



**Pan African  
Lawyers Union**

PALU Policy Brief No. 1

**Matrix of Key Implementation Organs,  
Institutions and Mechanisms under the  
African Union (AU) System**



# MATRIX OF KEY IMPLEMENTATION ORGANS, INSTITUTIONS AND MECHANISMS UNDER THE AU SYSTEM

## 1. a) The Assembly of Heads of State and Government of the AU (Constitutive Act of the AU)

- Supreme Organ and highest decision making body of the AU;
- Composed of the Heads of State and Government of the AU or their duly appointed representatives;
- Meets twice a year in ordinary session (previously once), but can also meet in extraordinary session (when the Chairperson of AU or any member states calls for it with consent of two-thirds of all Member States);
- The powers and functions of the Assembly are stipulated in Article 9 of the Constitutive Act of the AU.

## b) Office of the Chairperson of the AU

- Heads the Assembly of Heads of State and Government;
- Chairs meetings of the Assembly of Head of States and Government and guides proceedings;
- Between sessions, he or she represents the AU both within Africa and on the international stage, and may assist in conflict resolution initiatives or other matters;
- Serves a one year term.

## 2. The Executive Council of Ministers of the AU (Constitutive Act of the AU)

- Composed of Ministers of Foreign Affairs or such other Ministers or authorities as are designated by the governments of the Member States;
- Chaired by the Minister of Foreign Affairs of the same Member State as the Chairperson of the AU;
- Meets twice a year in ordinary session, but can also meet in extraordinary session at the request of any Member State and upon approval by two-thirds of all Member States;
- Responsible to the Assembly;
- The functions of the Executive Council are stipulated in Article 13 of the Constitutive Act of the AU.

## 3. The Pan African Parliament of the AU (PAP)

(Is established as one of the organs of the AU under the Constitutive Act; its detailed operations are provided by the Protocol to the 1991 Abuja Treaty establishing the African Economic Community.)

- Inaugurated on 18 March 2004;
- Is presided over by a Bureau headed by a Chairperson and four Vice Chairpersons;
- Has ten permanent Committees responsible for different thematic issues and the management of the Parliament's business;
- Holds sessions in November and March each year at its Secretariat in Midrand South Africa;
- Reports to the Assembly;
- Exercises advisory and consultative powers;
- The functions of the PAP are stipulated in the Protocol establishing the PAP.

## 4. The African Court of Justice

(Is established as one of the organs of the AU under the Constitutive Act; its detailed operations are provided by the Protocol of the African Court of Justice. *Will be replaced by the African Court of Justice and Human Rights (ACJHR)* )

- The merging with the African Court on Human and Peoples' Rights was done during the AU Summit of Heads of State and Government on 1 July 2008 in Sharm El Sheikh, Arab Republic of Egypt;
- The Court shall frame rules for carrying out its functions and generally for giving effect to this Protocol.

## 5. a) The AU Commission (AUC) (Constitutive Act of the AU)

- The Commission acts as the Secretariat of the AU and has its seat in Addis Ababa;
- It is entrusted with the Executive functions of the AU;
- Composed of a Chairperson (Dr Nkosazana Dhlamini

- Zuma), a Deputy (ies) and Commissioners, and staff;
- The Chairperson of the AU Commission reports to the Executive Council of Ministers;
- The Commission executes its functions through eight main portfolios, i.e. Departments headed by Commissioners. These are: Peace and Security; Political Affairs; Trade and Industry; Infrastructure and Energy; Social Affairs; Rural Economy and Agriculture; Human Resources, Science and Technology and Economic Affairs;
- The functions of the AUC are determined by the Assembly;
- Based in Addis Ababa.

## b) Office of the AUC Chairperson

- The bureau of the Chairperson exists to assist the Chairperson in discharging his or her responsibilities as Chief Executive and legal representative of the Union and in organising and managing schedules of internal meetings, ceremonies, audiences and travels.
- ## 6. The Permanent Representatives Committee (PRC) (Constitutive Act of the AU)
- Composed of Permanent Representatives of Member States accredited to the Union;
  - One of the most influential organs of the AU accredited to the AU in Addis Ababa;
  - Chaired by the Permanent Representative of the same Member State as the Chairperson of the AU;
  - The PRC may set up such ad-hoc Committees and temporary working groups, as it deems necessary;
  - Meets at least once a month usually at the AU headquarters in Addis Ababa;
  - Carries out any other functions that may be assigned to it by the Executive Council.

