**CONSTITUTIVE ACT OF THE AFRICAN UNION**

We, Heads of State and Government of the Member States of the Organization of African
Unity (OAU):

1. The President of the People's Democratic Republic of Algeria
2. The President of the Republic of Angola
3. The President of the Republic of Benin
4. The President of the Republic of Botswana
5. The President of Burkina Faso
6. The President of the Republic of Burundi
7. The President of the Republic of Cameroon
8. The President of the Republic of Cape Verde
9. The President of the Central African Republic
10. The President of the Republic of Chad
11. The President of the Islamic Federal Republic of the Comoros
12. The President of the Republic of the Congo
13. The President of the Republic of Cote d'Ivoire
14. The President of the Democratic Republic of Congo
15. The President of the Republic of Djibouti
16. The President of the Arab Republic of Egypt
17. The President of the State of Eritrea
18. The Prime Minister of the Federal Democratic Republic of Ethiopia
19. The President of the Republic of Equatorial Guinea
20. The President of the Gabonese Republic
21. The President of the Republic of The Gambia
22. The President of the Republic of Ghana
23. The President of the Republic of Guinea
24. The President of the Republic of Guinea Bissau
25. The President of the Republic of Kenya
26. The Prime Minister of Lesotho
27. The President of the Republic of Liberia
28. The Leader of the 1st of September Revolution of the Great Socialist People's Libyan Arab Jamahiriya
29. The President of the Republic of Madagascar
30. The President of the Republic of Malawi
31. The President of the Republic of Mali
32. The President of the Islamic Republic of Mauritania
33. The Prime Minister of the Republic of Mauritius
34. The President of the Republic of Mozambique
35. The President of the Republic of Namibia
36. The President of the Republic of Niger
37. The President of the Federal Republic of Nigeria
38. The President of the Republic of Rwanda
39. The President of the Sahrawi Arab Democratic Republic

40. The President of the Republic of Sao Tome and Principe
41. The President of the Republic of Senegal
42. The President of the Republic of Seychelles
43. The President of the Republic of Sierra Leone
44. The President of the Republic of Somalia
45. The President of the Republic of South Africa
46. The President of the Republic of Sudan
47. The King of Swaziland
48. The President of the United Republic of Tanzania
49. The President of the Togolese Republic
50. The President of the Republic of Tunisia
51. The President of the Republic of Uganda
52. The President of the Republic of Zambia
53. The President of the Republic of Zimbabwe

INSPIRED by the noble ideals which guided the founding fathers of our Continental Organization and generations of Pan-Africanists in their determination to promote unity, solidarity, cohesion and cooperation among the peoples of Africa and African States;

CONSIDERING the principles and objectives stated in the Charter of the Organization of African Unity and the Treaty establishing the African Economic Community;

RECALLING the heroic struggles waged by our peoples and our countries for political independence, human dignity and economic emancipation;

CONSIDERING that since its inception, the Organization of African Unity has played a determining and invaluable role in the liberation of the continent, the affirmation of a common identity and the process of attainment of the unity of our Continent and has provided a unique framework for our collective action in Africa and in our relations with the rest of the world;

DETERMINED to take up the multifaceted challenges that confront our continent and peoples in the light of the social, economic and political changes taking place in the world;

CONVINCED of the need to accelerate the process of implementing the Treaty establishing the African Economic Community in order to promote the socio-economic development of Africa and to face more effectively the challenges posed by globalization;

GUIDED by our common vision of a united and strong Africa and by the need to build a partnership between governments and all segments of civil society, in particular women,
youth and the private sector in order to strengthen solidarity and cohesion among our peoples;



CONSCIOUS of the fact that the scourge of conflicts in Africa constitutes a major impediment to the socio-economic development of the continent and of the need to promote peace, security and stability as a prerequisite for the implementation of our development and integration agenda;

