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**EXECUTIVE COUNCIL**  
**Forty-fourth Ordinary Session**  
**15 January - 15 February 2024**  
**Addis Ababa, ETHIOPIA**

**EX.CL/1475(XLIV)**  
Original: English

**REPORT OF THE 8<sup>TH</sup> EXTRAORDINARY AND 9<sup>TH</sup> ORDINARY  
SESSIONS OF THE STC ON JUSTICE AND LEGAL AFFAIRS**

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**Eighth (8<sup>th</sup>) Extraordinary Session of the Specialized Technical Committee  
on Justice and Legal Affairs (Ministerial Meeting)  
18-19 December 2023  
Hybrid: Addis Ababa, Ethiopia; Video Conference**

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

## **REPORT**

## **I. INTRODUCTION**

1. Pursuant to the Rules of Procedure of the Specialized Technical Committee on Justice and Legal Affairs (STC-JLA), and following Executive Council Decision EX.CL/DEC. 1190 (XLII) adopted during its 42<sup>nd</sup> Ordinary Session in February 2023, in Addis Ababa, Ethiopia, the African Union Commission, in consultation with the Bureau of the STC-JLA, convened the 8<sup>th</sup> Extraordinary Ministerial Session of the STC-JLA from 18 to 19 December 2023, in a hybrid format, to consider the Draft Protocol to the African Charter on Human and Peoples' Rights Relating to the Specific Aspects of the Right to a Nationality and the Eradication of Statelessness in Africa (Draft Protocol). The Ministerial Session was preceded and prepared by a Meeting of Government Legal Experts which took place from 11 to 13 December 2023.
2. The STC-JLA comprises Ministers of Justice and Attorneys General or Keepers of the Seals, Ministers responsible for Human Rights, Constitutionalism and the Rule of Law or such other Ministers or authorities duly accredited by the Governments of Member States.

## **II. ATTENDANCE**

3. The following thirty-seven (37) Member States were in attendance:

**Algeria, Angola, Benin, Botswana, Burundi, Cameroon, Central African Republic, Comoros, Côte d'Ivoire, Democratic Republic of Congo, Djibouti, Egypt, Eritrea, Eswatini, Ethiopia, The Gambia, Ghana, Lesotho, Libya, Madagascar, Mauritania, Mauritius, The Kingdom of Morocco, Mozambique, Namibia, Nigeria, Rwanda, Sahrawi Arab Democratic Republic (SADR), Senegal, Somalia, South Africa, South Sudan, Togo, Uganda, United Republic of Tanzania, Zambia and Zimbabwe.**

4. The Meeting was also attended by the following organs and institutions: African Union Commission; and African Commission on Human and Peoples' Rights.

## **III. OPENING OF THE MEETING**

### **i. Statement by the Acting Legal Counsel of the African Union**

5. Amb. Mohamed Salem Khalil Boukhari, Acting Legal Counsel of the African Union, opened the 8<sup>th</sup> Extraordinary Session of the STC-JLA by welcoming Ministers, Attorneys General, and all other participants. He praised the Government Legal Experts for their effective consensus-building in the lead-up to the Ministerial Session.
6. The Acting Legal Counsel underscored the importance of the Draft Protocol as a symbol of hope for those in Africa seeking recognized citizenship rights. He noted the consensus among Experts on most provisions, save Article 22 on Interpretation, which was bracketed for ministerial consideration. Additionally, he drew the Ministers' attention to discussions on the use of the

term "*automatically*" in Article 15(5) on Deprivation of Nationality which he noted had not been bracketed but brought to their attention for informational purposes.

7. In closing, the Acting Legal Counsel expressed appreciation for the dedication of the Ministers and all delegations. He urged continued diligence in deliberations, underscoring the moral weight of their decisions in shaping the future of citizenship and statelessness in Africa.

