

Permanent Observer Mission of the
AFRICAN UNION to the
United Nations

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STATEMENT BY

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PERMANENT REPRESENTATIVE OF THE REPUBLIC OF
MALAWI TO THE UNITED NATIONS CHAIRPERSON OF
THE AFRICAN GROUP FOR THE MONTH OF APRIL 2005**

**ON BEHALF OF THE AFRICAN GROUP
AT THE**

**INFORMAL THEMATIC CONSULTATIONS OF THE
GENERAL ASSEMBLY ON CLUSTER II
(FREEDOM FROM FEAR)**

NEW YORK, APRIL 22, 2005

**Statement by the African Group
Cluster II Issues of the Secretary-General's Report on
"In Larger Freedom: Towards Development, Security and
Human Rights for All".**

Mr. Facilitator,

On behalf of the African Group, I wish to congratulate you and your Co-Facilitator for the efficient and effective manner that you have handled our discussions on the Cluster II issues of the Secretary-General's Report entitled, 'In Larger Freedom: Towards Development, Security and Human Rights for All'.

The African Group shares the assertion that threats to peace and security in our contemporary world go beyond international wars and conflicts. They include civil violence, organized crimes, terrorism, weapons of mass destruction, pervasive and extreme poverty, marginalization, environmental degradation and a wide range of deadly infectious diseases. It is further obvious that since these fears and threats are in one basket, our world, they interconnect and rub on each other. No country or region, no matter how rich or poor, can, therefore, feel unconcerned with regards to any of these threats and fears, irrespective of the part of the world they manifest.

The African Group expresses the views that the imperative of collective security for our collective survival requires the willingness of Member States to develop trust and confidence in each other. Therefore, this collective security system should be founded on the principles of equality, efficiency and rationalization.

Mr. Facilitator,

The African Group condemns Terrorism Acts in all its forms and manifestations whether committed by States or Non-States. Terrorism remains one of the fundamental threats to national, regional and international peace and security. It constitutes a deliberate violation of the fundamental principles of law, order, human rights, and seeks to destroy both physical and economic infrastructure. Terrorism poses a grave danger to territorial integrity, stability of established constitutional order and political unity of sovereign States across the world. The African Group reiterates that, in line with the Algiers Convention on Terrorism, terrorism cannot be justified under any circumstances. Political, philosophical, ideological, racial, ethnic, religious or other motives cannot be a justifiable defense against a terrorism act. However, there is a difference between terrorism and the legitimate struggle waged by peoples for their liberation or self-determination in accordance with the principles of international law.

The African Group, therefore, welcomes the untiring efforts of the Secretary-General and takes note of his proposed call for a global strategy for tackling the threats. The African Group believes that the UN especially the GA has a central role to play in combating international terrorism as demonstrated by the recent adoption by consensus, of the International Convention for the Suppression of Acts of Nuclear Terrorism. We recall that African countries played major roles in this regard and call on all Member States to ratify and accede to this Convention.

The African Group also shares the view that in the fight against terrorism, human rights must never be compromised and, accordingly, expresses its support for a Special Rapporteur to report to the Commission on Human Rights on the compatibility of counter-terrorism measures with international human rights laws. We further concur with the Secretary General's proposal for the allocation of sufficient resources to relevant committees and agencies to

adequately execute their mandates. In addition, we wish to reiterate the crucial importance of identifying and addressing the root causes and conditions that impel people toward terrorism acts.

The African Group believes that there is a particular value in achieving a consensus and definition of terrorism within the GA, given its unique legitimacy in normative terms. The Assembly should rapidly conclude a comprehensive convention on terrorism. The legal definition of terrorism should be the subject of a treaty concluded by the General Assembly and it is not a matter to be determined and imposed by the other organs of the UN.

The African Group notes the strong inter-relatedness between terrorism and organized crime and the latter's contributions to political instability and socio-economic misfortunes of States and its undermining of peacekeeping and peace building efforts of the United Nations and those of regional bodies. In this regard, the African Group calls on all States to ratify all the conventions and protocols dedicated to fight organized crime, as well as help each other to strengthen their domestic criminal justice and rule of law system. The Group further sees the wisdom in the proposed call for the United Nations Office on Drugs and Crime to be well funded to effectively oversee the implementation of the instruments.

On nuclear, biological and chemical weapons, the African Group fully agrees with the Secretary-General that nuclear weapons States should go beyond mere reductions of stockpiles and the dismantlement of related facilities but must work towards the total ban on these weapons. In our view the only lasting solution to the problem of proliferation of nuclear weapons is the fulfillment by nuclear weapons States of their obligation to disarm pursuant to Art 6 of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT).

