



**Pan African  
Lawyers Union**



# **The Constitution** of The Pan African Lawyers Union

# THE CONSTITUTION OF THE PAN AFRICAN LAWYERS UNION

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## **PREAMBLE**

Inspired by the spirit of Pan Africanism, which was the guiding spirit for the founding fathers of the Organisation of the African Unity (OAU), the Pan African Lawyers Union seeks to bring under one umbrella all lawyers and lawyers' associations, including those established on a regional basis, for the purpose of complementing at the level of civil society the work of the African Union, and to this end to undertake the following:

1. The representation of all lawyers in Africa in all matters in which the professional views or expertise of lawyers in Africa is required.
2. The promotion and protection of fundamental human rights.
3. The promotion of the operation and observance of the rule of law.
4. Working closely with the African Union, regional economic groups in Africa, the United Nations and its specialised agencies, all international organisations of lawyers and other international organisations, for the purpose of promoting the rounded development of Africa.
5. Ensuring the independence of judges and the judiciary and of all lawyers and the legal profession generally.
6. Promoting good governance and democracy in Africa.
7. Working for the total physical, economic and social development of the African continent as a whole.

## DEFINITIONS

In this Constitution:

- I) "Committee" means a committee of the Union established pursuant to Article 12 of this Constitution.
- II) "Conference" means the meeting designated by the Council as a conference for the purpose of this Constitution.
- III) "Continental" includes all countries in Africa and off-shore islands as defined in this Constitution.
- IV) "Council" means the Council of the Union.
- V) "Country" means a sovereign state as recognised by the United Nations or the African Union.
- VI) "General Conference" means the meeting designated by the Council of the Union as a General Conference for the purposes of this Constitution.
- VII) "Individual Member" means a member of the Union who is admitted as an individual member pursuant to Article 5 of this Constitution.
- VIII) "Institutional Member" includes a Country Bar Association or Law Society and a Regional Organisation of Country Bar Associations or Law Societies.

- IX) "Lawyer" means a person qualified in law, called to the Bar, admitted as a solicitor or enrolled as an Advocate and who is a Member of a Bar Association or Law Society.
- X) "Member" includes Individual Members and Institutional Members.
- XI) "Officer" includes any of the Officers of the Union as designated in Article 9 of this Constitution.
- XII) Expressions in the masculine gender shall be deemed to include corresponding expressions in the feminine gender and vice versa.
- XIII) "Regions of Africa" are the five African Regions as designated hereunder, namely:

**Central Africa**, including the following countries:

Burundi

Cameroon

Central African Republic

Chad

Congo

Democratic Republic of Congo

Equatorial Guinea

Gabon

Rwanda

Sao Tome & Principe

**Eastern Africa**, including  
the following countries:

Djibouti  
Eritrea  
Ethiopia  
Kenya  
Somalia  
Sudan  
Uganda  
United Republic of Tanzania

**Southern Africa**, including  
the following countries:

Angola  
Botswana  
Lesotho  
Madagascar  
Malawi  
Mozambique  
Mauritius  
Namibia  
Seychelles  
South Africa  
Swaziland  
Zambia  
Zimbabwe

**Northern Africa**, including  
the following countries:

Algeria  
Egypt  
Libyan Arab Jamahiriya  
Mauritania  
Morocco  
Tunisia

**Western Africa**, including  
the following countries:

Benin  
Burkina Faso  
Cape Verde  
Côte d'Ivoire  
Gambia  
Ghana  
Guinea  
Guinea Bissau  
Liberia  
Mali  
Niger  
Nigeria  
Senegal  
Sierra Leone  
Togo

## **ARTICLE 1. NAME**

The organisation shall be known as and called The Pan African Lawyers Union (PALU), and it is hereinafter referred to as "the Union".

## **ARTICLE 2. SECRETARIAT, ETC.**

- 2.1 There shall be a Secretariat for the Union and the same shall be situate at Addis Ababa, Ethiopia or at any other place which the Council may from time to time determine.
- 2.2 The Union shall have an Executive Director, and other employees whose duties and remunerations shall be determined by the Executive Committee from time to time.

