was adequately addressed in the Draft AU Non-Aggression Pact;
- the meeting should only focus on the consideration of the Summary Record of the meeting of Government Experts and the Draft African Union Non-Aggression Pact as indicated in the agenda for the meeting.

**VI. ADOPTION OF AGENDA AND PROGRAMME OF WORK**

10. The meeting adopted the following Agenda:

- I. Opening
- II. Adoption of Agenda and Programme of Work
- III. Consideration of the Summary Record of the Second Meeting of Government Experts and the Draft African Union Non-Aggression Pact.

**VII. CONSIDERATION AND ADOPTION OF THE SUMMARY RECORD AND THE DRAFT AFRICAN UNION NON-AGGRESSION PACT ADOPTED BY THE SECOND MEETING OF GOVERNMENT EXPERTS**

11. The Summary Record and Draft African Union Non-Aggression Pact were presented by the Chairperson of the second meeting of Government Experts, Brig. Gen. Paulino Macaringue. In so doing, he informed the meeting that the two items were the product of consensus reached during the second meeting of Government Experts, which considered the Draft Pact Article by Article. He also drew attention to the problem, as reflected at the end of the Summary Record, that the Experts were unable to reach a consensus, and

which needed the guidance of the Ministers of Defence and Security for the way forward.

12. Following the presentation of the Summary Record and the Draft African Union Non-Aggression Pact, the Ministers expressed their appreciation for the excellent work done by the Government Experts in elaborating the African Union Non-Aggression Pact. Consequently, the Ministers adopted the two documents with amendments, for transmission to the Assembly through the Executive Council.

13. The meeting also exchanged views on the subject of "Common Defence," on which the Experts were unable to reach a consensus. The following views were raised:

- the need for consultations between the outgoing Chairperson of the Union and the incoming Chairperson of the Union in order to ensure follow up on the issue;
- the lack of mandate on the part of some delegations to discuss the issue at the meeting;
- the idea of a "Common Defence Pact" has not been introduced to the AU according to established procedure;
- the linkage between "Non-Aggression" and "Common Defence" was recognized, however, emphasis was placed on the need for proper arrangements for the consideration of the matter and how cooperation among Member States in this area can be reinforced;
- the lack of time to adequately consider the issue of "Common Defence." It was pointed out that the report should reflect that although the issue relating to "Common Defence" was brought to the attention of the meeting, the relevant document was not distributed to Member States early enough to enable them discuss it.
- the Commission could, at a more convenient time, in consultations with the Member States and other stakeholders, arrange for the convening in future of a meeting of Government Experts to consider in depth, the issue of "Common Defence," and advise their principals on the way forward ;

**VIII. CONCLUSION**

14. The Commissioner for Peace and Security congratulated the meeting for its achievement in adopting the African Union Non-Aggression Pact. He took note of the sentiments expressed by the Member States on the role that the Commission should play. The Commissioner assured the meeting that the Commission would faithfully implement the decision of the meeting in conformity with the principles and procedures of the Union.

15. The Chairperson then thanked all the delegations, particularly for having responded positively to the invitation of the Commission and for their outstanding contributions to the successful outcome of the meeting. He wished them safe travel back to their capitals.

**African Union Commission (AUC)**

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# 3rd Meeting of the African Ministers of Defence and Security to Consider the Draft African Union Non-Aggression Pact, 29 June 2004, Addis Ababa, Ethiopia

African Ministers of Defence

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