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INTRODUCTION TO AFRICAN UNION LAW AND INSTITUTIONS
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INTRODUCTION TO AFRICAN UNION LAW AND INSTITUTIONS

PROFESSOR MAKANE Moïse MBENGUE

Legal Instruments and Documents

General

1. Charter of the Organization of African Unity, 1963
2. General Convention on the Privileges and Immunities of the Organization of African Unity, 1965
3. Additional Protocol to the General Convention on Privileges and Immunities, 1980
4. Constitutive Act of the African Union, 2000
5. Protocol of the Court of Justice of the African Union, 2003
6. Protocol on Amendments to the Constitutive Act of the African Union, 2003
7. Statute of the African Union Commission on International Law, 2009

Charter of the Organization of African Unity, 1963

UNTS, vol. 479, p. 39



Have agreed to the present Charter.

OAU CHARTER

We, the Heads of African States and Governments assembled in the City of Addis Ababa, Ethiopia,

Convinced that it is the inalienable right of all people to control their own destiny, Conscious of the fact that freedom, equality, justice and dignity are essential objectives for the achievement of the legitimate aspirations of the African peoples, Conscious of our responsibility to harness the natural and human resources of our continent for the total advancement of our peoples in all spheres of human endeavour,

Inspired by a common determination to promote understanding among our peoples and cooperation among our states in response to the aspirations of our peoples for brother-hood and solidarity, in a larger unity transcending ethnic and national differences,

Convinced that, in order to translate this determination into a dynamic force in the cause of human progress, conditions for peace and security must be established and maintained,

Determined to safeguard and consolidate the hard-won independence as well as the sovereignty and territorial integrity of our states, and to fight against neo-colonialism in all its forms,

Dedicated to the general progress of Africa,

Persuaded that the Charter of the United Nations and the Universal Declaration of Human Rights, to the Principles of which we reaffirm our adherence, provide a solid foundation for peaceful and positive cooperation among States,

Desirous that all African States should henceforth unite so that the welfare and well-being of their peoples can be assured,

Resolved to reinforce the links between our states by establishing and strengthening common institutions,

ESTABLISHMENT

Article I

1. The High Contracting Parties do by the present Charter establish an Organization to be known as the ORGANIZATION OF AFRICAN UNITY.
2. The Organization shall include the Continental African States, Madagascar and other Islands surrounding Africa.

PURPOSES

Article II

1. The Organization shall have the following purposes:
 - (a) To promote the unity and solidarity of the African States;
 - (b) To coordinate and intensify their cooperation and efforts to achieve a better life for the peoples of Africa;
 - (c) To defend their sovereignty, their territorial integrity and independence;
 - (d) To eradicate all forms of colonialism from Africa; and
 - (e) To promote international cooperation, having due regard to the Charter of the United Nations and the Universal Declaration of Human Rights.
2. To these ends, the Member States shall coordinate and harmonize their general policies, especially in the following fields:
 - (a) Political and diplomatic cooperation;
 - (b) Economic cooperation, including transport and communications;
 - (c) Educational and cultural cooperation;
 - (d) Health, sanitation and nutritional cooperation;
 - (e) Scientific and technical cooperation; and
 - (f) Cooperation for defence and security.

PRINCIPLES

Article III

The Member States, in pursuit of the purposes stated in Article II solemnly affirm and declare their adherence to the following principles:

1. The sovereign equality of all Member States.
2. Non-interference in the internal affairs of States.
3. Respect for the sovereignty and territorial integrity of each State and for its inalienable right to independent existence.
4. Peaceful settlement of disputes by negotiation, mediation, conciliation or arbitration.
5. Unreserved condemnation, in all its forms, of political assassination as well as of subversive activities on the part of neighbouring States or any other States.
6. Absolute dedication to the total emancipation of the African territories which are still dependent.
7. Affirmation of a policy of non-alignment with regard to all blocs.

MEMBERSHIP

Article IV

Each independent sovereign African State shall be entitled to become a Member of the Organization.

RIGHTS AND DUTIES OF MEMBER STATES

Article V

All Member States shall enjoy equal rights and have equal duties.

Article VI

The Member States pledge themselves to observe scrupulously the principles enumerated in Article III of the present Charter.

INSTITUTIONS

Article VII

The Organization shall accomplish its purposes through the following principal institutions:

1. The Assembly of Heads of State and Government.
2. The Council of Ministers.
3. The General Secretariat.
4. The Commission of Mediation, Conciliation and Arbitration.

THE ASSEMBLY OF HEADS OF STATE AND GOVERNMENT

Article VIII

The Assembly of Heads of State and Government shall be the supreme organ of the Organization. It shall, subject to the provisions of this Charter, discuss matters of common concern to Africa with a view to coordinating and harmonizing the general policy of the Organization. It may in addition review the structure, functions and acts of all the organs and any specialized agencies which may be created in accordance with the present Charter.

Article IX

The Assembly shall be composed of the Heads of State and Government or their duly accredited representatives and it shall meet at least once a year. At the request of any Member State and on approval by a two-thirds majority of the Member States, the Assembly shall meet in extraordinary session.

Article X

1. Each Member State shall have one vote.
2. All resolutions shall be determined by a two-thirds majority of the Members of the Organization.

3. Questions of procedure shall require a simple majority. Whether or not a question is one of procedure shall be determined by a simple majority of all Member States of the Organization.

4. Two-thirds of the total membership of the Organization shall form a quorum at any meeting of the Assembly.

Article XI

The Assembly shall have the power to determine its own rules of procedure.

THE COUNCIL OF MINISTERS

Article XII

1. The Council of Ministers shall consist of Foreign Ministers or other Ministers as are designated by the Governments of Member States.

2. The Council of Ministers shall meet at least twice a year. When requested by any Member State and approved by two-thirds of all Member States, it shall meet in extraordinary session.

Article XIII

1. The Council of Ministers shall be responsible to the Assembly of Heads of State and Government. It shall be entrusted with the responsibility of preparing conferences of the Assembly.

2. It shall take cognisance of any matter referred to it by the Assembly. It shall be entrusted with the implementation of the decision of the Assembly of Heads of State and Government. It shall coordinate inter-African cooperation in accordance with the instructions of the Assembly conformity with Article II (2) of the present Charter.

Article XIV

1. Each Member State shall have one vote.
2. All resolutions shall be determined by a simple majority of the members of the Council of Ministers.

3. Two-thirds of the total membership of the Council of Ministers shall form a quorum for any meeting of the Council.

Article XV

The Council shall have the power to determine its own rules of procedure.

GENERAL SECRETARIAT

Article XVI

There shall be a Secretary-General of the Organization, who shall be appointed by the Assembly of Heads of State and Government. The Secretary-General shall direct the affairs of the Secretariat.

Article XVII

There shall be one or more Assistant Secretaries-General of the Organization, who shall be appointed by the Assembly of Heads of State and Government.

Article XVIII

The functions and conditions of service of the Secretary-General, of the Assistant Secretaries-General and other employees of the Secretariat shall be governed by the provisions of this Charter and the regulations approved by the Assembly of Heads of State and Government.

1. In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.
2. Each member of the Organization undertakes to respect the exclusive character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

COMMISSION OF MEDIATION, CONCILIATION AND ARBITRATION

Article XIX

Member States pledge to settle all disputes among themselves by peaceful means and, to this end decide to establish a Commission of Mediation, Conciliation and Arbitration, the composition of which and conditions of service shall be defined by a separate Protocol to be approved by the Assembly of Heads of State and Government. Said Protocol shall be regarded as forming an integral part of the present Charter.

SPECIALIZED COMMISSION

Article XX

The Assembly shall establish such Specialized Commissions as it may deem necessary, including the following:

1. Economic and Social Commission.
2. Educational, Scientific, Cultural and Health Commission.
3. Defence Commission.

Article XXI

Each Specialized Commission referred to in Article XX shall be composed of the Ministers concerned or other Ministers or Plenipotentiaries designated by the Governments of the Member States.

Article XXII

The functions of the Specialized Commissions shall be carried out in accordance with the provisions of the present Charter and of the regulations approved by the Council of Ministers.

THE BUDGET

Article XXIII

The budget of the Organization prepared by the Secretary-General shall be approved by the Council of Ministers. The budget shall be provided by contribution from Member States in accordance with the scale of assessment of the United Nations; provided, however, that no Member State shall be assessed an amount exceeding twenty percent of the yearly regular budget of the Organization. The Member States agree to pay their respective contributions regularly.

SIGNATURE AND RATIFICATION OF CHARTER

Article XXIV

1. This Charter shall be open for signature to all independent sovereign African States and shall be ratified by the signatory States in accordance with their respective constitutional processes.
2. The original instrument, done, if possible in African languages, in English and French, all texts being equally authentic, shall be deposited with the Government of Ethiopia which shall transmit certified copies thereof to all independent sovereign African States.
3. Instruments of ratification shall be deposited with the Government of Ethiopia, which shall notify all signatories of each such deposit.

ENTRY INTO FORCE

Article XXV

This Charter shall enter into force immediately upon receipt by the Government of Ethiopia of the instruments of ratification from two-thirds of the signatory States.

REGISTRATION OF CHARTER

Article XXVI

This Charter shall, after due ratification, be registered with the Secretariat of the United Nations through the Government of Ethiopia in conformity with Article 102 of the Charter of the United Nations.

INTERPRETATION OF THE CHARTER

Article XXVII

Any question which may arise concerning the interpretation of this Charter shall be decided by a vote of two-thirds of the Assembly of Heads of State and Government of the Organization.

ADHESION AND ACCESSION

Article XXVIII

1. Any independent sovereign African State may at any time notify the Secretary-General of its intention to adhere or accede to this Charter.
2. The Secretary-General shall, on receipt of such notification, communicate a copy of it to all the Member States. Admission shall be decided by a simple majority of the Member States. The decision of each Member State shall be transmitted to the Secretary-General, who shall, upon receipt of the required number of votes, communicate the decision to the State concerned.

MISCELLANEOUS

Article XXIX

The working languages of the Organization and all its institutions shall be, if possible African languages, English and French, Arabic and Portuguese.

Article XXX

The Secretary-General may accept, on behalf of the Organization, gifts, bequests and other donations made to the Organization, provided that this is approved by the Council of Ministers.

Article XXXI

The Council of Ministers shall decide on the privileges and immunities to be accorded to the personnel of the Secretariat in the respective territories of the Member States.

CESSATION OF MEMBERSHIP

Article XXXI

Any State which desires to renounce its membership shall forward a written notification to the Secretary-General. At the end of one year from the date of such notification, if not withdrawn, the Charter shall cease to apply with respect to the renouncing State, which shall thereby cease to belong to the Organization.

AMENDMENT OF THE CHARTER

Article XXXII

This Charter may be amended or revised if any Member State makes a written request to the Secretary-General to that effect; provided, however, that the proposed amendment is not submitted to the Assembly for consideration until all the Member States have been duly notified of it and a period of one year has elapsed. Such an amendment shall not be effective unless approved by at least two-thirds of all the Member States.

IN FAITH WHEREOF, We, the Heads of African States and Governments have signed this Charter.

*Done in the City of Addis Ababa, Ethiopia,
25th day of May, 1963*

**General Convention on the Privileges and
Immunities of the Organization of African Unity,
1965**

UNTS, vol. 1000, p. 393



**GENERAL CONVENTION ON THE PRIVILEGES AND IMMUNITIES
OF THE ORGANIZATION OF AFRICAN UNITY**

CAB/LEG/24.2/13

CONSIDERING it necessary that the Organization of African Unity should enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its purpose;

CONSIDERING it necessary that the representatives of the Members of the Organization of African Unity and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization;

NOW THEREFORE the Assembly adopted the following convention:

SECTION A

Article I

1. The Organization of African Unity shall possess juridical personality and shall have the capacity:

- (a) To enter into contracts including the rights to acquire and dispose of movable and immovable property;
- (b) To institute legal proceedings.

