



AMCEN



AU



Distr.: General  
3 August 2022

Original: English  
English and French only

### *African Ministerial Conference on the Environment*

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#### **African Ministerial Conference on the Environment**

##### **Eighteenth session**

Online, 13, 14 and 16 September 2021  
and Dakar, 12–16 September 2022\*

## **Review of the rules of procedure of the African Ministerial Conference on the Environment**

### **Note by the secretariat**

#### **I. Introduction**

1. The African Ministerial Conference on the Environment (AMCEN) was established in 1985 and adopted its rules of procedure at its second session, in 1987.<sup>1</sup> It has operated under the same rules of procedure since then.
2. At its seventh session, in 1997, AMCEN formalized its existence as a constitutional intergovernmental body. In accordance with article 35 of the AMCEN constitution, the United Nations Environment Programme (UNEP) was made the depository of the constitution.
3. Since AMCEN adopted its constitution and rules of procedure, there have been many changes in environmental governance and in the related institutions at the national, regional and global levels. The environment and climate action now play a far more central role in the political and socioeconomic development of the world than they did in the 1990s.
4. Environmental governance structures in Africa have also evolved, with the establishment of the African Union and its structures, such as the African Union Commission and its specialized technical committees. AMCEN is now part of the African Union specialized technical committee pertaining to agriculture, rural development, water and environment. The role of UNEP as the leading global environmental authority has been transformed by the creation of the United Nations Environment Assembly of the United Nations Environment Programme as world's highest-level decision-making body on the environment. Regional environmental ministerial bodies and groups are recognized by the Environment Assembly as important contributors to global environmental policymaking.
5. Furthermore, the conduct of regional and global meetings has evolved, including through increased use of electronic means to conduct meetings. This requires AMCEN to review its methods of work so as to be more effective and efficient in delivering on its various mandates.

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\* In accordance with the decision taken at the meeting of the Bureau of the African Ministerial Conference on the Environment held on 26 May 2022, the eighteenth session of the Conference, which was adjourned on 16 September 2021, will resume as an in-person meeting in Dakar from 12 to 16 September 2022.

<sup>1</sup> UNEP/AEC.2/3, annex I, resolution 2/1. <https://wedocs.unep.org/handle/20.500.11822/20537>.

6. In view of the evolution of regional and global structures and processes, it has become apparent that the current rules of procedure need to be amended to ensure that they remain aligned with the changing processes of various intergovernmental governing bodies. In the past, AMCEN has amended its constitution and rules of procedure to align itself with the changing structures of the African Union and UNEP. Those changes are as follows:

(a) At the eleventh session of AMCEN, held in Brazzaville (Republic of the Congo) from 22 to 26 May 2006, African ministers of the environment adopted the Brazzaville Declaration, in which they noted the need to adopt a revised constitution, with a view to linking AMCEN to the organs of the African Union.<sup>2</sup> By decision 13/3 on the constitution of AMCEN, adopted at the eleventh session, ministers agreed to defer the process of revising the constitution pending the complete development of the institutional structures of the African Union; however, in the Brazzaville Declaration, they also called on the President of AMCEN to sustain efforts to forge cooperative links with relevant structures of the African Union, with a view to harmonizing institutional arrangements and strengthening the relationship between AMCEN and UNEP, thereby reiterating the need for AMCEN to be in tandem with the Governing Council of UNEP and the African Union.

(b) In decision 12/3, adopted at the twelfth session of AMCEN, held in Johannesburg, South Africa, from 7 to 12 June 2008, the African ministers of the environment decided to note the potential implications that the evolving structures of the African Union had on AMCEN and to request the secretariat to defer the process of revising the constitution pending the complete establishment of the institutional structures of the African Union and to report to AMCEN at its thirteenth session on any progress made in that regard.<sup>3</sup>

(c) In decision 13/3,<sup>4</sup> adopted at the thirteenth session of AMCEN, held in Bamako from 20 to 25 June 2010, the African ministers of the environment requested the secretariat, in consultation with the Bureau, to continue the revision of the constitution, taking into account the institutional evolution of the African Union.