DETERMINED to promote and protect human and peoples' rights, consolidate democratic institutions and culture, and to ensure good governance and the rule of law;
FURTHER DETERMINED to take all necessary measures to strengthen our common institutions and provide them with the necessary powers and resources to enable them discharge their respective mandates effectively;
RECALLING the Declaration which we adopted at the Fourth Extraordinary Session of our Assembly in Sirte, the Great Socialist People's Libyan Arab Jamahiriya, on 9.9. 99, in which we decided to establish an African Union, in conformity with the ultimate objectives of the Charter of our Continental Organization and the Treaty establishing the
African Economic Community;

**HAVE AGREED AS FOLLOWS:**

**Article 1**

**Definitions**

In this Constitutive Act:
"Act" means the present Constitutive Act;
"AEC" means the African Economic Community;
"Assembly" means the Assembly of Heads of State and Government of the Union;
"Charter" means the Charter of the OAU;
"Committee" means a Specialized Technical Committee of the Union;
"Council" means the Economic, Social and Cultural Council of the Union;
"Court " means the Court of Justice of the Union;
"Executive Council" means the Executive Council of Ministers of the Union;
"Member State" means a Member State of the Union;
"OAU" means the Organization of African Unity;

"Parliament" means the Pan-African Parliament of the Union;
'Union" means the African Union established by the present Constitutive Act.

**Article 2**

**Establishment**

The African Union is hereby established in accordance with the provisions of this Act.

**Article 3**

**Objectives**

The objectives of the Union shall be to:
(a) Achieve greater unity and solidarity between the African counties and the peoples of Africa;
(b) Defend the sovereignty, territorial integrity and independence of its Member States;
(c) Accelerate the political and socio-economic integration of the continent;
(d) Promote and defend African common positions on issues of interest to the continent and its peoples;
(e) Encourage international cooperation, taking due account of the Charter of the United Nations and the Universal Declaration of Human Rights;
(f) Promote peace, security, and stability on the continent;

(g) Promote democratic principles and institutions, popular participation and good governance;
(h) Promote and protect human and peoples' rights in accordance with the African Charter on Human and Peoples' Rights and other relevant human rights instruments;
(i) Establish the necessary conditions which enable the continent to play its rightful role in the global economy and in international negotiations;
(j) Promote sustainable development at the economic, social and cultural levels as well as the integration of African economies;

(k) Promote cooperation in all fields of human activity to raise the living standards of African peoples;
(l) Coordinate and harmonize policies between existing and future Regional Economic Communities for the gradual attainment of the objectives of the Union;
(m) Advance the development of the continent by promoting research in all fields, in particular in science and technology;
(n) Work with relevant international partners in the eradication of preventable diseases and the promotion of good health on the continent.

**Article 4**

**Principles**

The Union shall function in accordance with the following principles:
(a) Sovereign equality and interdependence among Member States of the Union;
(b) Respect of borders existing on achievement of independence;
(c) Participation of the African peoples in the activities of the Union;
(d) Establishment of a common defence policy for the African Continent;
(e) Peaceful resolution of conflicts among Member States of the Union through such appropriate means as may be decided upon by the Assembly;
(f) Prohibition of the use of force or threat to use force among Member States of the Union;
(g) Non-interference by any Member State in the internal affairs of another;
(h) The right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely war crimes, genocide and crimes against humanity;
(i) Peaceful co-existence of Member States and their right to live in peace and security;
(j) The right of Member States to request intervention from the Union in order to restore peace and security;
(k) Promotion of self-reliance within the framework of the Union;

(l) Promotion of gender equality;
(m) Respect for democratic principles, human rights, the rule of law and good governance;
(n) Promotion of social justice to ensure balanced economic development;
(o) Respect for the sanctity of human life, condemnation and rejection of impunity

and political assassination, acts of terrorism and subversive activities;
(p) Condemnation and rejection of unconstitutional changes of governments.

**Article 5**

**Organs of the Union**

1. The organs of the Union shall be:
(a) The Assembly of the Union;
(b) The Executive Council;
(c) The Pan-African Parliament;
(d) The Court of Justice;
(e) The Commission;
(f) The Permanent Representatives Committee;
(g) The Specialized Technical Committees;
(h) The Economic, Social and Cultural Council;
(i) The Financial Institutions;
2, Other organs that the Assembly may decide to establish.