#### **ii. Statement by the Chairperson of the STC-JLA**

8. Amb. Dr. Pindi Hazara Chana, Minister for Constitutional and Legal Affairs of the United Republic of Tanzania, officially opened the 8<sup>th</sup> Ministerial Extraordinary Session of the STC-JLA. In her opening remarks, she acknowledged the challenges overcome to host the Session, particularly budgetary constraints and commended the OLC and experts for their diligent preparation for the Meeting.
9. She recalled Executive Council decision Ex.CL/DEC 1190 (XLII) of February 2023 and Rule 12 of the STC-JLA's Rules of Procedure, which she noted form the legal foundation for the convening of the Extraordinary Session. She praised the critical role of the 8<sup>th</sup> Extraordinary Session of Government Legal Experts in setting the stage for the ministerial discussions.
10. Focusing on the Ministers' responsibilities, she emphasized the need for a thorough legal review of the Draft Protocol. She highlighted the importance of aligning the Draft Protocol's text with existing legal instruments and adopting a unified African viewpoint, particularly addressing the issue of statelessness, which she noted significantly impacts women and children.
11. In her closing, the Chairperson stressed the necessity for consensus and collaboration among Member States, underscoring the Meeting's legal and moral implications for Africa's socio-economic progress and governance. She thanked the Government of the Federal Democratic Republic of Ethiopia for its hospitality and officially opened the Meeting.

#### **IV. CONSIDERATION AND ADOPTION OF THE AGENDA**

12. The Meeting adopted its agenda as follows:
  1. Consideration and Adoption of the Draft Agenda
  2. Opening Ceremony
  3. Organization of Work
  4. Consideration of the Report of the meeting of Government Legal Experts
  5. Consideration of the Draft Protocol to the African Charter on Human and Peoples' Rights relating to the Specific Aspects of the Right to a Nationality and the Eradication of Statelessness in Africa
  6. Any Other Business

7. Adoption of Draft Report and Draft Legal Instrument
8. Closing Ceremony

**V. ORGANIZATION OF WORK**

13. The Session adopted its program of work.
14. The Meeting agreed to concentrate on issues bracketed for ministerial consideration, as all other matters had been resolved by the Experts during their Session.

**VI. CONSIDERATION OF THE REPORT OF THE MEETING OF GOVERNMENT LEGAL EXPERTS**

***i. Report of the Chairperson of the Meeting of the Government Legal Experts***

15. The Chairperson of the STC-JLA, Experts' Session, Mr. Abdulrahman Msham, Director of Public Legal Services at the Ministry of Constitutional and Legal Affairs of the United Republic of Tanzania, presented the Report of the Meeting of Government Legal Experts of the 8<sup>th</sup> Extraordinary Session held from 11 to 13 December 2023.
16. He recalled that prior to convening the Meeting, the OLC, pursuant to the directives of the 8<sup>th</sup> Ordinary Session of the STC-JLA, adopted in December 2022, circulated the Draft Protocol for Member States' comments to facilitate discussions thereof. He reported that thirteen (13) Member States submitted written comments on the Draft Protocol to the OLC, namely, Algeria, Burkina Faso, Burundi, Central African Republic, DRC, Egypt, Ethiopia, Ghana, Libya, Morocco, Mozambique, Niger, and Rwanda. He informed the Ministers that the Experts' Session adopted a focused methodology, primarily assessing comments from Member States, with additional inputs considered only when crucial for enhancing the Draft Protocol.
17. He reported that the Experts reached consensus on all provisions of the Draft Protocol, except Article 22 on Interpretation while certain Member States entered reservations on some provisions. The said reservations and the bracketed provision were detailed as follows:
  - i. On Article 1 regarding definition of "*Nationality*", he reported that the Meeting decided to retain the definition in the Draft Protocol, despite proposals to align it with the definition employed in the ICJ's *Nottebohm* case. He noted that the Arab Republic of Egypt registered reservations, asserting the adopted definition differed from that agreed upon during the Experts' deliberations.
  - ii. On Article 3 regarding general principles, he reported that the Experts did not agree to a proposal to add the phrase "*...according to the national*

*laws of the contracting party"* at the end of the paragraph, to which Egypt recorded reservations.