SECTION B

Article II

**Property, funds, Assets and Transactions of the
Organization of African Unity**

1. The Organization of African Unity its premises buildings, assets and other property wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in any particular case the Organization of African Unity has waived such immunity in accordance with the provisions of this General Convention. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

**GENERAL CONVENTION ON THE
PRIVILEGES AND IMMUNITIES OF
THE ORGANIZATION OF AFRICAN UNITY**

2. The premises and buildings of the Organization of African Unity shall be inviolable. The property and assets of the Organization of African Unity, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and from any other form of interference, whether by executive, administrative, juridical or legislative action.
3. The archives of the Organization of African Unity and in general all documents belonging to it or held by it shall be inviolable wherever located.
4. Without being restricted by financial controls, regulations or moratoria of any kind;
 - (a) The Organization of African Unity may hold funds, gold or currency of any kind and operate accounts of any currency;
 - (b) The Organization of African Unity shall be free to transfer its funds, gold or currency from one country to another or within any country and to convert any currency held by it into any other currency.
5. It is provided, however, that in exercising its right under paragraph 4 hereabove, the Organization of African Unity shall pay due regard to any representations made by the Government of any Member insofar as it is considered that effect can be given to such representations without prejudicing the interests of the Organization of African Unity.

Article III
Tax exemptions

1. The Organization of African Unity, its income assets and properties shall be exempt:
 - (a) From all direct taxes, except that the Organization of African Unity will not claim exemption from taxes or dues which are no more than charges for public utility services;
 - (b) From import and export duties, prohibitions and quantitative restrictions on imports and exports in respect of articles imported or exported by the Organization of African Unity intended for and used for its official purpose. It is provided, however, that articles imported under such exemption shall not be sold with or without consideration in the country into which they were imported except under conditions agreed upon by the appropriate authorities of the Government of that country;

- (c) From customs duties, prohibitions and restrictions on imports and exports in respect of its publications.
2. While the Organization of African Unity will not, as a general rule, claim exemption from excise duties and from transaction taxes on the sale of movable and immovable property which form part of the price to be paid, nevertheless when the Organization of African Unity is making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, Members will enact the necessary provisions or make appropriate administrative arrangements for the remission or refund of the amount of duty or tax so charged.

Article IV
Facilities in respect of communications

1. For its official communication and the transfer of all its documents the Organization of African Unity shall enjoy in the territory of each Member State treatment not less favourable than that accorded by the Government of that Member to any other international Organization as well as any Government, including its diplomatic mission, in matters of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telephones and other communications, as well as press rates for information to the press and radio. Official correspondence and other official communications of the Organization of African Unity shall not be subject to censorship.
2. The Organization of African Unity shall have the right to use codes and to despatch and receive its official correspondence, either by courier or in sealed bags which shall have the same immunities and privileges as diplomatic couriers and bags.

SECTION C
Article V
Representatives of Member States

1. Representatives of Member States to the principal and subsidiary institutions, as well as to the Specialized Commission of the Organization of African Unity, and to conferences convened by the Organization, shall, while exercising their functions and during their travel to and from the place of meetings, be accorded the following privileges and immunities;
 - (a) Immunity from personal arrest or detention and from any official interrogation as well as from inspection or seizure of their personal baggages;

- (b) Immunity from legal process of every kind in respect of words spoken, written or acts performed or votes cast by them for and in the exercise of their functions;
 - (c) Inviolability for all their papers and documents and the right to use codes and to receive papers or correspondence by courier or in sealed bags;
 - (d) Exemption in respect of themselves and their spouse from immigration restrictions, aliens registration and from national service obligations in the state they are visiting or through which they are passing for and in the exercise of their functions;
 - (e) The same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;
 - (f) The same immunities and facilities in respect of their personal and official baggages as are accorded to diplomatic envoys;
 - (g) Such other privileges, immunities and facilities not inconsistent with the foregoing as diplomatic envoys enjoy, except that they shall have no right to claim exemption from customs duties on goods imported (otherwise than as part of their personal baggage) or from exercise duties or sales taxes.
2. In order to secure, for the representatives of Members to the principal and subsidiary institutions as well as to Specialized Commission of the Organization of African Unity and to Conferences convened by the Organization, complete freedom of speech and independence in the discharge of their duties, the immunity from legal process in respect of words spoken, written or votes cast, and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer the representatives of Members.
 3. Where the incidence of any form of taxation depends upon residence, periods during which the representatives of Members to the principal and subsidiary institutions as well as to the Specialized Commission of the Organization of African Unity and to Conferences convened by the Organization of African Unity are present in a State for the discharge of their duties shall not be considered as periods of residence.
 4. Privileges and immunities are accorded to the representatives of Members not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connection with the Organization of African Unity. Consequently, a Member not only has the right but is under a duty to waive the immunity of its representative in any case where in the opinion of the Member the

immunity would impede the course of justice, and it can be waived without prejudice to the purpose for which the immunity is accorded.

5. The provisions of paragraphs 1, 2, and 3 of Article V are not applicable as between a representative and the authorities of the State of which he is a national or of which he is or has been the representative.
6. In this article the expression "representatives" shall be deemed to include all delegates, deputy delegates, advisers, technical experts and secretaries of delegations.

SECTION D

Article VI Officials of the Organization of African Unity

1. The Administration Secretary General will specify the category of officials to which the provisions of this Article and Article VIII shall apply. He shall submit these categories to the Assembly. Thereafter these categories shall be communicated to the Governments of all Members. The names of the officials included in these categories shall from time to time be made known to the Government of Members.
2. Officials of the Organization of African Unity shall:
 - (a) Be immune from legal process in respect of words spoken, written and all acts performed by them in their official capacity;
 - (b) Be exempt from taxation on the salaries and emoluments paid to them by the Organization of African Unity;
 - (c) Be immune from national service obligations;
 - (d) Be immune, together with their spouses and relatives residing with and dependent on them, from immigration restrictions and alien registration and finger printing;
 - (e) Be accorded the same privileges in respect of exchange facilities as are accorded to the officials of comparable ranks forming part of diplomatic missions to the Government concerned;
 - (f) Be given, together with their spouses and relatives residing with and dependent on them, the same repatriation facilities in time of international crisis as diplomatic envoys;

(g) Have the right to import free of duty their furniture and effects at the time of first taking up their post in the country in question.

3. In addition to the immunities and privileges specified in paragraph 2 of this Article, the Administrative Secretary General and all Assistant Secretaries General shall be accorded in respect of themselves, their spouses and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law.

4. Privileges and immunities are granted to officials in the interests of the Organization of African Unity and not for the personal benefit of the individuals themselves. The Administrative Secretary General shall have the right and the duty to waive the immunity of any official in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Organization of African Unity. In the case of the Administrative Secretary General, the Council of Ministers shall have the right to waive immunity.

5. The Organization of African Unity shall co-operate at all times with the appropriate authorities of Members to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connection with the privileges, immunities and facilities mentioned in this Article.

Article VII **Experts on missions for the Organization of African Unity**

1. Experts (other than officials coming within the scope of Article VI) performing missions for the Organization of African Unity shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions during the period of their missions, including the time spent on journeys in connection with their missions. In particular, they shall be accorded:

- (a) Immunity from personal arrest or detention as well as any official interrogation and from inspections or seizure of their personal baggage;
- (b) In respect of words spoken, written or votes cast and acts done by them in the course of the performance of their mission; immunity from legal process of every kind; the said immunities from legal process continue to be accorded notwithstanding that persons concerned are no longer employed on missions for the Organization of African Unity;
- (c) Inviolability for all papers and documents;

(d) For the purpose of their communications with the Organization of African Unity, the right to use codes and to receive papers or correspondence by courier or in sealed bags;

(e) The same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign Governments on temporary official missions;

(f) The same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys.

2. Privileges and immunities are granted to experts in the interests of the Organization of African Unity and not for the personal benefit of the individuals themselves. The Administrative Secretary General shall have the right and the duty to waive the immunities of any expert in any case where, in his opinion, the immunity would impede the course of justice and it can be waived without prejudice to the interests of the Organization of African Unity.

Article VIII **Organization of African Unity Laissez-Passer**

1. The Organization of African Unity may issue Organization of African Unity Laissez-Passer to its officials. These Laissez-Passer shall be recognized and accepted as valid travel documents by the authorities of Members, taking into account the provisions of paragraph 2 of this Article.

2. Applications for visas (where required) from the holders of Organization of African Unity Laissez-Passer, when accompanied by a certificate that they are travelling on the business of the Organization of African Unity, shall be dealt with as speedily as possible. In addition, such persons shall be granted facilities for speedy travel.

3. Similar facilities to those specified in paragraph 2 of this Article shall be accorded to experts and other persons who, though not the holders of Organization of African Unity Laissez-Passer, have a certificate that they are travelling on the business of the Organization of African Unity.

4. The Administrative Secretary General, Assistant Secretaries General and Directors travelling on Organization of African Unity Laissez-Passer on the business of the Organization of African Unity shall be granted the same facilities as are accorded to diplomatic envoys.

3. The Administrative Secretary General may conclude with any Member or Members supplementary agreements adjusting the provisions of this Convention so far as that Member or those Members are concerned. These supplementary agreements shall in each case be subject to the approval of the Assembly.

SECTION E

Article IX Settlements of disputes

1. The Organization of African Unity shall make provisions for appropriate modes of settlement of:
 - (a) Disputes arising out of contracts or other disputes of a private law character to which the Organization of African Unity is a party;
 - (b) Disputes involving any official of the Organization of African Unity who by reason of his official position enjoys immunity, if immunity has not been waived by the Administrative Secretary General;
 - (c) All differences arising out of the interpretation and/or application of the present Convention shall be referred for arbitration to the Commission of Mediation, Conciliation and Arbitration, unless in any case it is agreed by the parties to have recourse to another mode of settlement;
 - (c) All differences which may arise between the Organization of African Unity on the one hand, and a Member State on the other hand, with respect to the interpretation and/or application of the present Convention; failing settlement by negotiation or any other agreed method of settlement shall be submitted to a tribunal of three arbitrators; one to be named by the Administrative Secretary General of the Organization, one to be named by the Member State, the third to be chosen by the two arbitrators, and/or if they should fail to agree upon the third, then the third shall be chosen by the President of the Commission of Mediation, Conciliation and Arbitration.

Article X Final Provisions

1. This Convention is submitted to every Member of the Organization of African Unity for accession.
2. The accession provided for in paragraph 1 of this Article shall be effected by the signature of the Heads of State and Government; this signature implies the immediate entering into force of the General Convention on the Privileges and Immunities of the Organization of African Unity.

IN FAITH WHEREOF, WE, the Heads of State and Government have signed this Convention, done in the city of Accra, Ghana, this 25th day of October 1965.

ALGERIA (Signed)	MALAWI (Signed)
BURUNDI (Signed)	MALI (Signed)
CAMEROON (Signed)	MAURITANIA (Signed)
CENTRAL AFRICAN REPUBLIC (Signed)	MOROCCO (Signed)
CHAD	NIGER
CONGO (Brazzaville) (Signed)	NIGERIA (Signed)
CONGO (Kinshasa) (Signed)	RWANDA (Signed)
DAHOMEY	SENEGAL (Signed)
ETHIOPIA (Signed)	SIERRA LEONE
GABON	SOMALIA (Signed)
GAMBIA (Signed)	SUDAN (Signed)
GHANA (Signed)	TANGANYIKA
GUINEA (Signed)	TOGO
IVORY COAST	TUNISIA (Signed)
KENYA (Signed)	UGANDA (Signed)
LIBERIA (Signed)	UNITED ARAB REPUBLIC (Signed)
LIBYA (Signed)	UPPER VOLTA
MADAGASCAR	ZAMBIA (Signed)

**Additional Protocol to the OAU General Convention on
Privileges and Immunities, 1980**

Organization of African Unity, CM/1034(XXXIV) Rev.3, Annex I



**COUNCIL OF MINISTERS
THIRTY-FIFTH ORDINARY SESSION
18-28 June 1980
Freetown, Sierra Leone**

**CM/1034(XXXV) Rev.3
Annex I**

**ADDITIONAL PROTOCOL TO THE OAU GENERAL
CONVENTION ON PRIVILEGES AND IMMUNITIES**

The State Parties to the Present Protocol,

Convinced of the importance of granting adequate Immunities and Privileges, as well as the issue of the Organization of African Unity Laissez-Passer to personnel of the Organization of African Unity Specialized Agencies to enable them perform their functions efficiently in the territories of Member States of the Organization of African Unity,

Considering that the Organization of General Convention Privileges and Immunities (hereinafter referred to as the Convention) does not contain provisions for granting of Privileges and Immunities including the issue of the Organization of African Unity Laissez-Passer to officials and other staff members, and travel certificates to experts and non-nationals of the members of the OAU Specialized Agencies hereinafter referred to as Agencies,

Considering that such immunities and privileges as are granted to the Organization of African Unity officials will be adequate for the officials of the Agencies for the efficient performance of their functions in the territories of the Organization of African Unity Member States, have agreed as follows:

**ADDITIONAL PROTOCOL TO THE OAU GENERAL
CONVENTION ON PRIVILEGES AND IMMUNITIES**

**Article 1
Definition**

For the purpose of this Protocol the word "Official" means any person employed on a permanent basis at professional level.

