



**Pan African
Lawyers Union**

PALU Policy Brief No. 2

**Matrix of African Intergovernmental
Courts and Tribunals**



MATRIX OF AFRICAN INTERGOVERNMENTAL COURTS AND TRIBUNALS

Establishing Body	Court/ Tribunal or Other Created	Establishing Treaty & Provision	Year of Operationalization/ Establishment	Jurisdiction of the Court	States Parties	Composition/ Structure	Seat of the Court / Tribunal	Level of Activity	Address / Contact
African Union (AU)	African Economic Community Court of Justice (AECCJ)	Article 18 of the Treaty Establishing the African Economic Community	The Court is not yet operationalized	The Court is mandated to ensure compliance with the law in the interpretation and application of the Treaty Establishing the African Economic Community including jurisdiction over the actions by a Member State or by the Conference of Heads of State and Government Summit which violate the provisions of the Treaty; decisions, regulations, or abuse of power by an Organ or Authority of a Member State at the request of the Conference or the Executive Council. The Court also has the jurisdiction to render advisory opinions on any legal matter.	49 countries have ratified the Treaty. The following have not: Djibouti, Eritrea, Somalia and South Sudan.	Not yet determined	Not yet determined	The Court is yet to commence operations.	Not established
African Union (AU)	African Commission on Human and Peoples' Rights (ACHPR)	Article 30 of the African Charter on Human and Peoples' Rights	The Charter came into force in 1986 and the Commission held its first session in 1987.	All cases and disputes submitted to it concerning the interpretation and application of the Charter, this Protocol and any other relevant Human Rights instrument ratified by the States concerned	All 53 Member States of the African Union except South Sudan.	The Commission comprises of 11 African members of high repute, who serve in their personal capacity	The Secretariat of the Commission is in Banjul, The Gambia. The Commission may hold its sessions in any other African country upon invitation of such country.	The Commission is the most vibrant regional quasi-judicial body. It has regular bi-annual sessions during which state party reports are considered, communications heard and deliberations on various aspects of human rights in the region are undertaken. Since its establishment, the Commission has received about 400 communications and adopted 48 resolutions covering 24 States.	31 Bijilo Annex Layout, Kombo North District, Western Region PO Box 673, Banjul - Gambia Tel: (+220) 441 05 05/441 05 06, Fax: (+220) 441 Email: au-banjul@african-union.org www.achpr.org

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African Union (AU)	African Court on Human and Peoples' Rights (Af-CHPR)	Article 1 of the Protocol to the African Charter on Human and Peoples' Rights on the Estab- lishment of an African Court on Human and Peoples' Rights	The Pro- tocol came into force in January 2004 and the Court was inau- gurated in 2006.	All cases and disputes concerning interpretation and application of the African Charter (Article 3 of Court Protocol).The Court can also render advisory opinions on any legal matter relating to the African Charter or other human rights instruments ratified by Member States of the African Union (Article 4 of Court Protocol). The jurisdiction may be invoked by the African Com- mission on Human and Peoples' Rights,African Intergovernmental Organisations, State Parties, individuals or non-governmental organisations with observer status before the Commission. Individuals and Non Governmental Organisations (NGOs) may only access the Court if the State against whom the claim is brought has issued a Declaration allowing direct access under Article 34(6) of the Court Protocol.To date, only 5 countries have made the declaration namely Burkina Faso, Ghana, Malawi, Mali and Tanzania	26 countries have ratified the Pro- tocol.These are Algeria, Burkina Faso, Burundi, Côte d'Ivoire, Comoros, Congo, Gabon, Gambia, Ghana, Kenya, Lib- ya, Lesotho, Mali, Malawi, Mozam- bique, Mauritania, Mauritius, Nigeria, Niger, Rwanda, South Africa, Senegal, Tanzania, Togo, Tunisia, and Uganda.	The Court consists of eleven judges of high moral standing, and of recognised practical, judicial or ac- ademic com- petence and experience on human and peoples' rights (Article 11(1)).The judges are drawn from nationals of member states.	Arusha, Tan- zania	The Court received its first case in 2009 and to date has received 22 cases, It has also received 3 requests advisory opinions.	Dodoma Road P.O Box 6274 Aru- sha/Tanzania Tel: (+255) 732 979 506/9, Fax (+255) 732 979 503 Email: registrar@ african-court.org www.african-court.org
African Union (AU)	African Committee of Experts on the Rights and Welfare of the Child (ACERWC)	Article 32 of the Afri- can Charter on the Rights and Welfare of the Child	The Char- ter entered into force in 1999, the Com- mittee was inaugurated in July 2001 and held its first session in 2002.	The Committee has the mandate to promote and protect the rights enshrined in the Charter; interpret the provisions of the Charter at the request of a State Party, an Institution of the Or- ganization of African Unity or any other person or Institution recognized by the Organization of African Unity, or any State Party. In monitoring implementation, the Committee receives period- ic reports of the states in the implementation of the Charter, and gives concluding observations on these. In exercise of the protective mandate, the Committee receives communications on violations of the rights of children.	46 States have rat- ified the Protocol. The following have not: Central Afri- can Republic, Côte d'Ivoire, Congo, Djibouti, Dem- ocratic Republic of Congo, Gabon, Guinea Bissau, Liberia, Mauri- tania, Sahrawi Arab Democratic Republic, Somalia, Sao Tome and Principe, South Sudan, Sudan, Swaziland, Tunisia and Zambia.	The Com- mittee com- prises of 11 members of high moral integrity and competence in matters of child rights and welfare who serve in their personal capacity.	The Secretariat of the Com- mittee is in Addis Ababa, Ethiopia. The Com- mittee may hold its sessions in any Member States that offers to host it.	The Committee has received 2 Commu- nications to date and has finalised 1.	Commission of the African Union African Union Headquarters Social Affairs De- partment P.O. Box 3243, W21 K19 Addis Ababa, Ethiopia Tel: (+251) 1 551 35 22 Fax: (+251) 1 553 57 16 www.acerwc.org

