



**United Nations
Economic Commission for Africa**

MISSION REPORT

Staff Member on Mission :	Pancrace NIYIMBONA Energy Affairs Officer (EAO) Regional Co-operation and Integration Division (RCID)
Purpose of the Mission :	Participate in the OAU/AEC African Energy Experts Meeting on the establishment of the African Energy Commission (AFREC)
Venue :	Cairo, Egypt
Mission Dates :	22-25 May 2000
Citation or Activity :	International co-operation and inter-agency co-ordination and liaison

IV. Discussion and proceedings of the meeting (Report of the meeting attached as Annex I)

8. The OAU/AEC General Secretariat has proposed the following main agenda items for consideration by the experts:

- (i) Presentation and discussion on the Proposal of the OAU/AEC Secretary General for the establishment of the African Energy Commission (AFREC);
- (ii) Presentation and Discussion of the draft Constitution of the African Energy Commission (AFREC);
- (iii) Briefing on the progress made in the elaboration of the draft Protocol on Energy to be annexed to the Treaty establishing the African Economic Community.

IV.1 Proposal for the establishment of AFREC

9. Regarding the proposal of the OAU/AEC Secretary General for the establishment of the African Energy Commission, the meeting strongly recommended the immediate establishment of the AFREC and a phased programme of implementation as follows:

- (i) Phase one lasting 3 years will be an installation period during which initial activities will be undertaken; a light structure, in the form of a project, operating as an autonomous entity, will be put in place during this phase.
- (ii) After the first phase, the progress achieved will be evaluated and a decision will be taken regarding the commencement of the second phase.
- (iii) Phase two will start after the initial transitional implementation period with AFREC Convention entering into force and AFREC functioning as an independent body that would be self-sufficient and self-financing.

10. It was agreed that the initial activities identified by the OAU Inter-Agency Meeting held at the OAU Headquarters in October 1998 should be implemented during the first phase. Those activities are the following:

- (i) Establishment and maintenance of an Energy Information System and Energy Data Base Network;
- (ii) Identification and initiation of co-operation projects for regional and sub-regional integration and mechanism for their financing;
- (iii) Promotion and facilitation of institutional and managerial capacity building in the energy sector in Africa;
- (iv) Preparation of the Protocol on Energy and Natural Resources as required by the Treaty establishing the African Economic Community.

11. The meeting proposed that the governing bodies of the AFREC should comprise the following:

- (i) Conference of Ministers of OAU/AEC member States responsible for Energy;
- (ii) Executive Board as proposed in the draft Convention;
- (iii) Secretariat;
- (iv) Technical Advisory Body composed of the RECs, Joint Secretariat of OAU/ECA/ADB, International agencies such as UNEP, UNDP, UNIDO, UNDESA, UNESCO, FAO, WEC and UPDEA.

IV.2 Draft Constitution of AFREC (Draft Convention attached as Annex II to this mission report)

12. In the area of budget and financing, the meeting proposed that “innovative financing mechanisms must be found so that reliance on the OAU budget is minimized”. In this regard, it was pointed out that AFREC could offer services on commercial basis to the public and energy sectors on the continent.

13. The Draft Constitution establishing the African Energy Commission (AFREC), prepared by OAU/AEC General Secretariat, was presented at the meeting. Amendments were introduced to the Draft Constitution which was renamed “Draft Convention of the African Energy Commission”.

14. The meeting was informed that the draft Convention of the African Energy Commission, the legal instrument elaborated by the meeting, would remain a draft until it is considered by ECOSOC, the Council of Ministers and finally adopted by the Assembly of Heads of State and Government.

IV.3 Elaboration of the draft Protocol on Energy

15. The meeting was briefed by a representative of the OAU/AEC General Secretariat on the activities carried out, under UNDP technical assistance, in the preparation of the draft of the above-mentioned Protocol. It was stated that the Consultant assigned by the UNDP for the preparation of the Protocol has produced and submitted the zero draft for consideration by the OAU/AEC General Secretariat for it to provide its observations and comments. The draft would then be communicated to the OAU/AEC member States before its submission to the various entities of OAU/AEC decision organs.

IV.4 Any other business

16. On the agenda item dealing with any other business, the World Energy Council (WEC), through its Egyptian National Committee, made a presentation on the status of the establishment of its African Energy Information System (AEIS). Initially, data and information for the AEIS had to be provided by the WEC National Committees through the WEC Pan-African Energy Liaison Office in Cairo and required for contributors to be given a username and a password.

17. According to the WEC Egyptian National Committee, there is no need for a password to consult the WEC Africa Energy Information System Web-site. It can be consulted on www.wec-africa.org or through the World Energy Council Web-site: www.worldenergy.org.

18. The new WEC Regional Coordinator for Africa, Mr. Kouame Kadjo of Cote d'Ivoire who replaced Mr. Michael Corrigan of South Africa, made an announcement through the Egyptian National Committee on the next meeting of the WEC African Regional Programme which will take place on 29 June, 2000 in Dakar, Senegal, immediately following the WEC Conference on Cleaner Fossil Fuels Systems to be held in Dakar, on 26 – 28 June, 2000 (Programme of the Conference attached).

19. The Regional Meeting is intended to present and decide on specific proposals for progressing three African Regional Programme Projects, namely:

- (i) The WEC African Energy Information System (AEIS);
- (ii) The Project: Potential for Regional Energy Integration in Africa – Analysis of Production and Utilization Patterns;
- (iii) The Rural Energy Data.

