



Introducing the Pan African Lawyers Union (PALU)

PALU is a continental membership forum for African lawyers and lawyers' associations. PALU was founded in 2002, by African Bar leaders and eminent lawyers, to reflect the aspirations and concerns of the African people and to promote and defend their shared interests. It brings together the continent's five regional lawyers' associations, over fifty-four national lawyers' associations and over 500 lawyers.

PALU's **vision** is to see a united, just and prosperous Africa, built on the rule of law and good governance. Its **mission** is to advance the law and the legal profession, rule of law, good governance, human and peoples' rights and socio-economic development of the African continent.

PALU's governance consists of three bodies (General Assembly, Council and Executive Committee) with complementary responsibilities in terms of policy, strategic and financial oversight. The PALU General Assembly consists of all its corporate and individual members; it meets at least once every three years. The PALU Council is made up of the Presidents of the five regional and fifty-four national Lawyers' Associations (Bar Associations and Law Societies); it meets at least once every year. The General Assembly elects an Executive Committee, to lead and represent the organisation, formulate its policies and strategies, and supervise the Secretariat, which is headed by the Chief Executive Officer. Thus the programmes, projects and activities are implemented by the Secretariat, strategically located in Arusha, Tanzania, which is also the seat of the African Court on Human and Peoples' Rights and the African Union Advisory Board on Corruption, amongst others.

In its 2014-2018 Strategic Plan, PALU sets as its key thematic areas of operation the following:

1. Institutional development
2. Development of the Legal Profession
3. Rule of Law and Good Governance

PALU's Key Competencies

Strategic partnerships and networks

PALU works in partnership with a range of governmental and non-governmental actors to achieve shared goals and objectives. PALU's CEO, Mr. Donald Deya, chairs the Centre for Citizens' Participation in the African Union (CCP AU) and the International Coalition for the Responsibility to Protect (ICRtoP), and previously chaired the Coalition for an Effective African Court (CEAC). PALU is also a member of the Steering Committee of the African Civil Society Platform for Principled Partnership (ACPPP) between Governments and Civil Society.

Overall recognition by the African Union

PALU has developed an enviable position as a respected CSO stakeholder at the African Union (AU) and within the African Governance Architecture (AGA). Key AU officials and stakeholders already see PALU as



an important player to interact, partner and collaborate with. This was made evident by the AU awarding PALU the consultancy to prepare the draft Protocol for the extension of jurisdiction of the African Court to include international criminal crimes; indeed one of the most complex law-making endeavours ever undertaken by the AU and its Member States. We have supported the AU, its organs and institutions, Regional Economic Communities (RECs) and Member States as they have negotiated the text of the draft Protocol, which stands a strong chance of being adopted at the next Ordinary Summit of the AU.

PALU has a formal Memorandum of Understanding (MoU) with the AU, and is routinely involved in the activities of the Office of the Legal Counsel (OLC), the Department of Political Affairs (DPA), the African Court on Human & Peoples' Rights (AfCHPR), the African Union Commission on International Law (AUCIL) and the Pan African Parliament (PAP), amongst others. PALU also regularly engages the East African Community (EAC), the Southern African Development Community (SADC) and the International Conference of the Great Lakes Region (ICGLR), thus gaining practical and valuable knowledge, skills and experience on how African Regional Economic Communities (RECs) and Regional Organizations (ROs) interact with the AU.

Specialized knowledge on the African Legal and Human Rights System

PALU is one of the most prominent and active external partners of the African Court on Human and Peoples' Rights (AfCHPR). It has been directly involved in more litigation at the Court than any other institution. It is the first organisation to be granted *Amicus Curiae* status at the Court and also the first organisation to be appointed as a Legal Aid Provider at the Court. It is also a respected partner and actor at the African Commission on Human and Peoples' Rights (ACoMHPR), the African Committee of Experts on the Rights and Welfare of the Child (ACERWC), the African Union Commission on International Law (AUCIL) and the Pan-African Parliament (PAP). It also actively engages, and has been funded by, the African Development Bank (AfDB) and the African Legal Support Facility (ALSF).

Over the last four years, PALU has been building up a body of knowledge on African International Law and International Institutions, including all the institutions named above. Considering our strategic positioning, we are well placed to have a positive impact on democracy, governance, rule of law, human rights and generally on legal issues at both the continental and regional levels.

