



African Ministerial Conference on the Environment

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African Ministerial Conference on the Environment

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Consideration of the African Ministerial Conference on the Environment as part of the Specialized Technical Committee of Agriculture, Rural Development, Water, and Environment of the African Union and related matters.

I. Introduction

1. At the thirty-seventh summit of the Organization of African Unity, heads of State and Government, held in Lusaka in July 2001, the African Union was established to replace the Organization of African Unity.
2. The constitutive act of the African Union was adopted in Lome on 11 July 2000 and entered into force on 26 May 2001, thirty days after the deposit of the thirty-sixth instrument of ratification with the general secretariat. The Lusaka meeting had agreed on the establishment of three African Union organs during the transition period, namely the Assembly, the Executive Council and the Commission.
3. The powers, structures and operational modalities of these organs were to be established by a committee of experts. The subregional economic communities, which constitute the main vehicles for promoting integration, were to remain the main pillars of the Union and be fully involved in making the Union operational.
4. The Constitutive Act of the Union consists of 33 articles. Article 5 lists the organs of the Union, while Article 14 establishes the seven specialized technical committees. It is worth noting that the African Union's specialized technical committees, as proposed in the Constitutive Act, were entrusted with responsibility for looking after several sectors, including the environment and natural resources.
5. It was in the context of this transformation that the New Partnership for Africa's Development (NEPAD) was launched and was subsequently incorporated into the programme of the African Union. Much effort has been made to integrate NEPAD within the African Union and help change the perception that the two constitute separate processes. It is worth noting therefore that the NEPAD Secretariat has now been transformed into the NEPAD Planning and Coordinating Agency.
6. The development of a coordinated institutional framework and the harmonization of activities of AMCEN with those of the African Union are necessary on one hand but raise certain issues on the other. This is discussed further below.

II. Goals and structure of the African Union

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7. The African Union is based on the common vision of a united and strong Africa. It is built on a partnership between Governments and all segments of civil society, including women, young people and the private sector and thereby aims to strengthen solidarity and coherency among the peoples of Africa.
8. The objectives of the African Union are, amongst other things:
- (a) To promote and defend African common positions on issues of interest to the continent and its peoples;
 - (b) To promote sustainable development at the economic, social and cultural levels and the integration of African economies;
 - (c) To coordinate and harmonize the policies between the existing and future regional economic communities for the gradual attainment of the objectives of the Union.
9. Article 5 of the Constitutive Act of the African Union lists the organs of the Union. These are the Assembly; the Executive Council; the Pan-African Parliament; the Court of Justice; the Commission, the Permanent Representatives Committee; the specialized technical committees; the Economic, Social and Cultural Council; and the financial institutions, namely the African Central Bank, the African Monetary Fund, and the African Investment Bank.
10. The Constitutive Act of the Union specifies that the specialized technical committees comprise the ministers and senior government officials responsible for their respective sectors. The main functions of specialized technical committees include project formulation, supervision, implementation, harmonization and coordination, as well as submission of reports to the Executive Council.
11. As stated earlier the regional economic communities, which constitute the main vehicles for promoting integration, remain pillars of the African Union and are to be fully involved in making the Union operational. AMCEN should likewise collaborate with the regional economic communities in the implementation of its activities. This would also enhance regional and subregional harmonization of Africa's development activities.

III. Harmonization of the activities of AMCEN with those of African Union and NEPAD

12. AMCEN has for a considerable period of time recognized the need to coordinate and harmonize Africa's environment agenda in order to avoid duplication, particularly in the context of the Union's new institutional framework. The reasoning behind this is that the absence of such coordination would increase the burden on African States and subregional, intergovernmental organizations, since they would be likely to bear responsibility for the implementation of environmental programmes. There is, therefore, a need for stronger institutional links and the harmonization of activities between AMCEN, the African Union and other institutions dealing with the socio-economic pillars of sustainable development in the region.
13. In this regard, the Kampala Declaration on the Environment for Development, adopted by the ninth regular session of AMCEN on 5 July 2002 called upon "the President of AMCEN as a matter of urgency to forge cooperative links with the secretariat of the African Union and its relevant commissions as well as the secretariat of the New Partnership for Africa's Development, with a view to harmonizing institutional arrangements, taking into account the outcome of the African Union summit held in Durban in July 2002".
14. Under the guidance of the President of AMCEN, the secretariat initiated contact with the African Union Commission on the subject matter and reported to the AMCEN Bureau at its fifteenth meeting, held in Kampala on 10 March 2003. Taking note of the initial efforts of the President, the meeting reached several conclusions regarding the harmonization of AMCEN activities with those of NEPAD and the African Union. Amongst these it was agreed that:
- (a) The policy and advocacy role of AMCEN should be maintained;
 - (b) Existing links between AMCEN, NEPAD, UNEP and the African Union should be enhanced;
 - (c) The President of the Bureau, with the assistance of the secretariat, should continue to interact with relevant parties to work out an acceptable mechanism to establish the appropriate functional relationships.

15. With decision 1 of its tenth regular session, held in Sirte, Libya in June 2004, AMCEN resolved to establish effective communication with the relevant organs of the African Union and the regional economic communities. With that goal in mind, it resolved:

- (a) To hold the next meeting of the AMCEN Bureau at the headquarters of the African Union;
- (b) To request the AMCEN President to work with the Chair of the Commission of the African Union in pursuit of that goal.

