



STATUTE OF THE CONFERENCE OF CONSTITUTIONAL JURISDICTIONS OF AFRICA

Preamble

We, the Presidents and Representatives of African constitutional jurisdictions meeting in Constituent Congress on 7 and 8 May 2011 in Algiers (Algeria) pursuant to decision Assembly/AU/DEC.324 (XV) relating to the establishment of an African framework for constitutional justice, adopted, at the initiative of Algeria, by the 15th Ordinary Session of the Assembly of Heads of State and Government of the African Union, held in Kampala, Uganda, from 25 to 27 July 2010.

- Recalling that the Constitutive Act of the African Union enshrines the commitment of Heads of State and Government of the Union “to promote and protect human and peoples’ rights, to consolidate institutions and democratic culture, to promote good governance and the rule of law”
- Recalling also other relevant instruments, in particular the African Charter on Human and People’s Rights, the Algiers Declaration, the Lomé Declaration, and the African Charter on Democracy, Elections and Governance.
- Emphasizing that African countries have adopted individually and gradually a jurisdictional mechanism of constitutional oversight.
- Noting that this framework is intended to supplement the various mechanisms set up by the African Union to consolidate the rule of law, democracy, and human rights.
- Convinced that achieving these objectives remains closely linked to the independence and impartiality of judges who compose this framework to ensure its success and continuity.
- Recalling the meeting of Heads of African institutions at the 2nd World Conference on Constitutional Justice, held on 16 January 2011 in Rio de Janeiro (Brazil) at the end of which Algeria was entrusted with the task of leading the process of establishment of such institution until its completion.

DO HEREBY ADOPT THIS STATUTE:

Title I: Establishment and Seat

Article 1: There hereby established between the constitutional jurisdictions of African States, an organization called the Conference of Constitutional Jurisdictions of Africa, designated abbreviated CJCA.

Article 2: The seat of the Conference shall be in Algiers (Algeria)

Title II: Objectives and Means

Article 3: The Conference aims to:

- a) Bring together, in a common African framework, African jurisdictions responsible for ensuring compliance with the Constitution.
- b) Promote constitutional justice in Africa through dialogue and consultation.
- c) Promote solidarity and mutual aid among its members.
- d) Promote the sharing of experiences and information in constitutional jurisprudence.
- e) Establish links with the legal community, in particular academia.
- f) Develop relations of exchange and cooperation between the Conference and similar organizations throughout the world. and
- g) Offer the contribution of Africa at the international level in the area of constitutional justice.

Article 4: To achieve its objectives, the Conference works to secure any means to develop studies and research in the area of justice and constitutional law in Africa.

Title III: Acquisition, suspension, and Loss of Membership

Article 5: The Conference is composed of Full Members, Observer Members, and Honorary Members.

Article 6: Constitutional Jurisdictions of Member States of the African Union that adhere to this Statute and fulfill members' obligations shall be Full Members.

Article 7: Constitutional jurisdictions whose states are not members of the African Union and constitutional jurisdictions that request the status of Observer Member shall be Observer Members.

An Observer Member has no right of vote. it is not required to pay any contributions, but may make donations to the Conference.

Article 8: Constitutional jurisdictions that do not meet the requirements for membership in the Conference but were awarded such title by the Congress for services rendered shall be Honorary Members.

Article 9: Any member may be provisionally suspended by a decision of the Bureau subject to approval by the Congress when the Bureau notes that the jurisdiction concerned does not comply with the requirements placed upon this constitutional jurisdiction and to the objectives of this Statute.

Article 10: Membership is lost through:

- a) Withdrawal
- b) Loss of the capacity of constitutional jurisdiction. or
- c) Exclusion decided by the Congress.

Title IV: Organs of the Conference

Article 11: The organs of the Conference are:

- a) The Congress.
- b) The Executive Bureau. and
- c) The General Secretariat.

Article 12: The President of the Conference chairs the Congress.