- iii. On Article 5 regarding attribution of nationality, he reported that despite suggestions to merge subparagraphs 5(1) (c) and (d), the Experts maintained the original structure with some minor textual modifications to address specific statelessness issues in Africa to which Egypt entered a reservation. He also noted that Ethiopia raised reservations on Article 5(1) (b)(ii) of the Draft Protocol on the ground that it would be impractical to grant nationality to a child born abroad and currently not on its territory.
  - iv. On Article 9 regarding marriage, he reported that Egypt expressed reservations due to potential contradictions with national laws and security implications, but the majority agreed to retain the Article in its current formulation.
  - v. On Article 22 regarding Interpretation, he noted that the Experts were unable reach consensus, leading to its bracketing for ministerial consideration. He recalled that the various viewpoints included suggestions to harmonize with other protocols, minor alterations, or outright deletion.
18. The Chairperson concluded the report by assuring the Ministers that all other provisions were unanimously agreed upon, emphasizing the thoroughness of the Experts' deliberations and the importance of these considerations for the Ministers.

***ii. Information Note by the Acting Legal Counsel of the African Union***

19. The Acting Legal Counsel, Amb Mohamed Salem supplemented the discussion, outlining the various proposals emanating from the Meeting of Government Legal Experts concerning Article 22. He recalled the following proposals:
- a. amending the article to reflect concerns about extending the African Court on Human and Peoples' Rights (African Court) jurisdiction to non-state parties;
  - b. aligning language with other Protocols to the African Charter on Human and Peoples' Rights such as the Protocol on the Rights of Women in Africa;
  - c. deleting reference to Article 5 of the Protocol establishing the African Court; or
  - d. deleting the Article in its entirety, given that the African Charter on Human and Peoples' Rights and the Court's Protocol already conferred interpretative jurisdiction over Human Rights instruments to the African Commission on Human and Peoples' Rights (ACHPR) and the African Court.

**VII. CONSIDERATION OF THE DRAFT PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS RELATING TO THE SPECIFIC ASPECTS OF THE RIGHT TO A NATIONALITY AND THE ERADICATION OF STATELESSNESS IN AFRICA**

20. The Meeting, informed by the Report of the Chairperson of the Meeting of Government Legal Experts and the Acting Legal Counsel's informational note, deliberated on Article 22 of the Draft Protocol on Interpretation.
21. Member States intervened to emphasize the importance of balancing national laws with international human rights standards in the Draft Protocol to avoid the low levels of ratification currently affecting similar Protocols. Additional concerns were raised regarding the implications of extending the Court's jurisdiction to non-state parties to the Court's Protocol or those that have not made an Article 34(6) declaration.
22. Specific discussions on Article 22 revolved around the competencies of the ACHPR, deliberating whether the current formulation of the Article extended its jurisdiction.
23. A significant focus was also on clarifying jurisdiction in the event both the ACHPR and the AfCHPR are conferred concurrent jurisdiction, to prevent conflicting interpretations. It was explained the two (2) had complimentary mandate, in accordance with Article 45 of the African Charter and Article 3 of the Court's Protocol. It was also noted that Article 2 of the Court's Protocol provides for complementarity between the two organs.
24. Concerns were also raised that while the title of the Article was "*interpretation*" its content includes hearing of communications, including by individuals and NGOs with observer status, as provided for in Article 5(3) of the Court's Protocol. It was proposed therefore to delete reference to Article 5 of the Court's Protocol to limit the access to State Parties.
25. Based on the deliberations, suggestions included deleting Article 22 in its entirety due to redundancy or retaining it for clarity in interpretation and alignment with other similarly situated Protocols and international practices. Ultimately, the consensus was that the current formulation of Article 22 was not suitable, yet a complete deletion was not favoured due to the need for harmonization and the necessity for an interpretative mechanism.
26. After deliberations, the Meeting adopted the following formulation proposed by the Acting Legal Counsel and amended by Egypt as follows: "***The African Commission on Human and Peoples' Rights and where applicable, the African Court on Human and Peoples' Rights shall be seized with matters submitted by State Parties concerning Interpretation arising from the application or implementation of this Protocol.***"

**VIII. ANY OTHER BUSINESS**

27. The Libyan delegation declared that while it does not have stateless individuals within its borders, some are workers or migrants who receive protection under international law. It was noted that various provisions of the Draft Protocol conflict with Libyan laws, particularly concerning adoption. Accordingly, Libya stated that due to discrepancies between the Protocol's provisions on nationality and Libyan nationality laws, it would not be able to adopt nor adhere to the Protocol's stipulations.

