

**MEMORANDUM OF UNDERSTANDING
OF THE FORUM OF ENERGY MINISTERS OF
AFRICA (FEMA)**

ADOPTED BY MINISTERS RESPONSIBLE FOR THE
ENERGY SECTOR IN AFRICA

ENTEBBE
3 AUGUST 2005

MEMORANDUM OF UNDERSTANDING OF THE FORUM OF ENERGY MINISTERS OF AFRICA (FEMA)

PREAMBLE

We the African Ministers responsible for Energy meeting in Entebbe on the third day of August 2005:

Reaffirming our concern about limited access to modern energy services, lack of energy infrastructure and inefficient use of energy;

Recognizing the contribution of energy to sustainable economic, social and environmental development in Africa;

Reaffirming our belief in political commitment, advocacy and co-ordination;

Aware of the resolution of Ministers of Energy at the Nairobi Meeting of May 2004 calling for the need to enhance organizational capacity in the energy sector in Africa;

Recalling that the Millennium Development Goals closely relate to energy supply, access and management;

Mindful of the need to complement the commitments related to energy assumed by African States as developed by the New Partnership for African Development (NEPAD), The Convention Establishing The African Energy Commission;

Cognizant of the important role being played by the regional power pools already created in Africa;

Aware of The Political Declaration on Renewables, made at Bonn, in June 2004;

Recognizing the need to establish an arrangement to bring together African Ministers responsible for energy;

Appreciating the vital role of the regional economic and development communities in the energy sector; and

Following the proposal of some African ministers responsible for energy, made in Washington DC in March 2005 to set up a Forum of Energy Ministers of Africa (FEMA);

Now agree as follows:

Article 1

Definition of terms

For the purpose of this MEMORANDUM OF UNDERSTANDING:

- a) “FEMA” means the Forum of Energy Ministers of Africa;
- b) “Forum” means the meeting of the Ministers responsible for Energy in Africa pursuant to this Memorandum of Understanding under Articles 7 and 8,
- c) “Chairperson” means the Chairperson of the Forum,
- d) “Member States” means States, which have accepted this MEMORANDUM OF UNDERSTANDING and are members of the Forum; and
- e) Energy means all forms of energy including energy from both renewable and non-renewable sources.

Article 2

Establishment of the Forum

- 1) The Forum of Energy Ministers of Africa (FEMA) is hereby established.
- 2) The Forum shall comprise of Ministers responsible for Energy in Africa.
- 3) The Forum shall have its headquarters Kampala, Uganda.
- 4) The State hosting the headquarters shall provide the necessary facilities, privileges and protection to members of the Forum, Steering Committee and functionaries in the performance of their duties under this Memorandum and as may be appropriate.

Article 3

Membership

The Forum shall be open to all African States.

Article 4

The Vision

The vision of the Forum is to achieve effective African and regional cooperation, social and economic development leading to poverty eradication in Africa through the promotion of environmentally sustainable use and management of energy resources.

Article 5

The Mission

The Mission of the Forum is to provide political commitment, policy direction, experience sharing and advocacy in the provision, access, use and management of energy resources for sustainable social and economic development.

Article 6

Objectives

Objectives for which this Forum has been established are to: -

- a) raise the profile of the energy sector in national and regional planning to reflect its central role in achieving the Millennium Development Goals;
- b) develop a coherent energy strategy for Africa including re-strategizing in order to increase modern energy supply and access;
- c) promote a common approach expressed through specific, national and regional projects of benefit to African countries;
- d) speak with a common voice and collectively advocate for the financing of regional projects; and
- e) promote interconnectivity and the work of the five regional power pools, and develop common technical standards and codes of conduct.

Article 7

The organs of the FEMA

The organs of FEMA are:

- a) the Forum; and
- b) the Steering Committee.

Article 8

The Forum

1. The supreme body of FEMA shall be the Forum.
2. The Forum shall hold a regular session once every two years at such time and place, as it shall determine. The Forum may hold special sessions if it so decides or at the request of half of the Member states. The Chairperson shall inform the Member states of the date and place of any session.
3. At the end of its regular session, the Forum shall elect a member state to host its next regular session. The host state of the session so-elected shall serve as the Chairperson of

the Forum for two years, beginning from the date of the next regular session. The outgoing chairperson shall hand over at the beginning of that regular session.

4. The position of chairperson shall rotate between the five regions namely; Eastern Africa, West Africa, Central Africa, Southern Africa, and Northern Africa.