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African Union (AU)	African Court of Justice (ACJ)	Article 18 of the Constitutive Act of the African Union and the Protocol on the Court of Justice of the African Union	The operationalization of the Court was suspended following the decision to merge the African Court of Justice and the African Court on Human and Peoples' Rights.	Interpretation and application of the Constitutive Act, the interpretation, application or validity of African Union Treaties and all subsidiary legal instruments adopted within the Union; any questions about the international law, all acts, decisions, regulations and directives of the organs of the Union in all matters under any other agreement that States Parties may conclude among themselves or with the Union and which empowers the Court to adjudicate over, the existence of any fact which, if established, would constitute a breach of an obligation to a State Party or the Union, the nature or extent of reparation for the breach of an undertaking (Article 19 of the Protocol). The Court of Justice can also give advisory opinions on any legal question at the request of any Organs of the African Union or a Regional Economic Community under Article 44 of the Protocol.	16 countries have ratified the Protocol. These are Algeria, Comoros, Egypt, Gabon, Gambia, Lesotho, Libya, Mali, Mozambique, Mauritius, Niger, Rwanda, South Africa, Sudan, Tunisia and Tanzania.	The Court consists of 11 judges drawn from nationals of Member States. The court sits in full except when sitting as a chamber, in which case a quorum of at least 7 judges is required.	Not established.	The operationalization of the Court was suspended following the decision to merge the African Court of Justice and the African Court on Human and Peoples' Rights.	Not established
African Union (AU)	African Court of Justice and Human Rights (ACJHR)	Article 2 of the Protocol on the Statute of the African Court of Justice and Human Rights	The Court is not yet operationalized. The Protocol has only received 5 of the required 15 ratifications for it to come into force.	"The Court has jurisdiction over interpretation and application of the Constitutive Act and related African Union treaties. Its may review acts, decisions, regulations, directives of the organs of the African Union, any question of international law and the existence of any fact which, if established, would constitute a breach of an obligation to a State Party of the African Union and the nature or extent of reparations to be made for the breach of an international obligation. The jurisdiction of the ACJHR may be invoked by States Parties, AU Organs and Institutions, African Intergovernmental Organizations, staff of the AU on appeals arising from labour disputes and African National Human Rights Institutions. Individuals or NGOs accredited to the AU or its Organs may also approach the Court subject to a declaration made by a Member State accepting the Court's competence.	5 countries have ratified the Protocol. These are Benin, Burkina Faso, Congo, Libya and Mali.	The Court consists of 16 judges drawn from nationals of Member States. The Protocol also requires geographical balancing of the appointed judges with each region entitled to 3 seats except the Western Region which shall have 4 seats.	The seat of the Court is yet to be determined though Article 25 of the Protocol provides that the seat of the Court shall be the same as the African Court on Human and Peoples' Rights which is currently situate in Arusha, Tanzania.	The Court is yet to commence operations.	Not established