V. Conclusion and Follow-up action

20. As a follow-up to the Cairo meeting, ECA will:

- (i) Liaise with the EDECO/ESCAS in the OAU/AEC General Secretariat in order for ECA to be informed on the implementation of initial activities during the first phase of AFREC to be launched tentatively in September 2000.
- (ii) Start liaising and networking with the ECA-SRDCs for the optimization of energy data collection and initiate ECA's contribution in the implementation of the WEC-AEIS.

Annex I: REPORT OF THE MEETING

ORGANISATION OF AFRICAN UNITY
AFRICAN ECONOMIC COMMUNITY



ORGANISATION DE L' UNITE AFRICAINE
COMMUNAUTE ECONOMIQUE AFRICAINE

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**OAU/AEC ENERGY EXPERTS MEETING
ON THE ESTABLISHMENT OF THE
AFRICAN ENERGY COMMISSION (AFREC)
CAIRO, EGYPT
22 – 25 MAY, 2000**

REPORT OF THE MEETING

REPORT OF THE MEETING
OF EXPERTS FOR THE ESTABLISHMENT OF THE
AFRICAN ENERGY COMMISSION (AFREC)

I. Introduction

The meeting of Experts for the establishment of the African Energy Commission (AFREC), organised by the Organization of African Unity/African Economic Community took place in Cairo from 22 to 25 May, 2000, at the kind invitation of the Government of the Arab Republic of Egypt.

II. Attendance

2. Representatives from the following thirty (30) OAU Member States participated in the Meeting: Algeria, Angola, Burkina Faso, Burundi, Cameroon, Congo (Brazzaville), Congo (DRC), Cote d'Ivoire, Djibouti, Egypt, Eritrea, Ethiopia, Gabon, Ghana, Guinea, Libya, Lesotho, Malawi, Mali, Mauritius, Mozambique, Namibia, Niger, Nigeria, Sudan, Swaziland, Tunisia, Uganda, Zambia and Zimbabwe. Representatives of the following Inter-African, International Organizations and United Nations Agencies also attended the meeting as Observers: Common Market for Eastern and Southern African (COMESA), Economic Community of Central African States (ECCAS), Intergovernmental Authority for Development (IGAD), United Nations/Economic Commission for Africa (UNECA), United Nations Development Programme (UNDP) and the World Energy Council (WEC). Complete list of participants is attached hereto.

III. Opening Ceremony

3. Mr. El Dessouki Khalaf, the Under Secretary of State for Research, Planning and International Cooperation in the Ministry of Electricity and Energy, welcomed the participants and underlined the importance of the issue under consideration. He emphasized the urgent need for establishing the proposed African Energy Commission considering the prevailing unsatisfactory situation of energy in Africa. He referred to the envisaged aims of AFREC and underscored the need for co-ordination of energy policies at regional and at continental levels. He thanked the participants for their presence and dedication to the goals embodied in the proposals and expressed the hope that the meeting would reach a positive and fruitful outcome. Finally, he invited the representative of H.E. Dr. Salim A. Salim, the OAU Secretary General to deliver his statement.

4. In his statement, Mr. L. Buzingo, Head, Industry, Energy and Mineral Resources Division expressed his sincere thanks and appreciation on behalf of the Organization of African Unity to the President, the Government and the people of Egypt for the warm welcome extended to all the delegates and the excellent facilities provided to ensure the success of the meeting. He stated that the meeting was aimed at making concrete proposals and recommendations to the OAU/AEC Policy Organs for the establishment of the African Energy Commission (AFREC).
5. After giving an historical background to the various Pan-African meetings and conferences advocating the establishment of the African Energy Commission, the OAU Representative highlighted the activities undertaken by the OAU/AEC, which culminated in the submission to the present meeting of the proposal of the OAU Secretary-General for the establishment of AFREC.
6. Mr. Buzingo said that as far as the OAU was concerned, the aim was not to create yet another Pan-African organization devoid of resources, thus putting another burden on Member States and the people of Africa, but rather, to put in place a light and autonomous structure which would evolve to become self-financing and self-sufficient.
7. Concluding, Mr. Buzingo underscored the fact that Africa had the energy potential to enable it to make a significant contribution to the development and promotion of industrialization of the Continent, adding that all that was needed was the creation by African leaders of a legal and institutional framework for the promotion of co-operation as well as sub-regional and continental integration in the area of energy. Hence there is urgent need for the immediate establishment of the African Energy Commission.
8. Mr. Sherif Aboulnasr, the First Under-Secretary of State in the Ministry of Electricity and Energy, as the representative of H.E. Dr. Aly El Saiedi, Minister of Electricity and Energy, opened the meeting on behalf of the Egyptian Government. In his speech, Mr. Aboulnasr welcomed the participants, and reiterated the fact that though Africa is rich in human and natural resources, many Member States on the Continent suffer from shortage of energy thus, impeding socio-economic development on the continent. He added that countries cannot achieve much progress by themselves unless there is cooperation with others at different levels. He emphasized the need for the establishment of an institutional framework to initiate and support the coordination of policies in the energy sector.

9. Mr. Aboulnasr stated that Egypt having recognized this fact, had consequently adopted and implemented regional energy cooperation programmes for electrical interconnection of power systems. He added that it was time to take action to alleviate the so-called "energy poverty" in Africa. He was of the view that the creation of "AFREC" would lay the foundation stone of the basic principles of cooperation and coordination in the energy sector. Furthermore, he cited the example of Latin American countries, which had demonstrated that through their regional body "OLADE", a lot could be achieved in energy planning, energy information flow and training of manpower for the region. He expressed the hope that AFREC would achieve the same success in Africa.

