

CHAPTER III ORGANS OF THE COMMUNITY

Article 7

Organs

- 1. The organs of the Community shall be:**
 - (a) The Assembly of Heads of State and Government;**
 - (b) The Council of Ministers;**
 - (c) The Pan-African Parliament;**
 - (d) The Economic and Social Commission;**
 - (e) The Court of Justice;**
 - (f) The General Secretariat; and**
 - (g) The Specialised Technical Committees.**
- 2. The Organs of the Community shall perform their duties and act within the limits of the powers conferred on them by this Treaty.**

Article 8

The Assembly of Heads of State and Government

Composition and Powers

- 1. The Assembly shall be the supreme organ of the Community.**
- 2. The Assembly shall be responsible for implementing the objectives of the Community.**
- 3. To this end, it shall:**
 - (a) Determine the general policy and major guidelines of the Community, and give directives, coordinate and harmonize the economic, scientific, technical, cultural and social policies of Member States;**
 - (b) Take any action, under this Treaty, to attain the objectives of the Community;**
 - (c) Oversee the functioning of Community organs as well as the follow-up of the implementation of its objectives;**
 - (d) Prepare and adopt its rules of procedure;**

- (e) Approve the organisational structure of the Secretariat;
 - (f) Elect the Secretary-General, his Deputies and, on the recommendation of the Council, appoint the Financial Controller, the Accountant and the External Auditors;
 - (g) Adopt the Staff Rules and Regulations of the Secretariat;
 - (h) On the recommendation of the Council, take decisions and give directives concerning the regional economic communities in order to ensure the realisation of the objectives of the Community;
 - (i) On the recommendation of the Council, approve the Community's programme of activity and budget and determine the annual contribution of each Member State;
 - (j) Delegate to the Council the authority to take decisions in pursuance of Article 10 of this Treaty;
 - (k) Refer any matter to the Court of Justice when it confirms, by an absolute majority vote, that a Member State or organ of the Community has not honoured any of its obligations or has acted beyond the limits of its authority or has abused the powers conferred on it by the provisions of this Treaty, by a decision of the Assembly or a regulation of the Council;
 - (l) Request the Court of Justice, as and when necessary, to give advisory opinion on any legal question; and
 - (m) In carrying out its function hereunder, exercise any other powers granted to it under this Treaty.
4. The Assembly shall be assisted by the Council in the performance of its duties.

Article 9

Meetings

1. The Assembly shall meet once a year in regular session. An extraordinary session may be convened by the Chairman of the Assembly or at the request of a Member State provided that such a request is supported by two-thirds of the members of the Assembly.
2. The office of the chairman shall be held every year by one of the Heads of State and Government elected by the Assembly after consultation among Member States.

Article 10

Decisions

- 1. The Assembly shall act by decisions.**
- 2. Without prejudice to the provisions of paragraph (5) Article 18, decisions shall be binding on Member States and organs of the Community, as well as regional economic communities.**
- 3. Decision shall be automatically enforceable thirty (30) days after the date of their signature by the Chairman of the Assembly, and shall be published in the official journal of the Community.**
- 4. Unless otherwise provided in this Treaty, decision of the Assembly shall be adopted by consensus, failing that, by a two-thirds majority of Member States.**

Article 11

The Council of Ministers Composition, Functions and Powers

- 1. The Council shall be the Council of Minister of the OAU.**
- 2. The Council shall be responsible for the functioning and development of the Community.**
- 3. To this end, it shall:**
 - (a) Make recommendations to the Assembly on any action aimed at attaining the objectives of the Community;**
 - (b) Guide the activities of the subordinate organs of the Community;**
 - (c) Submit to the Assembly proposals concerning programmes of activity and budget of the Community as well as the annual contribution of each Member State;**
 - (d) Propose to the Assembly the appointment of the Financial Controller, the Accountant and the External Auditors;**
 - (e) Prepare and adopt its rules of procedure;**
 - (f) Request the Court of Justice, as and when necessary, to give advisory opinion on any legal questions; and**
 - (g) Carry out all other functions assigned thereto under this Treaty and exercise all powers delegated to it by the Assembly.**