5. The Forum shall adopt its own Rules of Procedure. As far as possible, decisions of the Forum will be taken by consensus. Where it is not possible to reach consensus, the matter will be decided by majority vote of members present and voting. Each Member state shall have one vote.

6. The Forum may set up such committees and sub-committees, as it may deem necessary for the performance of the functions of the Forum.

Article 9

Functions of the Forum

The functions of the Forum shall be:

- a) to receive reports and make decisions on the recommendations submitted to it by the Steering Committee;
- b) to determine the policy of the Forum and approve its programme of work and its budget;
- c) to determine the financial contributions of the Member States towards meeting the cost of the budget proposals;
- d) to establish general standards and guidelines for the management of the Forum;
- e) to review the annual reports on the work of the Forum and the audited accounts;
- f) to approve the Financial Regulations of the Forum;
- g) to adopt amendments to this Memorandum;
- h) to establish where necessary, regional centres of the Forum;
- i) to approve formal agreements or memoranda of understanding with other organizations or institutions and with governments, including any proposals for agreements to be concluded between the Forum and the States in which the seat of the Forum or the centres provided for in sub-paragraph (h) above are situated;
- j) to set up, under its supervision, such committees or other subsidiary bodies as it may deem appropriate for the performance of the functions of the Forum; and

k) to perform such other functions as have been entrusted to it by this Memorandum or as may be appropriate to achieve the Forum's objectives.

Article 10

The Steering Committee

1. The Steering Committee shall consist of senior officials including persons at the level of Permanent Secretary responsible for the energy sector supported by designated technical officers representing the Member States of the Forum.
2. Each member state shall designate a senior official in the Energy Sector as the focal point member of the Steering Committee and notify the Coordination Unit accordingly.
3. The Chairperson of the Steering Committee shall be designated by the state hosting the regular session elected under Article 8 (3) and the term of office shall coincide with that of the Chairperson of the Forum. The Steering Committee shall adopt its own Rules of Procedure.
4. The Steering Committee shall hold one regular annual session and such other special sessions as it may determine. A special session may be called upon at the request of any two Member states. The Chairperson of the Steering Committee shall inform the members of the Steering Committee of the date and place of any session.
5. All decisions and recommendations of the Steering Committee shall, as far as possible, be adopted by consensus. The Forum may establish rules whereby the Steering Committee may be consulted by correspondence or any rapid means of written communication, if matters of urgency requiring action by the Steering Committee arise between two of its sessions.

Article 11

Functions of Steering Committee

1. The Steering Committee shall:
 - a) review the activities of the Forum;
 - b) make recommendations to the Forum on any matter relevant to the functions of the Forum;
 - c) establish such sub-committees or working groups as it may deem appropriate;
 - d) formulate recommendations for policy and strategy proposals for consideration by the Forum;
 - e) prepare programs and budgets for the approval of the Forum;
 - f) coordinate with other institutions;

- g) ensure that decisions of the Forum are implemented;
 - h) initiate proposals for the promotion of African energy issues and needs within Africa and among development partners for consideration by the Forum; and
 - i) carry out any other functions entrusted to it by this Memorandum, or delegated to it by the Forum.
2. At each session, the Steering Committee shall adopt a report, which shall be submitted to the Forum, for its approval, at its next session.

Article 12

Coordination Unit

1. The state hosting the headquarters of the Forum shall provide and facilitate a coordination Unit to provide Secretariat services to the Forum.
2. The coordination Unit shall be under the day-to-day supervision of the senior official appointed as focal point of that state under Article 10.
3. The Coordination Unit shall provide secretarial services for the sessions of the Forum and the Steering Committee, and meetings of all other bodies of the Forum.
4. The Forum shall carry out periodic reviews of the performance of the Coordination Unit.

Article 13

Funding

1. The Forum shall approve its budget. The budget shall be supported in part by revenues received under paragraph 4 below and the remainder by equal contributions from the Member states. Each Member state undertakes to contribute its share of the budget as approved by the Forum.
2. The Steering Committee shall submit a draft biennial budget of anticipated joint expenses to the Member states for approval by the following session of the Forum.
3. Contributions by the Member states shall be paid in freely convertible currency into an account or accounts established by FEMA in a banking institution of good standing. The Chairperson of FEMA shall authorize the opening of all bank accounts of FEMA.
4. The Forum may receive subventions, donations and legacies from any suitable person or body, whether governmental or non-governmental, provided that the terms of their use are compatible with the objectives of FEMA.
5. The Forum may determine from time to time procedures governing the disbursement of funds under the general control of the Steering Committee.