For the purpose of this Protocol the word "Expert" means any person other than an official who owing to his special qualifications is recruited on a temporary basis to perform a specific job.

Immunities and Privileges

(A) Officials of the Agencies nationals of OAU Member States

Article 2

1. The Secretary General of the Organization of African Unity shall in consultation with the Heads of the Agencies specify the categories of officials of the Agencies to which the provisions of this Article and Article 3 shall apply. He shall submit these

categories to the Organization of African Unity Assembly of Heads of States and Government. Thereafter the categories shall be communicated to the Government of all Member States. The names of officials included in those categories shall from time to time be made known to the Government of Member States.

2. Officials of the Agencies shall:

- (a) be immune from legal process in respect of words spoken, written and all acts performed by them in their official capacity,
- (b) be exempt from taxation on the salaries and emoluments paid to them by the Organization of African Unity Agencies;
- (c) be immune from arrest and detention;
- (d) be immune from national service obligation;
- (e) be immune, together with their spouses and the members of their immediate families residing with, and dependent on them including their personal employees, from immigration restrictions, alien registration and finger printing;
- (f) be accorded the same privileges in respect of exchange facilities as are accorded to the officials of comparable ranks forming part of diplomatic missions to the Government concerned;
- (g) be given, together with their spouses and relatives residing with, and dependent on them, the same repatriation facilities in time of international crisis as diplomatic envoys;
- (h) import free of duty their furniture and effects at the time of first taking up their appointment in the countries of OAU Member States.

3. The provisions of sub-paragraphs (b) – (h) may not apply to nationals in their country of origin.

4. In addition to the immunities and privileges specified in paragraph 2 of this article, the Secretary General and the Assistant Secretary General of the Agencies shall be accorded in respect of themselves, their spouses and children, the privileges and immunities, exemptions and facilities accorded to Diplomatic envoys in accordance with International Law.

5. Privileges and Immunities are granted to the Personnel of the Agencies in the interest of the Organization of African Unity, and not for the personal benefit of the individuals themselves. The Secretary General of the Organization of African Unity shall have the right and the duty to waive the immunity of any official of the Agencies in any case where in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Organization of African Unity.

6. The Organization of African Unity and the Agencies shall co-operate at all times with the appropriate authorities of Member States to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connection with the privileges, immunities and facilities mentioned in this article.

(B) Officials of the Agencies with Nationalities other than those of Organization of African Unity Member States and Experts on Mission for the Agencies

Article 3

Experts on Mission for the Agencies and the officials of the Agencies other than those holding the nationality of a Member State of the Organization of African Unity shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions during the period of their missions, including the time spent on journeys in connection with their missions. In particular, they shall be accorded:

- (a) immunity from arrest or detention;
- (b) immunity from legal process of any kind in respect of words spoken, written and all acts performed by them in the course of the performance of their mission;
- (c) inviolability for all official papers and documents for the purpose of their communication with the Specialized Agencies and the Organization of African Unity;
- (d) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;
- (e) the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys.

Article 4

Privileges and Immunities are granted to the Experts and Officials in the interest of the Organization of African Unity and not for the personal benefit of the individual themselves. The Secretary General of the Organization of African Unity shall have the right and the duty to waive the immunity of any expert or official in any case where in his opinion, the immunity would impede the course of justice and it can be waived without prejudice to the interest of the Organization of African Unity.

Article 5 Organization of African Unity Laissez-Passer

1. The Organization of African Unity may issue Organization of African Unity Laissez-Passer to the officials of the Organization of African Unity Agencies. These Laissez-Passer shall be recognized and accepted as valid travel documents by the authorities of the Organization of African Unity Member States, taking into account the provisions of paragraph of this article.
2. Application for visas from holders of Organization of African Unity Laissez-Passer, when accompanied by travel authorization that they are travelling on the business of the Agencies for the Organization of African Unity, shall be dealt with as speedily as possible. In addition, such persons shall be granted facilities for speedy travel.
3. The Head of the Organization of African Unity Agencies and their deputies travelling on Organization of African Unity Laissez-Passer on the business of the Organization of African Unity shall be granted the same facilities as are accorded to diplomatic envoys.
4. The Organization of African Unity Laissez-passers may be issued by the Organization of African Unity Secretary General to the Agencies' officials on the application of the Heads of the Agencies.
5. On the termination of the appointment of an official of the Agencies who is a holder of the Organization of African Unity Laissez-Passer, the Agencies shall promptly return the Laissez-Passer to the Organization of African Unity Secretary General, who shall notify all Member States of the cancellation of the Laissez-Passer.

Article 6 Organization of African Unity Travel Certificate

1. The Organization of African Unity Travel Certificate may be issued to the officials of the Organization of African Unity Agencies who are not the nationals of the Organization of African Unity Member States, who hold a contract appointment of not more than six months duration with the Organization of African Unity Agencies, to Experts on the missions of the agencies for the Organization of African Unity and such other staff members as the Secretary General of the OAU may determine.
2. Application for visas from holders of OAU Travel Certificate when accompanied by travel authorization that they are travelling on the business of the Agencies for the Organization of African Unity, shall be dealt with as speedily as possible. In addition such persons shall be granted facilities for speedy travel.
3. The Organization of African Unity Travel Certificate may be issued by the Secretary General on application from the Head of an Agency.
4. On the termination of the appointment of a holder of an Organization of African Unity Travel Certificate, the Agency shall return the certificate to the Organization of African Unity Secretary General for cancellation. If for any reason the Travel Certification is not returned, the agency shall inform the OAU Secretary General who shall notify all Member States of the Cancellation of the Certificate.
5. The Organization of African Unity Travel Certificates shall specify the following:
 - (a) full names of holder;
 - (b) nationality;
 - (c) date and place of birth;
 - (d) title;
 - (e) period of validity;
 - (f) general remark.

Article 7 Settlement of Disputes

Any disputes arising out of this Protocol shall be settled in accordance with the provisions of Section E Article IX of the General Convention on the Privileges and Immunities of the OAU.

Article 8 Amendment

1. Any state party to the present Protocol may propose an amendment and file it with the Organization of African Unity Secretary General, who thereupon shall communicate the proposed amendment to the State Parties to the present Protocol with a request that they notify him whether they favour a conference of State Parties for the purpose of considering and voting upon the proposal. In the event that at least one third of the State Parties favour such conference, the Secretary General shall convene the conference under the auspices of the Organization of African Unity. Any amendment adopted by a majority of the States Parties present and voting at the Conference, shall immediately come into force.
2. In the event, that a conference is not favoured, the Secretary General shall call upon State Parties to indicate to him in writing whether or not they are in favour of the proposed amendment. A simple majority of such indication immediately on receipt by the Secretary General shall bring the amendment into force.
3. When amendments come into force, they shall be binding on those States Parties which have accepted them; either States Parties still being bound by the provisions of the present Protocol and any earlier amendments which they have accepted.

Article 9 Denunciation

1. Any State Party may denounce the present Protocol at any time by a written notification addressed to the Organization of African Unity Secretary General. Denunciation shall take effect three months after the date of receipt of the notification by the Secretary General.
2. The Organization of African Unity Secretary General shall inform all Member States of the following particulars:-
 - (a) Accessions to the present Protocol;
 - (b) The date of entry into force of the present Protocol with respect to the Member depositing an instrument of accession and the date of entry into force of any amendments;
 - (c) Denunciations.

Article 10 Final Provisions

1. This Protocol is submitted to every Member of the Organization of African Unity for accession.
2. Accession shall be effected by the deposit of an Instrument of Accession with the Secretary General of the Organization of African Unity; and the Protocol shall come into force as regards such Member on the date of the deposit of its instrument of accession.
3. The Secretary General of the Organization of African Unity shall inform all Members of the Organization of African Unity of the deposit of each instrument of accession.
4. The Protocol shall continue in force as between the Organization of African Unity and every Member that has deposited an instrument of accession or until a revised Protocol has been approved by the Assembly of Heads of State and Government and that member has become a party to the revised Protocol.
5. The Head of an Agency may conclude with any member or members of the Organization of African Unity supplementary agreements adjusting the provisions of this Protocol with particular reference to the establishment of the agencies' offices, so far as that member or those members are concerned. These supplementary agreements shall in each case be subject to the approval of the Organization of African Unity Assembly of Heads of State and Government.

Article 11

1. The present Protocol of which the Arabic, English and French texts are equally authentic, shall be deposited in the archives of the Organization of African Unity.
2. The Organization of African Unity Secretary General shall transmit copies of the present Protocol to all States Parties.
3. The present Protocol is approved by the Organization of African Unity Assembly of Heads of State and Government at its Seventeenth Ordinary Session at Freetown, Sierra Leone on 3 July, 1980.

Constitutive Act of the African Union, 2000

UNTS, vol. 2158, p. 3

CONSTITUTIVE ACT OF THE AFRICAN UNION

We, Heads of State and Government of the Member States of the Organization of African Unity (OAU):

1. The President of the People's Democratic Republic of Algeria
2. The President of the Republic of Angola
3. The President of the Republic of Benin
4. The President of the Republic of Botswana
5. The President of Burkina Faso
6. The President of the Republic of Burundi
7. The President of the Republic of Cameroon
8. The President of the Republic of Cape Verde
9. The President of the Central African Republic
10. The President of the Republic of Chad
11. The President of the Islamic Federal Republic of the Comoros
12. The President of the Republic of the Congo
13. The President of the Republic of Cote d'Ivoire
14. The President of the Democratic Republic of Congo
15. The President of the Republic of Djibouti
16. The President of the Arab Republic of Egypt
17. The President of the State of Eritrea
18. The Prime Minister of the Federal Democratic Republic of Ethiopia
19. The President of the Republic of Equatorial Guinea
20. The President of the Gabonese Republic
21. The President of the Republic of The Gambia
22. The President of the Republic of Ghana
23. The President of the Republic of Guinea
24. The President of the Republic of Guinea Bissau
25. The President of the Republic of Kenya
26. The Prime Minister of Lesotho
27. The President of the Republic of Liberia
28. The Leader of the 1st of September Revolution of the Great Socialist People's Libyan Arab Jamahiriya
29. The President of the Republic of Madagascar
30. The President of the Republic of Malawi
31. The President of the Republic of Mali
32. The President of the Islamic Republic of Mauritania
33. The Prime Minister of the Republic of Mauritius
34. The President of the Republic of Mozambique
35. The President of the Republic of Namibia
36. The President of the Republic of Niger
37. The President of the Federal Republic of Nigeria
38. The President of the Republic of Rwanda
39. The President of the Sahrawi Arab Democratic Republic

40. The President of the Republic of Sao Tome and Principe
41. The President of the Republic of Senegal
42. The President of the Republic of Seychelles
43. The President of the Republic of Sierra Leone
44. The President of the Republic of Somalia
45. The President of the Republic of South Africa
46. The President of the Republic of Sudan
47. The King of Swaziland
48. The President of the United Republic of Tanzania
49. The President of the Togolese Republic
50. The President of the Republic of Tunisia
51. The President of the Republic of Uganda
52. The President of the Republic of Zambia
53. The President of the Republic of Zimbabwe

INSPIRED by the noble ideals which guided the founding fathers of our Continental Organization and generations of Pan-Africanists in their determination to promote unity, solidarity, cohesion and cooperation among the peoples of Africa and African States;

CONSIDERING the principles and objectives stated in the Charter of the Organization of African Unity and the Treaty establishing the African Economic Community;

RECALLING the heroic struggles waged by our peoples and our countries for political independence, human dignity and economic emancipation;

CONSIDERING that since its inception, the Organization of African Unity has played a determining and invaluable role in the liberation of the continent, the affirmation of a common identity and the process of attainment of the unity of our Continent and has provided a unique framework for our collective action in Africa and in our relations with the rest of the world;

DETERMINED to take up the multifaceted challenges that confront our continent and peoples in the light of the social, economic and political changes taking place in the world;

CONVINCED of the need to accelerate the process of implementing the Treaty establishing the African Economic Community in order to promote the socio-economic development of Africa and to face more effectively the challenges posed by globalization;

GUIDED by our common vision of a united and strong Africa and by the need to build a partnership between governments and all segments of civil society, in particular women, youth and the private sector in order to strengthen solidarity and cohesion among our peoples;

CONSCIOUS of the fact that the scourge of conflicts in Africa constitutes a major impediment to the socio-economic development of the continent and of the need to promote peace, security and stability as a prerequisite for the implementation of our development and integration agenda;

DETERMINED to promote and protect human and peoples' rights, consolidate democratic institutions and culture, and to ensure good governance and the rule of law; FURTHER DETERMINED to take all necessary measures to strengthen our common institutions and provide them with the necessary powers and resources to enable them discharge their respective mandates effectively;

RECALLING the Declaration which we adopted at the Fourth Extraordinary Session of our Assembly in Sirte, the Great Socialist People's Libyan Arab Jamahiriya, on 9.9. 99, in which we decided to establish an African Union, in conformity with the ultimate objectives of the Charter of our Continental Organization and the Treaty establishing the African Economic Community;

HAVE AGREED AS FOLLOWS:

Article 1 Definitions

In this Constitutive Act:

"Act" means the present Constitutive Act;

"AEC" means the African Economic Community;

"Assembly" means the Assembly of Heads of State and Government of the Union;

"Charter" means the Charter of the OAU;

"Committee" means a Specialized Technical Committee of the Union;

"Council" means the Economic, Social and Cultural Council of the Union;

"Court " means the Court of Justice of the Union;

"Executive Council" means the Executive Council of Ministers of the Union;

"Member State" means a Member State of the Union;

"OAU" means the Organization of African Unity;

"Parliament" means the Pan-African Parliament of the Union;

"Union" means the African Union established by the present Constitutive Act.