The Conference is chaired alternately every two (2) years by constitutional jurisdictions that are members of the Conference, on a rotating basis according to regional distribution in the African Union, after consultation, where appropriate, with the jurisdiction concerned.

Article 13: The President of the Conference represents the latter in activities and events. He may delegate one of his Vice-Presidents to represent him.

Article 14: The Conference may assign to the Presidents and judges and former Presidents and former judges of African constitutional jurisdictions have contributed to the promotion of constitutional culture, the title of Honorary President.

The Conference may invite Honorary Presidents to the various events it organizes.

Chapter 1: Congress

Article 15: The Congress is the supreme organ of the Conference. It is composed of all member institutions.

Article 16: The Congress meets in ordinary session once every two years. It may convene in extraordinary session at the request of its President, a member jurisdiction, or on a proposal of the Executive Bureau, after the approval of one third of the Members of the Conference.

After each session, the Congress determines the venue of its next session.

Article 17: The Congress may only validly meet in the presence of a simple majority of its members. Unless otherwise indicated, it takes decisions by consensus, and if necessary, by a simple majority of the members present.

Each member of the Congress shall have one vote.

Article 18: If a jurisdiction waives its turn to host the Congress, the latter shall be organised by the requesting jurisdiction.

If no jurisdiction is candidate, the Conference shall be organised in the jurisdiction of host country.

Article 19: The functions of the Congress include:

- a) Drafting and adopting the Statute and Rules of Procedure of the Conference, and any amendments thereto.
- b) Determining the Programme of Action of the Conference for the next two years.
- c) Considering and adopting the Activity Report and the financial statement of the President of the Conference.
- d) Adopting the budget estimate for the next two (2) years
- e) Deciding on the acceptance of donations, bequests, and other contributions.
- f) Deciding on membership applications and, where appropriate, suspensions or withdrawal of members.
- g) Discussing all issues submitted by the Executive Bureau.
- h) Ratifying any convention between the Conference and similar international and regional organizations.
- i) Electing the members of the Executive Bureau.
- j) Electing biennially an auditor for the previous two fiscal (2) years.

k) appointing members of ad hoc committees. and

l) Deciding on any dispute relating to the interpretation of this Statute.

Chapter 2: Executive Bureau

Article 20: The Executive Bureau includes the President, four (04) vice-presidents elected on a rotating basis taking into account the regional distribution in the African Union, two (02) members and Secretary General.

The constitutional court of the seat is a member of law the Bureau.

The outgoing President is a member of law for the duration of the next term.

If necessary, the Bureau may elect additional vice-presidents.

The Executive Bureau designates a rapporteur from among the Vice-Presidents.

Article 21: The Executive Bureau may invite to the Congress any constitutional jurisdiction that is not a member of the Conference or any other personality.

It may invite the Chairman of the African Union Commission as an observer.

Article 22: The Executive Bureau meets once a year in ordinary session upon convocation by its President in the country of the jurisdiction that chairs the Congress. It may meet in extraordinary session at the request of a majority of its members.

Article 23: The functions of the Executive Bureau include:

- a) Drafting the Rules of Procedure of the Conference and submitting them to the approval of the Congress.
- b) Considering proposals to amend the Statute of the Conference and preparing a report on the matter.
- c) Setting the agenda of the Congress.
- d) Preparing the closing account for each financial year.

- e) Adopting the annual budget estimates of the Conference.
- f) Implementing the decisions and resolutions of the Congress.
- g) Ensuring the implementation of recommendations and guidelines of the Congress.
- h) Considering and adopting the programme of scientific and activities.
- i) Taking whatever action is necessary for the proper operation of the Conference while keeping the member institutions informed.

Article 24: The Executive Bureau may only validly deliberate in the presence of four of its members. Its decisions are taken by a majority of members present. In the event of a tie, the President or his surrogate shall have a casting vote.

Deliberation can be done by consulting the members of the Bureau by any means.

In the absence of the President of the Executive Bureau, the latter shall be chaired by a Vice-President.

