About

THE PAN AFRICAN LAWYERS UNION
Introduction

The Pan African Lawyers Union (PALU) is the premier continental membership forum of and for individual African lawyers and lawyers’ associations in Africa. It was founded in 2002 by African Bar leaders and eminent lawyers, to reflect the aspirations and concerns of the African people and to promote and defend their shared interests. Its membership comprises of the continent’s over five regional lawyers’ associations (RLAs), over 54 national lawyers’ associations (NLAs) and over 1,000 individual lawyers spread across Africa and in the Diaspora, working together to advance the law and the legal profession, rule of law, good governance, human and peoples’ rights and socio-economic development of the African continent.

To realise a united, just and prosperous Africa, built on the rule of law and good governance, PALU has adopted three core areas of thematic focus, namely institutional development, development of the legal profession, and the rule of law and good governance.

The strategic goal of the Institutional Development Theme is to build a modern, well-resourced and sustainable Pan African membership organisation with optimum institutional capacity to deliver on its mandate. Our organisational development programmes are designed to build a Pan African organisation with the requisite corporate governance ethos, systems and structures to provide leadership on the African continent for lawyer-led initiatives that contribute towards the African Union (AU) Agenda 2063 and the United Nations Sustainable Development Goals (SDGs).

The strategic goal of the Development of the Legal Profession Theme is to develop a competent, effective and independent legal profession in Africa.
Here, we design and implement programmes that enhance the professional capacity of individual lawyers (which includes in-house lawyers), law firms, and lawyers’ associations, to boost their ability to contribute to development of the African polity, economy and society. These include enhancement of professional ethics and integrity in the practice of the legal profession, preparing the African legal professional for the 21st Century and building the capacity of RLAs and NLAs to serve their members as well as the public interest.

The strategic goal of the **Rule of Law and Good Governance Theme** is to strengthen the standards of adherence to the just rule of law and good governance in Africa. Here, we design and implement programmes that catalyse the development and practice of African international law; build a practice around law, peace and security in Africa; advocate for the promotion and protection of human and peoples’ rights in Africa; and champion democracy, elections and governance in Africa that increases the levels of integrity in Africa’s economic governance.

*African Court Judges, with some of the coalition members after a baseline study meeting on implementation.*

*PALU Board members 2018-2021 in a meeting.*
Institutional Development

PALU has a four-tier structure, with complementary responsibilities in terms of policy, strategic and financial oversight. These are:

a) **General Assembly**: The General Assembly, which consists of all the institutional and individual members of PALU, is its supreme decision-making organ. It meets at least once every three years, sets broad direction and reviews overall policy, strategy and activities, and elects the Executive Committee. The members also constitute themselves into various Committees, Task Forces, Working Groups and Fora, under which they work throughout the year.

b) **Council**: The Council, which is made up of the Executive Committee members, as well as the Presidents of the RLAs and NLAs (Bar Associations and Law Societies) of the continent, meets at least once a year to review the progress of the organisation, and of the continent. The Council is primarily responsible for overall governance and policy direction. It also makes rules and regulations for the proper administration and management of the organisation and oversees and monitors its implementation. It is also responsible for initiating and considering policies that govern PALU and its relationships with other parties and lays the same before the General Assembly for adoption. Among other things, it approves the annual activity report and audited accounts of the organisation.

c) **Executive Committee (Board)**: This is the governance organ that acts as the Board. It is made up of nine directly elected members, the President of the Bar hosting the Secretariat of the organisation, and the PALU Chief Executive
Some of the executive committee board members 2018-2021 at the PALU Secretariat grounds
Officer (CEO), who is an *ex officio* member. It is responsible for formulation of goals, policies and strategies, monitoring of implementation by the Secretariat, overall oversight over administrative, financial and programmatic activities, and appraising the performance of the CEO. It represents the organisation, and, among other things, adopts the annual budget and annual audited accounts of the organisation. It meets around three times a year. The Treasurer and Secretary General play a more intensive role in visiting and engaging the Secretariat in between Board meetings and reporting to the full Board.

d) **Secretariat:** The Secretariat, headed by the CEO, implements the organisation’s programmes and activities and reports to the Executive Committee. It is responsible for engaging individual and institutional members, and the various Committees, Task Forces, Working Groups and Fora daily, and facilitating their work. PALU currently has 11 full-time members of staff. It also frequently brings on board volunteers and interns.