## 7. Specialized Technical Committees of the Executive Council (Constitutive Act of the AU)

- Answers to the Executive Council;
- Composed of Ministers or other senior officials responsible for sectors falling within their respective areas of competence;
- Currently there are seven Committees as stated in the Constitutive Act whose membership is unlimited; These are: Committee on Rural Economy and Agricultural Matters; Committee on Monetary and Financial Affairs; Committee on Trade, Customs and Immigration Matters; Committee on Industry, Science and Technology, Energy, Natural Resources and Environment; Committee on Transport, Communications and Tourism; Committee on Health, Labour and Social Affairs; and the Committee on Education, Culture and Human Resources;
- Functions of the Specialized Technical Committees are stipulated in Article 15 of the Constitutive Act.

## 8. The Peace and Security Council (Protocol Relating to the Establishment of the Peace and Security Council of the AU)

- The Council operates at three levels: Heads of State/ Government; Ministerial Representatives and Permanent Representatives;
- A 15-member standing, decision-making organ for prevention, management and resolution of conflicts. To be supported by: The AU Commission; A Panel of the Wise; A Continental Early Warning System and An African Standby Force; A Special Fund;
- Is responsible for implementation of the Non-Aggression and Common Defence Pact adopted in 2005, among whose commitments are that 'State Parties undertake to prohibit and prevent genocide, other forms of mass murder as well as crimes against humanity';
- Based in Addis Ababa.

## 9. The Financial Institutions, The African Central Bank; The African Monetary Fund; The African Investment Bank. (Constitutive Act of the AU)

- The Constitutive Act provides for the AU to have three financial institutions: an African Central Bank, African Monetary Fund; and African Investment Bank;

- The African Central Bank was created following the 1991 Abuja Treaty and reiterated by the 1999 Sirte Declaration that called for the speeding up of the implementation process;
- The African Monetary Fund (AMF) is stipulated in the Abuja Treaty in the Constitutive Act of the African Union, Article 19, in a bid to facilitate the integration of African economies through the elimination of trade restrictions and enhance greater monetary integration;
- The African Investment Bank is one of the three financial institutions planned for in the Constitutive Act of the AU. The mandate of the African Investment Bank was envisioned to aid in fostering economic growth and accelerating economic integration in Africa in line with the broad objective of the AU;
- No financial institution is yet in place.

## 10. The Economic, Social and Cultural Council (ECOSOCC) (Is established as one of the organs of the AU under the Constitutive Act; its detailed operations are provided by the Statutes of ECOSOCC)

- An advisory organ of the AU;
- There are ten clusters that are established as the operational mechanisms of ECOSOCC: Peace and Security; Political Affairs; Infrastructure and Energy; Social Affairs and Health; Human Resources, Science and Technology; Trade and Industry; Rural Economy and Agriculture; Economic Affairs; Women and Gender; Cross-cutting Programmes;
- Composed of Civil Society Organisations (CSOs) from a wide range of sectors including labour, business and professional groups, service providers and policy think tanks, both from within Africa and the African Diaspora;
- These CSOs include but are not limited to the following: Social groups such as those representing women, children, the youth, the elderly and people with disabilities and special needs; Professional groups such as associations of artists, engineers, health practitioners, social workers, media, teachers, sport associations, legal professionals, social scientists, academia, business organizations, national chambers of commerce, workers, employers, industry and agriculture as well as other private sector interest groups; Non-governmental organizations (NGOs), community-based organizations (CBOs) and voluntary organizations; Cultural

organizations;

- The functions of ECOSOCC are stipulated in Article 2 of the Statute of ECOSOCC;
- ECOSOCC Secretariat is based in Addis Ababa.

## Institutions of the AU

### 11. The African Court on Human and Peoples' Rights (The Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights.)

- Complements the protective mandate of the African Commission on Human and Peoples' Rights established under the Charter;
- Receives cases from Member States, The Commission and NGOs with observer status before the Commission of Human and Peoples Rights;
- Has 11 judges;
- Based in Arusha Tanzania;
- A decision to merge this Court with the Court of Justice of the AU and establish a combined African Court of Justice and Human Rights was taken at the June 2004 Summit;
- A further series of decisions commencing January 2009 may see the jurisdiction of the merged Court eventually expanded to incorporate international crimes.