## **ARTICLE 3. AIMS AND OBJECTIVES**

The aims and objectives of the Union are:

- 3.1 To strengthen the unity of Africa under the Rule of Law.
- 3.2 To consolidate existing efforts and develop new initiatives aimed at creating greater awareness and respect for the Rule of Law and Fundamental Rights.
- 3.3 To promote legal reforms and the harmonisation of laws in the continent of Africa.
- 3.4 To establish and maintain relations and to promote



and foster relationships, co-operation, mutual support and exchange of ideas among Bar Associations, Law Societies and their members throughout Africa.

- 3.5 To bring together Bar Associations, Law Societies and Lawyers throughout Africa while respecting the diversity of legal and judicial systems and cultures.
- 3.6 To support and defend the independence of Bar Associations, Law Societies, Lawyers, the Judiciary and Judges, in order to improve the administration of Justice, and foster the achievement of sustainable development in Africa.
- 3.7 To develop and improve effective systems of legal aid and legal services to the public.
- 3.8 To promote, develop and advance the science of law and jurisprudence.
- 3.9 To develop and maintain reciprocal arrangements for the practice of law in the various countries within the continent of Africa and its off-shore islands with a view to achieving uniform standards of justice and judicial administration.
- 3.10 To promote and protect gender equality and the participation of women lawyers and to advance women's rights and social justice in Africa.



- 3.11 To these ends, to promote and effect co-operation among all national and international organisations that have and maintain similar interests, aims and objectives, and to develop and carry out joint programmes and projects with such organisations.

#### **ARTICLE 4. CONTINENTALITY**

The Union shall be independent, non-governmental and continental.

#### **ARTICLE 5. MEMBERSHIP**

- 5.1 The Union shall have the following categories of membership, namely:

- (a) Institutional membership;
- (b) Individual membership;
- (c) Associate membership; and
- (d) Honorary membership.

- 5.2 Institutional Membership of the Union shall be open to all Country Bar Associations or Law Societies in Africa, and to all Regional Organisations of Bar Associations and Law Societies on the continent of Africa, which subscribe to the aims and objects of the Union.

- 5.2.1 Admission to institutional membership shall be based on a written application in the form prescribed by the Council to which shall be attached the Constitution/charter of the applicant.

5.3 Individual Membership of the union shall be open to all lawyers in Africa.

5.3.1 Admission to individual membership shall be based on a written application in the form prescribed by the Council, and the same shall be subject to the approval of the Council.

5.4 Associate Membership shall be open to all lawyers, judges and judicial officers in and outside Africa who identify with the aims and objectives of the Union.

5.5 The Executive Committee may recommend, and the Council may confer, honorary membership or any other honorary status on any deserving person who has made outstanding contributions to the achievement of the objects of the Union.

5.5.1 Honorary members shall not be required to pay annual dues, but they may attend the General Conference of the Union even though they shall not be entitled to vote.

5.6 Membership of the Union may cease upon the occurrence of any of the following events, namely:

- (a) Resignation;
- (b) Suspension; or
- (c) Expulsion.

5.7 A member not in default in the payment of dues and levies to the Union may resign membership at any time.



by giving written notice to that effect to the General Secretary of the Union.

5.8 The General Conference may, upon the recommendation of the Council and after due notice, suspend a member of the Union for non-payment of dues and levies due to the Union for a period of two consecutive years: Provided that the member so suspended may be reinstated at any time by the Executive Committee if all outstanding dues and levies are paid to the Union.

5.9 The Council may, after due notice to a member and upon a resolution of the General Conference finding such member liable for dishonorable conduct, suspend or expel any member of the Union.

## **ARTICLE 6. ORGANS OF THE UNION**

6.1 The Union shall have the following organs, namely:

6.1.1 The General Conference;

6.1.2 The Council; and

6.1.3 The Executive Committee.

## **ARTICLE 7. THE GENERAL CONFERENCE**

7.1 The General Conference shall be the supreme organ and exercise the full and maximum authority of the Union, and it shall comprise all the members of the Union, all members of the Council and all members of the Executive Committee of the Union.

