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**Third Ordinary Session of the Specialized Technical Committee on Justice and Legal Affairs
(Ministers Meeting)
14-15 November 2017,
Addis Ababa, Ethiopia**

**STC/Legal/Min
Original: English**

STATEMENT

BY:

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AFRICAN UNION COMMISSION

Chairperson of the Ministerial Meeting,

Members of the Bureau,

Honourable Ministers,

Ladies and Gentlemen,

On behalf of the Chairperson of the African Union Commission, H.E. Mr. Moussa Faki Mahamat, and indeed on my own behalf, it is my pleasure to welcome you to the AU Headquarters, for the Third Ordinary session of the Specialized Technical Committee (STC) on Justice and Legal Affairs.

Let me also take this opportunity to reiterate that this STC is instrumental in ensuring the harmonization of the norms, guiding principles and shared values of the African Union.

Excellencies,

Ladies and Gentlemen,

The 1st and 2nd ordinary sessions as well as the 1st extraordinary session of the STC on Justice and Legal Affairs have considered and endorsed

a total of twenty nine (29) legal instruments setting out the norms and legal obligations over a broad range of issues, including peace and security, health, values and principles of local governance. The STC has also considered and endorsed institutional texts to be adopted by the policy organs including statutes establishing the legal aid fund, Africa Centres for Disease Control, Pan African Intellectual Property Organization, Science, Research and Innovation Councils and the African Court of Justice, Human and Peoples' Rights. In addition, the STC has endorsed nine rules of procedure of STCs and other organs of the Union.

In keeping with Rule 3 (2) of the Rules of Procedure of the STC on Justice and Legal Affairs, the meeting of the Government Legal Experts took place from 6th to 11 November 2017 to prepare for the Ministerial session. The Distinguished experts considered the thirteen (13) draft legal instruments and recommended all of them for endorsement by the Ministerial session. The draft legal instruments deliberated at the Experts Meeting and which now constitute the agenda of the Ministerial meeting are as follows:

The first four items consider the Draft Rules of Procedure of the various Specialized Technical Committees (STCs) on: i) Gender and Women’s Empowerment ii) Trade, Industry and Minerals iii) Agriculture, Rural Development, Water and Environment iv) Transport, Infrastructure, Transcontinental and Interregional Infrastructures, Energy and Tourism. The deliberations emphasized on the need to harmonize the Draft Rules of Procedure of the STCs, with those of the Rules of Procedure of the Specialized Technical Committee on Justice and Legal Affairs, in order to standardize the rules for more efficiency and productivity. Upon endorsement by the Ministerial session of this STC, the Draft Rules of Procedure shall be submitted to the Executive Council for approval in accordance with Article 16 of the Constitutive Act of the African Union.

Excellencies,

Ladies and Gentlemen,

The fifth item on your agenda is the **Draft Statute of the Trust Fund for victims of Hissène Habré crimes.** The Statute seeks to establish a

fund for the reparations of victims of Hissène Habré crimes arising from the judgment of the Extraordinary African Chambers against him. The deliberations at the Experts' meeting sought to clarify the modalities of the fund, specifically, its nature, duration, governing rules and principles. The establishment of the fund is pursuant to Decision Assembly/AU/Dec.615 (XXVII), wherein the Assembly decided “that a Trust Fund on reparations for rightful victims of crimes within the jurisdiction of the African Extraordinary African Chamber shall be established under the auspices of the Union”. Further, vide EX.CL/Dec.972 (XXXI) the Executive Council at its thirty first ordinary session in July 2017 “requested the Commission to submit the Statute of the Trust Fund for victims of Hissène Habré crimes to the Specialized Technical Committee on Justice and Legal Affairs for Consideration and to present it to the Thirtieth Ordinary Session of the Assembly for adoption through the Executive Council January/February 2018.” The Draft Statute is hereby submitted for your consideration.

The sixth item on your Agenda is the **Draft Amendment to Article 5(1) of the Protocol to the African Charter on Human and Peoples'**

Rights on the Establishment of an African Court on Human and Peoples' Rights. The Draft Amendment is submitted by the African Court pursuant to Article 35 (2) that entitles it to propose amendments to the Protocol as it may deem necessary. The Draft Amendment to the Protocol is proposed to enable the African Committee on the Rights and Welfare of the Child to submit cases before the Court.

The seventh item on the agenda is the **Draft Amendment to the ECOSOCC Statute and Rules of Procedure.** The Assembly vide Decision Assembly/AU/Dec.591(XXVI) adopted at its Twenty Sixth Ordinary Session held in Addis Ababa, Ethiopia in January 2016:

8. WELCOMES and FULLY SUPPORTS the offer by Zambia to Host ECOSOCC;

9. URGES Zambia, working with the Commission, to expedite the processes regarding legal, structural and financial implications;

10. REQUESTS the Commission to undertake the appropriate evaluation mission and submit a detailed report to the next Ordinary Session of the Assembly through the Executive Council scheduled for July 2016.

