

**Draft of the Establishment of**  
**the Union of African States**

**Sirte 9/9/1999**



## **Draft of the Establishment of the Union of African States**

**We the Leaders, heads of states and Governments of Africa extraordinary gathering in the city of sirte from 8 to 9/9/1999.**

**In fulfillment of our people's aspirations of establishing a unity that supersedes all ethnic or national differences.**

**Ensure the peoples inalienable right of determining their destiny, realise their ambitions and embody a genuine solidarity among them.**

**Coronate the African struggle against all forms of colonization and unify the effort exerted during the previous decades.**

**Realize our responsibilities of directing the natural resources and the forces of man for our continent's and people's good.**

**We are fully determined to unify our continent in a sovereign federation capable of facing global challenges and blocks, in order to set up balanced relations with other countries of the world that are based on mutual equality and respect.**

**We have decided to establish a Union of African States in accordance with the following bases and dispositions:**

### **Part one. Basic Rules.**

**A United independent sovereign state comprising of all African states is established on the principles of equality and the sovereignty of the people, which is to be called and referred to as "The Union of Africa States" in the following articles:**

## **Article 2**

**The United States of Africa shall have an emblem, a flag and an anthem of the Organization of African Unity.**

## **Article 3**

**The official languages of the Union of Africa States shall be African languages, and other languages may be used.**

## **Article 4**

**The member States in the Union shall have one nationality, namely the African nationality.**

## **Article 5**

**The Union of African States shall be established on these fundamental principles.**

**Equality and sovereignty of all African peoples and their right for self-determination.**

**Safeguarding the territories of member States and averting all forms of aggressions against them.**

**Consecrating the human and natural resources for the progress of African peoples.**

**Minorities' freedom of exercising their right for life and development.**

**\* Peaceful settlement of disputes.**

**Confirm the non-applied policy and respect the sovereignty of other States and not interfering in their internal affairs.**

## **Article 6**

The citizens of the Union of Africa States shall be free before the law and undiscriminated against, The United States of Africa shall guarantee, at least, the following basic rights and freedoms:

- \* citizens have the right to decide their destiny .
  - \* Freedom of exercising religious rituals.
  - \* Freedom of movement, residence and ownership.
- Right for labour and right of the African man for education and freedom of carrying scientific research.
- \* The sanctity of the residence, and right for security.
  - \* No crime or punishment without a legal provision and the accused is innocent untill proved guilty.
  - \* Character of the punishment.
  - \* Right for medical care, social security when disabled, sick, or old.
  - \* protecting maternity, childhood and the family.

**Part Two.**  
**Distribution of function.**

**Article (7)**

The Union of Africa States exercises “ through its respective supreme bodies and administrations, its competence and legislative and executive jurisdiction over all member states and their territories on land, at sea, and in the air as stipulated in the following articles:

**Article (8)**

Legislative and executive powers are exclusively vested upon the Union of African States they embrace the following matters.

\* Safeguard the of member states” sovereignty .

Direct African continent’s natural resources and man force to the progress of Africa .

Represent the Union of African States in international relations, conclude and cancel agreements between the Union and other nations, and promulgate regulations governing member States relations with foreign countries.

\* Consider peace, war and marshed law issues. .

Defend the Union, Command its armed forces and determine rules relating to its military units in member States and protect the security of the State.

Accept membership of new nations in the Union, and delimit boundaries between member states.

Ratify the Union’s unified budget and the reports pertaining to its implementation.

**Impose taxes and define the Union and member States budget resources.**

**Manage Monetary and credit system. emit a unified African currency and establish the pertinent banking institutions.**

**Set foreign trade and economic programs for the Union of African States.**

\* **Conclude and grant loans.**

**Manage the Union's land, sea and air communication and transportation .**

\* **Manage the banks and industrial, agricultural and trading institutions affiliated to the Union.**

\* **Organize the Union's insurances.**

\* **Decree general amnesty resolutions on the Union's level.**

**Issue the Unions's nationalization legislation, passports emigration and foreigner's residence.**

**Accept new members in the Union of African States and ratify modifications of borders among member states.**

\* **Apoint the Union's staff.**

### **Article (9)**

**The Union of African States shall define the fundamental principles and the unified and binding regulations for the member states on the following matters:**

\* **Natural resources exploration and marketing.**

- \* Commercial banks.
- \* Safeguard agricultural, vegetal water and animal resources.
- \* Real-estate ownership.
- \* Monopolies and concessions.
- \* Ships and maritime navigation.
- \* Various types of insurance !
- \* Work issues, participation and social security.
- \* Civil and trade operations and penal laws.
- \* Organizes judicial procedures and resolutions execution.
- \* The education system, curricula and scientific research.
- \* Ruins, archeological sites and museums protection.
- \* Public press.
- \* Setting a unified statistical system.

