



# Status

## of the Conference of African Constitutional Jurisdictions (CJCA)

### Preamble

We, Presidents and Representatives of African Constitutional Jurisdictions, meeting in Constitutive Congress on 7 and 8 May 2011, in Algiers (Algeria), in accordance with the decision, Assembly/AU/DEC.324(XV), on the creation of an African space of constitutional justice, adopted, at the initiative of Algeria, by the 15th Ordinary Session of the Assembly of Heads of State and Government of the African Union, held in Kampala (Uganda) from 25 to 27 July 2010;

-Recalling that the Constitutive Act of the African Union enshrines the will of the Heads of State and Government of the Union "to promote and protect human and peoples' rights, to consolidate democratic institutions and culture, to promote good governance and the rule of law.";

-Recalling also the other relevant instruments including the African Charter on Human and Peoples' Rights, the Algiers Declaration, the Lomé Declaration and the African Charter on Democracy, Elections and Governance;

-Stressing that African countries have individually and progressively established a judicial mechanism of constitutional control;

-Noting that this space aims to complement the various mechanisms created by the African Union to establish the rule of law, democracy and human rights;

-Convinced that the achievement of these objectives remains closely linked to the independence and impartiality of the judges who make up this space in order to ensure its success and sustainability;

-Recalling the meeting of Heads of African Institutions present at the 2nd Congress of the World Conference on Constitutional Justice, held on 16 January 2011 in Rio de Janeiro (Brazil) and at the end of which Algeria was tasked with leading the process of creating this space to its conclusion;

**Adopt this Statute:**

## **Title I: Establishment and headquarters**

**Article 1:** "There is created between the constitutional jurisdictions of the Member States of the African Union, an organization called the Conference of African Constitutional Jurisdictions, abbreviated CJCA.

**Article 2:** The seat of the Conference shall be in Algiers (Algeria).

## **Title II: Objectives and means**

**Art. 3:** The objectives of the Conference are:

- (a) to bring together, in a common African space, the African courts responsible for ensuring respect for the Constitution;
- (b) to promote constitutional justice in Africa through consultation and dialogue;
- (c) to promote solidarity and mutual assistance among its members;
- (d) to promote the exchange of experience and information on constitutional jurisprudence;
- (e) to establish links with the legal community, including academia;
- (f) to develop relations of exchange and cooperation between the Conference and similar organizations throughout the world;
- (g) to make Africa's contribution at the international level in the field of constitutional justice.

**Art.4:** To achieve its objectives, the Conference shall endeavour to put in place all means aimed at developing studies and research in the field of justice and constitutional law in Africa.

## **Part III: Acquisition, suspension and loss of membership**

**Art.5:** The Conference includes active members, observer members and honorary members.

**Art. 6:** Are active members, the constitutional jurisdictions of the Member States of the African Union which adhere to this Statute and assume the obligations of membership.

**Art.7:** Observer members are constitutional courts whose States are not members of the African Union and constitutional jurisdictions that request observer status.

The observer member shall not have the right to vote; he is not required to pay any dues but may make donations to the Conference.

**Art.8:** Honorary members are constitutional jurisdictions that do not meet the conditions to be members of the Conference but to which the Congress has conferred this title for service rendered.

**Art.9:** Any member may be provisionally suspended by decision of the Executive Bureau for ratification by the Congress, when the Bureau has found that the jurisdiction in question no longer complies with the requirements of any constitutional jurisdiction and the objectives of this statute.

**Art.10:** The quality of membership is lost:

- (a) by withdrawal;
- (b) by the loss of any attribute of constitutional jurisdiction;
- (c) by the exclusion pronounced by the Congress.

#### **Part IV: Organs of the Conference**

**Art.11:** The organs of the Conference are:

- a) the Congress;
- b) the Executive Board;
- c) the Permanent General Secretariat. \*

**Art.12:** The President of the Conference presides over the Congress.

The presidency of the Assembly shall be held alternately every two (2) years by the constitutional courts, members of the Assembly, on a rotating basis considering the regional distribution in force in the African Union, after consultation, if necessary, with the jurisdiction concerned.

**Art.13:** The President of the Conference represents it in activities and events. He may delegate one of the vice-presidents or any other person to represent him.

**Art.14:** The Conference may award Presidents and judges or former Presidents and judges of African constitutional jurisdictions who have contributed to the promotion of constitutional culture, the title of "Honorary President."

