

Chapter 2

From the Organisation of African Unity to the African Union

1 The Organisation of African Unity

The Organisation of African Unity (OAU) was established on 25 May 1963 as an intergovernmental organisation aimed at socio-economic and political integration of the African continent by the thirty-two signatories of independent African states. At its peak, the OAU consisted of 53 member states. Under its 1963 Charter, the OAU included five principal purposes: to promote the unity and solidarity of African states; coordinate and intensify their cooperation and efforts to achieve a better life for the peoples of Africa; defend member states' sovereignty, territorial integrity and independence; eradicate all forms of colonialism from Africa; and promote international cooperation having due regard for the Charter of the United Nations and the Universal Declaration of Human Rights. While the OAU's establishment was a bold step towards continental integration, its stringent policies on non-intervention and non-interference in the domestic affairs of member states rendered it for the most part, powerless to prevent raging conflicts across the continent. Its successor, the African Union (AU), would represent a notable shift away from non-interference towards an integrated and more proactive peace and security framework.

OAU interventions

The OAU intervention in Chad (1981)

Shortly after its independence from France in 1960, a civil war erupted in part against President François Tombalbaye's ruling government in Chad, widely perceived as corrupt and authoritarian. In 1975 President Tombalbaye was ousted under a coup and a military council was instituted. The OAU responded to these developments from 1977 when it initiated an ambitious yet unsuccessful process of mediation in the country. In 1981, the ongoing conflict culminated in the OAU's deployment of a peacekeeping mission to Chad – which was to be the very first African-led mission in the organisation's history. While the envisaged peacekeeping force aimed to include some 13 000 troops from six states, eventually only Nigeria, Senegal and Zaire contributed. Additionally, the operation

required massive support and financing from France as well as other key Western allies. The operation faced several additional shortfalls, including institutional OAU issues and technical problems. The eventual outcome of the deployment was considered less than successful, having been unable to quell the conflict in the country.

1.1 Treaties

OAU Charter (1963/1963)

Full title: Charter of the Organisation of African Unity

Date/place of adoption/conclusion: 25 May 1963, Addis Ababa, Ethiopia

Entered into force (EIF): 13 September 1963

EIF provision: Article XXV

Authentic texts: Arabic, English, French, Portuguese

Available online at: <https://bit.ly/31YzxKJ>

* Replaced by the Constitutive Act of the African Union, 1 July 2000, Lomé, Togo (see below).

Excerpts

...

Convinced that, in order to translate this determination into a dynamic force in the cause of human progress, conditions for peace and security must be established and maintained,

Determined to safeguard and consolidate the hard-won independence as well as the sovereignty and territorial integrity of our states, and to fight against neo-colonialism in all its forms,

...

Persuaded that the Charter of the United Nations and the Universal Declaration of Human Rights, to the Principles of which we reaffirm our adherence, provide a solid foundation for peaceful and positive cooperation among States,

...

Resolved to reinforce the links between our states by establishing and strengthening common institutions,
Have agreed to the present Charter.

Establishment

Article I

1. The High Contracting Parties do by the present Charter establish an Organization to be known as the Organization of African Unity.
2. The Organization shall include the Continental African States, Madagascar and other Islands surrounding Africa.

Article II: Purposes

1. The Organization shall have the following purposes:
...
 - (c) To defend their sovereignty, their territorial integrity and independence;
 - (d) To eradicate all forms of colonialism from Africa; and
 - (e) To promote international cooperation, having due regard to the Charter of the United Nations and the Universal Declaration of Human Rights.
2. To these ends, the Member States shall coordinate and harmonize their general policies, especially in the following fields:
 - (a) Political and diplomatic cooperation;
 - ...
 - (f) Cooperation for defence and security.

Article III: Principles

The Member States, in pursuit of the purposes stated in Article II solemnly affirm and declare their adherence to the following principles:

1. The sovereign equality of all Member States.
2. Non-interference in the internal affairs of States.
3. Respect for the sovereignty and territorial integrity of each State and for its inalienable right to independent existence.
4. Peaceful settlement of disputes by negotiation, mediation, conciliation or arbitration.
5. Unreserved condemnation, in all its forms, of political assassination as well as of subversive activities on the part of neighbouring States or any other States.
6. Absolute dedication to the total emancipation of the African territories which are still dependent.
7. Affirmation of a policy of non-alignment with regard to all blocs.
- ...

Article XIX: Commission of Mediation, Conciliation and Arbitration

Member States pledge to settle all disputes among themselves by peaceful means and, to this end decide to establish a Commission of Mediation, Conciliation and Arbitration, the composition of which and conditions

of service shall be defined by a separate Protocol to be approved by the Assembly of Heads of State and Government. Said Protocol shall be regarded as forming an integral part of the present Charter.

Article XX: Specialised Commission

The Assembly shall establish such Specialized Commissions as it may deem necessary, including the following:

...

3. Defence Commission.

Article XXI

Each Specialized Commission referred to in Article XX shall be composed of the Ministers concerned or other Ministers or Plenipotentiaries designated by the Governments of the Member States.

...

