

## **Rough note prior 7<sup>th</sup> Ordinary Assembly of the African Union**

*These comments are informal and un-attributable but offer an overview of some of the key issues prior to the July 2006 Summit, 19/06/06*

### **July 2006 Main theme: Rationalisation of RECs and Regional Integration**

A ministerial meeting earlier in the year on the rationalisation of the RECs resolved to halt the formation of any further regional economic blocs, but was unable to nudge the RECs or the Ministers towards rationalisation into the five sub-regions of the AU or agreement on free movement of goods, services and persons. As a result a "cacophony" of RECs exists, with some countries belonging to several blocs and some blocs CENSAD straddling some countries in different geographical parts of Africa. Bold political decisions are required at the level of the Heads of States. No more studies, soul searching RECs meetings, research and meetings, just leadership. Various side meetings will take place during the Summit; AIDS Watch Africa and NEPAD.

### **2006 Presidency, Sudan and the deep scar on the conscience of Africa, Darfur**

Rewind to Khartoum, January 2006 and the decision that the Sudan's bid for Presidency would be deferred to 2007. Six months on, a Peace Accord and a decision to handover to UNMIS has been reached but armed factions continue to violate human rights and terrorise civilians (and peacekeepers), Sudan continues to object to an expansion of the peace-keeping force and funding is grossly inadequate. These reality on the ground and the tense relations with another member-state Chad raise questions whether the conditions are ripe for Sudan to take the Presidency in 2007. Ghana will host the July 2007 Summit. Key to making this decision over 2006 will be the positions of Senegal, Ghana, Tanzania and South Africa.

### **Merger of the Court of Justice and the Court of Human Rights and the establishment of the Court**

Following the deliberations of the working group, a formula exists for merging the two courts. Important development in the draft Protocol is the shift from the requirement of states to declare that citizens and organisations can seek the administration of continental justice from the Court of Justice to the presumption that this should be the case. This was not without debate and the relative section has been bracketed following opposition by Algeria, Egypt, Libya and Tunisia among others. Approved in Khartoum, the Judges will be sworn in by the AU Chairperson in the presence of 53 Heads of States. Between July 3-5th the Court shall meet in Banjul. The Court shall be based in Arusha, Tanzania. Two candidates Fatsah Ouguerouz of Algeria and Professor Kanyiehamba of Uganda are the strong contestants for the position of Presidency of the Court. Based on views of colleagues working in this area (I am not) etc, the latter seems a stronger candidate from the perspective of advancing the rule of law and human rights in Africa. CSOs should consider engaging the Court and individual judges with their expectations from the onset.

### **CSOs and ECOSOCC**

Heightened expectations from CSOs for a principled policy dialogue with the AU, aborted pre-Summit consultations in the last two Summits (Sirte and Khartoum), lack of clarity on the processes of accreditation and the very slow pace of ECOSOCC development combined to produce a highly critical letter to the AUC Chairperson by over thirty NGOs in early June. Less well known but as worrying, was the shocking decision by African Ambassadors and then Ministers in the January Summit to refuse application by the Lions Club for accreditation after the former had met all the AU criteria. This Summit seems set on the other hand to break this trend. Gambian NGOs have embarked on a bold and comprehensive set of autonomous workshops designed to follow the issues to be debated at the Summit.

Next steps for NGOs would be to press for observer status for all ECOSOCC representatives, clearer ways of securing accreditation for the Summits, establishment of the policy thematic cluster groups and engagement of Addis based Ambassadors and national capitals to raise the imagination of the role that CSOs can play for Africa. The revision of the Rules of Procedure for the PRC, Council of Ministers and Heads of States Assembly has been deferred until the next Summit. This provides an opportunity for CSOs to make submissions based on the experiences of the last three years.

