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MODALITIES FOR THE FUNCTIONING

OF

**THE PANEL OF THE WISE AS ADOPTED BY THE PEACE AND SECURITY
COUNCIL AT ITS 100TH MEETING HELD ON 12 NOVEMBER 2007**

MODALITIES FOR THE FUNCTIONING OF THE PANEL OF THE WISE

I. INTRODUCTION

In accordance with Article 11 (7) of the Protocol Relating to the Establishment of the Peace and Security Council of the African Union, the Peace and Security Council adopts the following Modalities for the functioning of the Panel of the Wise.

Definition

For the purpose of the present document:

- i) “Assembly” means the Assembly of Heads of State and Government of the African Union;
- ii) “Council” means the Peace and Security Council of the African Union;
- iii) “Modalities” means the Modalities for the functioning of the Panel of the Wise of the African Union;
- iv) “Panel” means the Panel of the Wise of the African Union;
- v) “Protocol” means the Protocol Relating to the Establishment of the Peace and Security Council of the African Union.

Establishment

1. The Panel of the Wise is constituted under the terms of Article 11 of the Protocol, in order to support the efforts of the Council and those of the Chairperson of the Commission, particularly in the area of conflict prevention.
2. The Panel is composed of five members drawn from various segments of society in Member States.
3. The Panel members are selected from among highly respected African personalities of high integrity and independence, who have made outstanding contributions to Africa in the areas of peace, security and development. They shall not hold active political office at the time of their appointment and during their tenure as Panel members.
4. Panel members are selected by the Chairperson of the Commission after consultations with the Member States concerned, on the basis of regional representation. They are appointed through a decision of the Assembly.
5. Members of the Panel serve for a period of three years. They shall be eligible for reappointment for only one more term.

II. MANDATE

1. The Panel shall advise the Council and the Chairperson of the Commission on all issues pertaining to the promotion and maintenance of peace, security and stability in Africa.
2. The Panel shall undertake all such actions deemed appropriate to support the efforts of the Council and those of the Chairperson of the Commission for the prevention of conflicts.
3. The Panel may, as and when necessary and in the form it considers most appropriate, pronounce itself on any issue relating to the promotion and maintenance of peace, security and stability in Africa.
4. In carrying out its mandate as outlined above, the Panel may act either at the request of the Council or the Chairperson of the Commission, or at its own initiative.

III. MODALITIES OF ACTION

1. In coordination with the Council and the Chairperson of the Commission, and in support of, and complement to, their efforts, including through the Special Envoys / Representatives and other emissaries, the Panel may, as the circumstances require:
 - a) advise the Council and/or the Chairperson of the Commission on all matters within their respective competences pertaining to the promotion and maintenance of peace, security and stability in Africa;
 - b) facilitate the establishment of channels of communication between the Council and the Chairperson of the Commission , on the one hand, and parties engaged in a dispute, on the other hand, in order to prevent such dispute from escalating into conflict;
 - c) carry out fact-finding missions as an instrument of conflict prevention in countries and/or regions where the Panel considers there is a danger of conflict either breaking out or seriously escalating;
 - d) conduct shuttle diplomacy between parties to a conflict in cases where parties are not ready to engage in formal talks;
 - e) encourage parties, where appropriate, to engage in political dialogue, adopt confidence-building measures, and carry out reconciliation processes, and facilitate such efforts, where appropriate;
 - f) assist and advise mediation teams engaged in formal negotiations;
 - g) assist and advise parties on how to resolve disputes related to the implementation of peace agreements; and

- h) develop and recommend ideas and proposals that can contribute to promoting peace, security and stability in the continent.

2. In undertaking any of the actions listed above, the Panel shall ensure that its initiatives facilitate appropriate action by the Council and/or the Chairperson of the Commission within their respective competences as provided for by the Protocol, add value to existing efforts, and contribute effectively to conflict prevention and resolution, as well as to peace-building.

3. The Panel shall, accordingly, and as provided for below, at all times, keep the Chairperson of the Commission and, through him, the Chairperson of the Council informed of its activities and consult and coordinate with them as appropriate.

IV. PROCEDURE AND RELATED MATTERS

Chairpersonship

1. The Panel shall be presided over by a Chairperson, who shall be elected on a rotating basis by the Panel for a term of one (1) year. A member of the Panel may not be elected Chairperson more than once in any period of three (3) years.

2. In case of absence or incapacity of the Chairperson, the Panel shall elect an acting Chairperson.

Meetings and Communications

3. The Panel shall meet as often as the circumstances may require and in any event at least three times a year or at any time at the request of the Council or the Chairperson of the Commission. In between meetings, the Panel shall maintain regular consultations among its members through appropriate technical means to facilitate the effective discharge of its mandate.