**Convention for the Elimination of Mercenarism in Africa
(1977/1985)**

Full title: OAU Convention for the Elimination of Mercenarism in Africa, CM/817 (XXIX) Annex II Rev.1

Date/place of adoption/conclusion: 3 July 1977, Libreville, Gabon

Entered into force (EIF): 22 April 1985

EIF provision: Article 13(3)

Authentic texts: Arabic, English, French

Available online at: <https://bit.ly/3ejoHSo>

Preamble

We, the Heads of State and Government of the Member States of the Organization of African Unity;

Considering the grave threat which the activities of mercenaries present to the independence, sovereignty, territorial integrity and harmonious development of Member States of the Organization of African Unity;

Concerned with the threat which the activities of mercenaries pose to the legitimate exercise of the right of African People under colonial and racist domination to their independence and freedom;

Convinced that total solidarity and co-operation between Member

States are indispensable for putting an end to the subversive activities of mercenaries in Africa;

Considering that the resolutions of the UN and the OAU, the statements of attitude and the practice of a great number of States are indicative of the development of new rules of international law making mercenarism an international crime;

Determined to take all necessary measures to eliminate from the African continent the scourge that mercenarism represents;

Have agreed as follows:

Article 1: Definition

1. A mercenary is any person who:
 - (a) is specially recruited locally or abroad in order to fight in an armed conflict;
 - (b) does in fact take a direct part in the hostilities;
 - (c) is motivated to take part in the hostilities essentially by the desire for private gain and in fact is promised by or on behalf of a party to the conflict material compensation;
 - (d) is neither a national of a party to the conflict nor a resident of territory controlled by a party to the conflict;
 - (e) is not a member of the armed forces of a party to the conflict; and
 - (f) is not sent by a state other than a party to the conflict on official mission as a member of the armed forces of the said state.
2. The crime of mercenarism is committed by the individual, group or association, representative of a State and the State itself who with the aim of opposing by armed violence a process of self-determination stability or the territorial integrity of another State, that practises any of the following acts:
 - (a) Shelters, organises, finances, assists, equips, trains, promotes, supports or in any manner employs bands of mercenaries;
 - (b) Enlists, enrolls or tries to enrol in the said bands;
 - (c) Allows the activities mentioned in paragraph (a) to be carried out in any territory under its jurisdiction or in any place under its control or affords facilities for transit, transport or other operations of the above-mentioned forces.
3. Any person, natural or juridical who commits the crime of mercenarism as defined in paragraph 1 of this Article commits an offence considered as a crime against peace and security in Africa and shall be punished as such.

Article 2: Aggravating Circumstances

The fact of assuming command over or giving orders to mercenaries shall be considered as an aggravating circumstance.

Article 3: Status of Mercenaries

Mercenaries shall not enjoy the status of combatants and shall not be entitled to the prisoners of war status.

Article 4: Scope of Criminal Responsibility

A mercenary is responsible both for the crime of mercenarism and all related offences, without prejudice to any other offences for which he may be prosecuted.

Article 5: General Responsibility of States and their Representatives

1. When the representative of a State is responsible by virtue of the provisions of Article 1 of this Convention for acts or omissions declared by the aforesaid article to be criminal, he shall be punished for such an act or omission.
2. When a State is accused by virtue of the provisions of Article 1 of this Convention for acts or omissions declared by the aforesaid article to be criminal, any other party to the present Convention may invoke the provisions of this Convention in its relations with the offending State and before any competent OAU or International Organization tribunal or body.

Article 6: Obligations of States

The contracting parties shall take all necessary measures to eradicate all mercenary activities in Africa.

To this end, each contracting State shall undertake to:

- (a) Prevent its nationals or foreigners on its territory from engaging in any of the acts mentioned in Article 1 of this Convention;
- (b) Prevent entry into or passage through its territory of any mercenary or any equipment destined for mercenary use;
- (c) Prohibit on its territory any activities by persons or organisations who use mercenaries against any African State member of the Organization of African Unity or the people of Africa in their struggle for liberation;
- (d) Communicate to the other Member States of the Organization of African Unity either directly or through the Secretariat of the OAU any information related to the activities of mercenaries as soon as it comes to its knowledge;
- (e) Forbid on its territory the recruitment, training, financing and equipment of mercenaries and any other form of activities likely to promote mercenarism;
- (f) Take all the necessary legislative and other measures to ensure the immediate entry into force of this Convention.

Article 7: Penalties

Each contracting State shall undertake to make the offence defined in Article 1 of this Convention punishable by the severest penalties under its laws including capital punishment.

Article 8: Jurisdiction

Each contracting State shall undertake to take such measures as may be necessary to punish, in accordance with the provisions of Article 7, any person who commits an offence under Article 1 of this Convention and who is found on its territory if it does not extradite him to the State against which the offence has been committed.