**Article 6**

**The Assembly**

1. The Assembly shall be composed of Heads of States and Government or their duly accredited representatives.
2. The Assembly shall be the supreme organ of the Union.
3. The Assembly shall meet at least once a year in ordinary session. At the request of any Member State and on approval by a two-thirds majority of the Member States, the Assembly shall meet in extraordinary session.
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4. The Office of the Chairman of the Assembly shall be held for a period of one year by a Head of State or Government elected after consultations among the Member States.

**Article 7**

**Decisions of the Assembly**

1. The Assembly shall take its decisions by consensus or, failing which, by a twothirds majority of the Member States of the Union. However, procedural matters, including the question of whether a matter is one of procedure or not, shall be decided by a simple majority.
2. Two-thirds of the total membership of the Union shall form a quorum at any meeting of the Assembly.

**Article 8**

**Rules of Procedure of the Assembly**

The Assembly shall adopt its own Rules of Procedure.

**Article 9**

**Powers and Functions of the Assembly**

1. The functions of the Assembly shall be to:
(a) Determine the common policies of the Union;
(b) Receive, consider and take decisions on reports and recommendations from the other organs of the Union;

(c) Consider requests for Membership of the Union;
(d) Establish any organ of the Union;
(e) Monitor the implementation of policies and decisions of the Union as well as ensure compliance by all Member States;
(f) Adopt the budget of the Union;
(g) Give directives to the Executive Council on the management of conflicts, war and other emergency situations and the restoration of peace;
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(h) Appoint and terminate the appointment of the judges of the Court of Justice;
(i) Appoint the Chairman of the Commission and his or her deputy or deputies and Commissioners of the Commission and determine their functions and terms of office.
2. The Assembly may delegate any of its powers and functions to any organ of the Union.

**Article 10**

**The Executive Council**

1. The Executive Council shall be composed of the Ministers of Foreign Affairs or such other Ministers or Authorities as are designated by the Governments of Member States.
2. Council shall meet at least twice a year in ordinary session. It shall also meet in an extra-ordinary session at the request of any Member State and upon approval by two-thirds of all Member States.

**Article 11**

**Decisions of the Executive Council**

1. The Executive Council shall take its decisions by consensus or, failing which, by a two-thirds majority of the Member States. However, procedural matters, including the question of whether a matter is one of procedure or not, shall be decided by a simple majority.
2. Two-thirds of the total membership of the Union shall form a quorum at any meeting of the Executive Council.

**Article 12**

**Rules of Procedure of the Executive Council**

The Executive Council shall adopt its own Rules of Procedure.

**Article 13**

**Functions of the Executive Council**

1. The Executive Council shall co-ordinate and take decisions on policies in areas of common interest to the Member States, including the following:
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(a) Foreign trade;
(b) Energy, industry and mineral resources;
(c) Food, agricultural and animal resources, livestock production and forestry;
(d) Water resources and irrigation;
(e) Environmental protection, humanitarian action and disaster response and

relief;
(f) Transport and communications;
(g) Insurance;
(h) Education, culture, health and human resources development;
(i) Science and technology;
(j) Nationality, residency and immigration matters;
(k) Social security, including the formulation of mother and child care policies, as well as policies relating to the disabled and the handicapped;
(l) Establishment of a system of African awards, medals and prizes.
2. The Executive Council shall be responsible to the Assembly. It shall consider issues referred to it and monitor the implementation of policies formulated by the Assembly.
3. The Executive Council may delegate any of its powers and functions mentioned in paragraph 1 of this Article to the Specialized Technical Committees established under Article 14 of this Act.