10. Finally, he said that Africa and the OAU had delayed in tackling the issue for more than two decades. He considered the present meeting as offering a good opportunity for the realization of that important project. He called upon the participants to come up with concrete contributions in order to arrive at the best approach in the establishment of AFREC. He was of the view that such step would be one on the path of "African Renaissance", especially during the 21st Century. He thanked the organizers including OAU staff for the efforts deployed in preparing for the meeting and declared the meeting officially opened.

11. The response to the speech of the representative of the Egyptian Government was made by the delegate of the Republic of Djibouti on behalf of the meeting. He started by paying tribute to the commitment of the Egyptian Government to Africa's energy cooperation and integration. He expressed the appreciation of all the delegates for the facilities offered by the host country to the meeting and the actions undertaken by the OAU/AEC. General Secretariat in preparing and organizing this important meeting.

IV. Election of the Bureau

12. The Meeting elected its Bureau Members as follows:-

Chairman:	Egypt
1 st Vice-Chairman:	Nigeria
2 nd Vice-Chairman:	Swaziland
3 rd Vice-Chairman:	Republic of Congo
Rapporteur:	Uganda

V. Adoption of the Agenda

13. The Meeting adopted its Agenda as follows:
1. Opening of the Meeting.
 2. Adoption of the Agenda.
 3. Organisation of Work/Adoption of the Work Programme.
 4. Presentation and Discussion on the Proposal of the OAU/AEC Secretary General for the Establishment of the African Energy Commission (AFREC).
 5. Presentation and Discussion of the Draft Constitution of the African Energy Commission.
 6. Briefing on the progress in the Elaboration of the Draft Protocol on Energy to be annexed to the African Economic Community Treaty.
 7. Any Other Business.
 8. Adoption of the Final Report and Recommendations.
 9. Closure of the Meeting.

VI. Deliberations

A. Agenda Item No. 4

Presentation and Discussion on the Proposal of the OAU/AEC Secretary General for the Establishment of the African Energy Commission (AFREC)

14. In his presentation of the Proposal for the Establishment of the African Energy Commission (AFREC), the Head of Industry, Energy and Mineral Resources Division of the OAU/AEC, Mr. L. Buzingo, considered the high level of participation by Member States in the Meeting as indication of the importance they attach to co-operation in the Energy Sector on the Continent.

15. The OAU representative recalled that in April 1980, the Assembly of Heads of State and Government of the OAU, met in Lagos, Nigeria, and identified the main energy problems facing Africa and proposed short, medium and long terms plans to address the problems. In order to implement these plans, the Assembly endorsed the recommendation for the urgent establishment of the African Energy Commission (AFREC). The

Commission would have the responsibility, inter-alia, of facilitating cooperation and ensuring the integrated protection, conservation and rational exploitation, marketing and utilisation of the abundant African energy resources.

16. He pointed out that recommendations adopted by various African fora on the establishment of the African Energy Commission were never implemented with the promptness which was envisaged. Subsequently, the OAU Council of Ministers, during its 63rd Ordinary Session held in Addis Ababa, Ethiopia in February 1996 requested the OAU Secretary-General to undertake a comprehensive feasibility study in co-operation with ECA and ADB on the creation of the African Energy Commission with special emphasis on the role, mandate, the structure as well as the financial resources and report to it.

17. Many wide ranging consultations were made with Regional Economic Communities (RECs) the World Energy Council (WEC) and the Union of Producers, Conveyors and Distributors of Electric Power in Africa (UPEDEA). Comments were also sought and obtained from OAU Member States during the Second Regional Conference of African Ministers Responsible for the Development and Utilisation of Mineral and Energy Resources held in November 1997 in Durban, South Africa, which recommended the speedy establishment of AFREC. Mr. Buzingo, further stated that the establishment of the African Energy Commission will be guided by two reports and recommendations resulting from the feasibility study and the above consultations which were adopted by the Inter-Agency Meeting (IAM) organized by the OAU and held at OAU/AEC Headquarters in Addis Ababa, Ethiopia from 6 to 9 October, 1998.

18. Regarding the modalities for the establishment of AFREC, he reported that following a careful review of likely options a phased approach for the establishment of AFREC was recommended. In this connection, he outlined the objective, the role, the mandate, the initial activities as well as the proposed structure, membership, partnership, and initial budget and financing of the future African Energy Commission.

19. He concluded by inviting the meeting to analyze carefully the proposal put forward and to make concrete proposals and recommendations to the OAU/AEC policy organs for the establishment of the African Energy Commission.

20. During the extensive discussions that ensued, the delegates expressed their appreciation for the quality and clarity of the documents and proposals

submitted by the OAU General Secretariat for the establishment of AFREC. The meeting considered the proposal on the establishment of AFREC as being long overdue and strongly supported its immediate establishment.

21. In this connection, the meeting made the following comments and observations.

- a) The African Energy Commission should be an autonomous body under the aegis of the OAU. This arrangement would enable it to be an efficient and effective institution and benefit from the political support of the OAU.
- b) There is need for standardisation and harmonization of technical energy norms to facilitate marketing and commercialization of energy on the Continent.
- c) Although membership of AFREC is naturally reserved for Member States, it was felt that the public and private sector entities in that field have an important role to play and should be closely associated with the functioning of AFREC.
- d) Taking into account the challenges posed by globalization, AFREC should be in a position to defend and protect the strategic interests of Africa in the energy sector.
- e) Regarding the budget and financing of AFREC, in the initial phase, funds should be secured from the OAU and Member States. Secondly, AFREC should be in a position to mobilize extra budgetary resources in order to implement its programmes efficiently and to obtain the services of consultants as may be required. Thereafter, AFREC should evolve in such a way as to be a self-sufficient and self-financing institution.
- f) In addition to the proposal that AFREC should be initially financed and hosted by the OAU/AEC at its Headquarters, it was felt that the possibility of a Member State hosting and providing basic infrastructure and equipment immediately after its establishment should also be explored.
- g) Regarding the composition of the Technical Advisory Body, it was agreed that the Union of Producers, Conveyors and

Distributors of Electrical Power in Africa (UPEDEA) should be included among the proposed membership.