Article 12

Meetings

- 1. The Council shall meet twice a year in Ordinary Session. One such Session shall precede the Ordinary Session of the Assembly. An extra-ordinary Session may be convened by the Chairman of the Council or at the request of a Member State provided that such request is supported by two-thirds of the members of the Council.**
- 2. The office of the Chairman of the Council shall be held by the Minister of a Member State elected by the Council after consultations among its members.**

Article 13

Regulations

- 1. The Council shall act by regulations.**
- 2. Without prejudice to the provisions of paragraph (5) of Article 18 of this Treaty, such regulations shall be binding on Member States, subordinate organs of the Community and regional economic communities after their approval by the Assembly. Notwithstanding the foregoing provisions, regulations adopted as aforesaid shall forthwith have a binding effect in the case of delegation of powers by the Assembly pursuant to paragraph 3(j) of Article 8 hereof.**
- 3. Regulations shall be enforceable automatically thirty (30) days after the date of their signature by the Chairman of the Council and shall be published in the official journal of the Community.**
- 4. Unless otherwise provided in this Treaty, regulations shall be adopted by consensus or, failing that, by two-thirds majority of Member States.**

Article 14

The Pan-African Parliament

- 1. In order to ensure that the peoples of Africa are fully involved in the economic development and integration of the Continent, there shall be established a Pan-African Parliament.**
- 2. The composition, functions, powers and organisation of the Pan-African Parliament shall be defined in a Protocol providing thereof.**

Article 15

Economic and Social Commission *Composition and Participation*

1. The Commission shall be the Economic and Social Commission of the OAU.
2. The Commission shall comprise Ministers responsible for economic development, planning and integration of each Member States. They may be assisted, as and when necessary, by other Ministers.
3. Representatives of regional economic communities shall participate in meetings of the Commission and its subsidiary organs.

The modalities and conditions of their participation shall be prescribed in the protocol concerning relations between the Community and African regional and sub-regional organisations and Third States. Representatives of other organisations may also be invited to participate as observers in the deliberations of the Commission.

Article 16

Functions

The Commission shall carry out the following functions:

- (a) Prepare, in accordance with the Lagos Plan of Action and the Final Act of Lagos, programmes, policies and strategies for co-operation in the fields of economic and social development among African countries on the one hand, and between Africa and the International community on the other, and make appropriate recommendations to the Assembly, through the Council;
- (b) Coordinate, harmonize, supervise and follow-up the economic, social, cultural, scientific and technical activities of the Secretariat, of the Committees and any other subsidiary body;
- (c) Examine the reports and recommendations to the Assembly, through the Council, and ensure their follow-up;
- (d) Make recommendations to the Assembly, through the Council with a view of co-ordinating and harmonising the activities of the different regional economic communities;
- (e) Supervise the preparation of international negotiations, assess the results thereof and report thereon to the Assembly through the Council; and

- (f) Carry out all other functions assigned thereto by the Assembly or the Council.

Article 17

Meetings

1. The Commission shall meet at least once a year in Ordinary Session. It may be convened in extraordinary Session either on its own initiative or at the request of the Assembly or the Council.
2. The Ordinary Session of the Commission shall be held immediately before the Ordinary Session of the Council preceding the Session of the Assembly and at the same venue of such Session.
3. The Commission shall prepare and adopt its rules of procedure.

Article 18

Court of Justice Constitution and Functions

1. A Court of Justice of the Community is hereby constituted.
2. The Court of Justice shall ensure the adherence to law in the interpretation and application of this Treaty and shall decide on disputes submitted thereto pursuant to this Treaty
3. To this end, it shall:
 - (a) Decide on actions brought by a Member State or the Assembly on grounds of the violation of the provisions of this Treaty, or of a decision or a regulation or on grounds of lack of competence or abuse of powers by an organ, an authority or a Member State; and
 - (b) At the request of the Assembly or Council, give advisory opinion.
4. The Assembly may confer on the Court of Justice the power to assume jurisdiction by virtue of this Treaty over any dispute other than those referred to in paragraph 3(a) of this Article.
5. The Court of Justice shall carry out the functions assigned to it independently of the Member States and the other organs of the Community.

