



Report of the ISS Seminar: *Analysis of the 12th Ordinary Summit of the African Union (AU) Heads of State and Government*, organized by the Conflict Prevention Programme (CPP), ISS Addis Ababa Office, held at the UN Conference Center, Addis Ababa, Ethiopia on February 12, 2009

The seminar was a great success and it was attended by 90 participants from the diplomatic community, AU Commission and civil society organizations. The high attendance prompted the change of the venue to a larger conference room.

The seminar started with welcoming and introductory remarks by Mr. Kenneth Mpyisi, Office Director, ISS Addis Ababa. Mr. Mpyisi gave a brief overview of the rationale and objectives of the seminar. He stated that the seminar will explore the probable impact of the Summit's Decisions on the future of the Union Government debate and continental political and economic advancements beyond the usual diplomatic symbolism of the AU Summits. Mr. Mpyisi then thanked the three presenters for their time and welcomed them to make their presentations.

The keynote speaker, H.E Ambassador Partik N. Sinyinza, from the Embassy of the Republic of Zambia, gave a keynote speech on the ***Perspectives on the Decisions of the 12th Ordinary Summit of the AU Heads of State and Government***. The Ambassador outlined the factors contributing to the non-implementation of most of the Assembly Decisions—where only about 10 percent of all the decisions are implemented. He linked the non-implementation of the decisions to the fact that there were too many decisions whose implementation have lagged behind; short implementation cycles; and financial constraints as decisions are made after budgetary allocations have been finalized. The Ambassador stressed that these constraints in implementation are likely to persist and will continue to impact on the performance of the AU in future.

Second, Mr. Ibrahima Kane from Open Society Institute delivered his presentation on the ***Principles of Universal Jurisdiction and legal challenges around the Decisions taken by the AU Assembly*** to transform the Commission into an Authority. Mr. Kane in his discussions identified some key legal challenges: issues of cessation of power, loss of sovereignty, relationships and linkages between the AU Commission and Regional Economic Communities (RECs), and the need for amendments to the AU Constitutive Act and review and ratification of other legal instruments. He also underscored the need for the AU leadership to rise above mere politicking and address grave acts of human rights abuses and other acts of war crimes in the continent and bring perpetrators to justice.

Third, Ambassador Akuei Malwal, of the Embassy of the Republic of the Sudan, delivered his speech on the ***AU's approach and options*** with regard to the indictment of the current President and other higher officials of the Republic of Sudan by the International Criminal Court (ICC). He revisited the ICC's indictment of President Bashir and argued the AU Summit through AU Decision 142 have put measures in place including an investigation into whether the national judicial institutions in Sudan are capable of prosecuting perpetrators of violence in Darfur. He also cautioned that such an indictment might not be effectively implemented and risks perpetuating instability and derail the implementation of the Comprehensive Peace Agreement (CPA) and Darfur peace talks currently underway in Doha.

The presentations were then followed by rich and interactive discussions centering on the following issues: the future of the continental Union, functionality and viability of the proposed Authority, the need for the AU's Permanent Representative Council (PRC) to look into problem of poor implementation rates of the Assembly Decisions and develop practical measures to enhance organization's achievement, the complex issues of the Principles of Universal Jurisdictions and indictment by the ICC, and examine the role and relationship between the AU and the RECs—considered critical building blocks for a harmonious and effective continental integration.

Finally, Mr. Roba Sharamo, Programme Head, CPP in his concluding remarks summarized the major outcomes of the seminar, thanked the participants for the rich constructive discussions, participation and continued to support to the ISS seminar series. Mr. Sharamo also thanked the Government of Germany and Humanity United for their financial support to the Conflict Prevention Programme of the ISS.