Article 9: Extradition

1. The crimes defined in Article 1 of this Convention, are not covered by national legislation excluding extradition for political offences.
2. A request for extradition shall not be refused unless the requested State undertakes to exercise jurisdiction over the offender in accordance with the provisions of Article 8.
3. Where a national is involved in the request for extradition, the requested State shall take proceedings against him for the offence committed if extradition is refused.
4. Where proceedings have been initiated in accordance with paragraphs 2 and 3 of this Article, the requested State shall inform the requesting State or any other State member of the OAU interested in the proceedings, of the result thereof.
5. A State shall be deemed interested in the proceedings within the meaning of paragraph 4 of this Article if the offence is linked in any way with its territory or is directed against its interests.

Article 10: Mutual Assistance

The contracting States shall afford one another the greatest measures of assistance in connection with the investigation and criminal proceedings brought in respect of the offence and other acts connected with the activities of the offender.

Article 11: Judicial Guarantee

Any person or group of persons on trial for the crime defined in Article 1 of this Convention shall be entitled to all the guarantees normally granted to any ordinary person by the State on whose territory he is being tried.

Article 12: Settlement of Disputes

Any dispute regarding the interpretation and application of the provisions of this Convention shall be settled by the interested parties in accordance

with the principle of the Charter of the Organization of African Unity and the Charter of the United Nations.

...

Treaty Establishing the African Economic Community (1991/1994)

Full title: Treaty Establishing the African Economic Community

Date/place of adoption/conclusion: 3 June 1991, Abuja, Nigeria

Entered into force (EIF): 12 May 1994

EIF provision: Article 101

Authentic texts: Arabic, English, French, Portuguese

Available online at: <https://bit.ly/3gDHwkC>

* See also below the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament (2001).

Excerpts

Preamble

...

Mindful of the principles of international law governing relations between States;

Bearing in mind the principles and objectives set forth in the Charter of the Organisation of African Unity;

...

Recognising the various factors which hinder the development of the Continent and seriously jeopardise the future of its peoples;

...

Chapter II: Establishment, Principles, Objectives, General Undertaking and Modalities

Article 2: Establishment of the Community

The **High Contracting Parties** hereby establish among themselves an African Economic Community (AEC).

Article 3: Principles

The High Contracting Parties, in pursuit of the objectives stated in Article 4, of this Treaty solemnly affirm and declare their adherence to the following principles:

...

- (f) Peaceful settlement of disputes among Member States, active cooperation between neighbouring countries and promotion of a peaceful environment as a pre-requisite for economic development;

...

Article 4: Objectives

1. The objectives of the Community shall be:

...

- (c) To promote co-operation in all fields of human endeavour in order to raise the standard of living of African peoples, and maintain and enhance economic stability, foster close and peaceful relations among Member States and contribute to the progress, development and the economic integration of the Continent; and

...

Article 5: General Undertakings

1. Member States undertake to create favourable conditions for the development of the Community and the attainment of its objectives, particularly by harmonising their strategies and policies. They shall refrain from any unilateral action that may hinder the attainment of the said objectives.

...

Chapter VI: Customs Union and Liberalisation of Trade

Article 35: Exceptions and Safeguard Clause

1. Notwithstanding the provisions of Articles 30 and 31 of this Treaty, any Member State, having made its intention known to the Secretariat of the Community which shall inform Member States thereof, may impose or continue to impose restrictions or prohibitions affecting:

- (a) The application of security laws and regulations;
- (b) The control of arms, ammunitions and other military items and equipment;

...

- (f) The control of hazardous wastes, nuclear materials, radio-active products or any other material used in the development or exploitation of nuclear energy;

...

African Nuclear-Weapon-Free Zone Treaty (Pelindaba Treaty) (1996/2009)

Full title: African Nuclear-Weapon-Free Zone Treaty

Date/place of adoption/conclusion: 11 April 1996, Addis Ababa, Ethiopia

Entered into force (EIF): 15 July 2009

EIF provision: Article 18(2)

Authentic texts: Arabic, English, French, Portuguese

Available online at: <https://bit.ly/2Djz6QV>

Excerpts

The Parties to this Treaty

...

Convinced of the need to take all steps in achieving the ultimate goal of a world entirely free of nuclear weapons, as well as of the obligations of all States to contribute to this end,

Convinced also that the African nuclear-weapon-free zone will constitute an important step towards strengthening the non-proliferation regime, promoting cooperation in the peaceful uses of nuclear energy, promoting general and complete disarmament and enhancing regional and international peace and security.

Aware that regional disarmament measures contribute to global disarmament efforts,

Believing that the African nuclear-weapon-free zone will protect African States against possible nuclear attacks on their territories,

Noting with satisfaction existing NWFZs and recognizing that the establishment of other NWFZs, especially in the Middle East, would enhance the security of States Parties to the African NWFZ,

Reaffirming the importance of the Treaty on the Non-Proliferation of Nuclear Weapons (hereinafter referred to as the NPT) and the need for the implementation of all its provisions,

Desirous of taking advantage of article IV of the NPT, which recognizes the inalienable right of all States Parties to develop research on, production and use of nuclear energy for peaceful purposes without discrimination and to facilitate the fullest possible exchange of equipment, materials and scientific and technological information for such purposes,

Determined to promote regional cooperation for the development and practical application of nuclear energy for peaceful purposes in the interest of sustainable social and economic development of the Africa continent,

