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Presentations on matters related to the African Ministerial Conference on the Environment process: operationalization of the specialized technical committees of the African Union and its implications for the African Ministerial Conference on the Environment

Operationalization of the specialized technical committees of the African Union and its implications for the African Ministerial Conference on the Environment

Note by the secretariat**I. Introduction**

1. The African Ministerial Conference on the Environment was established in December 1985, following a conference of African ministers of environment held in Cairo, in order to promote regional cooperation in addressing environmental issues that were confronting the region. In 1997, the Conference adopted its first Constitution and thus formalized its existence as the permanent African ministerial authority on the environment and sustainable development. The African Ministerial Conference on the Environment was established and operates under a constitution that governs the interaction, discourse and cooperation of member States and their partners on issues that affect the environment. The United Nations Environment Programme (UNEP), through its Regional Office for Africa, has served as the secretariat of the Conference since its inception.

2. Over the years, the African Ministerial Conference on the Environment has demonstrated unquestioned leadership in advancing African causes and interests in environmental and sustainable development matters. It has also implemented many concrete measures with regard to regional policy development, awareness-raising, advocacy, coordination, networking, knowledge management and dissemination, and training. Through its strong convening power, it has brought together African Governments and institutions and their development partners to deliberate and craft common positions on important issues for regional, international and global consideration.

3. There is no doubt that the existence of the African Ministerial Conference on the Environment and its varied activities have had a positive impact on efforts to strengthen environmental management in Africa. The work of the Conference has also contributed significantly to the heightened policy responses of African Governments and the international community to Africa's environmental and sustainable development opportunities and challenges.

II. Background

4. Both the 1991 Treaty Establishing the African Economic Community (known as the Abuja Treaty) of the Organization of African Unity and the 2000 Constitutive Act of the African Union provide for the establishment of specialized technical committees as one of the organs of the African Union. Each committee is to be composed of African ministers with portfolios in that particular field.

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5. Initially, seven committees were established by the Constitutive Act. In 2009, however, by its decision Assembly/AU/Dec.227 (XII), the Assembly of the African Union set their number at 14. Environmental and sustainable development issues were to be covered by the Committee of Agriculture, Rural Development, Water and Environment, with the Committee comprising ministers of agriculture (including livestock, fisheries and aquaculture), rural development (including land, pastoralism and rural infrastructure), water and the environment (including climate change, biodiversity, desertification, forests and disaster risk management).

III. Recent developments

6. The African Ministerial Conference on the Environment took it upon itself to examine the implications of decision Assembly/AU/Dec.227 (XII) and initiated action to align itself with the new orientation. Following the adoption of the decision, the President, Bureau and secretariat of the Conference, separately and on different occasions, engaged the African Union Commission in dialogue regarding the modalities of its implementation. A review of the constitution of the Conference was also initiated to better position the Conference to respond to the new imperatives of the African Union. However, this exercise has been put on hold until the status of the Conference has been made clear within the structure of the African Union.

7. In July 2011, by its decision Assembly/AU/Dec.365 (XVII), the African Union Assembly requested the African Union Commission to operationalize the specialized technical committees from January 2013 and that thereafter the sectoral ministerial conferences be abolished, with environmental matters continuing to be the responsibility of the African Ministerial Conference on the Environment functioning as a subcommittee of the specialized technical committee on agriculture, rural development, water and the environment.

8. In 2012, the secretariat of the African Ministerial Conference on the Environment engaged the services of a consultant to prepare a working paper on proposals for positioning the Conference in the reformed institutional structure of the African Union. That paper, which was circulated as a background document at the fourteenth session of the Conference in Arusha, United Republic of Tanzania, in September 2012, identified and reviewed institutional options and recommendations on how the Conference might integrate itself into the institutional structures of the African Union, especially in the context of the specialized technical committee on agriculture, rural development, water and the environment.

9. At its fourteenth session, the African Ministerial Conference on the Environment deliberated on this issue and adopted decision 14/6, in which ministers requested the Assembly of the African Union at its next session to reconsider the decision to abolish the sectoral ministerial conferences, specifically the African Ministerial Conference on the Environment.