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African Intellectual Property Organization (AIPO)	High Commission of Appeal	Articles 19, 27 and 33 of the Bangui Agreement Relating to the Creation of an African Intellectual Property Organization	The Commission commenced operations in 2000	The Commission has jurisdiction to rule on appeals from a rejection of applications for protection of industrial property, the rejection of applications for continuation or extension of the term of protection, the rejection of applications for restoration in decisions about opposition. The Commission may be approached by natural and legal persons who are nationals of States Parties to the Bangui Agreement.	15 Members: Benin, Burkina Faso, Cameroon, Chad, Congo, Côte d'Ivoire, Gabon, Guinea, Guinea-Bissau, Mali, Mauritania, Niger, Central African Republic, Sénégal, and Togo.	The Commission is composed of 6 members, 3 members and 3 alternates selected by lot from among the judges of Member States with at least 10 years experience, and with good knowledge of intellectual property issues .At any meeting, the Commission shall be composed of at least three members, at least one regular member.	Yaoundé, Cameroon	Commission was established in 2000 and held its first session in the same year. Since then it meets regularly in sessions to discuss and settle disputes.	BP 887, Hippodrome Yaoundé, Cameroun, Tel : (+237) 220 57 00/220 39 11, Fax: (+237) 220 57 27/220 57 21 www.oapi.wipo.net

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African Regional Industrial Property Organization (ARIPO)	Board of Appeal	Article 4bis of the Harare Protocol on Patents and Industrial Designs within the Frame- work of the African Regional Industrial Property Organi- zation	The Board Com- menced operations in 2000	The Board has jurisdiction to hear appeals on intel- lectual property rights and to review any final administrative decision of the Office in relation to the implementation of the provisions of the Harare Protocol, the Banjul Protocol on Marks or any other Protocol within the framework of ARIPO.	17 Members: Botswana, Gambia, Ghana, Kenya, Lesotho, Liberia, Malawi Mozam- bique, Namibia, Rwanda, Sierra Leone, Sudan, Swaziland, Tanzania, Uganda, Zambia and Zimbabwe.	Board consists of 5 members who are experienced in intellectual property matters 2 of whom are examiners. The quorum of the Board is three mem- bers. Mem- bers of the Board serve on a two year term renew- able once.	Harare, Zimba- bwe	The Board has heard two appeals to date.	11 Natal Road, Belgravia Harare, Zimbabwe mail@ aripo.org (+263) 4794065-68, (+263) 4794072/3, (+263) 773559987 www.aripo.org

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Common Market for East and Southern Africa (COMESA)	COMESA Court of Justice (COMESA - CJ)	Article 7(1) of the Treaty Establishing the Common Market for Eastern and Southern Africa	The first judges of the Court were appointed in 1998.	The Court has jurisdiction to adjudicate all matters referred to it under the COMESA Treaty. The Court can receive references from Member States, the Secretary General or from legal and natural persons resident in the Member States concerning the legality of any act, regulation, directive, or decision of the Council or of a Member State on the grounds that such act, directive, decision or regulation is unlawful or an infringement of the provisions of the Treaty. The Court may also have jurisdiction over other agreements between Member States that confer it with such jurisdiction. The Court also has jurisdiction to render advisory opinions on questions of law arising from the provisions of the Treaty affecting the Common Market upon the request of the Authority, the Council or a Member State.	All 20 Member States of COMESA: Burundi, Comoros, Democratic Republic of the Congo, Djibouti, Egypt, Eritrea, Ethiopia, Kenya, Libya, Madagascar, Malawi, Mauritius, Rwanda, Seychelles, South Sudan, Sudan, Swaziland, Uganda, Zambia and Zimbabwe	The Court comprises of 7 judges appointed by the Heads of States and Government of Member States. The Judges are chosen from among persons of impartiality and independence who fulfill the conditions required for the holding of high judicial office in their respective countries or are jurists of recognised competence.	Khartoum, Sudan	The Court has received at least 15 cases since inception.	COMESA Centre Ben Bella Road PO Box 3005 I Lusaka – Zambia Tel: (+260) 211 229725/32, Fax: (+260) 211 225107 Email: webmaster@comesa.int