VII. Conclusions and Recommendations

22. At end of the deliberations, the meeting strongly recommended the immediate establishment of the African Energy Commission (AFREC). It also adopted the following specific recommendations.

23. Modalities for establishing AFREC

The meeting recommended a phased programme of implementation as follows:

- i) Phase one lasting 3 years will be an installation period during which initial activities will be undertaken. Quantifiable outputs will be realized, with specific milestones which will be used to determine the progress made. A light semi-autonomous structure in the form of a project will be put in place.
- ii) After the first phase, the progress achieved will be evaluated and a decision will be taken regarding the commencement of the second phase. A larger structure operating as an autonomous entity, will be put in place during the second phase.
- iii) Phase three will be the expansion phase of AFREC during which it should become an independent body that would be self-sufficient and self-financing.

24. Role and Mandate of AFREC

In pursuance of the above role, AFREC will have the following mandate:

- i) Collaborate with relevant stakeholders in the identification of gaps that exist in the nexus of energy, environment and development related policies and assist as appropriate in the development of strategies that would enable bridging of these gaps at sub-regional and regional levels.

- ii) Promote regional co-operation projects, trade in energy as well as co-operation at the level of technical assistance, rural energy, research, development and partnership among Member States
- iii) Establish and maintain an active information system for storage, processing and dissemination of energy and energy-related data.
- v) Monitor developments in energy and related issues at the continental and global levels with the aim of informing Member States on a regular basis of these developments.

25. Initial Activities of AFREC

The following four initial activities have been identified for implementation in the first phase:

- i) Establishment and maintenance of an Energy Information System and Energy Data Bank Network.
- ii) Identification and initiation of co-operation projects for regional and sub-regional integration and mechanism for their financing.
- iii) Promotion and facilitation of institutional and managerial capacity building in the energy sector in Africa.
- iv) Preparation of the Protocol on Energy and Natural Resources as required by the Treaty Establishing the African Economic Community.

26. Outputs

The following quantifiable outputs relating to each activity above will be realised:

- i)
 - Planning tools finalised and operationalised in RECs.
 - Energy balances and forecasts prepared and updated annually.
 - Roster of African energy experts prepared.

- ii)
 - Initiation and facilitation of the feasibility studies.
 - Sub-regional and regional projects identified and developed.
 - Approach to the financial development institutions initiated.
- iii)
 - Training needs surveys undertaken.
 - Training institutions identified and DataBase created.
- iv)

Protocol on Energy and Natural Resources prepared in co-operation with UNDP.

27. Structure

- i) Considering the initial activities as spelt out above the following structure is proposed for the first phase of AFREC:
 - a) Co-ordinator/Director
 - b) Information & Data Bank/Expert
 - c) Planning and Economic Studies Expert (2)
 - d) Technical Projects Expert (2)
 - e) Administrative and Secretarial Support
- ii) In order to recruit very competent officers who will efficiently run the critical and decisive phase of setting up AFREC, the remuneration and related benefits should be at a level commensurate with the authority and responsibility of the tasks to be performed as well as the technical expertise of the officers.

28. Membership

The Member States of the OAU/AEC will constitute the membership of AFREC. Additionally and in accordance with the recommendation of the Second Regional Conference of African Ministers Responsible for the Development and Utilisation of Energy and Mineral Resources, the Member States may also decide to be represented by their respective public sector entities in the energy sector, their energy commissions and/or private sector entities dealing with energy.

29. Governing Bodies

- i) Conference of Ministers of OAU/AEC Member States responsible for Energy.
- ii) Executive Board (see composition as contained in the Draft Convention).
- iii) Secretariat.
- iv) Technical Advisory Body composed of the RECs, Joint Secretariat of OAU/ECA/ADB, International Agencies such as UNEP, UNDP, UNIDO, UNDESA, UNESCO, FAO, WEC and UPEDEA.

30. Budget and Financing

- i) OAU/AEC should finance the basic structure such as staff and related costs and logistics during phase I. In case AFREC is hosted by a Member State, the host country should among other things, bear the cost of offices and office equipment, as well as some of the staff related costs. The invitation to host the Headquarters of AFREC should be duly advertised and a Headquarters Agreement should be negotiated and concluded with the host country.
- ii) Upon its establishment the officials of AFREC will prepare a comprehensive work programme and projects and solicit extra budgetary financing. To this effect a concrete and well detailed project document (business plan), will be elaborated in order to be able to mobilise extra budgetary resources. Relevant international organizations such as UNDP, UNDESA, ADB, UNEP, UNIDO, UNESCO, WEC, ECA and other relevant international organizations will be approached for financial and technical support. The offer by ADB to make available to AFREC the outputs of the African Energy Programme will be taken up. Equally, OAU, ECA, ADB and RECs should make available the energy data they have within their institutions.
- iii) Innovative financing mechanisms must be found so that reliance on the OAU budget is minimized. In this regard, it was pointed out that AFREC could offer services on commercial basis to the public and private energy sectors on the continent.