## **IX. ADOPTION OF DRAFT REPORT AND DRAFT LEGAL INSTRUMENT**

28. Finally, the Meeting adopted its Report and recommended the Draft Protocol to the African Charter on Human and Peoples' Rights relating to the Specific Aspects of the Right to a Nationality and the Eradication of Statelessness in Africa to the Executive Council for consideration.

## **X. CLOSING CEREMONY**

### **i. Statement by the Acting Legal Counsel of the African Union**

29. In his closing statement, Amb. Mohamed Salem Khalil Boukhari, Acting Legal Counsel of the African Union, extended his gratitude to the Chairperson of the STC-JLA, Ministers, delegates and all present for their participation. He extended special thanks to H.E. Amb. Minata Samate Cessouma, Commissioner for Health, Humanitarian Affairs and Social Development of the African Union Commission, acknowledging the significant role she played as one of the Champions of the Draft Protocol.
30. He commended the extensive and thoughtful deliberations over the Draft Protocol, emphasizing its importance in addressing the right to nationality and the eradication of statelessness in Africa. He also highlighted the depth of the dialogue and the diverse perspectives that enriched the discussions, noting that it demonstrated the Session's commitment to a balanced and human-centered approach.
31. He expressed deep appreciation to all Ministers, Experts of the STC-JLA, delegates, and colleagues for their contributions. He extended a special thanks to the Department of Health, Humanitarian Affairs and Social Development for their invaluable input and assistance. Special appreciation was directed towards his colleagues at the OLC, whom, he noted, sacrificed their time to ensure the success of the Session and ensure the OLC commitment to serve better the STC-JLA.
32. In closing, the Acting Legal Counsel emphasized that the adoption of the Draft Protocol marks the beginning of its implementation, with the aim of translating its principles into tangible actions for the benefit of the people. He reaffirmed his commitment to supporting and facilitating efforts to strengthen legal frameworks and human rights instruments in Africa. He urged continued collaboration towards a future where Africans enjoys a full spectrum of rights and freedoms, based on justice, equality, and human dignity.



**ii. Statement by the Commissioner for Health, Humanitarian Affairs and Social Development of the African Union Commission**

33. H.E. Amb. Minata Samate Cessouma, Commissioner for Health, Humanitarian Affairs and Social Development of the African Union Commission, expressed her gratitude to both the Chairperson of the STC-JLA and the Bureau for their exceptional work and acknowledged the Experts of the STC-JLA for their significant contributions.
34. She highlighted the plight of Africans deprived of citizenship for various reasons, including the balkanization of Africa, underscoring that nationality is a fundamental human right. She emphasized that all Africans should have this right guaranteed by Member States, along with associated benefits, such as health and education.
35. She reflected on her journey since joining the AUC in 2017, noting the ongoing efforts regarding the Draft Protocol and expressing satisfaction with the progress made towards its adoption which she described as the “birth of a beautiful baby”. She acknowledged the commitment of various actors, experts, the OLC, partners, and others who dedicated years to the development of the Draft Protocol. She specifically mentioned the ACHPR, highlighting Hon. Maya Sahli-Fadel, former Commissioner of the ACHPR, and other ACHPR members for their role in bringing the Draft Protocol to life. She also acknowledged the support from the United Nations and the Open Society Foundation Africa for their contributions to the Draft Protocol's development.
36. In closing, she thanked the Member States for their assistance in achieving this positive outcome and expressed hope that Ministers at the Executive Council and AU Assembly would accordingly adopt the Draft Protocol. She emphasized the importance of securing the fifteen (15) ratifications following adoption, which would be a cause for celebration, followed by efforts towards domestication.