Article 2 Establishment

The African Union is hereby established in accordance with the provisions of this Act.

Article 3 Objectives

The objectives of the Union shall be to:

- (a) Achieve greater unity and solidarity between the African countries and the peoples of Africa;
- (b) Defend the sovereignty, territorial integrity and independence of its Member States;
- (c) Accelerate the political and socio-economic integration of the continent;
- (d) Promote and defend African common positions on issues of interest to the continent and its peoples;
- (e) Encourage international cooperation, taking due account of the Charter of the United Nations and the Universal Declaration of Human Rights;
- (f) Promote peace, security, and stability on the continent;
- (g) Promote democratic principles and institutions, popular participation and good governance;
- (h) Promote and protect human and peoples' rights in accordance with the African Charter on Human and Peoples' Rights and other relevant human rights instruments;
- (i) Establish the necessary conditions which enable the continent to play its rightful role in the global economy and in international negotiations;
- (j) Promote sustainable development at the economic, social and cultural levels as well as the integration of African economies;

- (k) Promote cooperation in all fields of human activity to raise the living standards of African peoples;
- (l) Coordinate and harmonize policies between existing and future Regional Economic Communities for the gradual attainment of the objectives of the Union;
- (m) Advance the development of the continent by promoting research in all fields, in particular in science and technology;
- (n) Work with relevant international partners in the eradication of preventable diseases and the promotion of good health on the continent.

Article 4 Principles

The Union shall function in accordance with the following principles:

- (a) Sovereign equality and interdependence among Member States of the Union;
- (b) Respect of borders existing on achievement of independence;
- (c) Participation of the African peoples in the activities of the Union;
- (d) Establishment of a common defence policy for the African Continent;
- (e) Peaceful resolution of conflicts among Member States of the Union through such appropriate means as may be decided upon by the Assembly;
- (f) Prohibition of the use of force or threat to use force among Member States of the Union;
- (g) Non-interference by any Member State in the internal affairs of another;
- (h) The right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely war crimes, genocide and crimes against humanity;
- (i) Peaceful co-existence of Member States and their right to live in peace and security;
- (j) The right of Member States to request intervention from the Union in order to restore peace and security;
- (k) Promotion of self-reliance within the framework of the Union;

- (l) Promotion of gender equality;
- (m) Respect for democratic principles, human rights, the rule of law and good governance;
- (n) Promotion of social justice to ensure balanced economic development;
- (o) Respect for the sanctity of human life, condemnation and rejection of impunity and political assassination, acts of terrorism and subversive activities;
- (p) Condemnation and rejection of unconstitutional changes of governments.

Article 5 Organs of the Union

1. The organs of the Union shall be:

- (a) The Assembly of the Union;
- (b) The Executive Council;
- (c) The Pan-African Parliament;
- (d) The Court of Justice;
- (e) The Commission;
- (f) The Permanent Representatives Committee;
- (g) The Specialized Technical Committees;
- (h) The Economic, Social and Cultural Council;
- (i) The Financial Institutions;

2. Other organs that the Assembly may decide to establish.

Article 6 The Assembly

- 1. The Assembly shall be composed of Heads of States and Government or their duly accredited representatives.
- 2. The Assembly shall be the supreme organ of the Union.
- 3. The Assembly shall meet at least once a year in ordinary session. At the request of any Member State and on approval by a two-thirds majority of the Member States, the Assembly shall meet in extraordinary session.

4. The Office of the Chairman of the Assembly shall be held for a period of one year by a Head of State or Government elected after consultations among the Member States.

Article 7
Decisions of the Assembly

1. The Assembly shall take its decisions by consensus or, failing which, by a two-thirds majority of the Member States of the Union. However, procedural matters, including the question of whether a matter is one of procedure or not, shall be decided by a simple majority.
2. Two-thirds of the total membership of the Union shall form a quorum at any meeting of the Assembly.

Article 8
Rules of Procedure of the Assembly

The Assembly shall adopt its own Rules of Procedure.

Article 9
Powers and Functions of the Assembly

1. The functions of the Assembly shall be to:
 - (a) Determine the common policies of the Union;
 - (b) Receive, consider and take decisions on reports and recommendations from the other organs of the Union;
 - (c) Consider requests for Membership of the Union;
 - (d) Establish any organ of the Union;
 - (e) Monitor the implementation of policies and decisions of the Union as well as ensure compliance by all Member States;
 - (f) Adopt the budget of the Union;
 - (g) Give directives to the Executive Council on the management of conflicts, war and other emergency situations and the restoration of peace;

- (h) Appoint and terminate the appointment of the judges of the Court of Justice;
 - (i) Appoint the Chairman of the Commission and his or her deputy or deputies and Commissioners of the Commission and determine their functions and terms of office.
2. The Assembly may delegate any of its powers and functions to any organ of the Union.

Article 10
The Executive Council

1. The Executive Council shall be composed of the Ministers of Foreign Affairs or such other Ministers or Authorities as are designated by the Governments of Member States.
2. Council shall meet at least twice a year in ordinary session. It shall also meet in an extra-ordinary session at the request of any Member State and upon approval by two-thirds of all Member States.

Article 11
Decisions of the Executive Council

1. The Executive Council shall take its decisions by consensus or, failing which, by a two-thirds majority of the Member States. However, procedural matters, including the question of whether a matter is one of procedure or not, shall be decided by a simple majority.
2. Two-thirds of the total membership of the Union shall form a quorum at any meeting of the Executive Council.

Article 12
Rules of Procedure of the Executive Council

The Executive Council shall adopt its own Rules of Procedure.

Article 13
Functions of the Executive Council

1. The Executive Council shall co-ordinate and take decisions on policies in areas of common interest to the Member States, including the following:

- (a) Foreign trade;
- (b) Energy, industry and mineral resources;
- (c) Food, agricultural and animal resources, livestock production and forestry;
- (d) Water resources and irrigation;
- (e) Environmental protection, humanitarian action and disaster response and relief;
- (f) Transport and communications;
- (g) Insurance;
- (h) Education, culture, health and human resources development;
- (i) Science and technology;
- (j) Nationality, residency and immigration matters;
- (k) Social security, including the formulation of mother and child care policies, as well as policies relating to the disabled and the handicapped;
- (l) Establishment of a system of African awards, medals and prizes.

2. The Executive Council shall be responsible to the Assembly. It shall consider issues referred to it and monitor the implementation of policies formulated by the Assembly.

3. The Executive Council may delegate any of its powers and functions mentioned in paragraph 1 of this Article to the Specialized Technical Committees established under Article 14 of this Act.

Article 14

The Specialized Technical Committees Establishment and Composition

1. There is hereby established the following Specialized Technical Committees, which shall be responsible to the Executive Council:

- (a) The Committee on Rural Economy and Agricultural Matters;
- (b) The Committee on Monetary and Financial Affairs;

- (c) The Committee on Trade, Customs and Immigration Matters;
 - (d) The Committee on Industry, Science and Technology, Energy, Natural Resources and Environment;
 - (e) The Committee on Transport, Communications and Tourism;
 - (f) The Committee on Health, Labour and Social Affairs; and
 - (g) The Committee on Education, Culture and Human Resources.
2. The Assembly shall, whenever it deems appropriate, restructure the existing Committees or establish other Committees.
3. The Specialized Technical Committees shall be composed of Ministers or senior officials responsible for sectors falling within their respective areas of competence.

Article 15

Functions of the Specialized Technical Committees

Each Committee shall within its field of competence:

- (a) Prepare projects and programmes of the Union and submit in to the Executive Council;
- (b) Ensure the supervision, follow-up and the evaluation of the implementation of decisions taken by the organs of the Union;
- (c) Ensure the coordination and harmonization of projects and programmes of the Union;
- (d) Submit to the Executive Council either on its own initiative or at the request of the Executive Council, reports and recommendations on the implementation of the provision of this Act; and
- (e) Carry out any other functions assigned to it for the purpose of ensuring the implementation of the provisions of this Act.

Article 16 **Meetings**

- 1. Subject to any directives given by the Executive Council, each Committee shall meet as often as necessary and shall prepare its rules of procedure and submit

them to the Executive Council for approval.

Article 17
The Pan-African Parliament

1. In order to ensure the full participation of African peoples in the development and economic integration of the continent, a Pan-African Parliament shall be established.
2. The composition, powers, functions and organization of the Pan-African Parliament shall be defined in a protocol relating thereto.

Article 18
The Court of Justice

1. A Court of Justice of the Union shall be established;
2. The statute, composition and functions of the Court of Justice shall be defined in a protocol relating thereto.

Article 19
The Financial Institutions

The Union shall have the following financial institutions, whose rules and regulations shall be defined in protocols relating thereto:

- (a) The African Central Bank;
- (b) The African Monetary Fund;
- (c) The African Investment Bank.

Article 20
The Commission

1. There shall be established a Commission of the Union, which shall be the Secretariat of the Union.
2. The Commission shall be composed of the Chairman, his or her deputy or deputies and the Commissioners. They shall be assisted by the necessary staff for the smooth functioning of the Commission.
3. The structure, functions and regulations of the Commission shall be determined by the Assembly.

Article 21
The Permanent Representatives Committee

1. There shall be established a Permanent Representatives Committee. It shall be composed of Permanent Representatives to the Union and other Plenipotentiaries of Member States.
2. The Permanent Representatives Committee shall be charged with the responsibility of preparing the work of the Executive Council and acting on the Executive Council's instructions. It may set up such sub-committees or working groups as it may deem necessary.

Article 22
The Economic, Social and Cultural Council

1. The Economic, Social and Cultural Council shall be an advisory organ composed of different social and professional groups of the Member States of the Union.
2. The functions, powers, composition and organization of the Economic, Social and Cultural Council shall be determined by the Assembly.

Article 23
Imposition of Sanctions

1. The Assembly shall determine the appropriate sanctions to be imposed on any Member State that defaults in the payment of its contributions to the budget of the Union in the following manner: denial of the right to speak at meetings, to vote, to present candidates for any position or post within the Union or to benefit from any activity or commitments therefrom.
2. Furthermore, any Member State that fails to comply with the decisions and policies of the Union may be subjected to other sanctions, such as the denial of transport and communications links with other Member States, and other measures of a political and economic nature to be determined by the Assembly.

Article 24
The Headquarters of the Union

1. The Headquarters of the Union shall be in Addis Ababa in the Federal Democratic Republic of Ethiopia.
2. There may be established such other offices of the Union as the Assembly may, on the recommendation of the Executive Council, determine.

Article 25
Working Languages

The working languages of the Union and all its institutions shall be, if possible, African languages, Arabic, English, French and Portuguese.

Article 26
Interpretation

The Court shall be seized with matters of interpretation arising from the application or implementation of this Act. Pending its establishment, such matters shall be submitted to the Assembly of the Union, which shall decide by a two-thirds majority.

Article 27
Signature, Ratification and Accession

1. This Act shall be open to signature, ratification and accession by the Member States of the OAU in accordance with their respective constitutional procedures.
2. The instruments of ratification shall be deposited with the Secretary-General of the OAU.
3. Any Member State of the OAU acceding to this Act after its entry into force shall deposit the instrument of accession with the Chairman of the Commission.