Determined to keep Africa free of environmental pollution by radioactive

wastes and other radioactive matter,

Welcoming the cooperation of all States and governmental and non-governmental organizations for the attainment of these objectives,

Have decided by this Treaty to establish the African NWFZ and hereby agree as follows:

Article 1: Definition/Usage of terms

For the purpose of this Treaty and its Protocols:

- (a) **“African nuclear-weapon-free zone”** means the territory of the continent of Africa, islands States members of OAU and all islands considered by the Organization of African Unity in its resolutions to be part of Africa;
- (b) **“Territory”** means the land territory, internal waters, territorial seas and archipelagic waters and the airspace above them as well as the sea bed and subsoil beneath;
- (c) **“Nuclear explosive device”** means any nuclear weapon or other explosive device capable of releasing nuclear energy, irrespective of the purpose for which it could be used. The term includes such a weapon or device in unassembled and partly assembled forms, but does not include the means of transport or delivery of such a weapon or device if separable from and not an indivisible part of it;
- (d) **“Stationing”** means implantation, emplacement, transport on land or inland waters, stockpiling, storage, installation and deployment;
- (e) **“Nuclear installation”** means a nuclear-power reactor, a nuclear research reactor, a critical facility, a conversion plant, a fabrication plant, a reprocessing plant, an isotope separation plant, a separate storage installation and any other installation or location in or at which fresh or irradiated nuclear material or significant quantities of radioactive materials are present.
- (f) **“Nuclear material”** means any source material or special fissionable material as defined in Article XX of the Statute of the International Atomic Energy Agency (IAEA) and as amended from time to time by the IAEA.

Article 2: Application of the Treaty

1. Except where otherwise specified, this Treaty and its Protocols shall apply to the territory within the African nuclear-weapon-free zone, as illustrated in the map in Annex I.
2. Nothing in this Treaty shall prejudice or in any way affect the rights, or the exercise of the rights, of any state under international law with regards to freedom of the seas.

Article 3: Renunciation of nuclear explosive devices

Each Party undertakes:

- (a) Not to conduct research on, develop, manufacture, stockpile or otherwise acquire, possess or have control over any nuclear explosive device by any means anywhere;

- (b) Not to seek or receive any assistance in the research on, development, manufacture, stockpiling or acquisition, or possession of any nuclear explosive device; c. Not to take any action to assist or encourage the research on, development, manufacture, stockpiling or acquisition, or possession of any nuclear explosive device.

Article 4: Prevention of stationing of nuclear explosive devices

1. Each Party undertakes to prohibit, in its territory, the stationing of any nuclear explosive device.
2. Without prejudice to the purposes and objectives of the treaty, each party in the exercise of its sovereign rights remains free to decide for itself whether to allow visits by foreign ships and aircraft to its ports and airfields, transit of its airspace by foreign aircraft, and navigation by foreign ships in its territorial sea or archipelagic waters in a manner not covered by the rights of innocent passage, archipelagic sea lane passage or transit passage of straits.

Article 5: Prohibition of testing of nuclear explosive devices

Each Party undertakes:

- (a) Not to test any nuclear explosive device;
- (b) To prohibit in its territory the testing of any nuclear explosive device;
- (c) Not to assist or encourage the testing of any nuclear explosive device by any State

Article 6: Declaration, dismantling, destruction or conversion of nuclear explosive devices and the facilities for their manufacture

Each Party undertakes:

- (a) To declare any capability for the manufacture of nuclear explosive devices;
- (b) To dismantle and destroy any nuclear device that it has manufactured prior to the coming into force of this Treaty;
- (c) To destroy facilities for the manufacture of nuclear explosive devices or, where possible, to convert them to peaceful uses;
- (d) To permit the International Atomic Energy Agency (hereinafter referred to as IAEA) and the Commission established in article 12 to verify the processes of dismantling and destruction of the nuclear explosive devices, as well as the destruction or conversion of the facilities for their production.

Article 7: Prohibition of dumping of radioactive wastes

Each Party undertakes:

- (a) To effectively implement or to use as guidelines the measures contained in the Bamako Convention on the Ban of the Import into Africa and Control of Transboundary Movement and Management of Hazardous Wastes within Africa in so far as it is relevant to

- radioactive waste;
- (b) Not to take any action to assist or encourage the dumping of radioactive wastes and other radioactive matter anywhere within the African nuclear-weapon-free zone.

Article 8: Peaceful nuclear activities

1. Nothing in this Treaty shall be interpreted as to prevent the use of nuclear sciences and technology for peaceful purposes.
2. As part of their efforts to strengthen their security, stability and development, the Parties undertake to promote individually and collectively the use of nuclear science and technology for economic and social development. To this end they undertake to establish and strengthen mechanisms for cooperation at the bilateral, sub-regional and regional levels.
3. Parties are encouraged to make use of the programme of assistance available in IAEA and, in this connection, to strengthen cooperation under the African Regional Cooperation Agreement for Research, Training and Development Related to Nuclear Science and Technology (hereinafter referred to as AFRA).