**iii. Statement by the Chairperson of the STC-JLA**

37. The Chairperson of the STC-JLA, Amb. Dr. Pindi Hazara Chana, Minister for Constitutional and Legal Affairs of the United Republic of Tanzania delivered the closing remarks. She acknowledged the support and cooperation of all delegations, emphasizing the commendable roles played by the Bureau of the STC-JLA and the Experts, as well as the dedication of the OLC and respective Secretariats throughout the Session. Special thanks were extended to the ICT team and interpreters for their crucial role in ensuring smooth communication among participants.
38. She recognized the significant efforts of the Government Legal Experts in reviewing the Draft Protocol. She also applauded the Ministers for their unwavering dedication during the two-day deliberations of both the Extraordinary and Ordinary Sessions, noting the achievement of consensus despite differences in views. She confirmed the Ministers' readiness to submit the adopted Draft Protocol to the Executive Council and the AU Assembly.

39. the Chairperson of the STC-JLA urged the OLC to implement the accreditation process of all delegates in STC Meetings at Experts and Ministerial Level in accordance with the STC Rules of Procedures before participating in STC-JLA sessions.
40. In closing, she wished safe travels to departing members and success for those remaining in their ongoing duties, and officially declared the 8<sup>th</sup> Extraordinary Session closed in line with the STC-JLA Rules of Procedure.

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**Ninth (9<sup>th</sup>) Ordinary Session of the Specialized Technical Committee on  
Justice  
and Legal Affairs (Ministerial Meeting)  
18-19 December 2023  
Hybrid: Addis Ababa, Ethiopia; Video Conference**

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

## **REPORT**

## **I. INTRODUCTION**

1. Pursuant to the Rules of Procedure of the Specialized Technical Committee on Justice and Legal Affairs (STC-JLA), the African Union Commission, in consultation with the Bureau of the STC-JLA, convened the 9<sup>th</sup> Ordinary Ministerial Session of the STC-JLA from 18 to 19 December 2023, in a hybrid format, to consider various draft legal instruments and matters. The Ministerial Session was preceded and prepared by a meeting of Government Legal Experts which took place from 14 to 16 December 2023.
2. The STC-JLA comprises Ministers of Justice and Attorneys General or Keepers of the Seals, Ministers responsible for Human Rights, Constitutionalism and the Rule of Law or such other Ministers or authorities duly accredited by the Governments of Member States

## **II. ATTENDANCE**

3. The following thirty-seven (37) Member States were in attendance:

**Algeria, Angola, Benin, Botswana, Burundi, Cameroon, Central African Republic, Comoros, Côte d'Ivoire, Democratic Republic of Congo, Djibouti, Egypt, Eritrea, Eswatini, Ethiopia, The Gambia, Ghana, Lesotho, Libya, Madagascar, Mauritania, Mauritius, The Kingdom of Morocco, Mozambique, Namibia, Nigeria, Rwanda, Sahrawi Arab Democratic Republic (SADR), Senegal, Somalia, South Africa, South Sudan, Togo, Uganda, United Republic of Tanzania, Zambia and Zimbabwe.**

4. The Meeting was also attended by the following organs and institutions: African Union Commission; African Commission on Human and Peoples' Rights; African Union Advisory Board against Corruption; and the African Union Administrative Tribunal.

## **III. OPENING OF THE MEETING**

### **iii. Statement by the Acting Legal Counsel of the African Union**

5. The Acting Legal Counsel of the African Union, Amb. Mohamed Salem Khalil Boukhari, welcomed the Honourable Ministers, Attorneys General, delegates, and all participants to the 9<sup>th</sup> Ordinary Session of the STC-JLA.
6. He enumerated the agenda items and highlighted the significance of the Draft Revised Statute in modernizing the African Union Administrative Tribunal and aligning it with the evolving needs of the African Union. Additionally, he drew attention to the proposed amendment of Article 22(4) of the African Union Convention on Preventing and Combatting Corruption, aimed at enhancing the effectiveness of the African Union Advisory Board Against Corruption by extending the term of its members.