Article 28
Entry into Force

This Act shall enter into force thirty (30) days after the deposit of the instruments of ratification by two-thirds of the Member States of the OAU.

Article 29
Admission to Membership

1. Any African State may, at any time after the entry into force of this Act, notify the Chairman of the Commission of its intention to accede to this Act and to be admitted as a member of the Union.
2. The Chairman of the Commission shall, upon receipt of such notification, transmit copies thereof to all Member States. Admission shall be decided by a simple majority of the Member States. The decision of each Member State shall be transmitted to the Chairman of the Commission who shall, upon receipt of the

required number of votes, communicate the decision to the State concerned.

Article 30
Suspension

Governments which shall come to power through unconstitutional means shall not be allowed to participate in the activities of the Union.

Article 31
Cessation of Membership

1. Any State which desires to renounce its membership shall forward a written notification to the Chairman of the Commission, who shall inform Member States thereof. At the end of one year from the date of such notification, if not withdrawn, the Act shall cease to apply with respect to the renouncing State, which shall thereby cease to belong to the Union.
2. During the period of one year referred to in paragraph 1 of this Article, any Member State wishing to withdraw from the Union shall comply with the provisions of this Act and shall be bound to discharge its obligations under this Act up to the date of its withdrawal.

Article 32
Amendment and Revision

1. Any Member State may submit proposals for the amendment or revision of this Act.
2. Proposals for amendment or revision shall be submitted to the Chairman of the Commission who shall transmit same to Member States within thirty (30) days of receipt thereof.
3. The Assembly, upon the advice of the Executive Council, shall examine these proposals within a period of one year following notification of Member States, in accordance with the provisions of paragraph 2 of this Article.
4. Amendments or revisions shall be adopted by the Assembly by consensus or, failing which, by a two-thirds majority and submitted for ratification by all Member States in accordance with their respective constitutional procedures. They shall enter into force thirty (30) days after the deposit of the instruments of ratification with the Chairman of the Commission by a two-thirds majority of the Member States.

Article 33
Transitional Arrangements and Final Provisions

1. This Act shall replace the Charter of the Organization of African Unity. However, the Charter shall remain operative for a transitional period of one year or such further period as may be determined by the Assembly, following the entry into force of the Act, for the purpose of enabling the OAU/AEC to undertake the necessary measures regarding the devolution of its assets and liabilities to the Union and all matters relating thereto.
2. The provisions of this Act shall take precedence over and supersede any inconsistent or contrary provisions of the Treaty establishing the African Economic Community.
3. Upon the entry into force of this Act, all necessary measures shall be undertaken to implement its provisions and to ensure the establishment of the organs provided for under the Act in accordance with any directives or decisions which may be adopted in this regard by the Parties thereto within the transitional period stipulated above.
4. Pending the establishment of the Commission, the OAU General Secretariat shall be the interim Secretariat of the Union.
5. This Act, drawn up in four (4) original texts in the Arabic, English, French and Portuguese languages, all four (4) being equally authentic, shall be deposited with the Secretary-General of the OAU and, after its entry into force, with the Chairman of the Commission who shall transmit a certified true copy of the Act to the Government of each signatory State. The Secretary-General of the OAU and the Chairman of the Commission shall notify all signatory States of the dates of the deposit of the instruments of ratification or accession and shall upon entry into force of this Act register the same with the Secretariat of the United Nations.

IN WITNESS WHEREOF, WE have adopted this Act.

Done at Lomé, Togo, this 11th day of July, 2000.

Protocol of the Court of Justice of the African Union, 2003

Maputo, 11 July 2003

**PROTOCOL OF THE COURT OF JUSTICE
OF THE AFRICAN UNION**

**PROTOCOL OF THE COURT OF JUSTICE
OF THE AFRICAN UNION**

The Member States of the African Union:

Considering that the Constitutive Act established the Court of Justice of the African Union;

Firmly convinced that the attainment of the objectives of the African Union requires the establishment of the Court of Justice of the African Union;

HAVE AGREED AS FOLLOWS:

CHAPTER I

Article 1
DEFINITIONS

In this Protocol unless otherwise specifically stated:

“**Act**” means the Constitutive Act of the Union;

“**Assembly**” means the Assembly of Heads of State and Government of the Union;

“**Commission**” means the Commission of the Union;

“**Court**” means the Court of Justice of the Union;

“**ECOSOCC**” means the Economic, Social and Cultural Council of the Union;

“**Executive Council**” means the Executive Council of Ministers of the Union;

“**Financial Institutions**” means the Financial Institutions established by the Constitutive Act;

“**Judge**” means a judge of the Court;

“**Member State**” means a Member State of the Union;
 “**Parliament**” means the Pan-African Parliament of the Union;

“**Peace and Security Council**” means the Peace and Security Council of the Union;

“**President**” means the President of the Court;

“**Protocol**” means this Protocol defining the composition, powers and functions of the Court;

“**Regions**” means the geographical regions into which the continent of Africa, at any time, is divided pursuant to a decision of the Assembly;

“**Rules of Court**” means the Rules of Court under Article 58;

“**Registrar**” means the Registrar of the Court;

“**States Parties**” means the Member States that have ratified or acceded to this Protocol;

“**Union**” means the African Union established by the Act;

“**Vice President**” means the Vice President of the Court;

Article 2

ESTABLISHMENT OF THE COURT

1. The Court established by the Act shall function in accordance with the provisions of the Act and this Protocol.
2. The Court shall be the principal judicial organ of the Union.

Article 3

COMPOSITION

1. The Court shall consist of eleven (11) Judges who are nationals of States Parties.

2. The Assembly may, when it deems it necessary, review the number of Judges.

3. The Judges shall be assisted by the necessary staff for the smooth functioning of the Court.

4. No two (2) Judges shall be nationals of the same State Party.

5. In the Court as a whole, the representation of the principal legal traditions of Africa shall be assured.

6. Each region shall be represented by no less than two (2) Judges.

CHAPTER II

Article 4

QUALIFICATIONS

The Court shall be composed of impartial and independent Judges elected from among persons of high moral character, who possess the necessary qualifications required in their respective countries for appointment to the highest judicial offices, or are jurists of recognized competence in international law.

Article 5

SUBMISSION OF CANDIDATES

1. Upon entry into force of this Protocol, the Chairperson of the Commission shall request each State Party to submit in writing within ninety (90) days of such a request, its nomination for the office of a Judge of the Court.
2. Each State Party may nominate only one (1) candidate having the qualifications prescribed in Article 4 of this Protocol.
3. Due consideration shall be given to adequate gender representation in the nomination process.

Article 6

LIST OF CANDIDATES

The Chairperson of the Commission shall prepare a list of the candidates nominated, in alphabetical order and transmit it to the

Member States at least thirty (30) days prior to the ordinary session of the Assembly at which the Judges are to be elected.

Article 7

ELECTION OF JUDGES OF THE COURT

- 1. The Assembly shall elect the Judges by secret ballot and by two-thirds majority of the Member States eligible to vote.
- 2. Where one or more candidates fail to obtain the two-thirds majority required for an election, the balloting shall continue until the required number of Judges has been elected. However, the next ballots shall be restricted to the candidates who obtain the greatest number of votes.
- 3. In the election of the Judges, the Assembly shall ensure that there is equal gender representation.

Article 8

TENURE OF OFFICE

- 1. The Judges shall be elected for a period of six (6) years and may be re-elected only once. The term of five (5) Judges elected at the first election shall expire at the end of four (4) years and the other Judges shall serve the full term.
- 2. The Judges whose terms are to expire at the end of the initial period of four (4) years shall be chosen by lot to be drawn by the Chairperson of the Assembly immediately after the first election has been completed.
- 3. A Judge elected to replace another Judge whose term of office has not expired shall be from the same region and shall hold office for the remainder of the predecessor's term.

Article 9

OATH OF OFFICE

- 1. Before taking up his or her duties each Judge shall in open court take the following oath:

“I Do solemnly swear (or affirm or declare) that I shall faithfully exercise the duties of my office as Judge of the Court of Justice of the African Union impartially and conscientiously, without fear or favour, affection or illwill and that I will preserve the secrecy of the deliberations of the Court.”

- 2. The oath of office shall be administered by the Chairperson of the Assembly or his or her duly authorized representative.

Article 10

PRESIDENCY OF THE COURT

- 1. The Court shall elect its President and Vice-President for a period of three (3) years. The President and Vice-President may be re-elected once.
- 2. The President shall reside at the seat of the Court.
- 3. The modalities for elections of the President and the Vice-President and their functions shall be set out in the Rules of Court.

Article 11

RESIGNATION, SUSPENSION AND REMOVAL FROM OFFICE

- 1. A Judge may resign his or her position in writing addressed to the President for transmission to the Chairperson of the Assembly.
- 2. A Judge shall not be suspended or removed from office save where, on the unanimous recommendation of the other Judges, he or she no longer fulfils the requisite conditions to be a Judge.
- 3. The President shall communicate the recommendation for the suspension or removal of a judge to the Chairperson of the Assembly and the Chairperson of the Commission.
- 4. Such a recommendation of the Court shall become final upon its adoption by the Assembly.

Article 12

VACANCIES

1. A vacancy shall arise in the Court under the following circumstances:
 - (a) death;
 - (b) resignation;
 - (c) removal from office.
2. In the case of death or resignation of a Judge, the President shall immediately inform the Chairperson of the Assembly in writing, who shall declare the seat vacant.
3. The same procedure and consideration for the election of a Judge shall also be followed in filling vacancies.

Article 13

INDEPENDENCE

1. The independence of the Judges shall be fully ensured in accordance with international law.
2. No Judge may participate in the decision of any case in which he or she has previously taken part as agent, counsel or advocate for one of the parties, or as a member of a national or international court, or commission of inquiry, or in any other capacity.
3. Any doubt on this point shall be settled by decision of the Court.

Article 14

PRIVILEGES AND IMMUNITIES

1. The Judges shall enjoy, from the time of their election and throughout their term of office, the full privileges and immunities extended to diplomatic agents in accordance with international law.
2. The Judges shall be immune from legal proceedings for any act or omission committed in the discharge of their judicial functions.
3. The Judges shall continue, after they have ceased to hold office, to enjoy immunity in respect of acts performed by them when engaged in their official capacity.

Article 15

INCOMPATIBILITY

1. The position of a Judge shall be incompatible with any activity that might interfere with the independence or impartiality of such a Judge or the demands of the office, as determined in the Rules of Court.
2. Any doubt on this point shall be settled by the Court.

Article 16

QUORUM

1. The full Court shall sit except where it is expressly provided otherwise in this Protocol;
2. Except when sitting in Chamber, the Court shall only examine cases brought before it, if it has a quorum of at least seven (7) Judges;
3. The quorum for a Special Chamber shall be set out in the Rules of Court.

Article 17

REMUNERATION OF JUDGES

1. A Judge shall receive an annual allowance and, for each day on which he or she exercises his or her functions, a special allowance, provided that in any year the total sum payable to any Judge as special allowance shall not exceed the amount of the annual allowance.
2. The President shall receive an additional special annual allowance.
3. The Vice-President shall receive an additional special allowance for each day on which he or she acts as President.
4. The allowances shall be determined from time to time by the Assembly upon the recommendation of the Executive Council, taking into account the workload of the Court. They may not be decreased during the term of office.

5. Regulations adopted by the Assembly upon the recommendation of the Executive Council shall determine the conditions under which retirement pensions shall be given to the Judges and the terms and conditions under which their travel expenses shall be paid or refunded.
6. The allowances shall be free of all taxation.

Article 18

ELIGIBILITY TO SUBMIT CASES

1. The following are entitled to submit cases to the Court:
- (a) States Parties to this Protocol;
 - (b) The Assembly, the Parliament and other organs of the Union authorised by the Assembly;
 - (c) The Commission or a member of staff of the Commission in a dispute between them within the limits and under the conditions laid down in the Staff Rules and Regulations of the Union;
 - (d) Third Parties under conditions to be determined by the Assembly and with the consent of the State Party concerned.

2. The conditions under which the Court shall be open to third parties shall, subject to the special provisions contained in treaties in force, be laid down by the Assembly, but in no case shall such conditions place the parties in a position of inequality before the Court.
3. The States which are not members of the Union shall not be allowed to submit cases to the Court. The Court shall have no jurisdiction to deal with a dispute involving a Member State that has not ratified this Protocol.