The members of the Executive Committee (Board) for 2018 – 2021 are:

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<tr>
<td>1</td>
<td>Mr. Emeka Jude Phillipe OBEGOLU — President (Nigeria)</td>
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<td>2</td>
<td>Mr. Coco Kayudi MISAMU — Vice President for Central Africa (Democratic Republic of Congo)</td>
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<td>3</td>
<td>Mr. Paul Revocatus KAUNDA — Vice President for Eastern Africa (Tanzania)</td>
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<td>4</td>
<td>Ms. Fathia Hedhili MESSOUS — Vice President for Northern Africa (Algeria)</td>
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<td>5</td>
<td>Mr. Gilberto Caldeira CORREIA — Vice President for Southern Africa (Mozambique)</td>
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<td>6</td>
<td>Mr. Yayé MOUNKAILA — Vice President for Western Africa (Niger)</td>
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<td>7</td>
<td>Mr. Kari ABOUL BAGUI — Secretary General (Cameroon)</td>
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<td>8</td>
<td>Mr. Koffi Sylvain ATTOH-MENSAH — Deputy Secretary General (Togo)</td>
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<td>9</td>
<td>Ms. Gigi REID-MILES — Treasurer (Eswatini)</td>
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<td>10</td>
<td>Dr. Rugemeleza A. K. NSHALA — President, Tanganyika Law Society (TLS; Host Bar) (Tanzania)</td>
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<td>11</td>
<td>Mr. Donald DEYA — Chief Executive Officer (<em>ex officio</em>) (Kenya)</td>
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PALU engages the length and breadth of the AU organizational landscape, and, among other things, has acted as Consultant for the AU, the African Court on Human and Peoples’ Rights (African Court), the African Commission on Human and Peoples’ Rights (African Commission), the Pan African Parliament (PAP) as well as the African Governance Architecture (AGA). Over the years, PALU has developed an enviable place for itself as a Civil Society Organisation (CSO) engaging and engaged by the AU organs and institutions, and also the major Regional Economic Communities (RECs) and other African Regional Organisations (ROs). We have a Memorandum of Understanding with the AU, formalised in 2006, which led to PALU being routinely involved in the activities of the Office of the Legal Counsel, the Department of Political Affairs, the African Court, the AU Commission on International Law, and the PAP, amongst others.

A continuing area of concern for PALU is that the various independent organs and institutions, that make up the AGA, still appear to operate in silos with the citizens of Africa not yet seeing and feeling fruits of more intensive co-operation, collaboration and complementarity, as was envisaged in the legal and policy instruments that established the AGA. We have strived to raise this issue at all available opportunities and to give practical examples of where and how we envisage more joint work. This can at best be described as a work-in-progress.

Some of the notable advocacy projects that PALU has undertaken towards the AU include
1. Prepared the draft Protocol on the extension of the jurisdiction of the African Court to include an international criminal jurisdiction (International Crimes Protocol). PALU supported the AU, its organs and institutions, RECs and Member States as they negotiated and adopted the International Crimes Protocol, and we engage Member States as they sign and consider ratifying it.

2. Developed the African Court’s legal aid funding framework, institutional structure, fundraising strategy, and the AU Statute setting up a Trust Fund for Legal Aid for the three key AU Human Rights Institutions, which was adopted by the Assembly of Heads of State and Government of the AU in January 2016.

3. Undertook a research and dialogue project to catalyse a deeper understanding of the ideal interaction between the different institutions of the African Human Rights System and the complementarity that exists between them in their promotional and protective mandates. This culminated in the publication of a practical Complementarity Guide, for practitioners and activists to effectively engage these institutions.

4. Worked, with others, in the development of the AU Transitional Justice Policy Framework, from its very outset back in 2010, up until its successful adoption in February 2019. We have undertaken research, documentation, consultancy and advisory, and overall advocacy activities toward this framework, either acting individually, or in the larger consortium of CSOs supporting the process. We pay special tribute to the Centre for the Study of Violence and Reconciliation, which, on the part of civil society, was the initiator and has been the driving force and leader in the collective efforts to see this process to conclusion.
5. PALU has continued to work, as lead Consultant, on the development of the Action and Implementation Plan for the Human and Peoples’ Rights Decade in Africa. We envisage that the document will be refined, completed and placed before the AU policy organs at their next Ordinary Summit.

6. PALU also regularly engages the East African Community, Economic Community of West African States (ECOWAS), Southern African Development Community and the International Conference of the Great Lakes Region, thus gaining practical and valuable knowledge, skills and experience on how African RECs and ROs interact with the AU.

7. From time to time, PALU undertakes direct, in-country advocacy, especially in conflict or crisis situations, where we are often called upon to share our evolving understanding of how (sub) regional, continental and international norms, institutions and actors could play a role in sustainable resolution and building of resilient, open, democratic societies.
In the last decade, PALU has organised several conferences, workshops, seminars and trainings, either alone or in partnership with a range of intergovernmental, governmental or non-governmental actors (based in Africa, Europe and North America) to achieve shared goals and objectives with a particular focus on mainstreaming human and peoples’ rights, good governance, socio-economic development and the just rule of law in Africa. Some of the most notable examples are as follows:

1. Regional Seminars on Complex International Commercial Transactions and Dispute Resolution (litigation and arbitration) and Vulture Funds, with the African Legal Support Facility.

