

AFRICAN UNION

الاتحاد الأفريقي



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**NOMINATION OF THREE (3) JUDGE OF THE AD-HOC
ADMINISTRATIVE TRIBUNAL OF THE AFRICAN UNION**

NOMINATION OF THREE (3) JUDGES OF THE AD-HOC ADMINISTRATIVE TRIBUNAL OF THE AFRICAN UNION

I. INTRODUCTION

1. The Administrative Tribunal of the African Union was established in 1966. In accordance with Article 2 of the Statute of the Administrative Tribunal, the Tribunal has the competence to adjudicate disputes between staff members or their beneficiaries and the Organization. It is vested with competence to address employment relations matter between the Union and its staff members. The competence of national courts is excluded outright.

2. The Tribunal is composed of three (3) Judges designated by Member States nominated in an alphabetical order by the Executive Council of the African Union for a term of four (4) years.

3. It will be recalled that the last nomination of Member States to designate judges of the Tribunal was done in 2012, by virtue of Executive Council Decision EX CL 716 (XX) taken at its Twentieth Ordinary Session held in Addis Ababa, Ethiopia, in January 2012, where **Mauritania** was nominated thereby constituting the Administrative Tribunal with the following Member States:

- 1) **Malawi**
- 2) **Mali**
- 3) **Mauritania**

4. However, due to the fact that Mali was under sanctions, the Tribunal was constrained to hold a hearings thereby prompting Council to replace Mali with Mauritius vide decision EX/CL/742(XXI) adopted in July 2012 in Addis Ababa, Ethiopia.

II. CURRENT SITUATION: JANUARY 2019

RE-ELECTION OF JUDGES

5. The current composition of the Tribunal is as follows:

- 1) **Malawi – January 2012**
- 2) **Mauritania - January 2012¹**
- 3) **Mauritius – July 2012**

6. According to the Statute of the Tribunal the judges serve a term of four (4) years and may be re-elected, hence all the terms of all the judges currently constituting the Tribunal expired in 2016.

¹ Hon Alliou Ba Passed away in 2018 whilst serving his term

ELECTION OF NEW JUDGES

7. The process of nominating a Member State to designate a judge to the Administrative Tribunal of the African Union is based on the provisions of Rule 1 of the Rules of Procedure for the AU Ad-Hoc Administrative Tribunal. The said Rule provides as follows:

“the Executive Council “shall nominate three Member States alphabetically ... to designate from among members of its delegation, a qualified member to the office of Judge on the Ad Hoc Administrative Tribunal.”

8. The Executive Council is, therefore, invited at the present session, to nominate three Member States to designate judges to the Administrative Tribunal by following the alphabetical order of Member States as per Article 1 of the Rules of Procedure of the Ad Hoc Administrative Tribunal.

ELECTION OF ALTERNATIVES JUDGES

9. Although that Article 3 of the Statute of the Administrative Tribunal includes the election of two alternative judges, the provisions of Article 1 of the Rules of Procedure of the Administrative Tribunal of the AU, does not provide any modality for the appointment of alternative judges of the said Tribunal.

III. RECOMMENDATIONS

10. Morocco, Mozambique and Namibia are the next eligible Member States following, alphabetically the last nomination of Mauritania by the Executive Council during its Twentieth Ordinary Session held in Addis Ababa, in 2012.

11. Accordingly, it is recommended that Morocco, Mozambique and Namibia be designated to each nominate one (1) judge to the membership of the tribunal.

12. It is recommended that the rules of procedure and the status of the Administrative Tribunal of the AU be amended to clarify the modalities for the appointment of alternative judges and other shortcomings requiring amendment and be submitted for the AU Policy Organs for endorsement

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Nomination of Three (3) Judge of the Ad-Hoc Administrative Tribunal of the African Union

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