4. The Panel shall normally hold its meetings at the Headquarters of the Union. However, the Panel may, after consultation with the Chairperson of the Commission, hold its meetings outside the Headquarters of the Union.

5. Meetings of the Panel shall be held in closed sessions. However, if the Panel considers it necessary, it may invite resource persons, experts, institutions or individuals, to attend a meeting in order to assist the Panel in its deliberations on specific issues.

6. The Chairperson of the Commission shall bring to the attention of the Panel all relevant communications concerning a matter under consideration by the Panel.

Agenda

7. The provisional agenda of a meeting of the Panel shall be determined by its Chairperson, in consultation with the Chairperson of the Council and the Chairperson of the Commission.
8. The Chairperson of the Panel may receive, for inclusion in the provisional agenda of a meeting of the Panel, proposals from any member of the Panel, the Council and the Chairperson of the Commission, as well as from the Pan-African Parliament, the African Commission on Human and People's Rights and civil society groups, in the context of their respective contributions to the promotion and maintenance of peace, security and stability in Africa, as provided for in the relevant provisions of the Protocol.
9. The first item on the provisional agenda for each meeting of the Panel shall be the adoption of the agenda.
10. The provisional agenda for a meeting of the Panel shall be circulated by the Chairperson of the Commission to all the members of the Panel. The provisional agenda shall also be made available to the Chairperson and members of the Council.

Quorum

11. The number of members required to constitute a quorum or a meeting of the Panel shall be three.

V. RECOMMENDATIONS AND REPORTS

1. The Panel shall, whenever it considers it appropriate, submit to the Council and to the Chairperson of the Commission its views and recommendations on any matter relating to the promotion and maintenance of peace, security and stability.
2. The Panel shall submit regular reports on its activities to the Council. It shall also, through the Council, submit bi-annual reports to the Assembly. Such reports shall be annexed to the regular reports by the Council to the Assembly on its activities and the state of peace and security in Africa, as provided for by article 7(1q) of the Protocol.
3. The Panel shall submit reports on its work in respect of specific mandates to the Council or to the Chairperson of the Commission as may be appropriate.

VI. PUBLIC STATEMENTS

Having regard to the circumstances of each meeting or consultation, the Panel may, if it deems it necessary, issue a press release or a statement, or a communication in any other form it considers appropriate, on any matter under its consideration.

VII. RELATIONSHIP WITH THE ORGANS OF THE UNION

1. The Panel shall, without prejudice to its independence, maintain regular contacts with the Council and the Chairperson of the Commission, as well as with the Chairperson of the African Union, and keep them fully informed of its activities for the purpose of ensuring close coordination and harmonization. In particular, and prior to an intended visit to or engagement in a given country or region, the Panel shall inform the Council and the Chairperson of the Commission for purposes of coordination and harmonization.

2. The Assembly, the Council, the Chairperson of the Commission or other relevant organs of the Union may invite the Chairperson of the Panel to address them on matters relating to the promotion and maintenance of peace, security and stability in Africa.

3. The Chairperson of the Panel may also, after consultations with the Council and the Chairperson of the Commission, request to address the Assembly and other organs of the Union, on important issues under consideration by the Panel.

VIII. TECHNICAL AND OTHER SUPPORT

1. The Commission shall provide administrative, technical and logistical support as may be required by the Panel to facilitate its work.

2. The Commission shall provide substantive services in support of the Panel's work, including information relating to specific situations, on mediation and negotiation processes and other relevant matters. The Commission shall provide the necessary research and advisory capacities to support the above.

3. The Commission shall provide support in gathering and receiving information on political and other developments in specific countries or regions that are the subject matter of the Panel's focus.

4. The Commission shall assist the Panel in the processing and production of documents required by the Panel for the discharge of its mandate, including its reports, and shall arrange for their timely distribution.

IX. ALLOWANCES AND OTHER ENTITLEMENTS OF PANEL MEMBERS

1. Members of the Panel shall be entitled to travel and lodging allowances and honorarium for the duration of the Panel meetings and missions undertaken by Panel members in the discharge of their duties.

2. The allowances and other entitlements payable to members of the Panel shall be determined by the Chairperson of the Commission in accordance with the financial rules and regulations of the Union.

X. TERMINATION OF TENURE

1. A member may resign from the Panel at any time by a letter addressed to the Chairperson of the Commission.
2. The mandate of a member of the Panel can be terminated on the recommendation of the Chairperson of the Commission approved by the Assembly.

XI. REVIEW

The Modalities shall be reviewed after the operationalization of the Panel to take into account any view that may be expressed by the members of the Panel. The Modalities shall be reviewed regularly and shall, when necessary, be amended.