Article 25: The Executive Bureau drafts and adopts its rules of organization and operation.

Chapter 3: General Secretariat

Article 26: The General Secretariat is the administrative organ of the Conference. It is headed by the Secretary-General assisted by a Deputy Secretary-General.

The Secretary-General is elected by a simple majority of the Members of the Congress for a term of two (2) years renewable once.

Article 27: The Secretary-General is elected among judges or any other personalities in a Member Jurisdiction of the Conference, outside the host country.

The Deputy Secretary-General and the Treasurer are appointed by the jurisdiction of the host country.

Article 28: The functions of the General Secretariat include:

- a) Ensuring the proper functioning of the Conference, under the supervision of the President.

- b) Organizing, under the authority of the President, the work of the Executive Bureau and of the Congress.
- c) Preparing the proposed budget that it submits to the Executive Bureau.
- d) Implementing the budget of the Conference.
- e) Ensuring the implementation of the decisions of the Congress and the Executive Bureau and taking all measures to this end.
- f) Submitting to the Executive Bureau a programme of scientific activities.
- g) Providing secretarial services to the meetings of the Executive Bureau and the Congress.
- h) Transmitting notices and agendas of meetings and informing members of decisions taken by the organs of the Conference.
- i) Preparing questions to be submitted to the Executive Bureau for consideration.
- j) Ensuring the keeping of archives and documents.
- k) Presenting a statement of accounts for the year ended and the budget estimates for the next two (2) years.
- l) Encouraging, where appropriate, the accession of new members.
- m) Working to mobilize financial resources to achieve the objectives of the conference.
- n) Managing the website of the Conference. and
- o) Performing any other tasks entrusted by the Congress and the Executive Bureau.

Title V: Ad-hoc Committees

Article 29: The Conference may set up from among its members one or more ad hoc committees composed of competent judges having extensive experience in the area of constitutional justice and experts on constitutional law.

Article 30: The Ad-hoc Committees considers, among others, any matter relating to Africa in the area of constitutional justice and submits any reflections on this subject.

Article 31: The Ad-hoc Committee prepares and adopts its rules of procedure.

Article 32: The Ad-hoc Committee presents its conclusions at the next session of the Congress. The conclusions are debated and may, as appropriate, be published.

Title VI: Financial Provisions

Article 33: The resources of the Conference come from:

- a) Annual contributions of constitutional jurisdictions that are members of the Conference.
- b) Grants and endowments. and
- c) Donations and legacies.

The amount of the contribution shall be fixed by the Executive Bureau after consultation with the Member jurisdictions.

Article 34: The President of the Conference is the principal Approving Officer. He may delegate this power to a Vice-President or to the Secretary-General of the Conference.

Article 35: The Secretary-General is responsible for financial management to the President of the Conference.

Article 36: The operating costs of the Seat are supported by the host country.

Article 37: Travel and subsistence expenses of delegations of member institutions are supported by the member institutions represented.

However, travel expenses and subsistence allowances of members of the Executive Bureau performing an ad hoc task during a session of the Executive Bureau are supported by the Conference.

The cost of organizing the work of the Congress is supported by the member jurisdiction of the host country with financial assistance from the Conference.

When the Conference entrusts members with specific missions, the expenses are supported by the budget of the Conference.

Title VII: Final Provisions

Article 38: Any member institution may submit amendments to this Statute as written proposals.

Such amendments are submitted to the Executive Bureau which, after consideration, prepares a report and submits it to the Congress for adoption by a majority of two thirds (2 / 3) of its members.

Article 39: The official and working languages of the Conference are English, Arabic, French, and Portuguese.

Article 40: This Statute, established in four (4) originals in the English, Arabic, French, and Portuguese languages, the four texts being equally authentic, shall become effective upon its adoption by the Constituent Congress of the Conference of Constitutional Jurisdictions of Africa.

IN WITNESS WHEREOF the Constituent Congress has adopted this Statute.

Done at Algiers on 8 May 2011.