Article 19

COMPETENCE/JURISDICTION

1. The Court shall have jurisdiction over all disputes and applications referred to it in accordance with the Act and this Protocol which relate to:
- (a) the interpretation and application of the Act;
 - (b) the interpretation, application or validity of Union treaties and all subsidiary legal instruments adopted within the framework of the Union;

- (c) any question of international law;
- (d) all acts, decisions, regulations and directives of the organs of the Union;
- (e) all matters specifically provided for in any other agreements that States Parties may conclude among themselves or with the Union and which confer jurisdiction on the Court;
- (f) the existence of any fact which, if established, would constitute a breach of an obligation owed to a State Party or to the Union;
- (g) the nature or extent of the reparation to be made for the breach of an obligation.

2. The Assembly may confer on the Court power to assume jurisdiction over any dispute other than those referred to in this Article.

CHAPTER III

Article 20

SOURCES OF LAW

1. The Court, whose function is to decide in accordance with international law such disputes, as are submitted to it, shall have regard to:
- (a) The Act;
 - (b) International treaties whether general or particular, establishing rules expressly recognized by the contesting states;
 - (c) International custom, as evidence of a general practice accepted as law;
 - (d) The general principles of law recognized universally or by African States;
 - (e) Subject to Article 37 of this Protocol, judicial decisions and the writings of the most highly qualified publicists of various nations as well as the regulations, directives and decisions of the Union as subsidiary means for the determination of the rules of law.
2. This provision shall not prejudice the power of the Court to decide a case *ex aequo et bono*, if the parties, agree thereto.

CHAPTER IV

Article 21

SUBMISSION OF A DISPUTE

- 1. Disputes shall be submitted to the Court by a written application to the Registrar. The subject of the dispute, the applicable law and basis of the jurisdiction shall be indicated.
- 2. The Registrar shall forthwith give notice of the application to all concerned parties.
- 3. The Registrar shall also notify all Member States, the Chairperson of the Commission and any third parties entitled to appear before the Court.

Article 22

PROVISIONAL MEASURES

- 1. The Court shall have the power, on its own motion or on application by the parties, to indicate, if it considers that circumstances so require any provisional measures which ought to be taken to preserve the respective rights of the parties.
- 2. Pending the final decision, notice of the provisional measures shall forthwith be given to the parties and to the Chairperson of the Commission.

Article 23

REPRESENTATION OF PARTIES

- 1. The parties may be represented before the Court by agents.
- 2. An agent or party may have the assistance of counsel or advocate before the Court.
- 3. The organs of the Union, where relevant, shall be represented by the Chairperson of the Commission or his or her representative.
- 4. The agents, counsel and advocates of the parties before the Court shall enjoy the privileges and immunities necessary to the independent exercise of their duties.

Article 24

PROCEDURE BEFORE THE COURT

- 1. The procedure before the Court shall consist of two parts: written and oral.
- 2. The written procedure shall consist of the communications to the Court, the parties and the institutions of the Union whose decisions are in dispute, of applications, statements of the case, defences and observations and of replies if any, as well as all papers and documents in support, or of certified copies thereof.
- 3. The communications shall be made through the Registrar, in the order and time fixed by the Court either in the Rules or the case.
- 4. A certified copy of every document produced by one party shall be communicated to the other party.
- 5. The oral proceedings shall, if necessary, consist of hearing by the Court of witnesses, experts, agents, counsels and advocates.

Article 25

SERVICE OF NOTICE

- 1. For the service of all notices upon persons other than parties, agents, counsel and advocates, the Court shall apply direct to the government of the State upon whose territory the notice has to be served.
- 2. The same provision shall apply whenever steps are to be taken to procure evidence locally in the territory of the State concerned.

Article 26

PUBLIC HEARING

The hearing in Court shall be public, unless the Court, on its own motion or upon application by the parties, decides that the public not be admitted.

Article 27

RECORD OF PROCEEDINGS

1. A record of proceedings shall be made at each hearing and shall be signed by the presiding Judge and the Registrar of the session.
2. Such a record shall be kept by the Registrar and shall be the authentic record of the case.

Article 28

REGULATION OF PROCEEDINGS

1. The Court shall have the power to regulate its own proceedings. It shall have the power to make orders for the conduct of the case before it.
2. It shall decide the form and time in which each party must conclude its arguments, and make all arrangements connected with the taking of evidence.

Article 29

PRODUCTION OF DOCUMENTS

The Court may, before the hearing begins, call upon the agents to produce any relevant document or to supply any relevant explanation. Formal note shall be taken of any refusal to produce documents or supply an explanation requested by it.

Article 30

ENQUIRIES

The Court may, at any time, entrust any individual, body, bureau, commission, or other organisation that it may select, and accepted by the parties to the dispute, with the task of carrying out an enquiry or giving an expert opinion.

Article 31

REFUSAL OF EVIDENCE

After the Court has received the proofs and evidence within the time specified for the purpose, it may, unless it decides that the interests of justice so require, refuse to accept any further oral or written evidence that any party may desire to present.

Article 32

DEFAULT JUDGMENTS

1. Whenever one of the parties does not appear before the Court, or fails to defend the case against it, the other party may call upon the Court to give its judgment.
2. The Court must before doing so, satisfy itself, not only that it has jurisdiction in accordance with Article 19, but also that the claim is well founded in fact and in law and that the other party had due notice.
3. An objection by the party concerned may be lodged against the judgment within ninety (90) days of it being notified of the default judgment. The objection shall not have the effect of staying the enforcement of the judgment by default.

Article 33

CONSIDERATION OF THE JUDGMENT

1. When, subject to the control of the Court, the agent, counsel and advocates have completed their submissions of the case, the President shall declare the hearing closed.
2. The Court shall adjourn to consider its judgment.
3. The deliberations of the Court shall take place in private and shall remain secret at all times.

Article 34

MAJORITY NECESSARY FOR DECISION

1. All questions shall be decided by a majority of the Judges present.
2. In the event of equality of votes, the presiding Judge shall have a casting vote.

Article 35
JUDGMENT

1. The judgment shall state the reasons on which it is based.
2. The judgment shall state the names of Judges who have taken part in the decision.
3. The judgment shall be signed by all the Judges and certified by the President and the Registrar. It shall be read in open session, due notice having been given to the agents.
4. Subject to Article 32 and 41 of this Protocol, the judgment shall be final.

Article 36

SEPARATE OR DISSENTING OPINION

If the judgment does not represent in whole or in part the unanimous opinion of the Judges, any Judge shall be entitled to deliver a separate or dissenting opinion.

Article 37

BINDING FORCE OF JUDGMENTS

The judgments of the Court shall be binding on the parties and in respect of that particular case.

Article 38

DECISIONS ON INTERPRETATION AND APPLICATION OF THE ACT

1. Decisions of the Court on the interpretation and application of the Act shall be binding on Member States and organs of the Union notwithstanding the provisions of Article 37 of this Protocol.
2. Whenever questions of interpretation of the Act arise in a case in which States other than those concerned have expressed an interest, the Registrar shall notify all such States and organs of the Union forthwith.

3. Every Member State and organ of the Union so notified has the right to intervene in the proceedings.
4. Any decision taken in application of Articles 38 and 39 of this Protocol shall be by a qualified majority of at least two (2) votes and in the presence of at least nine (9) Judges.

Article 39

INTERPRETATION OF OTHER TREATIES

1. Whenever the question of interpretation of a treaty arises in a case in which States other than those concerned have expressed an interest, the Registrar shall notify all such States and organs of the Union forthwith.
2. Every State Party and organ of the Union so notified has the right to intervene in the proceedings and the interpretation given by the judgment will be equally binding upon it.

Article 40

INTERPRETATION OF A JUDGEMENT

In the event of any dispute as to the meaning or scope of the judgment, the Court shall construe it upon the request of any of the parties.

Article 41

REVISION

1. An application for revision of a judgment may be made only when it is based upon discovery of a new fact of such nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also to the party claiming revision, provided that such ignorance was not due to negligence.
2. The proceedings for revision shall be opened by a ruling of the Court expressly recording the existence of the new fact, recognizing that it has such a character as to lay the case open to revision, and declaring the revision admissible on this ground.
3. The Court may require prior compliance with the terms of the judgment before it admits proceedings in revision.

4. The application for revision shall be made within six (6) months of the discovery of the new fact.
5. No application may be made after the lapse of ten (10) years from the date of the judgment.

Article 42

INTERVENTION

1. Any Member State that has an interest of a legal nature, which may be affected by the decision in the case, may submit a request to the Court to be permitted to intervene.
2. The Court shall decide upon the request.

Article 43

COSTS

Unless otherwise decided by the Court, each party shall bear its own costs.

Article 44

ADVISORY OPINION

1. The Court may give an advisory opinion on any legal question at the request of the Assembly, the Parliament, the Executive Council, the Peace and Security Council, the ECOSOCC, any of the Financial Institutions, a Regional Economic Community or such other organs of the Union as may be authorized by the Assembly.
2. A request for an advisory opinion under paragraph 1 of this Article shall be in writing and shall contain an exact statement of the question upon which the opinion is required and shall be accompanied by all relevant documents.

CHAPTER V

Article 45

PROCEDURE FOR AMENDMENTS

1. This Protocol may be amended if a State Party makes a written request to that effect to the Chairperson of the Assembly.

2. Proposals for amendment shall be submitted to the Chairperson of the Commission who shall transmit same to Member States within thirty (30) days of receipt thereof.

3. The Assembly may adopt by a simple majority, the draft amendment after the Court has given its opinion on the amendment.

Article 46

POWER OF THE COURT TO PROPOSE AMENDMENTS

The Court shall have the power to propose such amendments to this Protocol as it may deem necessary to the Assembly through written communication to the Chairperson of the Commission for consideration in conformity with Article 45 of this Protocol.

CHAPTER VI

Article 47

SEAT AND SEAL OF THE COURT

1. The seat of the Court shall be determined by the Assembly from among States Parties. However, the Court may sit in any other Member State if circumstances warrant and with the consent of the Member State concerned. The seat of the Court may be changed by the Assembly after due consultations with the Court.
2. The Court shall have a seal bearing the inscription "The Court of Justice of the African Union".

CHAPTER VII

Article 48

APPOINTMENT OF REGISTRAR

1. The Court shall appoint the Registrar and Deputy Registrar(s) from amongst candidates proposed by the Judges of the Court, as it considers necessary, in accordance with the Rules of Court.
2. The Registrar and Deputy Registrar(s) shall be elected for a term of four (4) years. They may be re-appointed once. They shall reside at the seat of the Court.

3. The salary and conditions of service of the Registrar and Deputy Registrar(s) shall be determined by the Assembly upon recommendation of the Court through the Executive Council.

Article 49

APPOINTMENT AND TERMS OF SERVICE OF OTHER STAFF

1. The Court shall employ such staff as may be required to enable the Court to perform its functions and who shall hold office in the service of the Court.
2. The salary and other allowances of the other staff of the Court shall be determined by the Assembly upon the recommendation of the Court through the Executive Council.

Article 50

OFFICIAL LANGUAGES OF THE COURT

The official and working languages of the Court shall be those of the Union.

CHAPTER VIII

Article 51

EXECUTION OF JUDGMENT

The State Parties shall comply with the judgment in any dispute to which they are parties within the time stipulated by the Court and shall guarantee its execution.

Article 52

NON-COMPLIANCE WITH JUDGMENT

1. Where a party has failed to comply with a judgment, the Court may, upon application by either party, refer the matter to the Assembly, which may decide upon measures to be taken to give effect to the judgment.
2. The Assembly may impose sanctions under paragraph 2 of Article 23 of the Act.

Article 53

REPORT TO THE ASSEMBLY

The Court shall submit to each ordinary session of the Assembly, a report on its work during the previous year. The report shall specify, in particular, the cases in which a State has not complied with the Court's judgment.

CHAPTER IX

Article 54

BUDGET

1. The Court shall elaborate its draft annual budget and shall submit it to the Assembly through the Executive Council.
2. The budget of the Court shall be borne by the Member States.

Article 55

SUMMARY PROCEDURE

With a view to the speedy dispatch of business, the Court shall form annually a chamber composed of five (5) Judges, which, at the request of the parties, may hear and determine cases by summary procedure in accordance with the Rules of Court. In addition, two (2) Judges shall be selected from among themselves for the purpose of replacing Judges who find it impossible to sit.

Article 56

SPECIAL CHAMBERS

The Court may from time to time form one or more chambers, composed of three (3) or more Judges as the Court may determine, for dealing with particular categories of cases.