6. Member states shall provide funding for the members from each Member state to attend sessions of the Steering Committee and the Forum, unless otherwise determined by the Forum.

7. The financial year of the Forum shall be the calendar year. The Steering Committee shall submit annual audited accounts for review by the Forum. The annual audited accounts shall thereafter be submitted to the Member states within ninety days.

Article 14

Annual Report

The Chairperson of the Steering Committee shall submit annually to the Member states a report on the discharge of FEMA's duties during the preceding year. The recommendations received by the Steering Committee from the committees, sub-committees and working groups during such year shall be appended to the annual report, along with an explanation of the Steering Committee's response to each such recommendation.

Article 15

Observers

1. Any State, an intergovernmental or non-governmental organisation interested in the activities of FEMA may, upon its request or the request of the Forum, be invited by the Forum as an observer at sessions of the Forum and the Steering Committee. It may submit memoranda and with the permission of the Chairperson, participate without vote in the proceedings.

2. The Steering Committee may invite, as observers, intergovernmental, non-governmental organizations or any other entity having special competence in the field of the Forum's activities to attend such sessions as the Steering Committee may specify. An observer shall participate in the proceedings of the Steering Committee without a right to vote.

Article 16

Amendments

1. An amendment to the provisions in this Memorandum of Understanding may be initiated by any member state.

2. Proposals for amendments shall be addressed to the Chairperson of the Forum who shall communicate it to all member states, at least 60 days before the next meeting of the Forum.

3. Amendments shall be carried by an affirmative vote of a simple majority of the members of the Forum, present and voting.

4. The amendment shall come into force under the same conditions for coming into force of this Memorandum of Understanding.

Article 17

Official languages

The official languages of the Forum shall be English and French

Article 18

Coming into effect

This Memorandum of Understanding shall come into effect upon signature by Ministers responsible for energy in at least ten African States including states from at least each of the five regions namely Eastern, West, Central, North and Southern.

Article 19

Withdrawal

A member state may withdraw from the Forum after giving a six months notice in writing signed by the Minister responsible for Energy addressed to the Chairperson.

Article 20

Authentic Texts

The original of this Memorandum of Understanding, of which the English and French, texts are equally authentic, shall be deposited with the Government of Uganda.

IN WITNESS WHEREOF the undersigned, being Ministers responsible for the Energy Sector have signed this Memorandum of Understanding.

Done at Entebbe, on this third day of August 2005, in French and English, both texts being equally authoritative.

1. For The People's Democratic Republic of Algeria

2. For The Republic of Angola

3. For The Republic of Benin

4. For The Republic of Botswana

5. For Burkina Faso

6. For The Republic of Burundi

7. For The Republic of Cameroon

8. For The Republic of Cape Verde

9. For The Central African Republic

10. For The Republic of Chad

11. For The Islamic Federal Republic of the Comoros

12. For The Republic of the Congo

13. For The Republic of Côte d'Ivoire

14. For The Democratic Republic of Congo

15. For The Republic of Djibouti

16. For The Arab Republic of Egypt

17. For The State of Eritrea

18. For The Federal Democratic Republic of Ethiopia

19. For The Republic of Equatorial Guinea

20. For The Gabonese Republic

21. For The Republic of the Gambia

22. For The Republic of Ghana

23. For The Republic of Guinea

24. For The Republic of Guinea Bissau

25. For The Republic of Kenya

26. For The Kingdom of Lesotho

27. For The Republic of Liberia

28. For The Great Socialist People's Libyan Arab Jamahiriya

29. For The Republic of Madagascar

30. For The Republic of Malawi

31. For The Republic of Mali

32. For The Islamic Republic of Mauritania

33. For The Republic of Mauritius

34. For The Republic of Mozambique

35. For The Republic of Namibia

36. For The Republic of Niger

37. For The Federal Republic of Nigeria

38. For The Republic of Rwanda

39. For The Sahrawi Arab Democratic Republic

40. For The Republic of Sao Tome and Principe

41. For The Republic of Senegal

42. For The Republic of Seychelles

43. For The Republic of Sierra Leone

44. For The Republic of Somalia

45. For The Republic of South Africa

46. For The Republic of Sudan

47. For The Kingdom of Swaziland

48. For The United Republic of Tanzania

49. For The Togolese Republic

50. For The Republic of Tunisia

51. For The Republic of Uganda

52. For The Republic of Zambia

53. Republic of Zimbabwe