

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;

第三章 共同体机构

第七条

机构

1. 共同体机构应包括：(a) 国家元首和政府首脑大会；(b) 部长理事会；(c) 泛非议会；(d) 经济和社会委员会；(e) 法院；(f) 总秘书处；及(g) 专门技术委员会。
2. 共同体机构应履行其职责，并在本条约授予的权限范围内行事。

第八条

国家元首和政府首脑大会

组成和权力

1. 大会应为共同体的最高机构。2. 大会应负责落实共同体的目标。3. 为此，大会应：(a) 决定共同体的总体政策和主要指导方针，并发布指令，协调和统一成员国在经济、科学、技术、文化和社会领域的政策；(b) 根据本条约采取任何行动，以实现共同体的目标；(c) 监督共同体机构的运作及其目标落实的后续行动；(d) 制定并通过其议事规则；

- (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.

(e) 核准秘书处的组织结构；(f) 选举秘书长及其副秘书长，并根据理事会的建议任命财务总监、会计师和外部审计师；(g) 通过秘书处的员工规章制度；(h) 根据理事会的建议，就区域经济共同体作出决定并发布指令，以确保共同体目标的实现；(i) 根据理事会的建议，核准共同体的活动计划和预算，并确定各成员国的年度会费；(j) 授权理事会根据本条约第十条作出决定；(k) 当大会以绝对多数票确认某一成员国或共同体机构未履行其任何义务，或行为超出其权限范围，或滥用本条约条款、大会决定或理事会条例赋予的权力时，将任何事项提交法院；(l) 在必要时请求法院就任何法律问题提供咨询意见；及(m) 在履行其职能时，行使本条约赋予的任何其他权力。

4. 大会履行其职责时，应由理事会予以协助。

第九条

会议

1. 大会应每年举行一次常会。特别会议可由大会主席召集，或应一个成员国的请求召开，但该请求须获得大会三分之二成员国的支持。2. 主席职位每年由大会在成员国协商后选举产生的一位国家元首和政府首脑担任。

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.

第十条

决定

1. 大会应以决定形式行事。2. 在不影响第18条第(5)款规定的情况下，决定对成员国和共同体机构以及区域经济共同体具有约束力。3. 决定应于大会主席签署之日起三十(30)天后自动生效，并须刊登于共同体官方期刊。4. 除非本条约另有规定，大会决定应以共识方式通过，若无法达成共识，则以成员国三分之二多数通过。

第十一条

部长理事会 组成、职能和权力

1. 理事会应为非统组织的部长理事会。2. 理事会应负责共同体的运作与发展。3. 为此目的，理事会应：(a) 就任何旨在实现共同体目标的行动向大会提出建议；(b) 指导共同体附属机构的活动；(c) 向大会提交关于共同体活动计划和预算以及各成员国年度会费的提案；(d) 向大会提议任命财务总监、会计师和外部审计师；(e) 制定并通过其议事规则；(f) 在必要时请求法院就任何法律问题提供咨询意见；以及(g) 履行本条约赋予的所有其他职能，并行使大会授予的所有权力。

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.

第十二条

会议

- 1. 理事会每年应召开两次常会。其中一次常会应在大会常会之前举行。理事会主席可召集特别会议，或应某一成员国请求召开特别会议，但该请求须得到理事会三分之二成员的支持。
- 2. 理事会主席职位应由理事会成员协商后选举产生的某一成员国的部长担任。

第十三条

条例

- 1. 理事会应通过条例采取行动。
- 2. 在不损害本条约第十八条第(5)款规定的前提下，此类条例经大会批准后对成员国、共同体附属机构及区域经济共同体具有约束力。虽有前述规定，根据本条约第八条第3款(j)项大会授权通过的条例应立即产生约束力。
- 3. 条例应于理事会主席签署之日起三十(30)日后自动生效，并公布于共同体官方期刊。
- 4. 除本条约另有规定外，条例应以共识方式通过，若无法达成共识，则以成员国三分之二多数通过。

第十四条

泛非议会

- 1. 为确保非洲人民充分参与非洲大陆的经济发展和一体化，应设立一个泛非议会。
- 2. 泛非议会的组成、职能、权力和组织应由相关议定书予以规定。

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

第十五条

经济和社会委员会
组成与参与

- 1. 委员会应作为非统组织的经济和社会委员会。
- 2. 委员会应由各成员国负责经济发展、规划和一体化的部长组成。必要时，其他部长可予以协助。
- 3. 区域经济共同体的代表应参加委员会及其附属机构的会议。