7.2 A General Conference shall be held once in every three years at a place and time to be determined by the



Council.

- 7.3 In selecting the venue of a General Conference, the Council shall take into account the five regions of Africa, and the desirability of ensuring that the activities and meetings of the Union are spread throughout the said regions.
- 7.4 A notice convening a General Conference shall be sent to every member of the Union at least thirty (30) days before the date of the General Conference, together with the agenda in respect thereof.
- 7.5 Every member of the Union not in default of payment of dues and levies due to the Union shall be entitled to attend a General Conference.
- 7.6 The business to be transacted at any General Conference of the Union shall be as determined from time to time by the Council.
- 7.7 At least twenty five percent (25%) of the voting members of the Union shall be entitled at any time, by notice in writing to the President, to requisition a meeting of the General Conference to transact such business as may be set out in the notice of requisition and the President shall, within fourteen (14) days of the receipt of the notice, summon a meeting of the General Conference to be held at such place and within such time not being more than thirty (30) days from the date of receipt of the



requisition notice as may be specified in the summons.

- 7.8 If the President shall fail to summon a meeting of the General Conference in accordance with a requisition submitted to the President under Article 7.7, the requisitioners shall themselves be entitled to summon the meeting specifying the time, business and venue for the same.

## **ARTICLE 8. THE COUNCIL**

- 8.1 There shall be a Council for the Union, which shall comprise the following, namely:

- 8.1.1 All members of the Executive Committee;
- 8.1.2 One representative each of all the Country Bar Associations or Law Societies which are members of the Union, who shall be the President for the time being of such Country Bar Association or Law Society or a member delegated by the President;
- 8.1.3 One representative each of all Regional Organisations of Bar Associations or Law Societies in Africa, to be nominated by such Regional Organisation; and
- 8.1.4 The immediate past President of the Union who shall have all the rights of a full Council

member and all past Presidents of the Union who shall not be counted in the constitution of the quorum.

8.2 In the case of a country with several Bar Associations or Law Societies, membership of the Council shall only be for one person to represent all the Bar Associations and Law Societies.

8.3 Subject to the authority and direction of the General Conference, and subject to whatever powers and responsibilities as may be delegated to the Committees of the Union by the General Conference, the Council shall have and execute the following powers and functions, namely:

8.3.1 To give guidance on policy, the affairs, property and finances of the Union, including the appointment of suitable individuals, companies or banks for any of the aforesaid purposes;

8.3.2 To establish and maintain contacts with the African Union and member countries thereof, particularly on all matters touching upon the Rule of Law and the Legal Profession in Africa;

8.3.3 To exercise the powers of the Union with respect to carrying out whatever role or



function may be requested of it by the African Union or any member country thereof;

8.3.4 To express the views of the Union on any matter of interest to the Legal Profession and the administration of justice in Africa;

8.3.5 To cause the accounts of the Union to be audited annually by a competent firm of auditors which shall be appointed by the General Conference of the Union;

8.3.6 To make all necessary arrangements for the General Conference of the Union or for any other General Meeting of the Union;

8.3.7 Generally to exercise all the powers vested in the Union, except those powers reserved for the General Conference, so as to promote and carry out the aims and objects of the Union as contained in this Constitution.

8.4 The Council may co-opt as members any deserving members of the Union for a term not exceeding three (3) years, provided that there shall not be more than five (5) co-opted members at any time.

8.5 The Council shall meet at least once every year, but may hold such other meetings at such times and in such



places as may be determined from time to time. 50% of the voting Council members may request the holding of a Council meeting in accordance with article 11.1.2

8.6 The Agenda of the Annual meeting of the Council shall be:

8.6.1 Examination and approval of the end of year report of the Executive Committee;

8.6.2 Examination and approval of the financial report; Examination and approval of the budget submitted by the Executive Committee; and All other matters and more specially those enumerated in the articles 8.3.1 to 8.3.4

## **ARTICLE 9. THE EXECUTIVE COMMITTEE**

9.1 There shall be an Executive Committee for the Union, which shall comprise the following Officers, namely:

9.1.1 The President;

9.1.2 Five Vice Presidents;

9.1.3 The General Secretary;

9.1.4 The Deputy General Secretary; and

9.1.5 The Financial Secretary/Treasurer.

9.2 The Executive Committee shall appoint the Executive Secretary and all other employees of the Union, and



determine the terms and conditions of service of all employees of the Union.