The Conference may invite the Honorary Presidents to the various activities it organizes.

#### **Chapter 1: The Congress**

**Art. 15:** The Congress is the supreme organ of the Conference. It is composed of all member institutions.

**Art. 16:** The Congress shall meet in ordinary session once every two years. It may meet in extraordinary session at the request of its President, of a member jurisdiction or on the proposal of the Executive Board, after approval by one third of the members of the Conference.

At the end of each session, the Congress shall determine the place where its next session will be held.

**Art. 17:** The Congress may validly meet only with the presence of a simple majority of its members. Unless otherwise provided, it shall take its decisions by consensus and, if necessary, by a simple majority of the members present. Each member of Congress shall have only one vote in the event of a vote.

**Art. 18:** In case of withdrawal of the jurisdiction of the country to which it is the turn to host the Congress, it is organized by the jurisdiction that requests it. In the absence of an application, the Conference shall be held in the jurisdiction of the country in which the country of its seat is situated.

**Art. 19:** The Congress has the following powers:

- (a) to elaborate and adopt the statute of the Conference;
- (b) to adopt the program of action of the Conference for the next two years;
- (c) to consider and adopt the progress report and financial statement of the President of the Conference;
- (d) adopt the estimated budget for the following two financial years;
- (e) to decide on the acceptance of gifts, legacies and other contributions;
- (f) to decide on applications for membership and, where appropriate, suspensions or withdrawals of members;
- g) to discuss all matters referred to it by the Executive Board;
- (h) to ratify any convention between the Conference and similar international and regional organizations;
- (i) elect the members of the Executive Board;
- (j) to appoint the members of the ad hoc Commissions;
- (k) to decide on any dispute concerning the interpretation of this Statute.

## **Chapter 2: The Executive Board \***

**Art. 20:** The Executive Bureau consists of a President, six (06) \* Vice-Presidents elected on a rotating basis considering the regional distribution in force in the African Union, two (02) ex officio members and the Permanent General Secretariat. \*

The jurisdiction chosen to host the next Congress becomes 1st Vice-President\*

The constitutional court of the seat is an ex officio member of the Bureau\*.

The Past President is an ex officio member for the next term. \*

If necessary, the President may propose the appointment of additional Vice-Presidents. \*

The Executive Board shall appoint a rapporteur.

**Art. 21:** The Executive Board may invite to Congress any constitutional court not a member of the Conference or any other personality.

It may invite the Chairperson of the Commission of the African Union as an observer.

**Art. 22:** The Executive Bureau meets once a year in ordinary session upon convocation of its President in the country of the jurisdiction that ensures the Presidency of the Congress. It may meet in extraordinary session at the request of a majority of its members.

The Executive Bureau may meet in a member country of the Bureau, if it so requests.

**Art. 23:** The Executive Board has the following functions:

- (a) to draw up the rules of procedure of the Conference;
- (b) to consider proposals for amendments to the statute of the Conference and to prepare a report thereon;
- (c) to fix the agenda of the Congress;
- (d) to adopt the closing account for each financial year;
- (e) to adopt the annual estimates of the budget of the Conference;
- (f) to execute the decisions and resolutions of the Congress;
- (g) to ensure the implementation of the recommendations and guidelines of the Congress;
- (h) to consider and adopt the program of scientific activities;
- (i) to consider applications for the post of Secretary-General;
- (j) to take any decision deemed necessary for the proper functioning of the Conference while keeping the member institutions informed.

**Art. 24:** The Executive Board can only validly deliberate in the presence of seven (07) \* of its members. Its decisions are taken by a majority of its members present. In the event of a tie, the President or his replacement shall have the casting vote.

The Permanent General Secretariat shall attend the meetings of the Bureau in an advisory capacity.

The deliberations may be made by consultation of the members of the Bureau by any means.

If the President of the Executive Board is unable to act, the Presidency shall be held by one of the Vice-Presidents.

**Art. 25 :** The Executive Board elaborates and adopts the rules of its organization and functioning.

### **Chapter 3: The Permanent General Secretariat\***

**Article 26 :** The Permanent General Secretariat is the administrative organ of the Conference.

It is composed of a Permanent Secretary-General and a Secretary-General and is headed by the Permanent Secretary-General.

The Secretary General is elected by a simple majority of the members of the General Assembly for a period of two (02) years renewable once.

The Secretary-General shall be elected from among the judges in service in a jurisdiction which is a member of the Conference, outside the country in which the seat is situated.