31. Transitional Implementation Provision

- i) Article 26 of the Draft Convention provides, inter alia, that the Convention shall enter into force thirty (30) days after the deposit of the 15th instrument of ratification with the OAU Secretary General. This provision could enter into force in a more or less longer period of two to three years, especially since it concerns the ratification of the Convention by 15 OAU/AEC Member States.
- ii) The Experts' Meeting was of the opinion that the role and tasks assigned to AFREC were very important and essential for the co-ordination and harmonization of the energy programmes and projects of African countries at national, subregional and continental levels. In that connection, it is recommended that the four initial activities identified and provided for under the first phase (chapter 25) should be implemented urgently, immediately and transitionally.
- iii) It is specifically recommended that after the adoption of the proposed establishment of the African Energy Commission and AFREC Convention by the 36th OAU Summit scheduled to take place in Lome, in July 2000, the OAU/AEC General Secretariat put in place a light structure in a form of a project, which would function for three years as an autonomous entity, in keeping with the relevant recommendations referred to above. Such light structure would comprise the necessary minimum staff listed hereunder for the implementation of the activities.
 - a) Co-ordinator/Director
 - b) Information and Data bank expert
 - c) Planning and economic analysis expert
 - d) Technical Projects Expert (2)
 - e) Administrative and Secretarial Support

This project would be financed by OAU, OAU/AEC Member States which so wish, as well as international organizations dealing with Energy, such as UNDP, UNEP, UNIDO, ADB, UNESCO, FAO, UPDEA, WEC, ECA and UNDESA. This project through which the viability of AFREC would be demonstrated, would also deal with the signatures and ratification of AFREC Convention.

- iv) The Meeting believed that 15 ratifications would be secured after the initial transitional implementation period, thus enabling AFREC Convention to enter into force on solid base and with the requisite resources.

B. Agenda Item No. 5

Presentation and Discussion of the Draft Constitution establishing the African Energy Commission (AFREC)

32. Mr. Ben Kioko, Chief of Legal Affairs presented the Draft Constitution prepared by the General Secretariat, containing twenty-six articles in addition to the preamble. He briefed the meeting on the salient features of the proposed African Energy Commission (AFREC), including its nature, structure, objectives and functions and its relationship with the existing institutions such as the OAU AEC. He also explained that the legal instrument elaborated by the meeting would remain a draft until it is considered by ECOSOC, the Council of Ministers and finally adopted by the Assembly of Heads of State and Government.

33. After the presentation of the document, the meeting considered the Draft legal instrument, article by article.

34. In the ensuing discussions, amendments were introduced to the Draft Constitution. The final text of the instrument as amended as the renamed draft Convention on African Energy Commission is attached hereto as Annex to this Report.

C Agenda Item No. 6

Briefing on the Progress in the Elaboration of a Draft Protocol on Energy to be annexed to the Treaty establishing the African Economic Community

35. The representative of the OAU, Mr. L. Buzingo, Head, Industry, Energy and Mineral Resources Division briefed the meeting about the activities carried out so far by the OAU/AEC General Secretariat in the process of elaboration of the Draft Protocol on energy to be annexed to the Treaty establishing the African Economic Community. He stated that the OAU/AEC had received assistance from UNDP to that effect. UNDP had assigned a consultant who worked within the Secretariat, produced and submitted the zero draft of the Protocol for consideration. The OAU would

undertake an in-depth examination of the text and make the necessary observations and amendments. After the exercise, the draft would be communicated to OAU/AEC Member States, in order to receive their inputs and comments. The document would be subsequently presented to the various OAU decision organs for consideration and adoption. The meeting took note with appreciation of the presentation made by the OAU representative.

D. Agenda Item No. 7 - Any Other Business

Presentation of the Energy Data Base of the World Energy Council (WEC)

36. The World Energy Council (WEC) through its Egyptian National Committee made a presentation on the status of the African Energy Information System (AEIS). The AEIS was constructed as a cooperative system for which the liaison office has been provided and staffed by the Egyptian National Committee of WEC. The system is structured for 14 databases and can be further extended. So far only 2 "Databases" are loaded. The Energy Profiles of 21 Member Country are loaded, together with the Data of Energy Resources of these countries as it is given in WEC publication of 1998.

37. The AEIS is based on Data Networking between the WEC - Global Energy Information System (GEIS) in London and Satellites at the Regional Economic Communities of Africa. By the time AFREC is formed and in operation, the World Energy Council will put their experiences to serve AFREC, particularly in IT and training on Energy Information System in addition to studies and publications.

E. Agenda Item No. 8

Adoption of Final Report and Recommendations

38. The final report and recommendations was adopted as it appears in this report.

F. Agenda Item No. 9

Closing Session

39. The Closing Ceremony took place at 16:00 hours on 25 May 2000, under the auspices of H.E. Dr. Ali Elsaiedi, the Minister of Energy and

Electricity of Egypt. The Chairman of the meeting expressed his thanks to the delegates for their co-operation and invaluable interventions. He also thanked the OAU and in particular the staff who serviced the meeting and hoped that the OAU General Secretariat continue its tasks and present the report and the Draft Convention for endorsement and adoption by its governing bodies. The floor was given to the leader of the Nigerian delegation to deliver vote of thanks.

40. The Head of the Nigerian delegation, on behalf of all the delegates addressed the meeting and expressed his heartfelt gratitude to the Government and the People of the Arab Republic of Egypt. He added that the commitment that the Egyptian Authorities showed, was a true move towards the development and rational utilisation of the vast potential of African energy resources. He also expressed his appreciation to OAU General Secretariat and its staff for their tireless efforts exerted in the preparation and organisation of this successfully concluded important meeting. He congratulated the OAU on the occasion of the celebration of the 37th anniversary of its day "25 May". Finally, he expressed his wish that efforts towards the establishment of AFREC would continue to reach the inspired goal.