Article 9: Verification of peaceful uses

Each Party undertakes:

- (a) To conduct all activities for the peaceful use of nuclear energy under strict non-proliferation measures to provide assurance of exclusively peaceful uses;
- (b) To conclude a comprehensive safeguards agreement with IAEA for the purpose of verifying compliance with the undertakings in subparagraph (a) of this article;
- (c) Not to provide source or special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable material for peaceful purposes to any non-nuclear-weapon State unless subject to a comprehensive safeguards agreement concluded with IAEA.

Article 10: Physical protection of nuclear materials and facilities

Each Party undertakes to maintain the highest standards of security and effective physical protection of nuclear materials, facilities and equipment to prevent theft or unauthorized use and handling. To that end each Party, inter alia, undertakes to apply measures of physical protection equivalent to those provided for in the Convention on Physical Protection of Nuclear Material and in recommendations and guidelines developed by IAEA for that purpose.

Article 11: Prohibition of armed attack on nuclear installations

Each Party undertakes not to take, or assist, or encourage any action

aimed at an armed attack by conventional or other means against nuclear installations in the African nuclear- weapon-free zone.

Article 12: Mechanism for compliance

1. For the purpose of ensuring compliance with their undertakings under this Treaty, the Parties agree to establish the African Commission on Nuclear Energy (hereinafter referred to as the Commission) as set out in Annex III.
2. The Commission shall be responsible inter alia for:
 - (a) Collating the reports and the exchange of information as provided for in article 13;
 - (b) arranging consultations as provided for in Annex IV, as well as convening conferences of Parties on the concurrence of simple majority of State Parties on any matter arising from the implementation of the Treaty;
 - (c) Reviewing the application to peaceful nuclear activities of safeguards by IAEA as elaborated in Annex II;
 - (d) Bringing into effect the complaints procedure elaborated in Annex IV;
 - (e) Encouraging regional and sub-regional programmes for cooperation in the peaceful uses of nuclear science and technology;
 - (f) Promoting international cooperation with extra-zonal States for the peaceful uses of nuclear science and technology.
3. The Commission shall meet in ordinary session once a year, and may meet in extraordinary session as may be required by the complaints and settlement of disputes procedure in Annex IV.

Article 13: Report and exchanges of information

1. Each Party shall submit an annual report to the Commission on its nuclear activities as well as other matters relating to the Treaty, in accordance with the format for reporting to be developed by the Commission.
2. Each Party shall promptly report to the Commission any significant event affecting the implementation of the Treaty.
3. The Commission shall request the IAEA to provide it with an annual report on the activities of AFRA.

Article 14: Conference of Parties

1. A Conference of all Parties to the Treaty shall be convened by the Depositary as soon as possible after the entry into force of the Treaty to, inter alia, elect members of the Commission and determine its headquarters. Further conferences of State Parties shall be held as necessary and at least every two years, and convened in accordance with paragraph 2 (b) of article 12.
2. The Conference of all Parties to the Treaty shall adopt the

Commission's budget and a scale of assessment to be paid by the State Parties.

...

Article 22: Status of the annexes

The annexes form an integral part of the Treaty. Any reference to this Treaty includes the annexes. In witness whereof the undersigned, being duly authorized by their Governments, have signed this Treaty.

Annex II

Safeguards of the International Atomic Energy Agency

1. The safeguards referred to in subparagraph (b) of the article 9 shall in respect of each Party be applied by the International Atomic Energy Agency as set forth in an agreement negotiated and concluded with the Agency on all source or special fissionable material in all nuclear activities within the territory of the Party, under its jurisdiction or carried out under its control anywhere.
2. The Agreement referred to in paragraph 1 above shall be, or shall be equivalent in its scope and effect to, the agreement required in connection with the Treaty on the Non-Proliferation of Nuclear Weapons (INFCIRC/153 corrected). A party that has already entered into a safeguards agreement with the IAEA is deemed to have already complied with the requirement. Each Party shall take all appropriate steps to ensure that the Agreement referred to in paragraph 1 is in force for it not later than eighteen months after the date of entry into force for that Party of this Treaty.
3. For the purpose of this Treaty, the safeguards referred to in paragraph 1 above shall have as their purpose the verification of the non-diversion of nuclear material from peaceful nuclear activities to nuclear explosive devices or for purposes unknown.
4. Each Party shall include in its annual report to the Commission, in conformity with art. 13, for its information and review, a copy of the overall conclusions of the most recent report by the International Atomic Energy Agency on its inspection activities in the territory of the Party concerned, and advise the Commission promptly of any change in those conclusions. The information furnished by a Party shall not be, totally or partially, disclosed or transmitted to third parties, by the addressees of the reports, except when that Party gives its express consent.