**Article 27:** The Permanent Secretary General shall be chosen from among the judges, by the court of the country of the seat. This choice is submitted to the General Assembly for approval.

The Permanent Secretary General shall hold office on a full-time basis.

The Treasurer is appointed by the country of the seat.

**Art. 28:** The Permanent General Secretariat shall have the following functions:

- (a) to ensure the proper functioning of the Conference, under the supervision of the President;
- b) to organize, under the authority of the President, the work of the Executive Board and that of the Congress;
- c) to prepare the draft budget which it submits to the Executive Board,
- (d) to implement the budget of the Conference;
- e) to see to the execution of the decisions of the Congress and the Executive Board and to make all arrangements for this purpose;
- f) to submit to the Executive Board a program of scientific activities;
- (g) to provide the secretariat for the meetings of the Executive Board and the Congress;
- (h) to transmit the notices and agendas of meetings and to notify members of decisions taken by the organs of the Conference;
- (i) preparing questions for consideration by the Executive Board;
- (j) to ensure the preservation of archives and documents;
- (k) to present a balance sheet of the accounts for the financial year ended and the estimated budget for the next two years;
- (l) to attract the accession of new members;
- (m) To work towards mobilizing financial resources for the achievement of the objectives of the Conference;
- n) to manage the website of the Conference;
- o) to carry out such other tasks as may be entrusted to it by the Congress and the Executive Board.

#### **Title V: Ad-hoc Committees**

**Art. 29:** The Conference may establish, within it, one or more ad hoc Commissions composed of competent judges with extensive experience in the field of constitutional justice and experts in constitutional law.

**Art. 30:** The Ad-hoc Commission is responsible for examining any question of interest to Africa in the field of constitutional justice and presenting any reflection on this subject.

**Art. 31:** The ad-hoc committee elaborates and adopts its rules of procedure.

**Art. 32:** The ad-hoc Committee shall present its conclusions to the next session of the Congress. Such conclusions shall be debated and may be published, as appropriate.

## Title VI : Financial provisions

**Art. 33:** The resources of the Conference come from:

- a) financial subsidy provided each year by the host country;
- b) annual membership fees of the constitutional courts that are members of the Conference;
- c) grants and contributions;
- d) donations and bequests.

The amount of the contribution is decided by the Executive Board, after consultation with the member courts.

**Art. 34:** The President of the Conference is the chief authorizing officer of the budget. It may delegate this power to the Permanent Secretary-General\* of the Conference.

**Article 35 :** The Permanent Secretary General\* is responsible for financial management to the President of the Conference.

**Art. 36:** An auditor of the country of the seat is appointed by the President of the CJCA on the proposal of the Permanent General Secretariat. \*

**Art. 37:** The operating costs of the headquarters are the responsibility of the country that hosts it.

The host country shall provide the Conference with the necessary human, material, and financial resources to ensure its proper functioning.

**Art. 38:** The travel and subsistence expenses of the delegations of the member institutions are the responsibility of the member institutions represented.

The expenses resulting from the organization of the work of the Congress, the sessions of the Executive Board and the seminars shall be borne by the member institution of the host country with the financial assistance of the Conference. \*

The amount of the financial assistance of the CJCA is decided by the Executive Board at its session preceding the Congress. This financial assistance is a maximum of 20% for the Congress, 10% for the seminar and 5% for the Executive Board, actual contributions at the time of the Executive Board meeting. \*

When the Conference entrusts specific tasks to members, the costs shall be borne from the budget of the Conference.

## Title VII: Final provisions

**Art. 39:** Any member institution may submit amendments to these statutes in the form of written proposals. These amendments shall be submitted to the Executive Board which, after examination, shall prepare a report which it shall submit to Congress for adoption by a two-thirds (2/3) majority of its members.

**Article 40:** The official and working languages of the Conference shall be Arabic, English, French and Portuguese.

**Art. 41:** This Statute, drawn up in four (4) original copies, in Arabic, English, French and Portuguese, the four (4) texts being equally authentic, enters into force upon its adoption by the Constitutive Congress of the Conference of African Constitutional Jurisdictions.

In witness whereof, the Constitutive Congress adopted this Statute at Algiers on 08 May 2011 .

*(\*Articles amended by the 4th Congress of the CJCA, held in Cape Town, South Africa on 26 April 2017)*

Done at Algiers on 08 May 2011