2. Several regional seminars and colloquia on the African Legal and Human Rights System, to capacitate lawyers, governmental officials, the private sector and civil society actors in engaging the emerging human and peoples’ rights, governance, peace and security architectures at the regional and continental levels. We have undertaken this with partnership or support from, amongst others, the African Court Coalition, Ford Foundation, Institute for Justice and Reconciliation, International Centre for Not-for-Profit Law, International Coalition on the Responsibility to Protect, Open Society Foundations, Pan African Citizens Network, Raoul Wallenberg Institute of Human Rights and Humanitarian Law, Robert F. Kennedy Human Rights, Stanley Foundation, Swedish International Development Cooperation.
3. With the support of the Financial Transparency Coalition, PALU created the Task Force on Combating Illicit Financial Flows (IFFs) from Africa, a small group of carefully selected lawyers and other activists who are knowledgeable, skilled and experienced in combating IFFs, and who advise and assist PALU in the programming work in this important area. This complements our work with the AU-led Consortium on Combating IFFs from Africa, our involvement in the Stop the Bleeding Campaign, and our participation in the Multi-Sectoral Working Group on Combating Corruption in Africa. Serious action to tackle IFFs will free millions of United States Dollars for development at national, regional and continental levels in Africa and strengthen the economic sovereignty of African states and intergovernmenal organisations. This is therefore an area of extreme interest to PALU, the legal profession and African citizenry.

4. Through its African Lawyers Initiative on Compliance in Business Relations, with the support of the Siemens Integrity Initiative, PALU organised four regional training seminars for private and public-sector counsel working primarily in the energy sector, bringing in 39 African Lawyers’ Associations, making it the most far-reaching series of events that PALU has organised to date. Also, in this project, PALU organised two continental conferences of RLAs and NLAs, and developed and adopted the Code of Ethics on Anti-Corruption and Professional Compliance Standards for Lawyers Working in Africa, which was disseminated to all Lawyers Associations in Africa and is continuously receiving signatures and support from legal professionals in Africa.
Advocacy Efforts before Regional Courts and Tribunals

In order to hold States accountable *vis-à-vis* their responsibilities under the African Charter on Human and Peoples’ Rights and various other international treaties that they have adhered to, and in exploring the links between litigation, jurisprudence and transitional justice, PALU remains the most prominent and active external partner of the African Court and also the East African Court of Justice (EACJ). It has been directly involved in more litigation at these Courts than any other institution. At the African Court, PALU was the first organisation to be granted *Amicus Curiae* status, and also the first organisation to be appointed as a Legal Aid Provider. It has litigated more than 25 cases to date at the African Court, by providing a mix of *pro bono* legal aid to indigent litigants, undertaking strategic litigation and also through Requests for Advisory Opinions. It has also litigated more than 15 cases at the EACJ, either through filing of References, representation of litigants, or by way of *Amicus Curiae* briefs.

Furthermore, some of the key achievements are as follows:

1. Organised a training for the Staff of the African Commission on litigating at the African Court with a view to increase the referral of cases between the two institutions. This further included an exchange dialogue with the Commissioners on the African Commission regarding the AGA and its complementarity principles. The Commissioners later invited PALU to continue its support of the African Commission and explore further possibilities for enhanced collaboration.
2. Represented the African Commission in its first ever referral to the African Court to succeed on the merits, i.e. the case of the African Commission versus the Republic of Kenya (in the matter of the Ogiek Community of Mau Forest).

3. Undertook a Baseline Study on Implementation of the Human Rights’ decisions of the ECOWAS Community Court of Justice, where we analysed all the decisions of the Court as at the end of August 2018. We addressed the challenge of accessibility and availability of decisions of one of the major judicial institutions on the continent, which too often makes it difficult to monitor the implementation of its decisions and conduct external research. With the newly formulated table of cases, which also contains a summary of each case, it will be easier to monitor the level of implementation, and to update and add other cases as new Judgments are made.
4. Filed a Request for an Advisory Opinion on the Decriminalisation and Declassification of Petty Offences. We filed the case in our name, on behalf of PALU and our partners in the continental Campaign to Decriminalise and Declassify Petty Offences in Africa. Petty offences are criminal offences, which do not criminalise specific acts, rather the status of individuals including and not limited to those who are economically poor, homeless or unemployed. Examples include being arrested for being idle, loitering or simply being a vendor on the streets. Such laws serve no legitimate purpose besides to discriminate against the poor, sex workers and, lately, gender non-conforming persons. The African Court accepted our Request; marking the first time it has accepted a Request from a CSO. In addition, to the extent that the laws in question were mostly enacted during colonial rule, as a means of subjugating the native citizens of the colonies, and they have since been re-appropriated by post-independence governments, addressing them also contributes to transitional justice for past atrocities by colonial and post-colonial governments.
PALU is a dual membership forum, i.e., for individual African lawyers and lawyers’ associations, with the following categories:

(United States Dollars)

- **Individual (Annual) Membership**: $100 for the first year, and $50 per year thereafter
- **Life Membership**: a once-off payment of $1,000;
- **Special Endowment Membership**: a once-off payment of $10,000;
- **Institutional Membership** for Bar Associations and Law Societies (collectively called ‘lawyers associations’) from across Africa and its diaspora, with an annual fee which ranges from $1,000 to $2,000, determined by the size of the association.