41. H.E. Dr. Ali Elsaiedi, the Egyptian Minister of Energy and Electricity addressed the meeting as the last speaker in the closing ceremony. The Minister, in his closing remarks commended the participants for their constructive contributions and expressed his complete satisfaction on the proceedings and outcome of the meeting. He also noted that this high level of participation was mark of good will and commitment from Member States, as acknowledgement for the importance of the issue under consideration. He called upon Member States and other concerned organs to co-operate together for the development of energy resources in the Continent, for better life and welfare for Africans.

42. The Minister indicated that this exercise was a right good start, which hopefully might embody our great ambitions. He confirmed Egypt's readiness to help and support all the steps needed towards the establishment of the African Energy Commission, adding that we were rather late since AFREC had been advocated for establishment more than two decades. Dr. Elsaiedi, further emphasised the expected role to be played by the OAU General Secretariat to finalise the necessary procedures for making that dream a reality. He congratulated the OAU and its Member States for the celebration of the OAU day. He finally declared the meeting officially closed.

Annex II: DRAFT CONVENTION OF THE AFRICAN ENERGY COMMISSION (AFREC)

DRAFT CONVENTION OF THE AFRICAN ENERGY COMMISSION

PREAMBLE

The Member States of the Organization of African Unity/African Economic Community (OAU/AEC);

RECOGNIZING the severe energy shortages in many African countries, a shortage, which has constrained industrial development efforts for many years in spite of the enormous conventional energy potential as well as vast deposits of new and renewable energy resources;

REALIZING the fact that Africa must harness its energy resources and make them available to meet the energy needs of its peoples in order to be able to develop and provide an alternative to deforestation and use of firewood as a primary source of energy;

RECALLING the various Resolutions and Declarations wherein it had been stipulated that the integrated economic development of the African continent is an essential condition for the achievement of the objectives of the Organization of African Unity;

RECALLING FURTHER the Lagos Plan of Action adopted in 1980, the Cairo Agenda for Action adopted in 1995 and the Resolutions of the First Pan African Energy Ministers' Conferences adopted in Tunis in 1995, of the First and Second Regional Conference of African Ministers Responsible for the Development and Utilization of Mineral and Energy Resources held in Accra in 1995 and Durban in 1997, respectively;

RECOGNIZING the need to co-ordinate the actions of the African countries to develop their energy resources and deal jointly with the various problems relating to their efficient and rational exploitation and utilization, in order to ensure socio-economic development;

REAFFIRMING the provisions of the TREATY ESTABLISHING THE AFRICAN ECONOMIC COMMUNITY, in general, and Article 54 (2) (f), in particular wherein it has been provided that Member States of the African Economic Community shall, in the co-ordination and harmonization of their policies and programmes in the field of energy,

"establish an adequate mechanism of concerted action and co-ordination for the collective solution of the energy development problems within the community....",

HAVE AGREED as follows:

CHAPTER I - GENERAL PROVISIONS

Article 1

Definitions

- In this Convention, unless the context requires otherwise,
 - a) "AFREC" shall mean the African Energy Commission.
 - b) "Energy" shall mean new and renewable or non-renewable resource of energy in the natural state or processed, harnessed by man to provide essential human needs.
 - c) "Treaty" shall mean the Treaty Establishing The African Economic Community.
 - d) "Regional Economic Community" or RECs shall mean any African regional economic community established, inter alia, to co-ordinate energy development on a regional or sub-regional basis and in compliance with the Treaty's definition.
 - e) "Member State" shall mean a Member State of the African Energy Commission established by this Convention.

Article 2

Establishment

1. There shall be established within the Organization of African Unity/African Economic Community, the AFRICAN ENERGY COMMISSION.
2. It shall be composed of each Member States of the OAU/AEC.

Article 3

Guiding Principles

For the purpose of this Convention, the Member States solemnly affirm and declare their adherence to the following principles:

- a) Development of the use of energy to promote and support rapid economic and social development, eradication of poverty, combat desertification and improve the standard and quality of life throughout the Member States;
- b) Co-operation in the area of energy among Member States, particularly through joint development of energy resources and identification and promotion of regional and/or sub-regional projects.
- c) Development and utilization of sustainable and environmentally sound energy
- d) Acceleration of the implementation of the Abuja Treaty through the integrated, co-ordinated and harmonized development and utilization of energy and the development and implementation of energy policies and programmes;
- e) Promotion of research and development, and the encouragement of transfer of technology in the energy sector;
- f) Enhancement of integration, collective self-reliance, security and reliability of energy supply among Member States;
- g) Inter-state, sub-regional and regional co-operation in training and development of human resources in the energy field;
- h) Harmonization of standards and procedures in the energy sector;
- i) Promotion of trade and technical assistance in energy among Member States;
- j) Promotion of partnership among enterprises and institutions of Member States through, inter alia, the creation of favourable conditions for that purpose;
- k) Equitable cost-sharing in the implementation of this Convention in a spirit of good governance and transparency.
- l) Peaceful settlement of disputes;

Article 4
Functions of AFREC

AFREC shall have the following functions:

- a) Map out energy development policies, strategies and plans based on sub-regional, regional and Continental development priorities;
- b) Design, create and up date an energy continental data base and facilitate rapid dissemination of information and exchange of information among Member States, as well as among the Regional Economic Communities (RECs);
- c) Advise and encourage the development of human resources in the energy sector in particular, through training;
- d) Mobilize financial resources to provide to Member States and the Regional Economic Communities with all the necessary assistance for the development of their energy sectors;
- e) Encourage research and development in the energy sector;
- f) Develop trade and transit of energy goods and services among Member States, particularly through the identification and removal of barriers;
- g) Provide technical assistance to Member States, Regional Economic Communities and other stake holders in the African energy sectors;
- h) Encourage the use of harmonized standards and procedures in the energy sector;
- i) Establish the necessary mechanisms for the joint exploitation and utilization of energy capacities;
- j) Undertake the harmonisation and rationalization of energy development and utilization programmes;
- k) Promote among Member States the adoption and implementation of effective measures to prevent environmental pollution particularly in the exploitation, transportation, storage, distribution, and utilization of the continent's energy resources;

- (l) Work towards the realization of added value to energy resources in Member States
- (m) Develop the exploitation and utilization of new and renewable sources of energy;
- (n) Provide assistance in feasibility study for energy projects and its adverse impact on the environment;
- (o) Perform any other activity that may be necessary for realization of the above objectives;

Article 5
Headquarters of AFREC.

The Headquarters of AFREC shall be determined by the Assembly of Heads of State and Government from among the States Parties to this Convention.

Article 6
Structure

The organs of the AFREC shall be,

- a) The Conference of Ministers or authorities responsible for Energy (hereinafter referred to as the "Conference");
- b) The Executive Board (hereinafter referred to as the "Board");
- c) The Secretariat;
- d) The Technical Advisory Body; and
- e) Other subsidiary organs that may be established in accordance with the Provisions of this Convention.

CHAPTER II - MANAGEMENT

Article 7
The Conference - Powers and Duties

1. The Conference shall be the highest authority of the Commission.

2. It shall meet in ordinary session once every two (2) years. It may meet in extra-ordinary session at the request of the Executive Board or a Member State and subject to the concurrence of at least two-thirds of the Member States of the Commission.
3. Without prejudice to the generality of the foregoing, the Conference shall, in particular.
 - a) Discuss the general policy and approve the work programmes of the Commission and evaluate their implementation;
 - b) Consider and approve the Commission's annual budget and examine the auditors report;
 - c) Adopt its Rules of Procedure;
 - d) Approve the Commission's Staff Rules and Regulations and Financial Rules and Regulations;
 - e) Elect its Bureau;
 - f) Approve, on the proposal of the Executive Board the appointment and removal of the Executive Director of the Commission, in accordance with this Convention and the internal regulations;
 - g) Elect Member States to serve on the Executive Board of the Commission;
 - h) Approve the organizational structure of the Secretariat.

Article 8

Board

1. The Board shall serve for a period of two years.
2. It shall hold one ordinary meeting every year. It may also meet in extra-ordinary session under conditions to be specified in the Rules of Procedure of the Commission
3. It shall be composed as follows:
 - a) Fifteen senior energy experts representing Member States, elected on the

basis of the OAU criteria for geographical representation;

- b) Senior energy expert of the Organization of African Unity representing the Secretary-General;
 - c) One duly appointed representative of each of the RECs, ex-officio;
 - d) A senior energy expert of the African Development Bank, ex-officio;
 - e) A senior energy expert of the United Nations Economic Commission for Africa, ex-officio;
 - f) The Executive Director shall serve as the Secretary of the Board.
4. The Board shall be answerable to the Conference.
5. Without prejudice to the generality of the foregoing, the Board shall, in particular, be responsible for the following:
- i. Prepare and submit the provisional work programmes, studies, projects, and the Commission's annual budget for the consideration of the Conference;
 - ii. Submit a periodic report on the activities of the Commission to the Conference;
 - iii. Determine the terms and conditions of service of the staff of the Commission;
 - iv. Prepare for the meetings of the Conference;
 - v. Recommend the appointment of the Executive Director of the Commission;
 - vi. Perform any other function that may be assigned to it by the Conference.

Article 9

The Secretariat - Powers and Duties

- i. The Secretariat of the Commission shall be headed by the Executive

Director. He shall be assisted by the necessary staff.

2. The Secretariat shall in particular:

- a) Provide Secretarial services to all the sessions of the Commission's organs;
- b) Be responsible for the day to day management of the Commission;
- c) Follow-up on the implementation of decisions of the Conference and the Board;
- d) Keep in custody the documents, files and other data relating or relevant to the work of the Commission;
- e) Keep an inventory of the energy resources, requirements, legislation, and programmes of Member States, RECs and other parties;
- f) Prepare of Agenda, documents and provisional work programmes for consideration by the Board;
- g) Prepare and submit the draft Programme-Budget, annual report, balance sheet and financial statements for submission to the Conference for its consideration and appropriate action, subject to previous study by the Executive Board;
- h) Prepare and submit reports on the activities of the Commission; and
- i) Convene meetings, symposiums, exhibitions as well as groups and panels of experts it considers necessary for the implementation of its work programmes and of the activities entrusted to it by the Conference or the Executive Board;
- j) Initiate studies, collect and analyse information and data.
- k) Perform any other duty that may be entrusted to it by the Conference and/or the Executive Board;

Article 10

The Executive Director - Functions

1. The Executive Director shall direct the affairs of the Secretariat and is

responsible for the performance of its duties.