(d) In decision 14/6,<sup>5</sup> adopted at the fourteenth session of AMCEN, held in Arusha from 10 to 14 September 2012, the African ministers of the environment noted the action by the Bureau to suspend the revision of the constitution pending further clarification on the implementation of the decision of the Assembly of the African Union on its specialized technical committees.

## II. Key parts of the rules of procedure that require review

7. Given the evolution of initiatives under the African Union referred to in the above-mentioned decisions, it is clear that AMCEN has taken note of the importance of evolving structures within the African Union and has sought to align its constitution with those structures while retaining its links to UNEP. However, a new constitution has not been adopted, nor have amendments been made to the rules of procedure as the operational guide of AMCEN. With that in mind, the following is an indicative list of the parts of the rules of procedure that may need to be amended:

(a) The current geographical scope of AMCEN and the requirements for membership need to be updated; in certain cases, country names have changed;

(b) A review is needed to determine whether the requirement of United Nations membership should continue to apply, as per rule 2 of the rules of procedure. One option would be to use membership and rules of procedure of the African Union. A determination as to which rules of procedure to apply is of particular importance now that AMCEN is part of the African Union specialized technical committee pertaining to agriculture, rural development, water and environment, given that the United Nations rules of procedure are not in tandem with those of the African Union;

(c) The election system set out in the rules of procedure appears to place greater focus on voting, yet the general practice of AMCEN is to prioritize consensus-building over voting. A review is thus needed, with a view to supporting consensus-building among member States on contentious issues prior to using a voting process as a last resort;

<sup>2</sup> [wedocs.unep.org/bitstream/handle/20.500.11822/20584/Brazzaville\\_declaration.pdf?sequence=1&isAllowed=y](http://wedocs.unep.org/bitstream/handle/20.500.11822/20584/Brazzaville_declaration.pdf?sequence=1&isAllowed=y).

<sup>3</sup> UNEP/AMCEN/12/9, annex II.

<sup>4</sup> UNEP/AMCEN/13/10, annex II.

<sup>5</sup> [wedocs.unep.org/handle/20.500.11822/26095](http://wedocs.unep.org/handle/20.500.11822/26095).

(d) A review of the election and voting system as set out in parts VI and X is also required. As they currently stand, the election provisions apply only to the election of AMCEN office holders. Over time, environmental matters have become not only more important, but also more contentious, requiring the intervention of AMCEN, including in building common positions. There is therefore a need to provide for the election of representatives of Africa in other intergovernmental environmental bodies and institutions, outside AMCEN's internal structures;

(e) Under the current provisions of part XIV, on participation of States that are not members of AMCEN, any State member of the United Nations or member of a specialized agency or of the International Atomic Energy Agency may participate in the deliberations of AMCEN. Those provisions expose the deliberations of AMCEN to other stakeholders. There is thus a need to review the rules of procedure to provide for controlled admission of organizations or non-member States of the African Union;

(f) The coronavirus disease (COVID-19) pandemic has changed the modus operandi of meetings and introduced a new dimension of online meetings and negotiations. The current rules of procedure do not envisage such a scenario, nor do they provide for rules of engagement in such circumstances. The hybrid nature of current international meetings also needs to be recognized, as the recent practices of the United Nations and other bodies have shown that hybrid and online meetings have great value, and AMCEN may wish to consider holding sessions online on an exceptional basis and when required to advance its work.

### **III. Key actions for the Conference**

8. At its resumed eighteenth session, the Conference may wish to decide:

(a) To agree to amend the rules of procedure at its nineteenth ordinary session;

(b) To request the secretariat, in collaboration with the Bureau, to prepare a report on the review of the rules of procedure, with recommendations on parts to be updated, for the consideration of the Conference at its nineteenth ordinary session.

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