## The African Union: Legal and Institutional Framework

A Manual on the Pan-African Organization

Edited by

Abdulqawi A. Yusuf and Fatsah Ouguergouz





Cover illustration: design by Mr. François Malœuvre.

Library of Congress Cataloging-in-Publication Data

The African Union legal and institutional framework: a manual on the pan-African organization / edited by Abdulqawi A. Yusuf and Fatsah Ouguergouz. p. cm.

Includes index.

ISBN 978-90-04-22100-0 (hardback : alk. paper) 1. African Union. 2. Africa--Politics and government--1960- 3. Pan-Africanism. 4. African cooperation. I. Yusuf, Abdulqawi. II. Ouguergouz, Fatsah, 1958-

KQE721.A37 2012 341.24'9--dc23

2011052658

ISBN 978 90 04 22100 0 (hardback) ISBN 978 90 04 22772 9 (e-book)

Copyright 2012 by Koninklijke Brill NV, Leiden, The Netherlands. Koninklijke Brill NV incorporates the imprints Brill, Global Oriental, Hotei Publishing, IDC Publishers, Martinus Nijhoff Publishers and VSP.

All rights reserved. No part of this publication may be reproduced, translated, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without prior written permission from the publisher.

Authorization to photocopy items for internal or personal use is granted by Koninklijke Brill NV provided that the appropriate fees are paid directly to The Copyright Clearance Center, 222 Rosewood Drive, Suite 910, Danvers, MA 01923, USA. Fees are subject to change.

This book is printed on acid-free paper.



## TABLE OF CONTENTS

Edit	ors and Contributing Authors	ix-xii
PRE	Jean Ping Chairperson of the African Union Commission	xiii-xvi
INT	RODUCTION  Abdulqawi A. Yusuf & Fatsah Ouguergouz	1-6
PAR	T I. From the Pan-Africanist Movement to the African Union	
1.	Brief Historical Overview of Steps to African Unity  Mohammed Bedjaoui	9-23
2.	The Transition from the Organisation of African Unity to the African Union Tiyanjana Maluwa The African Union: Principles and Purposes Stéphane Doumbé-Billé	25-52 53-75
PAR	T II. Structure and Organs of the African Union	
4.	The Assembly, Executive Council and Commission  Joram M. Biswaro	79-94
5.	The Pan-African Parliament Sani L. Mohamed	95-117
6.	The African Court of Justice and Human Rights Fatsah Ouguergouz	119-142
7.	The Peace and Security Council Roland Adjovi	143-158
8.	The Economic, Social and Cultural Council of the African Union <i>Mohamed S. Amr</i>	159-183

## PART III. Economic Integration, Development and Good Governance

	and Good Governance			
9.	The African Economic Community  Makane M. Mbenge & Ousseni Illy	187-202		
10.	The New Partnership for Africa's Development (NEPAD)  Edward Kannyo	203-229		
11.	The Regional Economic Communities Stephen Karangizi	231-249		
12.	The Prohibition of Unconstitutional Change of Government Muna Ndulo	251-274		
13.	The African Charter on Democracy, Elections and Governance Hélène Tigroudja	275-290		
14.	The African Convention on the Prevention and Combating of Corruption  Mpazi Sinjela	291-301		
PART IV. Peace and Security				
15.	The Role of the Union in Conflict Prevention and Resolution Mesmer L. Gueuyou	305-333		
16.	The Right of Forcible Intervention in Certain Conflicts  Abdulqawi A. Yusuf	335-353		
17.	Peacekeeping Operations: The Examples of Burundi and Sudan <i>Mutoy Mubiala</i>	355-374		

18. The African Union's Relationship with the United Nations in the

375-413

Maintenance of Peace and Security

Djacoba L. Tehindrazanarivelo

1. Tuman Tugitty	
The African Charter on Human and Peoples' Rights  Michelo Hansungule	417-453
The Protocol on the Rights of Women in Africa Rachel Mayanja	455-476
The African Charter on the Rights and Welfare of the Child Chris M. Peter & Ummy A. Mwalimu	477-493
The Convention Governing the Specific Aspects of Refugee Problems in Africa  Osita C. Eze †	495-518
ENDICES	
Sirte Declaration (1999) Constitutive Act of the African Union (2000) Protocol on Amendments to the Constitutive Act of the African Union Links to the African Union Organs, Agencies and Instruments	521-524 525-542 543-548 549-552
INDEX	
	The African Charter on Human and Peoples' Rights  Michelo Hansungule  The Protocol on the Rights of Women in Africa  Rachel Mayanja  The African Charter on the Rights and Welfare of the Child  Chris M. Peter & Ummy A. Mwalimu  The Convention Governing the Specific Aspects of Refugee  Problems in Africa  Osita C. Eze †  ENDICES  Sirte Declaration (1999)  Constitutive Act of the African Union (2000)  Protocol on Amendments to the Constitutive Act of the African Union  Links to the African Union Organs, Agencies and Instruments

PART V Human Rights