#### Article(10)

The Union's laws shall be equally enforced in all member states' provinces, and the Union shall execute its laws and resolutions through the bodies concerned in the mentioned states.

#### Article (11)

Each member state in the Union of African States shall exercise its full legislative, executive and judicial authorities over its own province on issues not under the Union's competence and according

to articles (8) and (9). The Union's laws shall prevail in case there is a difference.

## **Article 12**

Considering the Union's policies, goals legislations and its fundamental and stipulated principles, the member states shall retain their respective constitutions and laws and their full entity within their own borders. Every member state shall have its own military units. It is also entitled to establish direct relations with foreign countries, international organizations and exchange diplomatic and consular representation with them.

## **Part Three**

### **The Organs of the Union**

#### **Chapter (1)**

#### **The Union's Supreme Bodies.**

##### **First : The African Supreme Congress**

#### **Article (13)**

The African Supreme Congress is the higher body in the Union of African States. It consists of two members from each member state. They are either chosen through direct vote or from the legislative organs in accordance with the rules of internal procedure effective in every state.

#### **Article (14)**

The African supreme congress shall set the rules of procedure that organize its work.

### **Article (15)**

The African Supreme Congress convenes two ordinary sessions annually. A law promulgated by the mentioned congress specifies the onset and off set of each. It convenes extraordinary sessions on the Board of Presidents or a member state's request.

### **Article (16)**

The African Supreme congress elects its chairman and four deputies for the chairman, who runs the congress and supervises its internal rules of procedure.

### **Article (17).**

The African Supreme congress adops absolute unanimous resolutions.

### **Article (18).**

The African Supreme congress shall form, when it finds it necessary, inquiry and monitering commitees on any issue. All intitutions and staff shall comply with these committees' demands and provide them with the data and documents required for the completion of their work.

### **Article (19).**

The African Supreme congress operates through permanent internal committess that particularly include legislative, budgetary and foreign and economic affairs committees.

### **Article (20).**

The members of the African Supreme congress enjoy the diplomatic immunity; They may not be put into trial or detained without the consent of the congress herein referred to.

## **Article (21).**

The African Supreme congress exercises all the competence conferred to the Union by virtue of articles (18) and (9) which do not constitute part of the competence of the board of presidents, the council of ministers or the ministers of the Union. The legislative power is exclusively exercised within the Union of African States by the Supreme congress.

This congress assumes the following:

Proposes and adopts the laws, including the Union's law of the general budget and the development and economic plans-ratification law. These laws are only effective after the consent of the congress, and shall be published in the valid language of each state and signed by the chairman of the board of presidents.

Emits and protects a unified African currency and establishes the required banking institutions in this respect.

Decides the Union's foreign policy.

Ratifies the conventions concluded by the Union with foreign countries and international organizations.

Defends the Union externally on land, at sea and in the air.

Decides the issues of peace, war, mobilization, the declaration of war and marshal laws.

Forms the Union's special forces and organizes their command under the Union's authority till the unification of African armies.

Enjoy the amnesty right

Appoints and dismisses ministers and questions and interrogates them.

Appoints the attorney general and the members of the supreme court.

Forms investigating and monitoring committees on any issue.

Appoints and dismisses the Council of ministers.

## **Second: The Presidency**

### **Article (22).**

The Presidency consists of the head of States of the Union's member States

### **Article (23).**

The Presidency is responsible before the African Supreme Congress, and is vested with the following duties.

Calls for convening extraordinary sessions of the African Supreme Congress.

Specifies the African Supreme Congress's election date at the end of its term. These elections shall be carried out within two months before the end of the African Supreme Congress's term.

Appoints and dismisses ministers with a council of ministers Chairman's proposal during the periods in which the African Supreme Congress is not meeting provided that a consent of the congress had been obtained during its convenance.

Interprets the laws and monitors the legitimacy of the decisions issued by the administrative bodies. The Board of Presidents may annul the resolutions adopted by the Union's Council of Ministers or the executive authority of one of the member States that breaches the effective laws.

Carries out a referendum on issue considered to be necessary by the African Supreme Congress or by virtue of a demand from one of the member States.

Concludes the international conventions entered by the Union. Establishes diplomatic ranks, appoints the Union's representatives in foreign countries and approves the representatives of these countries.

