
Protocol on Amendments to the Constitutive Act of the African Union (2003/)

Adopted in Maputo, Mozambique on 11 July 2003. As of August 2016, the Protocol had not entered into force.

The member states of the African Union states parties to the Constitutive Act of the African Union;

HAVE AGREED to adopt amendments to the Constitutive Act as follows:

Article 1: Definitions

In this Protocol, the following expressions shall have the meanings assigned to them hereunder unless otherwise specified:

‘Act’ means the Constitutive Act;

‘Assembly’ means the Assembly of Heads of State and Government of the African Union;

‘Chairperson’ means Chairperson of the Assembly;

‘Court’ means the Court of Justice of the Union and Court of Justice has the same meaning;

‘Union’ means the African Union;

Article 2: Preamble

In the first paragraph of the Preamble to the Constitutive Act, the replacement of the words ‘founding fathers’ with ‘founders’.

Article 3: Objectives

In article 3 of the Act (Objectives), the insertion of three new subparagraphs (i), (p) and (q) with consequential renumbering of subparagraphs:

The objectives of the Union shall be to:

...

(i) ensure the effective participation of women in decision-making, particularly in the political, economic and socio-cultural areas;

...

(p) develop and promote common policies on trade, defence and foreign relations to ensure the defence of the continent and the strengthening of its negotiating positions;

(q) invite and encourage the full participation of the African Diaspora as an important part of our continent, in the building of the African Union.

Article 4: Principles

In article 4 of the Act (Principles), the expansion of subparagraph (h) and the insertion of two new subparagraphs (q) and (r):

...

(h) the right of the Union to intervene in a member state pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity as well as a serious threat to legitimate order to restore peace and stability to the member state of the Union upon the recommendation of the Peace and Security Council;

...

(q) restraint by any member state from entering into any treaty or alliance that is incompatible with the principles and objectives of the Union;

(r) prohibition of any member state from allowing the use of its territory as a base for subversion against another member state.

Article 5: Organs of the Union

In article 5 of the Act (Organs of the Union), the insertion of a new subparagraph (f) with consequential renumbering of subsequent subparagraphs:

...

(f) The Peace and Security Council

...

Article 6: The Assembly

In article 6 of the Act (The Assembly) and where-ever else it occurs in the Act, the substitution of the word 'Chairman' with 'Chairperson'; the deletion of the second sentence of subparagraph 3 and the insertion of new paragraphs 4, 5, 6 and 7.

...

3. The Assembly shall meet at least once a year in ordinary session.

4. At the initiative of the Chairperson after due consultation with all member states, or at the request of any member state and upon approval by two-thirds majority of member states, the Assembly shall meet in extraordinary session.

5. The Assembly shall elect its Chairperson from among the Heads of State or Government at the beginning of each ordinary session and on the basis of rotation for a period of one year renewable.

6. The Chairperson shall be assisted by a Bureau chosen by the Assembly on the basis of equitable geographical representation.

7. Where the Assembly meets at the Headquarters, an election of the Chairperson shall be held taking into account the principle of rotation.

Article 7: Functions of the Chairperson of the Assembly

The insertion in the Act of a new article 7 (*bis*):

1. The Chairperson shall represent the Union, during his/her tenure with a view to promoting the objectives and principles of the African Union as stipulated in articles 3 and 4 of the Act. He/She shall also, with the collaboration of the Chairperson of the Commission, carry out the functions of the Assembly set out in article 9(e) and (g) of the Act.

2. The Chairperson may convene the meeting of the other organs through their Chairpersons or Chief Executives and in accordance with their respective Rules of Procedure.

Article 8: The Executive Council

In article 10 of the Act (The Executive Council), the insertion of a new paragraph 3:

...

3. The Chairperson of the Executive Council shall be assisted by a Bureau chosen by the Executive Council on the basis of equitable geographical representation.

Article 9: Peace and Security Council

The insertion in the Act of a new article 20(*bis*):

1. There is hereby established, a Peace and Security Council (PSC) of the Union, which shall be the standing decision-making organ for the prevention, management and resolution of conflicts.

2. The functions, powers, composition and organisation of the PSC shall be determined by the Assembly and set out in a protocol relating thereto.

Article 10: The Permanent Representatives Committee

In article 21 of the Act (The Permanent Representatives Committee) the insertion of a new paragraph 3:

...

3. The Chairperson of the Permanent Representatives Committee shall be assisted by a Bureau chosen on the basis of equitable geographical representation.

Article 11: Official languages

In article 25 of the Act (working languages), replace the title 'working languages' by 'Official Languages' and substitute the existing provision with:

1. The official languages of the Union and all its institutions shall be Arabic, English, French, Portuguese, Spanish, Kiswahili and any other African language.

2. The Executive Council shall determine the process and practical modalities for the use of official languages as working languages.

Article 12: Cessation of membership

Article 31 of the Act (Cessation of Membership) is deleted.

Article 13: Entry into force

This Protocol shall enter into force thirty days after the deposit of the instruments of ratification by a two-thirds majority of the member states.