9.3 The Officers shall be elected by the General Conference, and shall hold office for a term of three (3) years beginning from the close of the General Conference at which they are elected and ending at the close of the next General Conference, subject to the provisions of Article 10.2 of this Constitution. The President, the General Secretary and the Treasurer can not be elected to the same office for more than two (2) terms.

9.4 The five Vice Presidents of the Union shall be elected one each from the five Regions of Africa, as a representative of such Region.

9.5 The General Secretary and the Deputy General Secretary, at any given time, shall not be elected from the same Region of Africa.

## **ARTICLE 10. ELECTIONS/QUALIFICATIONS TO HOLD OFFICE**

10.1 Offices shall become vacant by death and resignation or for any other reasonable cause, as maybe determined by the General Conference.

10.2 Any vacancy occurring in any office after a triennial General Conference may be filled by the Council, and

any appointee to such office shall hold office until the close of the next General Conference.

10.3 A person shall be qualified to hold an office in the Union if:

10.3.1 He is a member of the Union or a member of a Country Bar Association or Law Society, or a Regional Organisation of Lawyers which is a member of the Union.

10.3.2 He has, prior to his nomination, held office as a General Secretary, Vice President or President of a Country Bar Association or Law Society, or of a Regional Organisation of Lawyers, Bar Associations or Law Societies.

10.4 A candidate for any elective office shall be nominated or proposed in writing by the Country Bar Association or Law Society to which he belongs, under the hands of the President and General Secretary of such Bar Association or Law Society, a Regional Organisation of Lawyers or at least three (3) bars from different regions.

10.5 The nomination papers for candidates for an elective office shall be dispatched so as to reach the General Secretary of the Union at least thirty (30) days before the date of the triennial General Conference, and where there is no nomination for any office the General Conference or the Council may fill the vacancy.



- 10.6 Before the date of the triennial General Conference, the Council shall complete the screening of the candidates duly nominated, and make their reports to the General Conference, provided that as much as possible geographical spread of offices and gender equality shall be factors to be considered by the Council in the process of screening.
- 10.7 The nominations received and the reports of the Council shall be exhibited on the website of the Union and a copy thereof shall be forwarded to all members of the Union and to all candidates who have been nominated as well as to all members of the Council.
- 10.8 A full list of the candidates duly nominated by the Council shall be exhibited or posted at a conspicuous place or Notice Board in or around the venue of the General Conference on the first day of the General Conference.
- 10.9 On the first day of the General Conference five (5) Electoral Officers, one of whom shall be appointed by the others to be their Chairman, shall be appointed by the General Conference.
- 10.10 The Electoral Officers shall control, conduct manage and determinate any disputes arising during the elections for which they are appointed and their tenure of office shall continue until the announcement of the



results.

## **ARTICLE 11. DUTIES OF OFFICERS**

11.1 THE PRESIDENT shall be the Chief Executive Officer of the Union, and he shall:

- 11.1.1 Preside at General Conferences of the Union, meetings of the Council and the Executive Committee, and other activities of the Union or the Council at which he is present;
- 11.1.2 Direct the summoning of General Conferences and other meetings of the Union, the Council and the Executive Committee, either on his own initiative or in accordance with Articles 7.7, 7.8 and 8.5 of this Constitution;
- 11.1.3 Provide direction and leadership for all the Committees of the Union;
- 11.1.4 Represent the Union before International Organisations such as the United Nations, the European Union, the African Union, and other Regional Organisations in Africa and throughout the world;
- 11.1.5 Represent the Union before courts of law and any other public institutions;
- 11.1.6 Act as the principal spokesman of the Union;



- 11.1.7 Present at the General Conference of the Union and at meeting of the Council and the Executive Committee all such reports and addresses as are necessary for the proper conduct of the affairs of the Union;
- 11.1.8 Ensure, with the assistance of the General Secretary and the Financial Secretary/ Treasurer, the proper, efficient and economic use of the Union's assets and resources through prudent investments, acquisitions and disposals as may be necessary from time to time, subject, however, to the overall approval of the Council.