### 12. African Commission on Human and Peoples' Rights (ACHPR)

- (The African Charter On Human And Peoples' Rights)
- Established in 1986 in accordance with the provisions of the African Charter on Human and Peoples' Rights;
- Its Secretariat is located in Banjul, The Gambia;
- Composed of 11 Commissioners, who are nominated by Member States but serve in their personal capacity, meet in ordinary session twice a year but can also call extraordinary sessions;
- Reports to the Executive Council at each Summit, and its decisions on individual complaints are not public until they have been adopted by the Council and Assembly.

### 13. African Committee of Experts on the Rights and Welfare of the Child

(African Charter on the Rights and Welfare of the Child)

- Established in 2001;
- It usually meets twice a year to consider Reports from Member State governments on the implementation of the Charter; and has only recently activated its contentious Applications procedure;
- Has a small Secretariat in Addis Ababa, based at the AU Commission.

### 14. AU Commission on International Law (AUCIL)

(Statute of the AU Commission on International Law although a decision had been made to establish AUCIL in the AU Non-Aggression And Common Defence Pact as early as 2004 )

- Consists of eleven (11) members of recognised competence in international law, who are nationals of Member States and who shall serve in their personal capacities;
- Based in the Office of the Legal Counsel of the AU in Addis Ababa;
- The functions of the AUCIL are stipulated in Article 4 of the Statute of the Commission on International Law.

### 15. The New Partnership for Africa's Development (NEPAD)

- The NEPAD governance structures are: The Assembly of the AU; The NEPAD Heads of State & Government Implementation Committee (HSGIC); The NEPAD Steering Committee (SC) and The NEPAD Agency;
- NEPAD manages a number of programmes and projects in six theme areas: Agriculture and Food Security; Climate Change and National Resource Management; Regional

Integration and Infrastructure; Human Development; Economic and Corporate Governance; Cross-cutting Issues, including Gender, Capacity Development and ICT.

#### The NEPAD Secretariat

- Secretariat is based in Midrand, South Africa;
- Reports to the NEPAD Heads of State and Government Implementation Committee.

### 16. The African Peer Review Mechanism

- Initially established as part of the NEPAD initiative, the APRM now operates independently under a Memorandum of Understanding signed by Member States on a voluntary basis;
- Has a Panel of Eminent Persons and provisions for Country-level and regional Secretariats/ organs;
- The APRM has three main bodies at the continental level: APR Forum (Is a Committee of Participating Heads of States and Government of the Member States of the AU that have voluntarily acceded to the APRM); APR Panel (The Panel of Eminent Persons); APR Secretariat (Currently based in Midrand/ Johannesburg, South Africa).

### 17. Advisory Board on Corruption

(African Convention on Preventing and Combating Corruption)

- The Board comprises of 11 members elected by the Executive Council from among a list of experts of the highest integrity, impartiality, and recognized competence in matters relating to preventing and combating corruption and related offences proposed by State Parties;
- The first members were elected in 2009;

- Members serve in their personal capacity;
- Appointed for a period of two years renewable;
- The functions of the Advisory Board on Corruption are stipulated in Article 22 of the African Convention on Preventing and Combating Corruption;
- The Secretariat of the AU Advisory Board on Corruption will be established in Arusha, the United Republic of Tanzania.

### 18. AU ad hoc Administrative Tribunal

(Statute of the Administrative Tribunal of the AU)

- Composed of three (3) Judges designated by Member States nominated in an alphabetical order by the Executive Council of the AU for a term of four (4) years;
- According to Article 2 of the Statute of the Administrative Tribunal, the Tribunal has the competence to adjudicate disputes between staff members or their beneficiaries and the organization;
- Only body vested with competence to address employment relations matter between the Union and its staff members.

### 19. Committee on Coordination of relations between the AU and Regional Economic Communities (RECs)

(Protocol on Relations between the AU and the Regional Economic Communities (RECs))

- Composed of the Chairperson of the AU Commission, the Chief Executives of the RECs, the Executive Secretary of the United Nations Economic Commission for Africa (UNECA); President of the African Development Bank, the Chief Executives of the Financial Institutions of the Union;
- The functions of the Committee on Coordination are stipulated in Article 7 (2) of the Protocol on Relations between the AU and RECs.



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