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East African Community (EAC)	East African Court of Justice (EACJ)	Article 9 of the Treaty Establishing the East African Community	The Court was inaugurated in 2001.	The Court is mandated to ensure adherence to law in the interpretation, application of, and compliance with the EAC Treaty. The Court has jurisdiction over Labour disputes between the Community and its employees arising from the terms and conditions of employment or the interpretation and application of the staff rules and regulations; disputes between the Partner States regarding the Treaty if the dispute is submitted to it under a special agreement; disputes arising out of an arbitration clause contained in a contract or agreement which confers arbitral jurisdiction to the Court. The jurisdiction of the Court may be extended to human rights at a suitable date to be determined by the Council	All 5 Member States of the EAC; Burundi, Kenya, Rwanda, Tanzania and Uganda.	The Court is currently comprised of 10 judges though the Court may be composed of up to 15 judges, three from each member state. It has two chambers; the First Instance Division (up to 10 judges) and the Appellate Division (5 judges). The judges serve on an ad hoc basis with exception of the President and Principal Judge of the Court.	The Court is currently situated in Arusha, Tanzania pending the determination of its permanent seat by the Summit.	The Court was inactive for a relatively long period after its establishment. It has however experienced an increasing volume of activity since 2007.	Leopard Tours Co. Ltd. Building 1st & 3rd Floor, Along Moshi/ Arusha Road P. O. Box 1096 Arusha, Tanzania Telephone: (+255) 27 2506093, Fax: (+255) 27 2509493 Email: eacj@eachq.org
Economic Community of West African States (ECOWAS)	Arbitration Tribunal of the Economic Community of West African States	Article 16 of the Revised Economic Community of West African States Treaty	The Court is not yet operationalized	The Treaty provides that the status, composition, powers, procedures relating thereto are to be established in a Protocol. The Protocol is yet to be adopted.	13 Member States of ECOWAS have acceded to its jurisdiction while Benin and Burkina Faso have not.	Not yet determined	Not yet determined	The Court is yet to commence operations.	Not established

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Economic Community of West African States (ECOWAS)	ECOWAS Community Court of Justice (ECOWAS CCJ)	Article 2 of the Protocol to the Treaty of the Economic Community of West Africa States on the Community Court of Justice and the Supplementary Protocol Amending Protocol Relating to the Community Court of Justice	The Court was operationalized in 2002	The Court is mandated to ensure the observance of law and the principles of equity in the interpretation and application of the principles of the ECOWAS Treaty. It has jurisdiction over the interpretation and application of the Treaty, Conventions and Protocols of the Community, the subsidiary instruments of the Community, determination of the legality of regulations, directives, decisions and other instruments adopted by the community, failure of member states to honor their obligations under the instruments of the Community, non-contractual liability of the community, and to determine cases of violation of human rights in any of the member states. The Court may also issue advisory opinions at the request of Institutions of the Community or Member States.	All 15 Member States of ECOWAS; Benin, Burkina Faso, Cap Verde, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo.	The Court is composed of 7 independent judges elected and nominated by the Member States, and who are persons of high moral integrity and are qualified to fill the highest judicial offices in their respective countries or are jurisconsults of recognized competence.	Abuja, Nigeria	The Court is the most vibrant sub-regional court, having received over 30 cases in its period of operation.	The ECOWAS Commission, 10 Dar Es Salaam Crescent, Off Aminu Kano Crescent, Wuse II, Abuja, Nigeria. Tel: (+234) 9 5240781, Fax: (+234) 9 6708210, Email: information@courtecowas.org www.courtecowas.org
Economic Community of Central African States (ECCAS)	ECCAS Court of Justice (ECCAS - CJ)	Articles 7 and 16-18 of the Treaty establishing the Economic Community of Central African States	Not Yet operational	The Court has jurisdiction to ensure adherence to the rule of law in the interpretation and application of the Treaty ECCAS, and to adjudicate disputes in which it can be seized under the provisions of the Treaty. The Court can review and interpret the legality of decisions, directives, regulations and institutions of the Community for incompetence, abuse of power, breach of essential provisions of the Treaty made by a State Party or by a member of the Conference of Heads of Stat. It also has jurisdiction to issue advisory opinions on any legal question at the request of the Conference or Council.	11 Members: Angola, Burundi, Cameroon, Congo, Central African Republic, Chad, Democratic Republic of Congo, Gabon, Equatorial Guinea and Sao Tome and Principe.	Not Yet operational	Not yet determined	The Court is yet to commence operations.	Not established