### **AU Protocol on the Rights of Women in Africa**

Countries continue to ratify the Protocol with the latest being Burkina Faso and Zambia. In April, one of the two countries that had ratified the Protocol with reservations, The Gambia (the other being South Africa) lifted the reservations on Articles 5,6,7 and 14. One month later, Niger MPs on the other hand, voted not to ratify the Protocol in its entirety. SOAWR and women's rights activists need to urge a reversal of the Parliament's decision after the upcoming elections, petition the AUC to take the matter up formally and continue to press for further ratification and more importantly its domestication and implementation.

### **African Charter on Democracy, Elections and Governance**

In Congo Brazzaville, Ministers developed a revised draft of the Charter after reviewing the 2000 Lome Declaration on unconstitutional changes of Government in Africa. An important development is the expansion of the definition to include the changing of the constitution to enable the extension of terms of incumbents. In the context of the recent elections in Uganda and the contestation in Nigeria currently, this would be a considerable step forward for most of the continent. According to Ambassadorial sources, Uganda objected strongly in the Ministerial and could do so in the Summit.

### **HIV/AIDS and Social Affairs**

Extensive regional consultations led to the progressive Common Position on AIDS, tuberculosis and malaria in the review of the Abuja Declaration. The Common Position was undermined by poor coordination between national capitals, the AUC and the New York based Ambassadors who failed to use the Position as the primary negotiating document during the recently concluded UNGASS. A Social Affairs Summit is still being considered to adopt an African Social Policy based on research into social protection systems in Africa.

### **ACHRPs and AU Human Rights Defenders Award**

A 25<sup>th</sup> anniversary event will be held for the African Charter for Human and Peoples Rights on the June 30<sup>th</sup>. After an abortive attempt to launch this Award in 2005, the Nelson Mandela Human Rights Defenders Award seems set to be awarded on June 30<sup>th</sup> or July 2<sup>nd</sup> in the presence of 53 Heads of States. This award will be made alongside the Defenders of Children's Rights Award. The award is greatly contested even from within the Commission as it is argued that it would be insulting for a Human Rights Defender to be awarded for resisting state rights violations with the head of the state present. At least one nomination is fairly well known. The Kenyan National Human Rights Commission, supported by CSOs from Morocco, Ethiopia, Senegal, Kenya, Zambia and South Africa, has jointly nominated Daniel Bekele and Netsanet Dimissie from Ethiopia. See [www.civicus.org](http://www.civicus.org). Letters of solidarity can be sent to Daniel Bekele and Netsanet Dimissie c/o Kality Prison, P.O. Box 2436, Addis Ababa, Ethiopia and copied to [ethiopiasolidarity@civicus.org](mailto:ethiopiasolidarity@civicus.org)

### **AUC Financing, international relationships**

Donors fund approximately 25% of the AUC budget of US\$125 million. A raging debate is currently underway on whether to allow those countries Nigeria, South Africa among others who are willing to pay more than their subscriptions to do so. While the AU needs the resources (at least six countries have sanctioned placed against them for failure to pay their subscriptions, a further four have committed to settle their accounts), the danger is it might lead to the UN Security Council power imbalance scenario. The largest grantors to the Commission are the European Union, Denmark, Norway, Canada and Sweden. The EU will have contributed about E22 million over the three years. The US is about to take an unprecedented step of appointing a second Ambassador to Addis purely for AU affairs.

### **Other 2006-8 events to watch/plan for**

2006 July 14-17 – G8 Summit, St Petersburg  
2006 October – Africa Partnership Forum, Moscow  
2006 November - China–Africa Summit, Beijing  
2007 January Summit – Addis Ababa, Ethiopia  
2007 Development of the Second Strategic Plan  
2007 July Summit – Accra, Ghana  
2008 July Summit - Offer from Madagascar

### **Staff Changes**

Laila Gad, Incoming Head of Social Welfare Division, Directorate of Social Affairs

### **Useful websites**

[www.aubij2006.gm](http://www.aubij2006.gm) or [www.bjlausummit2006.gm](http://www.bjlausummit2006.gm).  
[www.africa-union.org](http://www.africa-union.org)  
[www.pambazuka.org/aumonitor/](http://www.pambazuka.org/aumonitor/)

**Ends.**