



**African Bar
Association**



AGREEMENT ON THE AFFILIATION OF THE AFRICAN BAR ASSOCIATION TO THE INTERNATIONAL CRIMINAL COURT BAR ASSOCIATION

The **African Bar Association** (hereinafter “the AFBA”) and the **International Criminal Court Bar Association** (hereinafter “the ICCBA”), together referred to as “**The Parties**”,

Whereas the Charter of African Bar Association establishes the AFBA as “The Fearless Voice of Legal Profession” and makes the advancement in the science of jurisprudence, the improvement of the administration of justice, the preservation of independence of the judiciary to uphold the honour and integrity of the legal profession, the promotion of professional and social intercourse among members of the local and international bars, the promotion of legislation that will improve the economic condition of all African citizens regardless of race, sex, or creed in their efforts to secure a free and untrammelled use of the franchise guaranteed by the Constitutions of the States that constitute the African continent, and the protection of civil and political rights of the citizens and residents of Africa its main objectives;

Whereas the Constitution of the International Criminal Court Bar Association establishes the ICCBA and makes the support of the functions, efficiency and independence of Counsel practising before the International Criminal Court (“ICC”), the promotion and upholding of the highest professional standards and ethics of Counsel, the promotion of the proficiency and competence of Counsel in the field of advocacy, procedural and substantive international criminal law and information technology systems relevant to their function before the ICC, the enhancement of the quality of justice at the ICC, the promotion of the independent representation of the interests of Counsel and their support staff, advocacy for the enhancement of the rights of clients and Counsel before the ICC, the promotion of equality of arms before the ICC and liaising with national Bars of ICCBA members some of its main objectives;

Whereas the Parties consider that their abovementioned respective objectives are fully consistent and concur in promoting throughout Africa and elsewhere knowledge, competence and outreach about the activities and functioning of the ICC, knowledge, competence and outreach about the rights of victims, defendants, witnesses and Counsel and their support staff before the ICC, and the promotion and protection of these rights and of the independence of Counsel and their support staff before the ICC;

Whereas Article 40 of the ICCBA Constitution provides that other associations may be affiliated with the ICCBA;

Whereas the “ICCBA Procedure Regarding Affiliations” of 27 April 2017 (hereinafter “the Procedure”) welcomes the affiliation of all national Bars established under the domestic law of each country, be it a State Party to the Rome Statute or not, as well as national, regional and international bars and associations of Counsel;

Whereas the AFBA has expressed its interest in becoming the first association affiliated to the ICCBA under Article 40 of its Constitution;

Whereas, at its meeting of 26 September 2017 in The Hague (The Netherlands), the Executive Council of the ICCBA unanimously welcomed the affiliation of the AFBA pursuant to section 4(2) of the Procedure;

HEREBY AGREE AS FOLLOWS:

Article 1

By entering the present Agreement, the AFBA becomes affiliated to the ICCBA pursuant to Article 40 of the ICCBA Constitution.

Article 2

The purpose of the AFBA’s affiliation to the ICCBA is to establish closer mutual bonds between the Parties. The Parties endeavour to pursue together the shared goal of promoting in all African countries, be they Parties to the Rome Statute or not, before the African Union and before all relevant regional organizations represented in African countries the highest standards of ethics and competence for Counsel, the independence of the legal profession, the resolution of legal, administrative and disciplinary issues impacting on Counsel, the principles of fair trial and equality of arms and respect for internationally recognized human rights and fundamental freedoms in the context of the ICC.

Article 3

The ICCBA Executive Council will rely on the AFBA to provide support for and advice on the activities of the ICCBA and may seek, where it deems appropriate, advice on issues of common interest and any other form of relevant assistance or collaboration. In particular, the ICCBA Executive Council will rely on the AFBA to assist, facilitate, or otherwise support its outreach activities, through the ICCBA Executive Council, or the ICCBA Regional and/or National Focal Points, in all African countries, be they States Parties to the Rome Statute or not, before the African Union and before all relevant regional organizations represented in African countries.

Article 4

The ICCBA Executive Council will also rely on the AFBA to encourage Counsel who are members of national bars in Africa to register on the List of Counsel before the ICC, with a particular focus on female Counsel, in order to enhance their representation in proceedings before the ICC. The ICCBA will encourage Counsel who are members of the AFBA to register on the List of Counsel before the Court, explain the application process to such members and provide such advice and assistance relating to the same as deemed appropriate.

Article 5

The ICCBA Executive Council will also rely on the AFBA to encourage Counsel who are members of national bars in Africa and all relevant professionals to join the ICCBA and become Affiliate Members, Associate Members or, once registered on the List of Counsel before the ICC, Full Members of the ICCBA.

Article 6

Whenever possible or otherwise considered appropriate, the AFBA and the ICCBA will invite each other's representatives to their major events, seminars, trainings and general assembly meetings in order to maintain and enhance the mutual bonds between the parties. Unless agreed otherwise, the inviting Party will not bear the costs for the attendance, travel and accommodation of the other Party's representatives.

Article 7

The AFBA will be referred to as an Affiliated Association on the ICCBA Website.

Article 8

The present Agreement will be published on the ICCBA Website. The AFBA is free to publish it on its website or to disseminate information relating to this Agreement in any way it deems appropriate in order to achieve the purpose of the present Agreement.

Article 9

The present Agreement remains into force until the AFBA expressly withdraws its affiliation by letter to the ICCBA President or Secretary, or until an absolute majority of the ICCBA Executive Council decides to withdraw the status of affiliated association from the AFBA, pursuant to section 4(4) of the Procedure.

Article 10

The present Agreement is entered in English and signed in The Hague (The Netherlands) on **2 October 2017** by the President of the AFBA, Hannibal Uwaifo, for the AFBA, and by the President of the ICCBA, Karim A.A. Khan QC, for the ICCBA. It enters into force on the same day.

For the AFBA:

For the ICCBA:

**Hannibal Uwaifo,
President of AFBA**

**Karim A.A. Khan QC,
President of ICCBA**