7. He also underlined the critical importance of the OLC's advocacy for ratifying the Protocol on the Statute of the African Court of Justice and Human Rights and the Protocol on Amendments to the Protocol on the Statute of the African Court of Justice and Human Rights, emphasizing the need for further efforts towards securing the threshold ratifications for their entry into force.
8. He concluded by expressing his gratitude for the participants' dedication and expertise and stressed the significant impact of their decisions on human rights, governance, and anti-corruption efforts across Africa.

#### **iv. Statement of the Chairperson of the STC-JLA**

9. The Meeting was opened by the Chairperson of the STC-JLA, Amb. Dr. Pindi Hazara Chana, Minister for Constitutional and Legal Affairs of the United Republic of Tanzania. She extended her gratitude to the OLC for organizing the Session despite budgetary constraints.
10. The Chairperson acknowledged the preparatory work of the Government Legal Experts from 14 to 16 December 2023, listing the draft legal instruments considered thereof.
11. She implored Hon. Ministers to be mindful of their duty to take note of the Experts' Report and to consider the draft legal instruments while ensuring textual alignment with existing legal instruments.
12. She encouraged delegates to maintain a balanced perspective during discussions, taking into consideration both the legal and moral implications of their decisions and being mindful of the impact of their decisions on the African Continent.
13. She commended the prevailing cordial relationship among Member States and urged them to strive for consensus in their deliberations towards strengthening their respective economies, the rule of law and improve governance issues for sustainable socio-economic development and wellbeing for African peoples.
14. The Chair concluded her remarks by wishing all delegates fruitful deliberation and declared the Ministerial Session of the 9<sup>th</sup> Ordinary Session of STC- JLA officially open.

## **II. CONSIDERATION AND ADOPTION OF THE AGENDA**

15. The Meeting adopted its agenda as follows:
  1. Consideration and Adoption of the Draft Agenda
  2. Opening Ceremony

3. Organization of Work
4. Consideration of the Report of the meeting of Government Legal Experts
5. Consideration of the draft legal instruments:
  - i. *Proposed amendment of Article 22(4) of the African Union Convention on Preventing and Combating Corruption*
  - ii. *Draft Revised Statute of the African Union Administrative Tribunal*
  - iii. *Status on African Union Judicial Organs and Way Forward*
6. Any other Business
7. Adoption of Draft Report and Draft Legal Instruments
8. Closing Ceremony

### **III. ORGANIZATION OF WORK**

16. The Session adopted its program of work.

### **IV. CONSIDERATION OF THE REPORT OF THE MEETING OF GOVERNMENT LEGAL EXPERTS**

17. Mr. Abdulrahman Msham, Director of Public Legal Services at the Ministry of Constitutional and Legal Affairs of the United Republic of Tanzania, presented the Report of the Meeting of the Government Legal Experts which was held from 14 to 16 December 2023.
18. He enumerated the four (4) draft legal instruments listed on the provisional agenda and noted the removal of the draft AU Policy on Business and Human Rights which was not considered due to incomplete validation processes.
19. He reported that the Kingdom of Morocco had proposed an addition to the provisional agenda, to include the "*Memorandum of Understanding between the African Union and Regional Economic Communities/Regional Mechanisms on the African Standby Force*" under agenda item number 4 "*Consideration of draft legal instruments*". He reported further that following deliberations, the Experts agreed that the proposed agenda item would not be included for the following reasons:
  - i. it was submitted in contravention of Rule 10(2) of the RoPs of the STC-JLA which requires working documents to be submitted thirty (30) days before the opening of the Session; and
  - ii. it had been considered and adopted by the Executive Council, which in turn had submitted it to the Assembly for consideration and adoption and was thus currently beyond the mandate of the STC-JLA.
20. The Chairperson reported that the Draft Revised Statute did not raise any controversies and had been adopted by the Experts with amendments. He also noted that the proposed amendment of Article 22(4) of the African Union