2. He is the accounting officer of the Commission and is responsible for the proper administration of the budget.
3. Without any prejudice to the generality of the foregoing, the Executive Director shall, in particular,
 - a) Follow-up and ensure the implementation of the decisions of the Conference and the Executive Board.
 - b) Provide secretarial services to the Conference and the Executive Board;
 - c) Act as the legal representative of the Commission;
 - d) Appoint and remove in accordance with conditions to be laid down in the internal regulations, the administrative and technical personnel of the Secretariat; and
 - e) Ensure the geographical and equitable distribution of the Secretariat's personnel;
 - f) Performing other functions that may be assigned to it by the Conference.

Article 11

Technical Advisory Body

1. The Technical Advisory Body shall comprise the RECs, Joint Secretariat of the OAU/ECA/ADB, UN Agencies operating in the energy sector such as UNDP, UNDP, UNDESA, UNIDO, FAO and UNESCO as well as relevant international entities dealing with energy as WEC and UPEDEA.
2. It shall be a consultative forum on energy policies, programmes, projects and related activities. It shall, provide, more particularly, advisory and technical assistance to the Commission.

Article 12

Rules of Procedure

The Commission shall determine its own rules of procedure. The Rules will provide, inter alia, for the quorum and the procedures for decision making by the

Commission.

Article 13
Observers

The Conference may establish modalities, in the Rules of Procedure, for granting Observer status and for the participation of invited guests in its sessions.

Article 14
Obligations

1. In the performance of their duties, the Executive Director and the staff shall not receive instructions from any Government or from any other authority external to organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.
2. Each Member State undertakes to respect the exclusive character of the responsibilities of the Executive Director and the staff and not to seek to influence them in the discharge of their responsibilities.

CHAPTER III - ASSETS, FINANCIAL RESOURCES AND AUDIT

Article 15
Assets of the Commission

The assets of the Commission shall consist of acquisitions by gift or purchase

Article 16
Financial Resources

1. The Budget of the Commission approved by the Conference shall, subject to such Financial Rules and Regulations as may be adopted, be administered by the Executive Director of the Commission under the supervision of the Board.
2. The financial resources of the Commission shall consist of,
 - a) Annual contributions by the Member States;
 - b) Special contributions from the Member States;
 - c) The Commission's remuneration for any services that it renders;

- d) Gifts, bequests and other donations.
- e) Other sources as may be approved by the Board.

Article 17

Audit

The books of accounts of the Commission shall be audited by external auditors approved by the Conference:

Article 18

Payment of Contributions

1. Members of the Commission undertake to pay their assessed contributions regularly;
2. Any Member with outstanding arrears of contributions to the regular budget of the Commission equal to or greater than its assessed contribution for the previous two complete fiscal years shall be deprived of the right to take the floor, to vote, to present candidates for any post in any of the organs of the Commission.

CHAPTER IV - MISCELLANEOUS PROVISIONS

Article 19

Status, Privileges and Immunities

The Commission, its property and assets and staff shall enjoy in the territory of each State party to this Constitution the privileges and immunities provided for in the OAU General Convention on Privileges and Immunities. In this regard, the Commission shall conclude with the Member State in whose territory its Headquarters is established a Host Agreement.

Article 20

Amendment

1. Any Member State may submit its written proposals for the amendment of this constitution to the Executive Director who shall transmit the same to all States of the Commission.

2. The proposed amendment shall not be submitted to the Conference for consideration until all the members have been duly notified of it and a period of one year has elapsed.
3. Such an amendment shall require approval by at least two-thirds of all the Member States

Article 21 **Cessation**

1. Any State which desires to withdraw or renounce its Membership shall forward a written notification to the Executive Director. At the end of one year from the date of such notification, if not withdrawn, the Convention shall cease to apply with respect to the renouncing State, which, shall thereby cease to be a Member.
2. A member that has submitted a notice of withdrawal in accordance with sub-article (1) of this Article shall, during the period of notice, exercise all the rights and obligations of a member in accordance with the provisions of this Convention.
3. The Conference shall have the power to suspend, under conditions to be specified, any member from the Commission where it decides by two thirds majority of the votes of all members that such a member has failed to discharge its obligations in accordance with the provisions of this Convention.

Article 22 **Official Languages**

The official languages of the Commission shall be those of the Organization of African Unity.

Article 23 **Special Relations with Regional Economic Communities and International Organizations**

The Commission may enter into such co-operation agreements with the Regional Economic Communities and International Organizations as the Conference may decide, on the recommendation of the Board.

Article 24
Subsidiary Bodies

The Conference may establish such subsidiary bodies and ad-hoc working groups as it may deem necessary.

Article 25
Depository Functions

1. The Secretary-General of the Organization of African Unity shall transmit certified copies of this Convention and information concerning ratification, acceptance and approval of, or accession to this Convention to all States.
2. The functions of the Secretariat of the Commission shall, prior to its establishment, be performed by the General Secretariat of the Organization of African Unity, which shall convene the first meeting of the Conference.

Article 26. - Ratification, Accession and Entry into Force

1. The Convention shall be open for signature and ratification or accession by any Member State of the OAU.
2. The instrument of ratification or accession to the present Convention shall be deposited with the Secretary-General of the OAU.
3. The Convention shall come into force thirty days after fifteen instruments of ratification have been deposited.
4. For any State acceding subsequently the present Convention shall come into force in respect of that State on the date of the deposit of its instrument of ratification or accession.
5. The Secretary General of the OAU shall inform all Member States of the entry into force of the present Convention.

IN FAITH WHEREOF, WE the representatives of Member States of the Organization of African Unity have signed. this Convention.

Done at theday of.....

Annex III: LIST OF PARTICIPANTS

LIST OF DELEGATES OF MEMBER STATES
ATTENDING
THE AFRICAN ENERGY EXPERTS MEETING
CAIRO, EGYPT

22 – 25 MAY, 2000

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