

AFRICAN UNION
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**NOMINATION OF ONE (1) JUDGE OF
THE AD-HOC ADMINISTRATIVE TRIBUNAL
OF THE AFRICAN UNION**

NOMINATION OF ONE (1) JUDGE 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, the Tribunal is currently constrained to hold a hearing because Mali is under sanction. Article 8 of the Rules of Procedure provides that the Tribunal can only convene and hold a session when **“all three members are present”**.

5. The Tribunal is expected to convene in September 2012 to consider the twenty-one (21) pending cases. These include, among others, the following allegations:

- i) unlawful termination of contract;
- ii) failure by the Disciplinary Board to follow the procedures set out in the Staff Rules and Regulations before issuing a decision;
- iii) wrongful payment of benefits; and
- iv) non-shipment and loss of personal effects following a transfer of staff member.

II. CURRENT SITUATION: JANUARY 2012

6. 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 Article 1 of

the Rules of Procedure for the AU Ad-Hoc Administrative Tribunal. The said Article provides that 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.**”

7. The Executive Council is, therefore, invited at the present session, to nominate a Member State to designate a judge 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 to replace Mali.

III. RECOMMENDATIONS

8. (i) The Republic of Mauritius is the next eligible Member State following, alphabetically the last nomination of Mauritania by the Executive Council during its Twentieth Ordinary Session held in Addis Ababa, in 2012. Accordingly, it is recommended that Mauritius be designated to nominate a judge to the membership of the tribunal.
- (ii) The Executive Council may wish to consider authorising the Commission to nominate states alphabetically, whenever necessary and report back to Council. This would obviate the need to always wait until the next session of Council, thus delaying the session of the Ad-hoc Tribunal.

2012

Nomination of one (1) judge of the ad-hoc administrative tribunal of the African Union

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