10. In the decision, ministers also requested the Assembly of the African Union, given the high importance of the environment to the sustainable development of Africa and its cross-cutting nature as well as its varied composition, which includes the areas of disaster risk reduction, meteorology, climate change, forestry, biodiversity, desertification and water, to authorize the African Ministerial Conference on the Environment to function in its current form pending the determination of modalities that would define its future direction.

11. Furthermore, in the Arusha Declaration on Africa's post Rio+20 strategy for sustainable development, ministers invited the Assembly of the African Union to reconsider the decision to abolish sectoral ministerial conferences, including the African Ministerial Conference on the Environment, to allow for further consultations and to request the establishment of a specialized technical committee on the environment, given the increasing importance of the environmental dimension in sustainable development in Africa and the world. It is worth noting that the declaration and decision 14/6, among others, were endorsed by the Executive Council of the African Union in January 2013.

12. An African consultative meeting in preparation for the first session of the United Nations Environment Assembly of UNEP was held in Nairobi on 21 and 22 June 2014. The main objective of the meeting was to develop a common understanding of how Africa should approach and engage in the first session and also to help delegates to have a common understanding of the key issues on its agenda. During the discussions, the importance of the work and contribution of the regional ministerial forums, including the African Ministerial Conference on the Environment, to the work of the Environment Assembly was stressed. Participants noted with great concern the decision of the African Union to operationalize specialized technical committees and subsequently abolish ministerial conferences, including the African Ministerial Conference on the Environment.

13. By its decision Assembly/AU/Dec.526 (XXIII), adopted in Malabo in June 2014, the African Union Assembly decided that, given the importance of the ongoing global consultations on the issue of environment and taking into account the need to defend the interests of Africa, the Conference be allowed to pursue the negotiations with concerned partners until they are concluded. Furthermore, in its decision EX.CL/Dec.834 (XXV), the Executive Council of the African Union requested the Commission to continue consultations with the African Ministerial Conference on the Environment in view of the critical role of the issue of the environment in African Union institutions (see AMCEN/15/REF/2).

IV. Conclusion

14. The long-term status of the African Ministerial Conference on the Environment still needs to be clarified. Further examination of the implications of the dissolution of ministerial conferences is required – in this case as regards the African Ministerial Conference on the Environment, the impacts on ongoing work and the consideration of the interests of all stakeholders.

15. The functions of the specialized technical committees include preparing projects and programmes of the African Union and submitting them to the executive council, ensuring supervision, follow-up and the evaluation of the implementation of decisions taken by the organs of the African Union and the coordination and harmonization of projects and programmes of the African Union. The African Ministerial Conference on the Environment is a ministerial forum bringing together ministers for policymaking. The African Ministerial Conference on the Environment was created to promote the harmonization and coordination of African environment and sustainable development programme policies in collaboration with Governments and non-governmental organizations, international organizations, the private sector and civil society. How then does the African Ministerial Conference on the Environment fit into or become a specialized technical committee?

16. As recently as the twentieth session of the African Union summit, held in January 2013, Heads of State endorsed the coordination function of the Committee of African Heads of State and Government on Climate Change (CAHOSCC), according to which coordination will rotate every two years, the country that is to host the presidency of the Conference will serve as coordinator at the summit level to enhance linkage between the processes of the Conference to CAHOSCC, and the president of the Conference will serve as coordinator at the ministerial level. How should the African Ministerial Conference on the Environment position itself to continue handling global climate change matters beyond 2015 negotiations?

17. The specialized technical committee that handles environment will also bring together many other sectors. It is envisaged that this specialized technical committee will include ministers of agriculture (including livestock, fisheries and aquaculture), rural development (including land, pastoralism and rural infrastructure), water and the environment (including climate change, biodiversity, desertification, forests and disaster risk management). How will the African Ministerial Conference on the Environment continue to function effectively while pursuing global negotiations and consultations on the issue of environment?