Article 57

JUDGMENT GIVEN BY A CHAMBER

A judgment given by any of the chambers provided for in Articles 55 and 56 of this Protocol shall be considered as rendered by the Court.

**PROTOCOL OF THE COURT OF JUSTICE
OF THE AFRICAN UNION**

CHAPTER X

**Article 58
RULES OF COURT**

The Court shall frame rules for carrying out its functions and generally for giving effect to this Protocol. In particular, it shall lay down rules of procedure in conformity with this Protocol.

1. People’s Democratic Republic of Algeria

.....

Article 59

SIGNATURE, RATIFICATION AND ACCESSION

1. This Protocol shall be open to signature, ratification and accession by Member States in accordance with their respective constitutional procedures.

2. The instruments of ratification shall be deposited with the Chairperson of the Commission.

3. Any Member State acceding to this Protocol after its entry into force shall deposit the instrument of accession with the Chairperson of the Commission.

2. Republic of Angola

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3. Republic of Benin

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4. Republic of Botswana

.....

5. Burkina Faso

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6. Republic of Burundi

.....

Article 60

ENTRY INTO FORCE

This Protocol shall enter into force thirty (30) days after the deposit of the instruments of ratification by fifteen (15) Member States.

**Adopted by the 2nd Ordinary Session
of the Assembly of the Union**

Maputo, 11 July 2003

7. Republic of Cameroon

.....

8. Republic of Cape Verde

.....

9. Central African Republic

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10. Republic of Chad

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11. Union of the Comoros

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12. Republic of the Congo

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13. Republic of Côte d'Ivoire

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14. Democratic Republic of Congo

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15. Republic of Djibouti

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16. Arab Republic of Egypt

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17. State of Eritrea

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18. Federal Democratic Republic of Ethiopia

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19. Republic of Equatorial Guinea

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20. Republic of Gabon

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21. Republic of The Gambia

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22. Republic of Ghana

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23. Republic of Guinea

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24. Republic of Guinea Bissau

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25. Republic of Kenya

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26. Kingdom of Lesotho

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27. Republic of Liberia

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28. Great Socialist People's Libyan Arab Jamahiriya

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29. Republic of Madagascar

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30. Republic of Malawi

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31. Republic of Mali

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32. Islamic Republic of Mauritania

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33. Republic of Mauritius

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34. Republic of Mozambique

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35. Republic of Namibia

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36. Republic of Niger

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37. Federal Republic of Nigeria

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38. Republic of Rwanda

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39. Sahrawi Arab Democratic Republic

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40. Republic of Sao Tome and Principe

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41. Republic of Senegal

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42. Republic of Seychelles

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43. Republic of Sierra Leone

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44. Republic of Somalia

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45. Republic of South Africa

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46. Republic of Sudan

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47. Kingdom of Swaziland

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48. United Republic of Tanzania

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49. Republic of Togo

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50. Republic of Tunisia

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51. Republic of Uganda

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52. Republic of Zambia

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53. Republic of Zimbabwe

.....

**Protocol on Amendments to the Constitutive Act of the African
Union, 2003**

Maputo, 11 July 2003

**PROTOCOL ON AMENDMENTS TO THE CONSTITUTIVE
ACT OF THE AFRICAN UNION**

The **Member States** of the African Union States Parties to the Constitutive Act of the African Union

**HAVE AGREED TO ADOPT AMENDMENTS TO THE CONSTITUTIVE ACT
AS FOLLOWS:**

**Article 1
Definitions**

In this Protocol, the following expressions shall have the meanings assigned to them hereunder unless otherwise specified:

"Act" means the Constitutive Act

"Assembly" means the Assembly of Heads of State and Government of the African Union

"Chairperson" means chairperson of the Assembly

"Court" means the Court of Justice of the Union and Court of Justice has the same meaning

"Union" means the African Union

**Article 2
Preamble**

In the first paragraph of the Preamble to the Constitutive Act, the replacement of the words "founding fathers" with "founders"



**PROTOCOL ON AMENDMENTS TO THE CONSTITUTIVE
ACT OF THE AFRICAN UNION**



**Article 3
Objectives**

In Article 3 of the Act (Objectives), the insertion of three new subparagraphs (l), (p) and (q) with consequential renumbering of subparagraphs:

The objectives of the Union shall be to:

.....

(l) ensure the effective participation of women in decision-making, particularly in the political, economic and socio-cultural areas;

.....

(p) develop and promote common policies on trade, defence and foreign relations to ensure the defence of the Continent and the strengthening of its negotiating positions;

(q) invite and encourage the full participation of the African Diaspora as an important part of our Continent, in the building of the African Union.

**Article 4
Principles**

In Article 4 of the Act (Principles), the expansion of subparagraph (h) and the insertion of two new subparagraphs (q) and (r):

.....

(h) the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity as well as a serious threat to legitimate order to restore peace and stability to the Member State of the Union upon the recommendation of the Peace and Security Council;

.....



(q) restraint by any Member State from entering into any treaty or alliance that is incompatible with the principles and objectives of the Union;

(r) prohibition of any Member State from allowing the use of its territory as a base for subversion against another Member State.

**Article 5
Organs of the Union**

In Article 5 of the Act (Organs of the Union), the insertion of a new subparagraph (f) with consequential renumbering of subsequent subparagraphs:

.....

(f) The Peace and Security Council

.....

**Article 6
The Assembly**

In Article 6 of the Act (The Assembly) and where-ever else it occurs in the Act, the substitution of the word "Chairman" with "Chairperson"; the deletion of the second sentence of subparagraph 3 and the insertion of new paragraphs 4, 5, 6 and 7.

.....

- 3. The Assembly shall meet at least once a year in ordinary session.
- 4. At the initiative of the Chairperson after due consultation with all Member States, or at the request of any Member State and upon approval by two-thirds majority of Member States, the Assembly shall meet in Extraordinary Session.



5. The Assembly shall elect its Chairperson from among the Heads of State or Government at the beginning of each ordinary session and on the basis of rotation for a period of one year renewable.
6. The Chairperson shall be assisted by a Bureau chosen by the Assembly on the basis of equitable geographical representation.
7. Where the Assembly meets at the Headquarters, an election of the Chairperson shall be held taking into account the principle of rotation.

Article 7

Functions of the Chairperson of the Assembly

The insertion in the Act of a new Article 7 (bis) :

1. The Chairperson shall represent the Union, during his/her tenure with a view to promoting the objectives and principles of the African Union as stipulated in Articles 3 and 4 of the Act. He/She shall also, with the collaboration of the Chairperson of the Commission, carry out the functions of the Assembly set out in Article 9(e) and (g) of the Act.
2. The Chairperson may convene the meeting of the other organs through their Chairpersons or Chief Executives and in accordance with their respective Rules of Procedure.

Article 8

The Executive Council

In Article 10 of the Act (The Executive Council), the insertion of a new paragraph 3:

.....

3. The Chairperson of the Executive Council shall be assisted by a Bureau chosen by the Executive Council on the basis of equitable geographical representation.



Article 9 **Peace and Security Council**

The insertion in the Act of a new Article 20(bis) :

1. There is hereby established, a Peace and Security Council (PSC) of the Union, which shall be the standing decision-making organ for the prevention, management and resolution of conflicts.
2. The functions, powers, composition and organization of the PSC shall be determined by the Assembly and set out in a protocol relating thereto.

Article 10

The Permanent Representatives Committee

In Article 21 of the Act (The Permanent Representatives Committee) the insertion of a new paragraph 3:

.....

3. The Chairperson of the Permanent Representatives Committee shall be assisted by a Bureau chosen on the basis of equitable geographical representation.

Article 11

Official Languages

In Article 25 of the Act (Working Languages), replace the title "Working Languages" by "Official Languages" and substitute the existing provision with:

1. The official languages of the Union and all its institutions shall be Arabic, English, French, Portuguese, Spanish, Kiswahili and any other African language.
2. The Executive Council shall determine the process and practical modalities for the use of official languages as working languages.



Article 12
Cessation of Membership

Article 31 of the Act (Cessation of Membership) is deleted.

Article 13
Entry into Force

This Protocol shall enter into force thirty days after the deposit of the instruments of ratification by a two-thirds majority of the Member States.

**Adopted by the 1st Extraordinary Session
of the Assembly of the Union in Addis
Ababa, Ethiopia on 3 February 2003**

and

**by the 2nd Ordinary Session of the
Assembly of the Union in Maputo,
Mozambique on 11 July 2003**



**Statute of the African Union Commission on International
Law, 2009**

African Union, EX.CL/478 (XIV) a



EXECUTIVE COUNCIL
Fourteenth Ordinary Session
26 - 30 January 2009
Addis Ababa, ETHIOPIA

EX.CL/478 (XIV) a

EX.CL/478 (XIV) a

TABLE OF CONTENTS

Preamble	1
Article 1 : Definitions	2
Article 2 : Establishment of the African Union Commission on International Law (AUCIL)	2
Article 3 : Composition	2
Article 4 : Objectives	3
Article 5 : Progressive Development of International Law	3
Article 6 : Codification of International Law	4
Article 7 : Contribution to Objectives and Principles of the Union	6
Article 8 : Revision of Treaties	6
Article 9 : The Teaching, Study and Dissemination of International Law	6
Article 10 : Candidatures	6
Article 11 : Election of Members	7
Article 12 : Term of Office of Members	7
Article 13 : Resignation, Suspension and Removal from Office	7
Article 14 : Vacancies	8
Article 15 : Sessions	8
Article 16 : Quorum	8
Article 17 : Election of the Chairperson and Vice-Chairperson of the AUCIL	8
Article 18 : Remuneration	9
Article 19 : Rules of Procedure	9
Article 20 : Languages	9
Article 21 : Human and Material Resources	9
Article 22 : Privileges and Immunities	9
Article 23 : Budget	9
Article 24 : Cooperation with other Organs of the African Union	9
Article 25 : Cooperation with other Organizations	10
Article 26 : Amendments	10
Article 27 : Entry into Force	10

PREAMBLE

The Member States of the African Union,

BEARING IN MIND the importance of treaties in international relations, notably in the area of maintenance of peace, consolidation and promotion of international law;

RECALLING Decision Assembly/AU/Dec. 66(IV) adopted by the Assembly of the Union in Abuja, Nigeria, in January 2005 reaffirming *inter alia* the need for the establishment of the African Union Commission on International Law;

FURTHER RECALLING Decision EX.CL/Dec.129 (V) on the establishment of the African Union Commission on International Law adopted by the Fifth Ordinary Session of the Executive Council held in Addis Ababa, Ethiopia in July 2004;

INSPIRED by the common objectives and principles enshrined in the Constitutive Act of the African Union, notably Articles 3 and 4 which underscore the importance of accelerating the socio-economic development of the Continent through the promotion of research in all fields;

ALSO INSPIRED by our common goal to strengthen and consolidate the principles of international law and to remain at the forefront of international legal development, and to continue to work towards maintaining standards in important areas of international law;

ACKNOWLEDGING the contributions of the African Union including the Regional Economic Communities in the promotion of all fields of research with a view to advancing the codification of international law;

DETERMINED to promote the universal values and progressive principles of international law at continental level in the light of the historical and cultural conditions in Africa;

FURTHER DETERMINED to promote in the African continent a culture of respect for emerging international norms and rules which have a potential for eventual crystallization into firm rules of international law;

CONVINCED of the value of the dissemination of, and research in international law, which lies in the ability to foster the creation of an environment that is conducive to the respect for and acceptance of the principles of international law, and the peaceful settlement of conflicts;

REAFFIRMING the collective will to work relentlessly for the development and codification of international law in the African continent;

HAVE AGREED AS FOLLOWS:

Article 1 Definitions

In this Statute, unless otherwise indicated:

«**Assembly**» means the Assembly of Heads of State and Government of the African Union;

«**AUCIL**» means the African Union Commission on International Law;

«**Chairperson**» means the Chairperson of the AUCIL;

«**Chairperson of the Commission**» means the Chairperson of the Commission of the African Union;

«**Commission**» means the Commission of the African Union;

«**Constitutive Act**» means the Constitutive Act of the African Union;

«**Executive Council**» means the Executive Council of Ministers of the African Union;

«**Member**» means a Member of the AUCIL;

«**Member States**» means Member States of the African Union;

«**Peace and Security Council**» means the Peace and Security Council of the African Union;

«**Statute**» means the present Statute of the African Union Commission on International Law;

«**Union**» means the African Union.

