

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

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**RULES OF PROCEDURE OF THE AFRICAN UNION
COMMISSION ON INTERNATIONAL LAW**

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General Provision

The Executive Council

Having regard to Article 5 (2) of the Constitutive Act of the African Union and Article 19 of the Statute of the African Union Commission on International law (hereinafter referred to as the AUCIL),

HAS ADOPTED THESE RULES OF PROCEDURE:

**Rule 1
Definitions**

The definitions in article 1 of the Statute of the AUCIL shall apply to these rules unless otherwise indicated.

**Rule 2
Sessions**

- a. The African Union Commission on International Law shall hold two ordinary sessions annually as provided for in the Statute of the AUCIL. The first ordinary session of the year shall be held in February while the second ordinary session of the year shall be held in October/November.
- b. The duration of each ordinary session shall not exceed twenty-one (21) days
- c. The AUCIL may meet in extraordinary sessions for a duration not exceeding fourteen (14) days at the request of the Chairperson or at the request of two-thirds of the members of the AUCIL
- d. The bureau shall, in consultation with other members of the AUCIL determine,
 - i. dates or duration of sessions of the AUCIL
 - ii. venue of meetings.

Rule 3
Composition of the Bureau

The Bureau of the AUCIL shall be composed of the following:

- a. The Chairperson,
- b. The Vice-Chairperson and
- c. The General Rapporteur

Rule 4
Election of the bureau

- a. The Chairperson, the Vice-Chairperson and the General Rapporteur shall be elected by a simple majority of all the Members of the AUCIL present.
- b. Where there is only one candidate, standing unopposed, for election to any office of the bureau, the Members of the AUCIL shall cast their ballot to determine that such an unopposed candidate attains the simple majority of the members of the AUCIL present and voting.
- c. The vote in all elections shall be taken by secret ballot.

Rule 5
Structures of the AUCIL

5.1 The AUCIL shall have the following structures:

- a. Plenary
- b. Bureau
- c. Special rapporteur(s)
- d. Working Group(s)
- e. Drafting Committee(s)
- f. Secretariat

5.2 AUCIL may establish other structures necessary for the execution of its mandate

Rule 6
Composition and Functions of the Plenary

- a. The Plenary shall be composed of all members of AUCIL.
- b. The Plenary shall, in accordance with the objectives and functions of the AUCIL as defined in its Statute, inter alia, carry out the following functions:
 - i. to elect the bureau;

- ii. to adopt the agenda and programme of work prepared by the bureau
- iii. to consider the reports of Special Rapporteur(s) ;
- iv. to consider the reports of the Working Group(s);
- v. to consider the reports of the Drafting Committee(s);
- vi. to consider matters that may require its consideration as a whole;
- vii. to refer draft articles to the Drafting Committee and to adopt provisional or final draft articles and commentaries;
- viii. to consider and adopt its annual report to the Assembly through the Permanent Representatives Committee and the Executive Council;
- ix. to provide guidance for selection of topics and on the directions to be taken;
- x. ensure that subsidiary structures, such as a Drafting Committee or a working group, are working according to the guidance provided by the Commission.
- xi. to Consider relations with other organs of the African Union and other organizations in accordance with the AUCIL Statute and the Constitutive Act.

Rule 7 **Functions of the Bureau**

The Bureau shall, inter alia, perform the following functions:

- a. to prepare and draft the provisional agenda and draft programme of work;
- b. to consider issues relating to the organization and methods of work of the AUCIL;
- c. to deal with other organizational matters relating to the sessions of the AUCIL;
- d. to deal with any other function assigned to it by the Plenary;
- e. to act on behalf of the AUCIL under the guidance of the Chairperson in between sessions.
- f. To consider, in consultation with the members of the AUCIL, requests from individuals and representatives of organizations wishing to address the Commission on any matter that is relevant to the mandate and objectives of the AUCIL.
- g. To invite, in consultations with the members of the AUCIL individuals and representatives of organizations to address the Commission on any matter that is relevant to the mandate and objectives of the AUCIL

