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**EXECUTIVE COUNCIL**  
**Forty-Fourth Ordinary Session**  
**14 - 15 February 2024**  
**Addis Ababa (Ethiopia)**

**EX.CL/1514(XLIV)**  
Original: English

**REPORT ON THE ELECTION AND APPOINTMENT OF ONE (1)  
MEMBER OF THE AFRICAN UNION COMMISSION ON  
INTERNATIONAL LAW (AUCIL)**

## REPORT ON THE ELECTION AND APPOINTMENT OF ONE (1) MEMBER OF THE AFRICAN UNION COMMISSION ON INTERNATIONAL LAW (AUCIL)

1. The election of members of the African Union Commission on International Law (AUCIL) is governed by the provisions of the Statute of the AUCIL (the Statute) and the Rules of Procedure of the Executive Council.
2. The AUCIL was established pursuant to Article 5(2) of the Constitutive Act of the African Union as an advisory organ of the Union.
3. Article 3 of the Statute provides that the AUCIL shall consist of eleven (11) members, who have “*recognised competence in international law, who are nationals of Member States and who shall serve in their personal capacities.*”
4. Further, Article 3 (2) of the Statute states that the AUCIL shall not include more than one (1) national from the same State.
5. Articles 11 and 12(2) of the Statute provides that members of AUCIL are elected by the Executive Council by secret ballot for a period of five (5) years and are eligible for re-election only once.
6. It will be recalled that **Ms. Tomassa Bisia ELA NCHAMA**, from Equatorial Guinea was elected as member of the AUCIL in February, 2019 for a term of five (5) years, pursuant to the provisions of Articles 11 and 12 of the Statute. Consequently, her term of office shall expire in February 2024.
7. The outgoing member is eligible for re-election.

### Modalities for Election

8. Paragraph 2 of Decision **EX.CL/907(XXVII)** on the Modalities on the Implementation of the Criteria on Equitable Geographical and Gender Representation in AU Organs and Institutions, adopted by the Executive Council in January 2016, reads as follows:
  - i) The regional representation, where applicable, shall be East (2), Central (2), North (2), South (2) and West (2), except in cases in which a region which has been duly informed has not presented candidates;
  - ii) Where applicable, one (1) seat shall be a floating seat and will rotate among the five (5) regions;
  - iii) At least one (1) member from each region should be a woman;
  - iv) The modalities shall become effective immediately.
9. In light of the above, the regional and gender representation of the AUCIL after the expiry of the term of office of the one (1) member, will be as follows:

REGION	MEMBERS	GENDER	
		FEMALE	MALE
Central	2 (One occupying the floating seat) <sup>1</sup>	0	2
East	2	1	1
North	2	1	1
South	2	1	1
West	2	1	1
<b>TOTAL</b>	<b>10</b>	<b>4</b>	<b>6</b>

10. In this regard, in accordance with the Modalities on Implementation of Criteria for Equitable Geographical and Gender Representation in the African Union Organs, the following members shall be elected:

- **Central Region:** one female candidate

### **Submission of Candidates**

11. The Commission, through its Note Verbal reference number BC/OLC/42.23/13703.23 dated 30 August, 2023, invited Member States to submit candidatures on or before the deadline on 30 October, 2023.

12. Further, the Commission, through Note Verbale reference number BC/OLC/23.21B/ 42.23/13860.23 dated 13 October, 2023 reminded Member States of the election and the set deadline.

13. The candidates received from the Member States are as follows:

No.	NAME	GENDER	COUNTRY	REGION	OBSERVATIONS
1	Ms. Tomassa Bisia <b>ELA NCHAMA</b>	Female	Equatorial Guinea	Central	Eligible for re-election

### **Appointment**

14. It will be recalled that the Assembly vide Decision **Assembly/AU/Dec.760(XXXIII)** adopted in February 2020 in Addis Ababa, Ethiopia delegated its authority of appointment of members of some AU Organs and institutions, including the AUCIL, to the Executive Council.

<sup>1</sup> The Floating seat is currently occupied by Mr. Alain Didier OLINGA, male from Cameroon, elected for a 5-year term in July 2023.

15. In this regard the elected member shall automatically and simultaneously be appointed by the Executive Council.

**DRAFT DECISION ON THE ELECTION AND APPOINTMENT OF ONE (1)  
MEMBER OF THE AFRICAN UNION COMMISSION ON  
INTERNATIONAL LAW (AUCIL)**

**The Executive Council,**

- 1. TAKES NOTE** of the Report of the Commission on the Election and Appointment of One (1) member of the African Union Commission on International Law (AUCIL);
- 2. ELECTS and APPOINTS** the following member of the AUCIL for a term of **five (5) years:**

<b>NO.</b>	<b>NAME</b>	<b>GENDER</b>	<b>COUNTRY</b>	<b>REGION</b>
1				

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# Report on the Election and Appointment of One (1) Member of the African Union Commission on International Law (AUCIL)

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