Subsequently in July 2017 vide Decision Assembly/AU/Dec.642(XXIX), the Assembly “requested the Commission to work out all legal, structural and financial implications affecting the relocation of ECOSOCC to Lusaka, Zambia and submit to the PRC supplementary budget for consideration”. Therefore, the Draft Amendment is proposed to reflect the relocation of ECOSOCC with a comprehensive report related to legal, structural and financial implication will be submitted to AU policy organ for consideration in January 2017.

The eighth item on the Agenda is the **Draft Statute of the African Institute for Remittances**. The Draft Statute provides for the operations of the African Institute for Remittances, which is one of the five legacy projects pursuant to the 2012 Declaration of the Global African Diaspora Summit, subsequently endorsed in the same year by the Assembly of the Heads of State and Government of the African Union vide Decision Assembly/AU/Dec.443(XIX). The Institute is designated as a Specialized Technical Office of the African Union, hosted in Nairobi, Kenya. While the Institute became operational in October 2015, the Draft Statute is yet to be adopted by the policy organs of the Union, In this

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regard, the Draft Statute is hereby submitted to this STC for consideration and eventual adoption by the Assembly of the Union through the Executive Council.

The ninth item on the agenda is the **Draft Institutional and Regulatory Texts of the Yamoussoukro Decision**. These texts aimed at the implementation of that Decision which was adopted on 14 November 1999. This Decision is concerned with the liberalization of access to air transport markets in Africa. It is important to note that, the Single African Air Transport Market (SAATM) is one of the flagship projects of the first ten year implementation plan of Agenda 2063. The Single Market was meant to be launched in January 2017, but was pending the adoption of these Regulatory and Institutional Texts. During consideration of the Texts at the Experts' meeting, clarifications were sought as to the validation processes that had been undertaken in their development. The texts have been considered by the AU Conference of African Ministers of Transport (CAMT) and subsequently by the first Session of the STC on Transport, Intercontinental and Interregional Infrastructures, Energy and Tourism held in Lomé, Togo on 13-17 March, 2017, wherein,

they were recommended for consideration by the STC on Justice and Legal Affairs.

The tenth item on the agenda is the **Draft Protocol to the Treaty Establishing the African Economic Community relating to Free Movement of Persons, Rights of Residence and Right of Establishment and its Draft Implementation Roadmap, commonly referred to as the “Free Movement Protocol”**. The development of this Protocol came from the Assembly of Heads of State and Government of the Union. Vide Decision Assembly/AU/Dec.607 (XXVII). At the Experts’ meeting, there was spirited debate on the modalities for the implementation of the Draft Protocol and its legal nature. The Experts agreed to annex the implementation road map as guidance. The Draft Protocol is hereby submitted for the consideration of the Ministerial Meeting before submission to the Assembly through the Executive Council.

The eleventh item on the agenda is the **Draft African Union Model Law for the implementation of the African Union Convention for the**

Protection of and Assistance to Internally Displaced Persons in Africa (Kampala Convention). The Draft Model Law was developed by the African Union Commission on International Law in line with its mandate to facilitate the codification and progressive development of international law. During its consideration at the Experts' meeting, it was observed that although the Draft Model Law had been validated through the procedures established by the Statute of the African Union Commission on International Law, the Draft could have benefitted from greater feedback by Member States. However, since Model Laws are developed to assist member states in the implementation of a binding legal instrument, the Experts' meeting recommended the Draft Model law for consideration by the Ministerial Meeting and onward transmission to the policy organs for adoption.

The twelfth item on the agenda is the **Draft Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disability in Africa** which was submitted by the STC on Social Development, Labor and Employment. The Expert's meeting considered the Draft Protocol proposing amendments to strengthen all the

provisions. The Draft Protocol is hereby submitted for the consideration of this Ministerial meeting.

The last item on the agenda is **the Draft Statute of the African Space Agency**. The Draft Statute provides modalities for the operationalization of the African Space Agency. The Draft Statute was considered and recommended for endorsement by the STC on Education, Science and Technology. The Experts' meeting deliberated on the nature and governance of the African Space Agency and prepared it for your consideration and adoption.

Excellencies

Ladies and Gentlemen,

The task before us is to consider the foregoing draft legal instruments and to endorse texts that are aligned with the objects, principles and values of the Union. These texts shall be harmonized in all official languages of the Union.

As I have just assumed my responsibility as the Legal Counsel last week, I would like to seize this opportunity to thank the team at the office, especially my Deputy Ms. Gaspar Constanca and appreciate all their efforts in preparing for this STC.

Having said that, I am confident that this STC will have successful deliberations and the Commission represented by the Office of the Legal Counsel remain at your disposition to assist in facilitating the work of this Committee.

Thank you Mr. Chair