**Chapter (2)**  
**The Union's Administration:**  
**The Union's Council of Minister.**

**Article (24).**

The Union's executive and administrative higher body shall be the Union's Council of Ministers.

**Article (25).**

The Council of Minister consists of a Chairman, (     ) Ministers, and the heads of the executive authorities of the member countries by virtue of their positions.

**Article (26).**

The African Supreme Congress selects the Council of ministers. The Board of Presidents may, in the periods when the African Supreme Congress is not meeting, appoint and dismiss ministers by virtue of a proposal from the Prime Minister on condition that the African Supreme Congress approves it during its convention

### **Article (27)**

**A Law issued by the African Supreme Congress defines the ministerial positions, their distributions and the Council of Ministers membership, giving due consideration to the function, nature, and objectives of the Union and the responsibility of each minister in charge of a Union's ministry linked to a member State's ministry.**

### **Article (28).**

**The Council of ministers is responsible over its work before the African Supreme Congress and this Council is on its part responsible before the Board of Presidents when the Congress is not meeting.**

### **Article (29)**

**The Council of ministers performs the following duties:**

**Promulgates the decisions and issues the directives of the effective laws and monitors the implementation and adherence of the member States to these laws and directives.**

**Cordinates and guides the work of the Union's ministers and the special councils and Committees .**

**Directs relations with foreign countries in line with the foreign policy set up by the African Supreme Congress .**

**Initiates special Committees and general administrations in the Council of ministers that deal with the economic, cultural and defence affairs when necessary.**

### **Article (30)**

**The Council of ministers shall have the right to annul the resolutions and directives issued by the member State's executive authorities, cancel the directives and instructions issued by the Union's ministers and the administrative and economic decisions of its institutions that are entrusted to the Union.**

## **Chapter 3**

### **Judiciary and public prosecution .**

#### **Article (31)**

The Supreme Court of the Union African States shall be the Highest judicial organ of the Union. It, therefore, supervises the judicial work of all the Union's judicial organs in accordance with the law.

#### **Article (32)**

The African Supreme Congress chooses the members of the Supreme Court for a five-year term. It includes presidents of Supreme Courts who are members by virtue of their positions.

#### **Article (33)**

Jurisdiction of the Union of African State's Supreme Court includes the following:

- \* Settles disputes of legal character that arise among the Union of African State's authorities and the authorities of the member states or between two member states.
- \* Settles contests brought against the constitutionality of the laws issued by the African Supreme Congress and the conformity of the laws of member states with those of the Union of African States.
- \* Settles administrative contests brought against the Union's directives.

\* Gives its consultative opinion about any legal issue the African Supreme Congress or the Board of Presidents or the one of the member States demands.

#### **Article (34)**

The African Union shall undertake general supervision of the execution of laws by the ministries, its affiliated institutions or one of the member States.

The Organization of African Unity General Secretariat shall be charged with supervising the African supreme Congress members so as to ensure that its first session is held on Saturday 1/1/2000.

The Secretariat shall, by the insurance of this declaration, take all the necessary measures to implement its provisions, and the other institution stipulated for in it shall be set out before Saturday 1/1/2000.

The organization of African Unity's conference of the African leaders, heads of states and governments entrusts the current session's Chairman to issue, on behalf of the conference, any decisions or regulations that are essential for implementing the content of this declaration and that the institutions indicated herein shall start their duties according to the stated dates.

#### **Article (35)**

The African Supreme Congress promulgates a law that defines the organization of the judiciary, the public prosecution of the Union and the procedures adopted in line with popular jurisprudence except the special cases that are stipulated by the law. This law also shows the principles of forming courts, their membership, immunities and prerogatives.

**Article (36).**

Other countries may join the Union of African States provided that their systems are based on the objectives and principles of the Union.

**Article (37).**

The establishing documents of the Union of African States are based on the previous provisions so that the Union is set on 1/1/2000.

The general secretariat of the United States of Africa shall be entrusted with preparing and supervising the selection process of the African Supreme Congress's member in a way that guarantee the convening of its first session on Saturday 1/1/2000. The said secretariat shall moreover and from the date of this declaration take all necessary measures proper to implement the said declaration and the establishment of the institutions mentioned in it before Saturday 1/1/2000.

The conference of the Leaders Heads of States and Governments of the organisation of African Unity delegate the President of the current session to issue on behalf of the conference any decisions or regulations required for the execution of this declaration shall start functioning according to the specified dates.

Confirming what has been mentioned herein we leaders of African States and Governments have signed this document.

Done in the city of Sirte in the Great Jamahiriya

on Thursday 9/9/1999.



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