Annex III

African Commission on Nuclear Energy

1. The Commission established in article 12 shall be composed of twelve Members elected by Parties to the Treaty for a three-year period, bearing in mind the need for equitable geographical distribution as well as to include Members with advanced nuclear programmes. Each Member shall have one representative nominated with particular regard for his/her expertise in the subject of the Treaty.
2. The Commission shall have a Bureau consisting of the Chairman, the Vice-Chairman and the Executive Secretary. It shall elect its Chairman and Vice-Chairman. The Secretary-General of the Organization of African Unity, at the request of Parties to the Treaty and in consultation with the Chairman, shall designate the Executive Secretary of the Commission. For the first meeting a quorum shall be constituted by representatives of two thirds of the Members of the Commission. For that meeting decisions of the Commission shall be taken as far as possible by consensus or otherwise by a two-thirds majority of the Members of the Commission. The Commission shall adopt its rules of procedure at that meeting.
3. The Commission shall develop a format for reporting by States as required under articles 12 and 13.
- 4.(a) The budget of the Commission, including the costs of inspections pursuant to annex IV to this Treaty, shall be borne by the Parties to the Treaty in accordance with a scale of assessment to be determined by the Parties;
- (b) The Commission may also accept additional funds from other sources provided such donations are consistent with the purposes and objectives of the Treaty.

Annex IV

Complaints procedure and settlement of disputes

1. A Party which considers that there are grounds for a complaint that another Party or a Party to Protocol II is in breach of its obligations under this Treaty shall bring the subject matter of the complaint to the attention of the Party complained of and shall allow the latter thirty days to provide it with an explanation and to resolve the matter. This may include technical visits agreed upon between the Parties.
2. If the matter is not so resolved, the complaint Party may bring this

complaint to the Commission.

3. The Commission, taking account of efforts made under paragraph 1 above, shall afford the Party complained of forty-five days to provide it with an explanation of the matter.
4. If, after considering any explanation given to it by the representatives of the Party complained of the Commission considers that there is sufficient substance in the complaint to warrant an inspection in the territory of that Party or territory of a party to Protocol III, the Commission may request the International Atomic Energy Agency to conduct such inspection as soon as possible. The Commission may also designate its representatives to accompany the Agency's inspectorate team.
 - (a) The request shall indicate the tasks and objectives of such inspection, as well as any confidentiality requirements;
 - (b) If the Party complained of so requests, the inspection team shall be accompanied by representatives of that party provided that the inspectors shall not be thereby delayed or otherwise impeded in the exercise of their functions;
 - (c) Each Party shall give the inspection team full and free access to all information and places within each territory that may be deemed relevant by the inspectors to the implementation of the inspection;
 - (d) The Party complained of shall take all appropriate steps to facilitate the work of the inspection team, and shall accord them the same privileges and immunities as those set forth in the relevant provisions of the Agreement on the Privileges and Immunities of the International Atomic Energy Agency.
 - (e) The International Atomic Energy Agency shall report its findings in writing as quickly as possible to the Commission, outlining its activities, setting out relevant facts and information as ascertained by it, with supporting evidence and documentation as appropriate, and stating its conclusions. The Commission shall report fully to all States Parties to the Treaty giving its decision as to whether the Party complained of is in breach of its obligations under this Treaty;
 - (f) If the Commission considers that the Party complained of is in breach of its obligations under this Treaty, or that the above provisions have not been complied with, States Parties to the Treaty shall meet in extraordinary session to discuss the matter;
 - (g) The States Parties convened in extraordinary session may as necessary, make recommendations to the Party held to be in breach of its obligations and to the Organization of African Unity. The Organization of African Unity may, if necessary, refer the matter to the United Nations Security Council;
 - (h) The costs involved in the procedure outlined above shall be borne by the Commission. In the case of abuse, the Commission shall decide whether the requesting State Party should bear any of the financial implications.

5. The Commission may also establish its own inspection mechanism.

Protocol I

The Parties to this Protocol

Convinced of the need to take all steps in achieving the ultimate goal of a world entirely free of nuclear weapons as well as the obligations of all States to contribute to this end,

Convinced also that the African Nuclear-Weapon-Free Zone Treaty, negotiated and signed in accordance with the Declaration on the Denuclearization of Africa (AHG/Res. II(1) of 1964, resolutions CM/Res. 1342(LIV) of 1991 and CM/Res. 1395(LVI) Rev. 1 of 1992 of the Council of Ministers of the Organization of African Unity and United Nations General Assembly Resolution 48/86 of 16 December 1993, constitutes an important measure towards ensuring the non-proliferation of nuclear weapons, promoting cooperation in the peaceful uses of nuclear energy, promoting general and complete disarmament, and enhancing regional and international peace and security,

Desirous of contributing in all appropriate manners to the effectiveness of the Treaty,

Have agreed as follows:

Article 1

Each Protocol Party undertakes not to use or threaten to use a nuclear explosive device against:

- (a) Any Party to the Treaty; or
- (b) Any territory within the African nuclear-weapon-free zone for which a State that has become a Party to Protocol III is internationally responsible as defined in annex I.

Article 2

Each Protocol Party undertakes not to contribute to any act that constitutes a violation of the Treaty or of this Protocol.

Article 3

Each Protocol Party undertakes, by written notification to the Depositary, to indicate its acceptance or otherwise of any alteration to its obligation under this Protocol that may be brought about by the entry into force of an amendment to the Treaty pursuant to article 19 of the Treaty.