Article 2 Establishment of the African Union Commission on International Law (AUCIL)

1. The AUCIL is hereby established as an independent advisory organ of the Union in accordance with Article 5(2) of the Constitutive Act.
 2. The structure, objectives and functions of the AUCIL shall be defined in this Statute.
1. The AUCIL shall consist of eleven (11) members of recognised competence in international law, who are nationals of Member States and who shall serve in their personal capacities.

Article 3 Composition

2. No two (2) members shall be nationals of the same State.
 3. The composition of the AUCIL shall reflect and respect the principles of equitable geographical representation, the principal legal systems of the Continent and equitable gender representation.
- Article 4
Objectives**
- The AUCIL shall act at the instance of the Policy and other Organs of the Union. It shall have the following specific objectives:
- a) to undertake activities relating to codification and progressive development of international law in the African continent with particular attention to the laws of the Union as embodied in the treaties of the Union, in the decisions of the policy organs of the Union and in African customary international law arising from the practice of Member States;
 - b) to propose draft framework agreements, model regulations, formulations and analyses of emerging trends in States' practice to facilitate the codification and progressive development of international law;
 - c) to assist in the revision of existing treaties, assist in the identification of areas in which new treaties are required and prepare drafts thereof;
 - d) to conduct studies on legal matters of interest to the Union and its Member States;
 - e) to encourage the teaching, study, publication and dissemination of literature on international law in particular the laws of the Union with a view to promoting acceptance of and respect for the principles of international law, the peaceful resolution of conflicts, respect for the Union and recourse to its Organs, when necessary.

Article 5

Progressive Development of International Law

1. The AUCIL shall identify and prepare draft instruments and studies in areas which have not yet been regulated by international law in the African continent or been sufficiently developed in the practice of African States.
2. Where the Assembly or the Executive Council or any other organ refers to the AUCIL a specific proposal for study with a view to advancing the progressive development of international law, the AUCIL shall, in general, adopt the following procedure in carrying out its work:
 - a) appoint one of its Members to be Rapporteur;
 - b) circulate a questionnaire to Member States and invite them to supply, within a specified time information relevant to its work;

- c) consult with relevant institutions and experts;
 - d) request where it considers a draft to be satisfactory, the Chairperson of the Commission to issue the draft as an AUCIL document. The Commission shall publicise this document, together with such explanatory and supporting material as the AUCIL considers appropriate. The document shall include any information supplied to the AUCIL in reply to the questionnaire referred to in sub-paragraph c) of this paragraph;
 - e) invite Member States, organs or institutions of the Union to submit their comments on this document within a specified time frame.
3. The Rapporteur and the Members appointed under this Article shall review the draft, taking into consideration the comments by Member States, Organs or Institutions of the Union and shall prepare the final draft with an explanatory report which they shall submit to the AUCIL for finalization.
 4. The AUCIL shall submit the final draft with its recommendations to the Assembly, through the Executive Council, and may on its own motion or at the request of the Organ or Institution of the Union make an interim report to the Organ or Institution that submitted the proposal or draft.
 5. The AUCIL shall also consider proposals and draft multilateral conventions submitted by Member States and Organs of the Union to encourage and facilitate the progressive development of international law and its codification.

Article 6

Codification of International Law

1. The AUCIL shall, with a view to establishing an authoritative statement of international law, be responsible for the codification of international law by way of a systematic and precise formulation of rules of international law in fields where there has already been extensive State practice, precedent and doctrine in the African continent.
2. When the AUCIL considers that codification of a particular area of international law is necessary, it shall study the area and shall submit its recommendations to the Assembly, through the Executive Council.
3. The AUCIL may on its own initiative survey the whole field of international law in the African continent with a view to selecting areas for codification, bearing in mind existing draft codes.
4. The AUCIL shall give priority to requests for codification submitted to it by the Assembly or other Organs of the Union.
5. The AUCIL shall adopt the plan of work it considers appropriate in each case.

6. The AUCIL shall, through the Chairperson of the Commission, address to Member States a detailed request to furnish to it the texts of law, regulations, decrees, judicial decisions, treaties, diplomatic correspondence and any other document relevant to the topic being studied and which it considers necessary.

7. The AUCIL shall prepare its drafts in the form of Articles and shall submit them to the Assembly, through the Executive Council, together with a commentary containing:

- (a) Adequate presentation of precedents and other relevant data, including treaties, judicial decisions and doctrine;
- (b) Conclusions defining:
 - i) the extent of agreement on each point in the practice of States and in doctrine;
 - ii) divergencies and disagreements which exist, as well as arguments invoked in favour of each solution.

8. When the AUCIL considers a draft to be satisfactory, it shall request the Chairperson of the Commission to issue it as an AUCIL document. The Commission shall publicize the document with such explanatory material, as it may consider appropriate. The publication shall include any information supplied by AU Member States. The AUCIL shall decide whether the opinions of any relevant institution or individual expert consulted shall be included in the publication.

9. The AUCIL shall request Member States to submit their comments on the AUCIL document for consideration within ninety (90) days.

10. Taking into consideration the comments and observations of Member States, the AUCIL shall prepare a final draft document together with its recommendations and an explanatory report, which it shall submit to the Assembly through the Executive Council.

11. The AUCIL may recommend that the Assembly, through the Executive Council:

- a) take no action;
- b) take note of the report;
- c) adopt the report;
- d) recommend the draft to Member States with a view to the conclusion of a convention.

12. The Assembly shall, where it considers it appropriate, refer drafts back to the AUCIL for reconsideration or redrafting.

13. The AUCIL shall consider mechanisms for making evidence of customary international law more readily available, through the collection and publication of documents concerning State practice and the decisions of national and

international courts on questions of international law, and shall submit a report of its work in this regard to the Assembly through the Executive Council.

Article 7 Contribution to objectives and principles of the Union

In carrying out its functions on the progressive development of international law and codification of international law, the AUCIL shall contribute to the objectives and principles of the Union as enshrined in Articles 3 and 4 of the Constitutive Act, and in particular to study all legal matters related to the promotion of peace and security in the African continent, the demarcation and delineation of African borders as well as legal matters relating to the political and socio-economic integration of the Continent.

Article 8 Revision of Treaties

1. The AUCIL shall be entitled to propose, if necessary, the revision of OAU/AU Treaties with a view to:
 - a) ensuring harmony between AU treaties and current legal developments;
 - b) ensuring that the process of contributing to the development of international law through encouraging standard-setting by member states continues;
 - c) ensuring that standard-setting within the Union is and remains both relevant and appropriate;
 - d) promoting the harmonization of international obligations.

Article 9 The Teaching, Study and Dissemination of International Law

With a view to encouraging the teaching, study and dissemination of international law and African Union law, in particular, the AUCIL shall co-operate with universities, institutions and other educational and research centres as well as with bar associations and other associations of lawyers.

Article 10 Candidatures

1. Upon coming into effect of this Statute, the Chairperson of the Commission shall invite each Member State to submit, in writing, within ninety (90) days, the names of its candidates, together with their curricula vitae, for election to the AUCIL.
2. Each Member State may nominate a maximum of two (2) candidates taking into account equitable gender representation.
3. The Chairperson of the Commission shall prepare a list in alphabetical order of the names of candidates submitted and shall communicate the list with the

curriculum vitae of each candidate to Member States, at least thirty (30) days before the holding of the session of the Executive Council at which the members are to be elected.

**Article 11
Election of Members**

The Executive Council shall elect the Members by secret ballot. The election of the Members shall be governed by this Statute and the Rules of Procedure of the Executive Council.

**Article 12
Term of Office of Members**

1. Members shall be elected for a period of five (5) years and shall be eligible for re-election only once. However, the term of office of five (5) of the members elected at the first election shall expire at the end of three (3) years and they shall be eligible for re-election only once.
2. Members whose terms are to expire at the end of the initial period of three (3) years shall be chosen by a lot drawn by the Chairperson of the Executive Council, immediately after the first elections.
3. A Member to be elected to replace a member whose term of office has not yet expired shall be from the same region.
4. He/she shall hold office for the remainder of the predecessor's term.

**Article 13
Resignation, Suspension and Removal from Office**

1. A Member may resign by addressing a letter of resignation to the Chairperson who shall transmit the letter to the Chairperson of the Commission.
2. A Member may only be suspended or removed from office on the recommendation of two-thirds of the other Members that the member no longer meets the requisite conditions specified in this Statute and the Rules of Procedure of the AUCIL to continue being a Member.
3. The Chairperson shall bring the recommendation for suspension or removal of a Member from office to the attention of the Executive Council through the Chairperson of the Commission. Suspension or removal from office shall be carried out in conformity with the AUCIL Rules of Procedure.
4. The recommendation shall become final upon its adoption by the Executive Council.

**Article 14
Vacancies**

1. A seat on the AUCIL shall be vacant under the following circumstances:

- (a) Death;
- (b) Resignation;
- (c) Removal from office in accordance with Article 13 above.

2. In the event of death, resignation or removal from office of a Member, the Chairperson, through the Chairperson of the Commission, shall immediately inform the Member States in writing. Thereafter, the Chairperson of the Commission shall declare the seat vacant.
3. The same procedure for the election of Members shall be followed in filling vacancies.

**Article 15
Sessions**

1. The Members of the AUCIL shall perform their functions on a part-time basis.
2. The AUCIL shall meet twice (2) a year in ordinary sessions. It may meet in extraordinary sessions at the request of the Chairperson or two thirds of the membership.
3. The duration of the sessions shall be determined by the Rules of Procedure of the AUCIL.
4. Sessions of the AUCIL shall be held at the Headquarters of the Union. However, where the AUCIL is invited to meet elsewhere other than at the Headquarters, that Member State shall be responsible for the expenses over and above what would have been incurred had the meeting been held at the Headquarters.

**Article 16
Quorum**

The quorum for a meeting of the AUCIL shall be six (6) Members.

**Article 17
Election of the Chairperson and Vice-Chairperson of the AUCIL**

1. The Members of the AUCIL shall elect from among themselves the Chairperson and the Vice Chairperson, who shall serve for a period of two (2) years. The elected Chairperson and the Vice Chairperson shall be eligible for re-election only once.
2. The modalities for the election of the Chairperson and the Vice Chairperson as well as their duties shall be defined in the AUCIL Rules of Procedure which shall be approved.

**Article 18
Remuneration**

1. The Members shall be paid emoluments and allowances, which shall be determined by the Assembly.
2. Save for consultants or experts whose conditions of service shall be governed entirely by the terms of their contract, the terms and conditions of service of staff members of the AUCIL shall be in accordance with the African Union Staff Regulations and Rules.

**Article 19
Rules of Procedure**

The AUCIL shall determine its own rules of procedure for carrying out its functions and submit them to the Executive Council for approval.

**Article 20
Languages**

The official and working languages of the AUCIL shall be those of the Union.

**Article 21
Human and Material Resources**

The Commission shall provide the necessary means, staff and infrastructure to the AUCIL Secretariat to enable it carry out its duties effectively.

**Article 22
Privileges and Immunities**

Members will enjoy, from the date of their election and throughout their term of office, the privileges and immunities applicable to other senior Officials of the Union.

**Article 23
Budget**

1. The budget of the AUCIL shall form part of the budget of the Union.
2. The AUCIL shall prepare and submit its draft budget to the Union for approval and inclusion in the Union's budget.
3. The Initial Budget of the AUCIL shall be prepared by the Commission.

**Article 24
Cooperation with other Organs of the African Union**

The AUCIL may if it considers it necessary consult, with any organ of the Union on any subject which is within the competence of that organ. All documents circulated to

Member States by the AUCIL shall also be circulated to relevant organs of the Union for their information, comments and proposals or necessary action.

**Article 25
Cooperation with Other Organizations**

1. In order to broaden its consultation base, the AUCIL may consult with any inter-governmental, international or national organization that it may consider relevant, on any subject entrusted to it, if it believes that such a procedure might aid it in the performance of its functions.
2. For the purpose of distribution of AUCIL documents, the Chairperson of the Commission, after consultation with the AUCIL, shall draw up a list of national and international organizations concerned with questions of international law such as the National Law Reform Commissions. The Chairperson of the Commission shall endeavour to include on this list at least one (1) national organization of each Member State.
3. In order to promote international law on the African continent, the AUCIL shall establish close collaboration with the United Nations International Law Commission.

**Article 26
Amendments**

1. The present Statute may be amended by the Assembly:
 - i) upon recommendation of the Executive Council after it has obtained the opinion of the AUCIL; or
 - ii) upon the recommendation of the AUCIL.
2. The amendments shall come into effect upon their adoption by the Assembly.

**Article 27
Entry into Effect**

The present Statute shall come into effect upon its adoption by the Assembly.