Article 19

Decisions of the Court

The Decisions of the Court of Justice shall be binding on Member States and organs of the Community.

Article 20

Organisation

The statutes, membership, procedures, and other matters relating to the Court of Justice shall be determined by the Assembly in a protocol relating to the Court of Justice.

Article 21

Composition General Secretariat

- 1. The Secretariat shall be the General Secretariat of the OAU.**
- 2. The Secretariat shall be headed by the Secretary-General assisted by the necessary staff for the smooth functioning of the Community.**

Article 22

Functions of the Secretary-General

- 1. The Secretary-General shall direct the activities of the Secretariat and shall be its legal representative.**
- 2. The Secretary-General shall:**
 - (a) Follow up and ensure the implementation of the decisions of the Assembly and the application of the regulations of the Council;**
 - (b) Promote development programmes as well as projects of the Community;**
 - (c) Prepare proposals concerning the programme of activity and budget of the Community and upon their approval by the Assembly ensure the implementation thereof;**
 - (d) Submit a report on the activities of the Community to all meetings of the Assembly, the Council and the Commission;**
 - (e) Prepare and service meetings of the Assembly, the Council, the Commission and the Committees;**

- (f) Carry out studies with a view to attaining the objectives of the Community and make proposals likely to enhance the functioning and harmonious development of the Community.

To this end, the Secretary-General may request any Member State to furnish him with all necessary information; and

- (g) Recruit the staff of the Community and make appointments to all posts except those referred to in paragraph 3(f) of Article 8 of this Treaty.

Article 23

Appointments

1. The Secretary-General and his assistants shall be elected by the Assembly in accordance with the relevant provisions of the OAU Charter and the rules of procedure of the Assembly.
2. The Financial Controller and the Accountant shall be appointed by the Assembly for a term of four (4) years renewable once only.
3. In the appointment of the staff of the Community, and in addition to the need to ensure high integrity and competence, consideration shall be given to equitable geographical distribution of posts among all Member States.

Article 24

Relations between the Staff of the Community and Member States

1. In the performance of their duties, the Secretary-General and his Assistants, the Financial Controller, the Accountant and the staff of the Community shall be accountable only to the Community. In this regard, they shall neither seek nor accept instructions from any Government or any national or international authority external to the Community. They shall refrain from any conduct incompatible with the nature of their status as international officers.
2. Every Member State undertakes to respect the international character of the duties of the Secretary-General, his Assistants, the Financial Controller, the Accountant and other officers of the Community and undertakes not to influence them in the performance of their duties.
3. Member States undertake to cooperate with the Secretariat and other organs of the Community and to assist them in the discharge of the functions assigned thereto under this Treaty.

Article 25

Specialised Technical Committees

Establishment and Composition

1. There is hereby established the following Committees:
 - (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. Each Committee shall comprise a representative of each Member State. The representatives may be assisted by advisors.
4. Each Committee may, as it deems it necessary, set up subsidiary committees to assist the Committee in carrying out its work. It shall determine the composition of any such subsidiary Committee.

Article 26

Functions

Each Committee shall within its field of competence:

- (a) Prepare projects and programmes of the Community and submit them to the Commission;
- (b) Ensure the supervision, follow-up and the evaluation of the implementation of decisions taken by the organs of the Community;
- (c) Ensure the co-ordination and harmonisation of projects and programmes of the Community;
- (d) Submit to the Commission, either on its own initiative or at the request of the Commission, reports and recommendations on the implementation of the provisions of this Treaty; and

- (e) Carry out any other functions assigned to it for the purpose of ensuring the implementation of the provisions of this Treaty.

Article 27

Meetings

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