We must highlight here and stress an essential issue that was not addressed, to our regret, by the Secretary-General namely, the importance of achieving universality of the NPT. This, in our view is a sine-qua-non for any credible endeavor to address nuclear proliferation.

There is no doubt that when nuclear facilities are limited to only peaceful purposes, the workload of the International Atomic Energy Agency (IAEA) would be immensely reduced, a development that would, apparently, make it much easier for the Agency to fulfill its mandate. The African Group encourages States parties to the Treaty of Non-Proliferation of Nuclear Weapons to endorse measures leading to these objectives at the 2005 NPT Review Conference.

The African Group wishes to reiterate the need for an international conference, at the earliest possible date, with the objective of reaching an agreement on a phased programme for the complete elimination of nuclear weapons within a specified timeframe to prohibit their production, development, acquisition, testing, stockpiling, transfer, their use, and to provide for their destruction. We further wish to reiterate the need to respect the inalienable rights of developing countries, including African countries, to engage in research, production and use of nuclear energy for peaceful purposes without discrimination as stipulated in the NPT. In addition, the choices or decisions of each country in the field of peaceful uses of nuclear energy should be respected without jeopardizing its policies or international cooperation agreements and arrangements for peaceful uses of nuclear energy. In this context, Africa commits itself to expediting the process of ensuring early entry into force of the Treaty of Pelindaba, which contains very useful provisions for peaceful uses of nuclear energy.

There is also the need to ensure that any action by the Security Council does not undermine existing international treaty regimes on weapons of mass destruction,

conventional weapons and those of international organizations established in this regard, such as the IAEA, and the organization for the Prohibition of Chemical Weapons (OPCW), as well as the role of the United Nations General Assembly.

With regard to the issue of missile, the African Group is of the view that an export control approach is by definition exclusionary and discriminatory. We are of the view that the only sustainable, credible and legitimate manner to address this issue is through an inclusive; UN based multilateral approach.

Mr. Facilitator,

On reducing the risk and prevalence of war, the African Group, in recognition of the essential mediatory role that the Secretary-General has been playing in the peaceful resolution of conflicts and disputes worldwide, sees the need for additional resources to be allocated for his good offices function.

It is our view that sanctions should be considered only after all peaceful means of settlement of disputes under Chapter VI of the United Nations Charter have been exhausted and a thorough investigation undertaken of the short-term and long-term effects of such sanctions. Sanctions should also be non-selective, legal, with clear-cut objectives imposed for a definite time frame and lifted once such objectives are achieved. Further, the imposition of sanctions should be in accordance with the UN Charter and international law. The African Group is of the view that sanctions should also be smart and targeted to mitigate their humanitarian effects. Owing to the immense adverse humanitarian impacts of sanctions, coupled with the fact that 13 of the 16 sanction regimes imposed in the past 15 years were on African countries, we wish to once again call for the conduct of comprehensive studies on the impacts of sanctions on both

primary and third States. Such studies would no doubt shed more light on the usefulness or otherwise of sanctions and the possible ways to make them more result-oriented.

Mr. Facilitator,

We support the appeal of the Secretary-General to Member States to do more to ensure that the United Nations has effective capacities for peacekeeping, commensurate with the demands of their mandates of the various peacekeeping operations. We fully endorse his emphasis that United Nations capacity in this regard should not compete, but collaborate with the efforts of regional bodies. In that regard we welcome the proposal of supporting a stronger relationship between the UN and regional organizations, including developing and implementing a 10-year plan for capacity-building with the African Union.

The African Group believes that the proposed establishment of a peace building commission is important. It will address the challenge of helping countries emerging from conflicts in their transition to sustainable peace. It is also necessary to carefully consider its mandate and structure. The proposed peace building commission should benefit from the contributions of all the major organs of the UN, particularly the General Assembly, the Security Council and ECOSOC, as well as UN agencies, funds and programmes and international financial institutions.

Mr. Facilitator

Taking into consideration the negative role that small arms, light weapons and landmines have played in the exacerbation of conflicts and attendant damaging impact on sustainable development aspirations, particularly in developing countries, the African Group appreciates all initiatives so far undertaken, including the adoption, in 2001

of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. While it is encouraging to note that the adoption of this Programme has brought enormous awareness to this problem, the African Group stresses the urgent need for an instrument for the prohibition of the illicit transfer, manufacture and circulation of these items. Africa will collaborate with other regions for the negotiation of an international instrument on the identification and tracing of small arms and light weapons.

It is encouraging to note that the Convention on Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on the Destruction, supplemented by Amended Protocol II to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Injurious or to Have Indiscriminate Effects, now have 144 States. It is gratifying to note that 44 African States have signed this instrument and that more than 31 million stockpiled mines have been destroyed. The African Group urges Member States, which have so far not signed these instruments to do so.

■ thank you, Mr. Facilitator.