16. It is also worth noting that paragraph nine of the Sirte Declaration on the challenges of implementing integrated and sustainable development of agriculture and water in Africa, adopted by the Assembly of the African Union at its second extraordinary session on 27 February 2004, committed the heads of State and Government of the African Union to “support the African Ministerial Council on Water (AMCOW)” in its role of preparing plans and policies related to water resource management on the continent and request the Chairman of the African Union Commission to adapt the mandates, structures and activities of AMCOW, the African Ministerial Conference on the Environment and the African Ministerial Conference on Agriculture in order to integrate them into the activities of the Commission of the African Union and its specialized technical committees”.

17. In accordance with decision 1 of the tenth regular session and the Sirte Declaration, the nineteenth meeting of the AMCEN Bureau was held consecutively with the Bureau’s joint meeting with the African Union Commission in Addis Ababa in May 2005. The reports of those two meetings (documents UNEP/AMCEN/11/INF.4 and UNEP/AMCEN/11/4Add.1 respectively) detail the understanding reached regarding the linkage between AMCEN and the African Union Commission in the context of the latter’s specialized technical committees.

The conclusions and recommendations of the joint meeting are summarized below:

- (a) Given the long-term existence of AMCEN and its various organs and facilities, it is important that the full integration of AMCEN into the structure of the African Union be approached with caution. Moreover there is a need to ensure that all stakeholders continue to play their respective roles fully in operationalizing the new arrangements;
- (b) AMCEN has already developed a mandate for itself, which needs to be streamlined with the provisions of the Constitutive Act of the African Union relating to the specialized technical committees;
- (c) The integration of AMCEN should, in the interim, allow the current financial arrangements supporting AMCEN to continue;
- (d) Integration of AMCEN within the African Union Commission should not jeopardize or limit the work of AMCEN. The distinct voice of AMCEN should be accommodated in the new institutional arrangements. On these reasons, AMCEN should become a separate and distinct specialized technical committee of the African Union;
- (e) There is a need to fortify the African Union Commission with the strength of AMCEN to enhance coordination and programme delivery and facilitate the work of the Commission in the area of environment;
- (f) There is also a need to fortify AMCEN with the political support of the African Union;
- (g) The African Union Commission implements the decisions of the Assembly and needs to do so in a harmonious, coherent and pragmatic manner;
- (h) UNEP should continue to provide secretariat functions to AMCEN in the interim. A consultative process should be initiated immediately between the African Union Commission and UNEP to propose modalities and a time frame to ensure that the swift transferral of secretariat functions to the African Union Commission is done in such a way that the association of AMCEN to UNEP is preserved and all the benefits deriving from that link are maintained;
- (i) The African Union Commission should be asked to submit a draft decision for the consideration of the Assembly, requesting further consultations with AMCEN and UNEP on the final practical modalities for implementing the foregoing recommendations.

18. Follow up discussions on the outcomes of this meeting was suspended with the understanding that further talks between AMCEN and the AUC would resume once the audit of the African Union had been completed and the evolving structures of the Union had been finalized. It is noteworthy that the

AU Summit held in Addis Ababa in February 2009 decided to make AMCEN as part of the Specialized Technical Committee of Agriculture, Rural Development, Water, and Environment of the African Union (see Assembly/AU/Dec.227(XII)).

IV. Ministerial discussions at the thirteenth session of AMCEN

19. Ministerial deliberations will therefore be held to further discuss the status of AMCEN as part of the Specialized Technical Committee of Agriculture, Rural Development, Water, and Environment of the African Union.

20. The meeting may also wish to cover the relationship between AMCEN and the following organs of the African Union:

- (a) Executive Council
- (b) African Union Commission
- (c) Permanent Representatives' Committee (PRC)
- (d) Pan- African Parliament
- (e) Economic, Social and Cultural Council (ECOSOC)

21. As stated earlier the development of a coordinated institutional framework and the harmonization of activities of AMCEN with those of the African Union are necessary on one hand but raise certain issues on the other. Such issues include, among others:

- (a) How can AMCEN become a specialized technical committee of the African Union and still maintain the momentum that it has attained in implementing its decisions and work programme?
- (b) How should AMCEN improve its own delivery mechanisms to adapt to the new context?
- (c) What are the best means for interaction with the subregional economic communities, civil society organizations and other partners?
- (d) Where should the secretariat of AMCEN be located?

22. The ministerial discussions should focus in particular on the relationship with the African Union Commission, since this will be of importance if AMCEN is to create good linkages with African Union. The Commission is the key organ responsible for the normal management of the Union. With the support of other bodies, it represents the Union and defends its interests; elaborates the Union's common positions; prepares strategic plans and studies for consideration by the Executive Council; elaborates, promotes, coordinates and harmonizes the programmes and policies of the Union with those of the regional economic communities; and ensures the mainstreaming of programmes and activities of the Union. The membership of the Commission includes the Chair, his or her deputy, eight commissioners and further staff members.

23. The Commission portfolio of most relevance to the work of AMCEN is that headed by the Commissioner for Rural Economy, and Agriculture. The portfolio covers such issues as food security, livestock management, the environment, water and natural resources, and desertification

24. Other portfolios of direct relevance to AMCEN, which may be taken into account during the ministerial deliberations of the thirteenth session, include:

- (a) Infrastructure and energy, which covers such matters as energy, transport, communications, infrastructure and tourism.
- (b) Economic affairs, which includes economic integration, monetary affairs, private sector development, investment and resource mobilization.