11.2 THE VICE PRESIDENTS shall:

- 11.2.1 In the absence of the President, and on a rotational basis, preside at all conferences and meetings of the Union or any of its organs;
- 11.2.2 Be responsible for the co-ordination of the activities of all the Country Bar Associations or Law Societies in their various Regions which are members of the Union;
- 11.2.3 Perform and carry out all other duties as may



be assigned to them by the President or the Council or the General Conference of the Union.

11.3 THE GENERAL SECRETARY shall, under the overall direction of the President, be in charge of the Secretariat and other offices of the Union, and his duties shall in addition include the following, namely:

11.3.1 He shall on the direction of the President or the Council or pursuant to a requisition made in accordance with the provisions of this Constitution summon the General Conference and all other meetings of the Union or any of its organs;

11.3.2 He shall record and keep the minutes and records of all meetings of the Union and its several organs;

11.3.3 He shall write, issue and dispatch circulars, notices, letters and other correspondence of the Union and its several organs;

11.3.4 He shall receive and keep all papers, addresses and reports of Officers, Council Members and General Conferences of the Union;

11.3.5 He shall keep a roll of all members of the Union, and update the same from time to



time as may be necessary;

- 11.3.6 He shall prepare and present to the General Conference, the Council and the Executive Committee all such reports and papers as may be necessary for the proper conduct of the affairs and activities of the Union;
- 11.3.7 He shall be an ex-officio member of all Committees of the Union;
- 11.3.8 He shall perform all other duties as may be assigned to him by the President, the Council or the General Conference of the Union.

#### 11.4 THE DEPUTY GENERAL SECRETARY shall:

- 11.4.1 Perform all such duties as may be assigned to him by the General Conference and the Council with respect to the special subject-matters of the Rule of Law, Fundamental Rights and Freedoms, Community Development Law and Communications and Publicity;
- 11.4.2 Generally assist the General Secretary in the performance of his duties, and, in the absence of the General Secretary, he shall be appointed by the Council to perform the duties of the General Secretary;



11.4.3 Perform all other duties as may be assigned to him by the President or the Council or the General Conference of the Union.

11.5 THE FINANCIAL SECRETARY/TREASURER shall:

11.5.1 Receive, collect and pay to the Union's bankers all moneys collected for the Union or paid to the Union from any source whatsoever;

11.5.2 Prepare or cause to be prepared and submitted to the Council an annual budget containing the estimated revenue and expenditure of the Union for the period 1st April of every year to 31st March of the following year;

11.5.3 Submit to the Council and the General Conference, from time to time, an annual report of the financial position of the Union, to which shall be attached the audited accounts and balance sheet of the Union for the preceding year;

11.5.4 Perform all such other duties as may be assigned to him by the President or the



Council or the General Conference of the Union.

## **ARTICLE 12. COMMITTEES**

12.1 The Council shall establish Committees, standing or ad-hoc, for the Union, with powers and functions as may be determined from time to time by the Council.

12.2.1 The Chairpersons of Committees who themselves must be members of the Council shall be appointed by the Council.

12.2.2 The members of Committees of the Union will be appointed by the Council on the recommendation of the Executive Committee.

12.3 All Committee appointments shall expire at the end of the next triennial General Conference of the Union: provided that members may be eligible for re-appointment but only for one more term.

12.4 No Committee of the Union, nor any of their officers or other representatives, shall represent the Union in any respect, or take any action in the name of the Union, except as authorised by the General Conference or the Council or the President.

## **ARTICLE 13. VOTING**

13.1 Voting at elections at the General Conference shall be



by secret ballot provided that the General Conference may in its discretion direct otherwise.