**Article 14**
**The Specialized Technical Committees**
**Establishment and Composition**

1. There is hereby established the following Specialized Technical Committees, which shall be responsible to the Executive Council:
(a) The Committee on Rural Economy and Agricultural Matters;
(b) The Committee on Monetary and Financial Affairs;

(c) The Committee on Trade, Customs and Immigration Matters;
(d) The Committee on Industry, Science and Technology, Energy, Natural Resources and Environment;
(e) The Committee on Transport, Communications and Tourism;
(f) The Committee on Health, Labour and Social Affairs; and
(g) The Committee on Education, Culture and Human Resources.
2. The Assembly shall, whenever it deems appropriate, restructure the existing Committees or establish other Committees.
3. The Specialized Technical Committees shall be composed of Ministers or senior officials responsible for sectors falling within their respective areas of competence.

**Article 15**
**Functions of the Specialized Technical Committees**

Each Committee shall within its field of competence:
(a) Prepare projects and programmes of the Union and submit in to the Executive Council;
(b) Ensure the supervision, follow-up and the evaluation of the implementation of decisions taken by the organs of the Union;
(c) Ensure the coordination and harmonization of projects and programmes of the Union;
(d) Submit to the Executive Council either on its own initiative or at the request of

the Executive Council, reports and recommendations on the implementation of the provision of this Act; and
(e) Carry out any other functions assigned to it for the purpose of ensuring the implementation of the provisions of this Act.

**Article 16**

**Meetings**

1. Subject to any directives given by the Executive Council, each Committee shall meet as often as necessary and shall prepare its rules of procedure and submit



them to the Executive Council for approval.

**Article 17**

**The Pan-African Parliament**

1. In order to ensure the full participation of African peoples in the development and economic integration of the continent, a Pan-African Parliament shall be established.
2. The composition, powers, functions and organization of the Pan-African Parliament shall be defined in a protocol relating thereto.

**Article 18**

**The Court of Justice**

1. A Court of Justice of the Union shall be established;
2. The statute, composition and functions of the Court of Justice shall be defined in a protocol relating thereto.

**Article 19**

**The Financial Institutions**

The Union shall have the following financial institutions, whose rules and regulations shall be defined in protocols relating thereto:
(a) The African Central Bank;
(b) The African Monetary Fund;
(c) The African Investment Bank.

**Article 20**

**The Commission**

1. There shall be established a Commission of the Union, which shall be the Secretariat of the Union.
2. The Commission shall be composed of the Chairman, his or her deputy or deputies and the Commissioners. They shall be assisted by the necessary staff for the smooth functioning of the Commission.
3. The structure, functions and regulations of the Commission shall be determined by the Assembly.



**Article 21**

**The Permanent Representatives Committee**

1. There shall be established a Permanent Representatives Committee. It shall be composed of Permanent Representatives to the Union and other Plenipotentiaries of Member States.

2. The Permanent Representatives Committee shall be charged with the responsibility of preparing the work of the Executive Council and acting on the Executive Council's instructions. It may set up such sub-committees or working groups as it may deem necessary.

**Article 22**

**The Economic, Social and Cultural Council**

1. The Economic, Social and Cultural Council shall be an advisory organ composed of different social and professional groups of the Member States of the Union.
2. The functions, powers, composition and organization of the Economic, Social and Cultural Council shall be determined by the Assembly.

**Article 23**

**Imposition of Sanctions**

1. The Assembly shall determine the appropriate sanctions to be imposed on any Member State that defaults in the payment of its contributions to the budget of the Union in the following manner: denial of the right to speak at meetings, to vote, to present candidates for any position or post within the Union or to benefit from any activity or commitments therefrom.
2. Furthermore, any Member State that fails to comply with the decisions and policies of the Union may be subjected to other sanctions, such as the denial of transport and communications links with other Member States, and other measures of a political and economic nature to be determined by the Assembly.

**Article 24**

**The Headquarters of the Union**

1. The Headquarters of the Union shall be in Addis Ababa in the Federal Democratic Republic of Ethiopia.
2. There may be established such other offices of the Union as the Assembly may, on the recommendation of the Executive Council, determine.



**Article 25**

**Working Languages**

The working languages of the Union and all its institutions shall be, if possible, African languages, Arabic, English, French and Portuguese.