- Convention on Preventing and Combating Corruption had been adopted with amendments by extending the term of office of the Members of the Board to three (3) years renewable once as opposed to six-years.
21. He concluded by presenting the Status of AU Judicial bodies. He informed the Session that the Experts took note of the Report, requesting OLC to continue advocating for the ratification of outstanding Protocols related to the AU Judicial bodies with a view to securing the required threshold for their entry into force.
  22. During the ensuing deliberations, there was a proposal to include the "*Memorandum of Understanding between the African Union and Regional Economic Communities/Regional Mechanisms on the African Standby Force*" under agenda item number 4 "*Consideration of draft legal instruments*".
  23. It was submitted that the MoU should be included on the agenda. The following reasons were submitted in furtherance of the said proposal:
    - i. The MoU is a legal instrument of strategic importance to the Continent, falling within the mandate of the STC-JLA; and
    - ii. Executive Council Decision EX.CL/Dec.1220 (XLIII) had recommended its consideration and adoption by the Assembly subject to its consideration by the STC-JLA and relevant PRC Sub-Committees for legal, structural and financial validation, respectively.
  24. Other delegations were of the view that the Session had already adopted its agenda and its inclusion during consideration of the Experts' Report would not be procedural. It was observed that the MoU had been deliberated extensively by the STC on Defence, Safety and Security, as well as by the level of the Executive Council. It was also noted that the MoU is before the Assembly and was thus beyond the mandate of the STC-JLA.
  25. Following the above deliberations, the Chairperson ruled that notwithstanding its strategic importance, the MoU could not be included on the agenda as it would be unprocedural to amend the agenda after its adoption; and the Minsiters could not consider a matter without Experts inputs.
  26. The Meeting took note of the Experts Report and endorsed the conclusions therein.

## **V. CONSIDERATION OF LEGAL INSTRUMENTS**

- i. **Proposed amendment of Article 22(4) of the African Union Convention on Preventing and Combating Corruption**
27. The Republic of Angola, which proposed the amendment, noted that its proposal was informed by the desire to harmonise the terms of AUABC Board Members with that of similarly situated AU Organs, such as the African Commission on Human and Peoples' Rights and the African Court on Human

and Peoples' Rights which would ultimately improve the proper functioning of the AUABC. The Republic of Angola also requested clarification on the reasons for recommending a tenure of three (3) as opposed to the six (6) years.

28. There were views that the tenure recommended by the Meeting of Experts was reasonable and would offer an opportunity to other Member States to have their nationals elected to the Board. In the spirit of compromise, they proposed to double the current tenure, extending it to four (4) years.
29. However, the majority of Member States endorsed the Experts recommendation to extend the tenure of Board Members from two to three-years renewable once.

#### **Conclusion**

30. In conclusion, the Session decided to endorse the proposal of the Government Legal Experts Meeting to extend the term of office of AUABC Members from two (2) years renewable once to three (3) years renewable once.

#### **ii. Consideration of the Draft Revised Statute of the African Union Administrative Tribunal**

31. The Draft Revised Statute of the African Union Administrative Tribunal was adopted as recommended by the Government Legal Experts.

#### **iii. Status of African Union Judicial Organs and Way Forward**

32. The Ministerial Meeting endorsed the recommendation of the Experts' Meeting and requested the OLC to continue advocating for the ratification of the Protocol on the Statute of the African Court of Justice and Human Rights (Protocol of Sharm El Sheikh- 2008 ), and the Protocol on Amendments to the Protocol on the Statute of the African Court of Justice and Human Rights (Protocol of Malabo -2014) with the view towards securing the requisite threshold ratifications for their entry into force.

