



**Statement by H. E. Dr. Monique Nsanzabaganwa
Deputy Chairperson of the African Union Commission
representing H. E. Moussa Faki Mahamat, Chairperson of the
African Union Commission**

**Delivered at the Retreat between African Court and the Permanent
Representatives Committee of the African Union**

Arusha, Tanzania

10th March 2022

- **His Excellency, Severin Maxime Quenum, Keeper of Seals, Minister of Justice and Legislation of the Republic of Benin;**
- **His Excellency Ambassador Mbarouk Nassor Mbarouk, Deputy Minister of Foreign Affairs and East African Cooperation of the United Republic of Tanzania;**
- **Honourable Lady Justice Imani Daud Aboud, President of the African Court on Human and Peoples' Rights;**
- **His Excellency Ambassador Mohamed Lamine Thiaw, the Ambassador of the Republic of Senegal to Ethiopia and the Chairperson of the Permanent Representatives' Committee of the African Union (the PRC)**
- **Excellencies Members of the PRC**
- **Distinguished guests and participants**
- **Ladies and Gentlemen**

1. I am deeply honoured to have been invited to this retreat and represent the Chairperson of the AUC, H. E. Mr. Moussa Faki Mahamat, and deliver a statement on his behalf. Let me start by expressing my deep appreciation to my sister, the President of the Court and to the Court as a whole for associating me and the African Union Commission in this joint retreat with the PRC.

2. The theme of the retreat is '*15 Years of the African Court: looking backwards to move forward*'. Looking back requires us to look at where we have come from, why this Court was established and the contributions it has made over the past 15 years. Looking forward gives

us the opportunity to ask ourselves the kind of Court we desire that will pilot us to the Africa we want.

Excellencies,

Ladies and Gentlemen

3. Aspiration 3 of Agenda 2063, which talks of an Africa of good governance, human rights and the rule of law, is very crucial to the realization of all the other aspirations in the agenda. Given the intrinsic relationship between human rights, integration, peace and development, the role of the judiciary, and in particular, the African Court in this case, is extremely important. An independent judiciary aligned with the principles and values enshrined in the African Union Constitutive Act, is indispensable for the socio-economic and political development of our Union.
4. This retreat is taking place at a time where the African Union is undergoing institutional and organisational reform. Part of it will be the calibration of the mandate, role and responsibilities of the Court in a wider judiciary and quasi judiciary architecture of our continent. I believe today and tomorrow's discussions will contribute to enhancing an understanding of the baseline as we move forward with the intended reform.
5. The Court is celebrating its 15 years of existence, which is not a long time for an institution to have fully matured and stabilised, but still is

long enough to assess a number of things. I suggest to you the following eight:

- i. How effectively and diligently has the Court delivered on its mandate?
 - ii. What governance structures, methods and standard operating procedures are in place to guarantee a judicious, transparent and fair Court process?
 - iii. What mechanisms are or should be in place to enforce the Court decisions?
 - iv. Why do we still count States that have not yet ratified the Protocol that they initially welcomed with much enthusiasm?
 - v. What explains the fact that States that voluntarily deposited the declaration now see the need to withdraw?
 - vi. Is the Court, adequately supported by States in terms of the necessary human and financial resources to allow the Court to discharge its functions effectively and efficiently?
 - vii. How has the Court exercised stewardship of the human and financial resources and what should improve to ensure clean audit reports?
 - viii. How to enhance the collaboration between the Court, Member States and other relevant bodies of our Union?
6. These are some of the questions that we must ask ourselves and provide answers to if really we want to look back to move forward. This retreat provides us with an opportunity to engage in frank and

constructive discussion on these challenges. As we look back at the past 15 years of the African Court, we must draw the important lessons that should help us move forward.

I wish you all fruitful discussions and look forward to the outcomes of this retreat.

I thank you