**Article 26**

**Interpretation**

The Court shall be seized with matters of interpretation arising from the application or implementation of this Act. Pending its establishment, such matters shall be submitted to
the Assembly of the Union, which shall decide by a two-thirds majority.

**Article 27**

**Signature, Ratification and Accession**

1. This Act shall be open to signature, ratification and accession by the Member States of the OAU in accordance with their respective constitutional procedures.
2. The instruments of ratification shall be deposited with the Secretary-General of the OAU.

3. Any Member State of the OAU acceding to this Act after its entry into force shall deposit the instrument of accession with the Chairman of the Commission.

**Article 28**

**Entry into Force**

This Act shall enter into force thirty (30) days after the deposit of the instruments of ratification by two-thirds of the Member States of the OAU.

**Article 29**

**Admission to Membership**

1. Any African State may, at any time after the entry into force of this Act, notify the Chairman of the Commission of its intention to accede to this Act and to be admitted as a member of the Union.
2. The Chairman of the Commission shall, upon receipt of such notification, transmit copies thereof to all Member States. Admission shall be decided by a simple majority of the Member States. The decision of each Member State shall be transmitted to the Chairman of the Commission who shall, upon receipt of the



required number of votes, communicate the decision to the State concerned.

**Article 30**

**Suspension**

Governments which shall come to power through unconstitutional means shall not be allowed to participate in the activities of the Union.

**Article 31**

**Cessation of Membership**

1. Any State which desires to renounce its membership shall forward a written notification to the Chairman of the Commission, who shall inform Member States thereof. At the end of one year from the date of such notification, if not withdrawn, the Act shall cease to apply with respect to the renouncing State, which shall thereby cease to belong to the Union.
2. During the period of one year referred to in paragraph 1 of this Article, any Member State wishing to withdraw from the Union shall comply with the provisions of this Act and shall be bound to discharge its obligations under this Act up to the date of its withdrawal.

**Article 32**

**Amendment and Revision**

1. Any Member State may submit proposals for the amendment or revision of this Act.
2. Proposals for amendment or revision shall be submitted to the Chairman of the Commission who shall transmit same to Member States within thirty (30) days of receipt thereof.
3. The Assembly, upon the advice of the Executive Council, shall examine these proposals within a period of one year following notification of Member States, in accordance with the provisions of paragraph 2 of this Article.
4. Amendments or revisions shall be adopted by the Assembly by consensus or, failing which, by a two-thirds majority and submitted for ratification by all

Member States in accordance with their respective constitutional procedures. They shall enter into force thirty (30) days after the deposit of the instruments of ratification with the Chairman of the Commission by a two-thirds majority of the Member States.



**Article 33**

**Transitional Arrangements and Final Provisions**

1. This Act shall replace the Charter of the Organization of African Unity. However, the Charter shall remain operative for a transitional period of one year or such further period as may be determined by the Assembly, following the entry into force of the Act, for the purpose of enabling the OAU/AEC to undertake the necessary measures regarding the devolution of its assets and liabilities to the Union and all matters relating thereto.
2. The provisions of this Act shall take precedence over and supersede any inconsistent or contrary provisions of the Treaty establishing the African Economic Community.
3. Upon the entry into force of this Act, all necessary measures shall be undertaken to implement its provisions and to ensure the establishment of the organs provided for under the Act in accordance with any directives or decisions which may be adopted in this regard by the Parties thereto within the transitional period stipulated above.
4. Pending the establishment of the Commission, the OAU General Secretariat shall be the interim Secretariat of the Union.
5. This Act, drawn up in four (4) original texts in the Arabic, English, French and Portuguese languages, all four (4) being equally authentic, shall be deposited with the Secretary-General of the OAU and, after its entry into force, with the Chairman of the Commission who shall transmit a certified true copy of the Act to the Government of each signatory State. The Secretary-General of the OAU and the Chairman of the Commission shall notify all signatory States of the dates of the deposit of the instruments of ratification or accession and shall upon entry into force of this Act register the same with the Secretariat of the United Nations.

IN WITNESS WHEREOF, WE have adopted this Act.

Done at Lomé, Togo, this 11th day of July, 2000