Article 4

This Protocol shall be open for signature by China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

Article 5

This Protocol shall be subject to ratification.

Article 6

This Protocol is of a permanent nature and shall remain in force indefinitely, provided that each Party shall, in exercising its national sovereignty, have the right to withdraw from this Protocol if it decides that extraordinary events related to the subject-matter of this Protocol, have jeopardized its supreme interests. It shall give notice of such withdrawal to the Depositary twelve months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

Article 7

This Protocol shall enter into force for each State on the date of its deposit with the Depositary of its instrument of ratification or the date of entry into force of the Treaty, whichever is later. In witness whereof the undersigned, being duly authorized by their Governments, have signed this Protocol.

Protocol II

The Parties to this Protocol

Convinced of the need to take all steps in achieving the ultimate goal of a world entirely free of nuclear weapons as well as the obligations of all States to contribute to this end,

...

Bearing in mind the objective of concluding a treaty banning all nuclear test,

Have agreed as follows

Article 1

Each Protocol Party undertakes not to test or assist or encourage the testing of any nuclear explosive device anywhere within the African

nuclear-weapon-free zone.

Article 2

Each Protocol Party undertakes not to contribute to any act that constitutes a violation of the Treaty or of this Protocol.

Article 3

Each Protocol Party undertakes, by written notification to the Depositary, to indicate its acceptance or otherwise of any alteration to its obligation under this Protocol that may be brought about by the entry into force of an amendment to the Treaty pursuant to article 20 of the Treaty.

Article 4

This Protocol shall be open for signature by China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

...

Protocol III

...

Have agreed as follows:

Article 1

Each Protocol Party undertakes to apply, in respect of the territories for which it is de jure or de facto internationally responsible situated within the African nuclear-weapon-free zone, the provisions contained in articles 3, 4, 5, 6, 7, 8, 9 and 10 of the Treaty and to ensure the application of safeguards specified in annex II of the Treaty.

Article 2

Each Protocol Party undertakes not contribute to any act that constitutes a violation of the Treaty or of this Protocol.

Article 3

Each Protocol Party undertakes, by written notification to the Depositary, to indicate its acceptance or otherwise of any alterations to its obligation under this Protocol that may be brought about by the entry into force of an amendment to the Treaty pursuant to article 20 of the Treaty.

Article 4

This Protocol shall be open for signature by France and Spain.

...

Convention on the Prevention and Combatting of Terrorism (1999/2002)

Full title: OAU Convention on the Prevention and Combatting of Terrorism

Date/place of adoption/conclusion: 14 June 1999, Algiers, Algeria

Entered into force (EIF): 6 December 2002

EIF provision: Article 20(1)

Authentic texts: Arabic, English, French, Portuguese

Available online at: <https://bit.ly/2CfyQII>

The Member States of the Organization of African Unity:

Considering the purposes and principles enshrined in the Charter of the Organization of African Unity, in particular its clauses relating to the security, stability, development of friendly relations and cooperation among its Member States;

Recalling the provisions of the Declaration on the Code of Conduct for Inter-African Relations, adopted by the Thirtieth Ordinary Session of the Assembly of Heads of State and Government of the Organization of African Unity, held in Tunisia, Tunisia, from 13 to 15 June, 1994;

Aware of the need to promote human and moral values based on tolerance and rejection of all forms of terrorism irrespective of their motivations;

Believing in the principles of international law, the provisions of the Charters of the Organization of Africa Unity and of the United Nations and the latter's relevant resolutions on measures aimed at combating international terrorism and, in particular, resolution 49/60 of the General Assembly of 9 December, 1994 together with the annexed Declaration on Measures to Eliminate International Terrorism as well as resolution 51/210 of the General Assembly of 17 December, 1996 and the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, annexed thereto;

Deeply concerned over the scope and seriousness of the phenomenon of terrorism and the dangers it poses to the stability and security of States;

Desirous of strengthening cooperation among Member States in order to

forestall and combat terrorism;

Reaffirming the legitimate right of peoples for self-determination and independence pursuant to the principles of international law and the provisions of the Charters of the Organization of African United Nations as well as the African Charter on Human and People's Rights;

Concerned that the lives of innocent women and children are most adversely affected by terrorism;

Convinced that terrorism constitutes a serious violation of human rights and, in particular, the rights to physical integrity, life, freedom and security, and impedes socio-economic development through destabilization of States;

Convinced further that terrorism cannot be justified under any circumstances and, consequently, should be combated in all its forms and manifestations, including those in which States are involved directly or indirectly, without regard to its origin, causes and objectives.

Aware of the growing links between terrorism and organized crime, including the illicit traffic of arms, drugs and money laundering;

Determined to eliminate terrorism in all its forms and manifestations;

Have agreed as follows:

Part I: Scope of Application

Article 1

For the purposes of this Convention:

...