其参与的方式和条件应由关于共同体与非洲区域和次区域组织及第三国关系的议定书规定。其他组织的代表也可受邀以观察员身份参与委员会的审议。

第十六条

职能

委员会应履行以下职能：

- (a) 根据《拉各斯行动计划》和《拉各斯最后法案》，一方面为非洲国家之间，另一方面为非洲与国际社会之间的经济和社会发展领域的合作制定计划、政策和战略，并通过理事会向大会提出适当建议；
- (b) 协调、统一、监督和跟进秘书处、委员会及任何其他附属机构的经济、社会、文化、科学和技术活动；
- (c) 审查通过理事会提交大会的报告与建议，并确保其后续落实；
- (d) 通过理事会向大会提出建议，以协调和统一各区域经济共同体的活动；
- (e) 监督国际谈判的准备工作，评估谈判结果，并通过理事会向大会报告；

(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

(f) 履行大会或理事会赋予的所有其他职能。

第十七条

会议

1. 委员会每年至少召开一次常会。委员会可自行或应大会或理事会要求召开特别会议。2. 委员会常会应在大会届会前举行的理事会常会之前召开，并与该届大会在同一地点举行。3. 委员会应制定并通过其议事规则。

第十八条

法院的组成与职能

1. 兹设立共同体法院。2. 法院应确保在本条约的解释和适用中遵守法律，并应根据本条约对提交给它的争端作出裁决。3. 为此目的，法院应：(a) 对成员国或大会以违反本条约规定、决定或条例为由，或以机构、当局或成员国缺乏权限或滥用权力为由提起的诉讼作出裁决；以及(b) 应大会或理事会的要求，提供咨询意见。4. 大会可授予法院根据本条约对第3款(a)项所述争端以外的任何争端行使管辖权的权力。5. 法院应独立于成员国和共同体的其他机构行使其被赋予的职能。

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;**

法院的裁决

法院的裁决对成员国及共同体机构具有约束力。

第20条

组织

法院的章程、成员资格、程序及其他相关事项应由大会在一份关于法院的议定书中予以确定。

第21条

总秘书处的组成

- 1. 秘书处应为非统组织总秘书处。**
- 2. 秘书处由秘书长领导，并配备必要的工作人员以确保共同体的顺利运作。**

第22条

秘书长的职能

- 1. 秘书长应指导秘书处的活动，并担任其法定代表。**
- 2. 秘书长应：**
 - (a) 跟进并确保大会的决定得到执行以及理事会的规章得到适用；**
 - (b) 促进发展计划以及共同体的项目；**
 - (c) 编制有关共同体的活动计划和预算的提案，并在大会批准后确保其实施；**
 - (d) 向大会、理事会和委员会的所有会议提交共同体活动报告；**
 - (e) 筹备并为大会、理事会、委员会和各委员会的会议提供服务；**

- (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.

- (f) 进行研究以实现共同体的目标，并提出可能加强共同体运作和和谐发展的提案。

为此，秘书长可要求任何成员国向其提供一切必要信息；且

- (g) 招聘共同体的工作人员，并任命所有职位， 但本条约第八条第3款(f)项所述职位除外。

第二十三条

任命

- 1. 秘书长及其助理应根据非统组织宪章的相关规定和大会的议事规则由大会选举产生。2. 财务总监和会计师应由大会任命，任期四年， 仅可连任一次。3. 在任命共同体工作人员时， 除需确保高度诚信和能力外， 还应考虑所有成员国之间职位的公平地域分配。

第二十四条

共同体工作人员与成员国之间的关系

- 1. 秘书长及其助理、财务总监、会计师和共同体工作人员在履行职责时仅对共同体负责。就此而言， 他们不得寻求或接受来自任何政府或共同体外部任何国家或国际当局的指示。他们应避免任何与其作为国际官员身份不符的行为。2. 各成员国承诺尊重秘书长、 其助理、财务总监、 会计师及共同体其他官员职责的国际性质， 并承诺不影响他们履行职责。3. 成员国承诺与秘书处及共同体其他机构合作， 并协助其履行本条约赋予的职能。

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.

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

专业技术委员会

设立与组成

- 1. 特此设立以下委员会：
 - (a) 农村经济与农业事务委员会；(b) 货币与金融事务委员会；(c) 贸易、海关与移民事务委员会；(d) 工业、科学与技术、能源、自然资源与环境委员会；(e) 运输、通信与旅游委员会；(f) 卫生、劳动与社会事务委员会；及
 - (g) 教育、文化与人力资源委员会

- 2. 大会可在其认为适当时重组现有委员会或设立其他委员会。3. 每个委员会应由各成员国的一名代表组成。代表可由顾问协助工作。4. 各委员会可根据需要设立附属委员会以协助其开展工作，并应确定此类附属委员会的组成。

职能

各委员会应在其职权范围内：

- (a) 编制共同体的项目与计划并提交委员会；(b) 确保对共同体机构所作决定的执行情况进行监督、跟进与评估；(c) 确保共同体项目与计划的协调与统一；(d) 主动或应委员会要求，向委员会提交关于本条约条款执行情况的报告与建议；以及

(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.

(e) 履行为确保本条约条款实施而赋予的其他任何职能。

第27条

会议

- 1. 在遵守委员会所给予的任何指示的前提下，各委员会应视需要经常举行会议，并应制定其议事规则，提交委员会批准。