#### **VI. ANY OTHER BUSINESS**

33. No issue was raised under AOB.

#### **VII. ADOPTION OF DRAFT REPORT AND DRAFT LEGAL INSTRUMENTS**

34. The Ministerial Meeting adopted and recommended its Report and the following Legal Instruments for consideration by the Executive Council:
  - i. Proposed amendment of Article 22(4) of the African Union Convention on Preventing and Combating Corruption; and
  - ii. Draft Revised Statute of the African Union Administrative Tribunal.
35. The Ministerial Meeting also recommended to the Executive Council to adopt a Decision requesting the African Union Commission, through the OLC, to continue advocating for the ratification of the Protocol on the Statute of the



African Court of Justice and Human Rights (Protocol of Sharm El Sheikh-2008 ), and the Protocol on Amendments to the Protocol on the Statute of the African Court of Justice and Human Rights (Protocol of Malabo -2014) with the view towards securing the requisite threshold ratifications for their entry into force.

## VIII. CLOSING CEREMONY

### i. **Statement by the Acting Legal Counsel of the African Union**

36. In his closing statement, Amb. Mohamed Salem Khalil Boukhari, Acting Legal Counsel of the African Union, expressed a deep sense of achievement and gratitude to all participants for the successful conclusion of the Meeting. He lauded the robust and insightful deliberations, noting that it underscored the commitment of all present to advancing justice, legal affairs, and human rights within the African Union.
37. He expressed heartfelt gratitude to the Chairpersons of the Ministerial and Experts STC-JLA for their adept guidance throughout the various meetings. Additionally, he acknowledged and appreciated the experts as well as the staff of the OLC for their unwavering dedication and commitment. He committed to enforcing the Chairperson's request, made during the closing of the 8<sup>th</sup> Ministerial Extraordinary Session of the STC-JLA, to ensure delegates are appropriately designated prior to attending ministerial sessions.
38. He recalled that the session focused on pivotal legal instruments, particularly the Draft Revised Statute of the African Union Administrative Tribunal and the proposed amendment of Article 22(4) of the African Union Convention on Preventing and Combating Corruption. These discussions, he noted, reflected the collective wisdom and vision for a just and equitable African Union. He also took note of the request by Ministers for the OLC to continue advocating for the ratification of the Protocols of Sharm El Sheikh (2008) and Malabo (2014).
39. He commended the Ministers and delegations for their dedication and insightful contributions that shaped the Session's outcomes and concluded by urging continued collaboration and determination, emphasizing the impact of these decisions on governance, human rights, and the rule of law across Africa.

### ii. **Statement by the Chairperson of the STC-JLA**

40. The Chairperson of the STC-JLA, Amb. Dr. Pindi Hazara Chana, Minister for Constitutional and Legal Affairs of the United Republic of Tanzania delivered the closing remarks.
41. She recalled that the Meeting reached consensus to amend Article 22(4) of the AU Convention on Preventing and Combating Corruption, extending the tenure of Board Members from two to three years renewable once, thereby enhancing its effectiveness. She also recalled the adoption of the Draft

Revised Statute of the AU Administrative Tribunal towards strengthening the internal justice mechanisms of the AU. She recalled the Meeting's review of the Status of African Union Judicial Organs and the Way Forward, emphasizing the call for the OLC to continue advocating for the ratification and entry into force of the Sharm El Sheikh (2008) and Malabo (2014) Protocols. She encouraged Ministers and delegates to take pride in the Session's outcomes as a reflection of their shared commitment to justice, anti-corruption, and the rule of law.

- 42.** She thanked the STC-JLA Experts for their work from 11 to 16 December 2023, which significantly aided the Ministers' tasks. Additionally, she acknowledged the OLC for their crucial contribution to the Ministers' deliberations through their commitment and service. She also thanked the Interpreters for their vital role in facilitating communication and understanding among the Meeting's participants.
- 43.** She expressed gratitude for both the in-person and virtual attendance of Ministers at the Session, recognizing their commitment despite demanding schedules, and urged them to prioritize participation in future STC-JLA Sessions. She closed by wishing all participants happy holidays and safe travels to their respective destinations and officially closed the 9<sup>th</sup> Ordinary Session of the STC-JLA.

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2024-02-15

# Report of the 8th Extraordinary and 9th Ordinary Sessions of the STC on Justice and Legal Affairs

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