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Economic and Monetary Community of Central Africa (EM-CCA)	Economic and Monetary Community of Central Africa Community Court of Justice	Articles 10 and 48 of the Treaty of 16 June 1994 in Yaoundé revised June 25, 2008, Convention Governing the Court of Justice of the CEMAC adopted January 30, 2009 in Libreville.	The Court commenced operations in 2000	The Court has jurisdiction over interpretation and application of the EMCCA Treaty and subsequent agreements. The Court may be approached by Member States, EMCCA, specialised institutions of the Community, officials of Community institutions and natural or legal persons who are nationals of Member States. The Court also has jurisdiction to issue advisory opinions.	6 Members: Cameroon, Central African Republic, Chad, Congo, Equatorial Guinea and Gabon.	The Court is composed of 6 independent judges elected and nominated by the member states,	N'djamena, Chad	Court became operational on 10 February 2000, with the appointment of its first members. It has been reformed in 2008, but which still has not come into force	B.P: 5780 N'djamena Chad Tel: (+235) 252 08 27, Fax: (+235) 252 05 92
Southern Africa Development Community (SADC)	Southern Africa Development Community Tribunal (SADC-T)	Article 9(g) of the Treaty of the Southern Africa Development Community and Protocol on Tribunal and the Rules of Procedure Thereof	The Tribunal was inaugurated in 2005 but its activities were suspended in 2010.	Article 16 of the Treaty provides that the Tribunal shall ensure adherence to and proper interpretation of the provisions of the SADC Treaty. The Tribunal has jurisdiction in relation to the interpretation and application of the Treaty, Protocols and subsidiary instruments of the Community as well as other matters such as agreements between Member States that may be referred to it. The Tribunal also has jurisdiction over disputes between Member States, and between natural or legal persons and Member States. In August 2012 the Annual Summit of SADC Heads of State and Government decided that a new Protocol on the Tribunal should be negotiated and its mandate confined to interpretation of the SADC Treaty and Protocols relating to disputes between Member States.	15 Members: Angola, Botswana, Democratic Republic of the Congo, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe.	The Tribunal consists of not less than 10 members appointed from nationals of the Member States. The Tribunal has 5 regular members and 5 alternate members. The quorum of the Tribunal is 3 members, and 5 members for a full bench.	Windhoek, Namibia	Before its suspension in 2010 the Tribunal had heard over 17 cases.	P.O. Box 40624 Crn Bahnhof Str and Robert Mugabe Avenue Turnhalle Building Windhoek Namibia Tel: (+264) 61 383600, Email: registrar@sadc-tribunal.org

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Organiza- tion for the Harmoniza- tion of Busi- ness Law (OHADA)	Common Court of Justice and Arbitration (CCJA)	Article 3 of the Treaty on Har- monization of Business Law in Africa	The Court was inau- gured in 1997	The Court has jurisdiction over the interpre- tation and application of the Treaty of Port Louis, its implementing regulations and OHADA Uniform Acts. Its jurisdiction can be invoked by all natural or legal persons of States Parties to the Treaty of Port-Louis, the States Parties and the Council of Ministers. The Court also has jurisdiction to render advisory opinions.	17 Members: Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Comoros, Congo, Côte d'Ivoire, Democratic Republic of Congo, Equatorial Guinea, Gabon, Guinea, Guinea Bissau, Mali, Niger, Sene- gal and Togo.	The Court is composed of 7 judges elected for a term of 7 years renew- able once.	Abidjan Côte d'Ivoire	As to date the Court has has rendered 18 advisory opinions on various issues af- fecting the OHADA law as well as issued 173 decisions and 23 orders.	B.P. 8702 Abidjan 01, Côte d'Ivoire Tél: (+225) 20 33 60 51 / 225 20 33 60 52 Fax: (+225) 20 33 60 53, E-mail: ccja@ohada.org
West African Eco- nomic Mon- etary Union (WAEMU)	The Court of Justice of WAEMU (CJ - WAE- MU)	Article 16, 38 and 39 of the WAEMU Treaty and Additional Act No. 10/96 of 0 May 1996 on the Statutes of the Court of Justice of WAEMU	The Court was inau- gured on 27 January 1985	The Court has jurisdiction over remedies for breach by Member States of any regulations, directives and decisions of bodies of the Union, claims between Member States relating to the Treaty of WAEMU submitted under a compro- mise agreement and references on preliminary rulings. The Court also has jurisdiction to issue advisory opinions at the request of the WAEMU Commission, the Council of Ministers or the Conference of Heads of State and Government.	8 Members: Benin, Burkina Faso, Côte d'Ivoire, Guinea Bissau, Mali, Niger, Senegal and Togo.	The Court is composed of members appointed for a term of 6 years by the Conference of Heads of State and Government They are chosen from persons whose inde- pendence is beyond doubt and with the requisite legal expertise necessary to exercise the highest judi- cial offices.	Ouagadougou, Burkina Faso	To date the court has seven pend- ing cases and two requests for advisory opinions.	Court of Justice of WAEMU 01 01 BP 543 Ouagadougou - Burkina Faso Tel: (+226) 50 31 88 73 - 76, Fax: (+226) 50 31 88 72 www.uemoa.int



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