PALU's key Projects and Accomplishments

Advisory – Consultancy Services to the African Union

We have advised, and continue to advise, the AU on the continental judicial/ quasi-judicial infrastructure, and especially on incorporating an international criminal jurisdiction to the African Court of Justice and Human Rights. This jurisdiction will cover criminal matters such as genocide, crimes against humanity, war crimes, unconstitutional change of government and corruption (*see below section on International Human Rights Law*). PALU has also been involved in:

- Negotiating the draft Protocol to enhance the legislative mandate of the Pan African Parliament (PAP)



- Negotiating the Model Law on Universal Jurisdiction
- Operationalising the African Governance Architecture (AGA) and also supporting the strengthening of the African Peace and Security Architecture (APSA)
- Working towards an African Transitional Justice Policy Framework
- On the legal instruments for the transformation of the African Union Commission (AUC) into the African Union Authority (AUA). *This process was, however, put in abeyance for the moment.*

International Commercial Law

Through a project funded by the African Legal Support Facility (ALSF), a member of the African Development Bank (AfDB) Group, PALU has organised a continental conference and regional seminars on Complex International Commercial Transactions and Dispute Resolution (both litigation and arbitration) and Vulture Funds. There was a special focus on the extractive industry (minerals, oil and gas) and large-scale infrastructure projects. The project identified, simultaneously:

- Existing knowledge, skills, experience of individual lawyers (both in government and in private practice) and legal institutions, which we have encapsulated in a Directory of Commercial Lawyers in Africa
- The need for more consistent capacity building on international commercial law in Africa

Human Rights Law in Africa

Working with intergovernmental organizations, a range of international and African NGOs, PALU has made a significant contribution in the field of Human Rights Law in Africa. In addition to litigating at the African Court, and drafting the Protocol that could extend its jurisdiction, PALU has been proactively engaging in several other normative developments at the AU level. To further complement the work done on International Criminal Justice in Africa, PALU, in collaboration with the Open Society Initiative for Eastern Africa, also held a Consultation on facilitating a common CSO position on proposals for an international criminal jurisdiction for the East African Court of Justice (EACJ).

In 2012, PALU launched a project that seeks to catalyse a deeper understanding of the interaction between the different institutions of the African Human Rights System and the complementarity that exists between them in their promotional and protective mandates. The research project will soon culminate in the publication of a practical Guide for practitioners to effectively engage the aforementioned institutions. This project is supported by Ford Foundation.

PALU has also organised a series of regional seminars and colloquia on the African Legal and Human Rights System, to capacitate lawyers and civil society representatives on engaging the emerging human rights, governance and peace and security architectures at both regional and continental levels. The seminars focused on disseminating the African Governance Architecture (AGA), African Human Rights Strategy (AHRS), African Peace and Security Architecture (APSA), and with a further special focus on litigation at the African Court on Human and Peoples' Rights (AfCHPR) and the East African Court of



Justice (EACJ). This project was supported by the Swedish International Development Cooperation (SIDA), with additional support from the Open Society Foundations.

Transitional Justice in Africa

From 2012, PALU has also embarked on a research and documentation project aimed at mapping the transitional justice mandates and capacities of AU organs and institutions, and various African other intergovernmental organizations, such as the International Conference on the Great Lakes Region (ICGLR). When fully fledged, this Programme will have an interactive map of such institutions, as well as an indication of lawyers' associations and other CSOs that coalesce around or work with each such intergovernmental institution.

Publications

With the support of the Swedish International Development Cooperation Agency (SIDA), PALU launched the inaugural edition of its Pan African Yearbook of Law (PAYL) in Arusha, in May 2013. The Yearbook contains articles by leading authors on a variety of contemporary and topical legal issues. PALU also publishes Policy Briefs. These are used to disseminate information and foster debate on possibilities of engaging the various AU, RECs and other intergovernmental organs, institutions and mechanisms more comprehensively, creatively and proactively, on matters of constitutionalism, democracy, good governance, rule of law, human and peoples' rights, peace and security.

Finally, PALU disseminates monthly e-newsletters and special bulletins in both English and French to its wide and diverse members' and stakeholders' database. These Communiqués provide information on recent developments, opportunities, events and issues around the continent.

Online Interactive Platform and Legal Directories

To complement these activities, PALU has developed an interactive website which serves as a platform for PALU members and stakeholders to get informed, share ideas and interact with each other. As such, the website contains a directory of key legal instruments of the African Union and its organs. PALU envisions becoming an online hub, providing open access to law by availing online all legislation of the African Union and its organs, RECs and other African Intergovernmental Organizations, as well as key national legislations relevant to PALU's mission. In the near future, PALU will avail online a directory of African Lawyers and Lawyers Associations.

In the near future, PALU will also roll out its Members' Committees and a scheme of "PALU Correspondents" so as to further enable participation and interactions amongst its members and other stakeholders.