- 13.2 Decisions at the General Conference and at meetings of the Council and the Executive Committee shall as much as possible be by consensus.
- 13.3 Except as herein otherwise provided, all resolutions shall be by a simple majority of the members of any organ of the Union present in person, or in the case of General Conferences or Council Meetings by proxy.
- 13.4 Voting at meetings of the General Conference shall be by one representative of each national Bar Association or Law Society.
- 13.5 Each member shall have one vote at meetings of the General Conference, the Council or the Executive Committee, and countries with several Bar Associations or Law Societies shall similarly have only one vote.
- 13.6 Only members who are up to date in the payment of dues and levies due to the Union shall be entitled to vote on any matter for decision.
- 13.7 Subject to Article 13.1 of this Constitution, voting may be by show of hands, voice or secret ballot, and if the President or at least two (2) members of the Council so request the voting shall be by secret ballot. Save for



elections, In case of equality of votes on any matter requiring a simple majority, the President or other presiding officer shall have a second or casting vote. In all elections matters in the event of an equality, there shall be a run off but should there be a second vote equality votes the candidate with seniority at the Bar shall be declared the winner.

#### **ARTICLE 14. QUORUM**

14.1 The quorum at meetings of the Executive Committee shall be fifty per cent (50%) of all the members thereof who may participate electronically, provided that the President or at least one Vice President is present.

14.2 The quorum at meetings of the Council shall be one fifth (1/5) of all the members thereof from at least three (3) Regions, who may participate electronically, provided that the President or at least one Vice President is present.

14.3 The quorum at the General Conference shall be one fifth (1/5) of the members thereof from at least three (3) Regions, provided that the President or at least one Vice President shall be present.

#### **ARTICLE 15. FINANCES, ETC.**

15.1 The Financial year of the Union shall be from the

1st day of January in each year to the 31st day of December in the following year.

15.2 The funds of the Union shall be derived from the following sources, namely:

15.2.1 Annual dues and subscriptions payable by members of the Union, as may be approved by the General Conference on the recommendation of the Council;

15.2.2 Special levies as may be approved by the General Conference on the recommendation of the Council;

15.2.3 Grants and donations as may be approved by the General Conference on the recommendation of the Council; and

15.2.4 Investments of the Union.

15.3 The Council shall formulate and administer the Union's policies respecting the use of funds, authorised expenditure, and the procedure thereof, provided that the same is duly approved by the General Conference.

15.4 The Union shall not accept any grants or donations that have conditions attached thereto which may



jeopardise or prejudice the interests, aims or objectives of the Union as an independent and non-governmental organisation.

### **ARTICLE 16. OBSERVERS**

- 16.1 Upon the invitation of the Council, any international organisation having similar aims and objects or allied to the Union may be represented by observers at General Conferences of the Union.
- 16.2 Observers shall have the same rights and privileges as conferees and may be invited by the Council to attend and speak, but not to vote at General Conferences of the Union.

### **ARTICLE 17. LANGUAGES**

- 17.1 The official languages of the Union shall be Arabic, English, French and Portuguese.
- 17.2 The basic authentic text of all documents of the Union shall be English.

### **ARTICLE 18. AMENDMENT OF THE CONSTITUTION**

- 18.1 Upon the recommendation of the Council, after written notice of the proposed amendment has been sent to the General Secretary at least thirty (30) days before the General Conference at which such proposed amendment can be considered, this Constitution may be amended by the General Conference of the Union

by a majority of not less than two thirds (2/3) of the members of the Union present and voting in person or by proxy.

- 18.2 Amendments shall take effect on such date or upon the fulfilment of such condition or conditions as the General Conference may determine.

### **ARTICLE 19. RATIFICATION/EFFECTIVE DATE**

- 19.1 This Constitution was approved by a simple majority of fully subscribed voting members of the Union, present at the Plenary Conference of the Union held in Addis Ababa, Ethiopia, this 9th day of September 2002.
- 19.2 This Constitution is deemed to have come into effect on the date of ratification.