In order to boost the total numbers as well as diversity of our members (individual and institutional) and also to scale up our membership services and our outreach, we have adopted a range of new strategies, which include:

- We are rolling out a new Membership Engagement System (MES), which will make it easier for members to join PALU; join its various Committees, Task Forces, Working Groups and Fora; interact with like-minded members in dedicated and safe online spaces; link these interactions with their own social media as well as with PALU social media; be able to pay their membership, conference registration and other dues online, and to sign up for PALU Conferences, Workshops, Seminars and other events online; and generally be able to interact with the PALU Leadership, Secretariat and fellow members quickly through their phones, tablets, and computers.
We have embarked on special campaigns to our Arab-, French- and Portuguese-speaking constituencies, which ultimately led more Bar Associations to be active in PALU, including nominating and voting for candidates for election into the Board. As a result, out of nine elective positions on our Board for the period 2018-2021, we have one Arabic member, one Francophone member and one Lusophone member, making this the most linguistically diverse PALU Board to date.

We have increased the opportunities of becoming a PALU member by offering attractive discounts for those registering for our Annual Conferences. This has led to more participants seizing this opportunity, and also to more of them being repeat participants in subsequent conferences.

We have lowered our institutional membership fees, to be more responsive to the differences in size and financial situation of African lawyers’ associations. While this lowers our income in the short term, it attracts more institutional members to be active in the organisation and pay their reduced dues consistently, which has a positive long-term impact on the organisation.

As the new MES becomes fully operational, we will embark on a new Membership Recruitment Drive, and encourage more members to be active in our various Committees, Task Forces, Working Groups and Fora. This will drive more value for our members, whether practising, in-house, in government, in diplomatic service, or with international or intergovernmental organisations.
One of our primary mandates is the collection, collation, analysis and dissemination of legal information to our members, governments, intergovernmental organisations and other users. We place a high premium on provision of international, regional and national laws, jurisprudence, scholarly texts and other news and information from Africa, concerning Africa, or of interest to Africa. To this end, we have established a library at our offices, for the benefit of our members and other stakeholders, especially those who litigate at the African Court and the EACJ, which are both based in Arusha, Tanzania. We have already collected a variety of legal materials and documents and we continue to update them, with the generous support of individual members, CSO partners, development partners, and donors.

We continue to engage in advocacy, through letters, emails, advocacy or solidarity missions, and publication of Policy Briefs and advocacy resources for public consumption. These are used to disseminate information and foster debate on possibilities of engaging the various organs and institutions of the AU, the RECs and other intergovernmental bodies more comprehensively, creatively and proactively.
on matters of constitutionalism, democracy, good governance, rule of law, human and peoples’ rights, peace and security, regional integration and continental unity. In the last two years we have placed a special focus on the African Continental Free Trade Area, as an important growth area for our continent in general, and legal practitioners in particular.

We also disseminate monthly e-Newsletters and special e-Bulletins, in English and French, to our wide and diverse membership and stakeholders’ database. These Communiqués provide information on recent developments, opportunities, events and issues around the African continent.

To complement these activities, we have developed an interactive website which serves as a platform for PALU members and stakeholders to get informed, share ideas and interact with each other through the various Committees, Task Forces, Working Groups and Fora.
ON 18 September 2018, during PALU’s 9th Annual Conference which was held in Tunis, Tunisia, the then President of the Gambian Bar Association, Ms. Rachel Mendy, presented an Award to PALU in recognition of the important role it played in supporting the Gambian Bar Association and the people of The Gambia during their tense transition after their former President, Mr. Yahya Abdul-Aziz Jemus Junkung Jammeh, who had lost the election and tried to stay in office unconstitutionally.

On 14 June 2019, the Pan African Human Rights Defenders Network acknowledged and awarded distinguished human rights defenders for their contribution to the advancement of human rights in Africa. Amongst the winners was Mr. Donald Deya, CEO of PALU, who received the Shield Award for the East and Horn of Africa Sub-Region in recognition of his courage, perseverance and selflessness amid the harsh and restrictive operating environments. Mr. Deya dedicated the award to all African human rights defenders who suffer from persecution and sometimes pay for their courage with their lives.