Rule 8
Functions of the Chairperson

1. The Chairperson of the AUCIL shall, inter alia, perform the following functions:
 - a. to act as spokesperson of the AUCIL;
 - b. to convene the sessions of the AUCIL;
 - c. to preside over meetings of the AUCIL, including:
 - i. establishing a list of speakers in the order in which a member may indicate an intention to speak;
 - ii. allocating a reasonable time to a member granted the floor to speak;
 - iii. opening, adjourning, suspending and closing of debates or meetings;
 - iv. rule on a point of order
 - d. to liaise and consult with the African Union Commission and other organs of the African Union, in consultation with members of the AUCIL;
 - e. to request Member States, on behalf of the AUCIL, inter alia, to furnish AUCIL the texts of law, regulations, decrees, judicial decisions, treaties, diplomatic correspondence and any other documents relevant to the topic(s) being studied as the AUCIL considers necessary.
2. A member of AUCIL may appeal against the ruling of the Chairperson under sub-rule c of this Rule. The ruling shall immediately be put to a vote and decided upon by a simple majority of members present.
3. In the absence of the Chairperson, the Vice Chairperson shall act as the Chairperson.

Rule 9
Composition and Functions of a Working Group

- a. A Working Group may be established by the Plenary as and when deemed necessary.
- b. Members of a Working Group shall be appointed by the Plenary
- c. A Working Group shall, inter alia, perform the following functions:

- i. recommend topics for inclusion in the programme of activities of the AUCIL;
- ii. review and consider ways of improving the methods of work of the AUCIL;
- iii. undertake studies and make recommendations on matters assigned to it.
- iv. assist, consider and guide the work of a special rapporteur upon request by the Plenary

Rule 10
Composition and Functions of a Drafting Committee

- a. A Drafting Committee may be established as and when deemed necessary.
- b. A Drafting Committee shall be constituted by members appointed by the Plenary, including where necessary, a Special Rapporteur and the General Rapporteur.
- c. The membership of a Drafting Committee shall, where possible, reflect an equitable representation of the principal legal systems and the various official working languages of the African Union within limits compatible with its drafting responsibilities.
- d. A Drafting Committee shall, inter alia, perform the following functions:
 - (ii) Harmonize various drafting proposals;
 - (iii) Prepare draft instruments and reports;
 - (iv) Introduce the draft instruments and reports for consideration by the Plenary;
 - (v) Pronounce itself on substantive issues.

Rule 11
Appointment and Functions of a Special Rapporteur

- a. A Special Rapporteur shall be appointed by the Plenary.
- b. The functions of a Special Rapporteur shall include the following:
 - i. undertake preliminary studies on assigned the topic(s),
 - ii. prepare progress reports on such topics,
 - iii. present such reports to the plenary, working group(s), or drafting committee(s) as appropriate, pending adoption by the plenary,
 - iv. make recommendations on the outcome of the assigned topic
 - v. assist and contribute to the work of the working group and to the Drafting Committee on the topic, and

- vi. Prepare draft articles and elaborate on their commentaries for consideration by a Working Group or the Plenary.

Rule 12
The Functions of the General Rapporteur

The General Rapporteur shall, inter alia, perform the following functions:

- a. prepare and draft sessional and annual reports of the AUCIL for adoption by the Plenary;
- b. liaise with the AUCIL Secretariat or the Office of the Legal Counsel of the African Union Commission to ensure accurate recording of the sessions of AUCIL;

Rule 13
Functions of the Secretariat

a. There shall be a Secretariat of the AUCIL as provided for under Article 21 of the Statute of the AUCIL.

b. The Secretariat shall, inter alia, perform the following functions:

- i. arrange and facilitate meetings of the AUCIL;
- ii. prepare and submit to the Bureau items for inclusion in the provisional agenda and draft programme of work
- iii. Transmit to members of the AUCIL, upon instructions of the Bureau, the provisional agenda and draft programme of work as well as other documents of each session, at least one week before the opening of the session;
- iv. Provide staff, material resources and logistical support as necessary for the effective discharge of the functions of the AUCIL;
- v. facilitate communication of the AUCIL with Members States of the African Union, Organs or Institutions of the African Union and other organizations;
- vi. facilitate cooperation between the AUCIL and other organs of the African Union as well as other organizations.

Rule 14
Decision-making

1. The AUCIL shall take all its decisions by consensus or, failing which, by a two-thirds majority of members present.
2. Decisions on questions of procedure shall be taken by a simple majority of members of the AUCIL present.
3. Decisions on whether or not a question is one of procedure shall also be determined by a simple majority of members of the AUCIL present.

Rule 15
Amendments

The AUCIL may propose to the Executive Council amendments to these Rules.

Article 16
Entry into Force

These rules shall enter into force upon approval by the Executive Council.

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