3. "Terrorist act" means:

- (a) any act which is a violation of the criminal laws of a State Party and which may endanger the life, physical integrity or freedom of, or cause serious injury or death to, any person, any number or group of persons or causes or may cause damage to public or private property, natural resources, environmental or cultural heritage and is calculated or intended to:
 - (i) intimidate, put in fear, force, coerce or induce any government, body, institution, the general public or any segment thereof, to do or abstain from doing any act, or to adopt or abandon a particular standpoint, or to act according to certain principles; or
 - (ii) disrupt any public service, the delivery of any essential service to the public or to create a public emergency; or
 - (iii) create general insurrection in a State;
- (b) any promotion, sponsoring, contribution to, command, aid, incitement, encouragement, attempt, threat, conspiracy, organizing, or procurement of any person, with the intent to commit any act referred to in paragraph (a) (i) to (iii).

Article 2

States Parties undertake to:

- (a) review their national laws and establish criminal offences for terrorist acts as defined in this Convention and make such acts punishable by appropriate penalties that take into account the grave nature of such offences;
- (b) consider, as a matter of priority, the signing or ratification of, or accession to, the international instruments listed in the Annexure, which they have not yet signed, ratified or acceded to; and
- (c) implement the actions, including enactment of legislation and the establishment as criminal offences of certain acts as required in terms of the international instruments referred to in paragraph (b) and that States have ratified and acceded to and make such acts punishable by appropriate penalties which take into account the grave nature of those offences;
- (d) notify the Secretary General of the OAU of all the legislative measures it has taken and the penalties imposed on terrorist acts within one year of its ratification of, or accession to, the Convention.

Article 3

1. Notwithstanding the provisions of Article 1, the struggle waged by peoples in accordance with the principles of international law for their liberation or self-determination, including armed struggle against colonialism, occupation, aggression and domination by foreign forces shall not be considered as terrorist acts.
2. Political, philosophical, ideological, racial, ethnic, religious or other motives shall not be a justifiable defence against a terrorist act.

Part II: Areas of Cooperation

Article 4

1. States Parties undertake to refrain from any acts aimed at organizing, supporting, financing, committing or inciting to commit terrorist acts, or providing havens for terrorists, directly or indirectly, including the provision of weapons and their stockpiling in their countries and the issuing of visas and travel documents.
2. States Parties shall adopt any legitimate measures aimed at preventing and combating terrorist acts in accordance with the provisions of this Convention and their respective national legislation, in particular, they shall do the following:
 - (a) prevent their territories from being used as a base for the planning, organization or execution of terrorist acts or for the participation or collaboration in these acts in any form
 - (b) develop and strengthen methods of monitoring and detecting plans or activities aimed at the illegal cross-border transportation, importation, export, stockpiling and use of arms, ammunition and

- explosives and other materials and means of committing terrorist acts;
- (c) develop and strengthen methods of controlling and monitoring land, sea and air borders and customs and immigration checkpoints in order to pre-empt any infiltration by individuals or groups involved in the planning, organization and execution of terrorist acts;
 - (d) strengthen the protection and security of persons, diplomatic and consular missions, premises of regional and international organizations accredited to a State Party, in accordance with the relevant conventions and rules of international law;
 - (e) promote the exchange of information and expertise on terrorist acts and establish data bases for the collection and analysis of information and data on terrorist elements, groups, movements and organizations;
 - (f) take all necessary measures to prevent the establishment of terrorist support networks in any form whatsoever;
 - (g) ascertain, when granting asylum, that the asylum seeker is not involved in any terrorist act;
 - (h) arrest the perpetrators of terrorist acts and try them in accordance with national legislation, or extradite them in accordance with the provisions of this Convention or extradition treaties concluded between the requesting State and the requested State and, in the absence of a treaty, consider facilitating the extradition of persons suspected of having committed terrorist acts; and
 - (i) establish effective co-operation between relevant domestic security officials and services and the citizens of the State Parties in a bid to enhance public awareness of the scourge of terrorist acts and the need to combat such acts, by providing guarantees and incentives that will encourage the population to give information on terrorist acts or other acts which may help to uncover such acts and arrest their perpetrators.

Article 5

States Parties shall co-operate among themselves in preventing and combating terrorist acts in conformity with national legislation and procedures of each State in the following areas:

1. States Parties undertake to strengthen the exchange of information among them regarding:
 - (a) acts and crimes committed by terrorist groups, their leaders and elements, their headquarters and training camps, their means and sources of funding and acquisition of arms, the types of arms, ammunition and explosives used, and other means in their possession;
 - (b) the communication and propaganda methods and techniques used by the terrorists groups, the behaviour of these groups, the movement of their leaders and elements, as well as their travel documents.

2. States Parties undertake to exchange any information that leads to:
 - (a) the arrest of any person charged with a terrorist act against the interests of a State Party or against its nationals, or attempted to commit such an act or participated in it as an accomplice or an instigator;
 - (b) the seizure and confiscation of any type of arms, ammunition, explosives, devices or funds or other instrumentalities of crime used to commit a terrorist act or intended for that purpose.
3. States Parties undertake to respect the confidentiality of the information exchanged among them and not to provide such information to another State that is not party to this Convention, or to a third State Party, without the prior consent of the State from where such information originated.
4. States Parties undertake to promote co-operation among themselves and to help each other with regard to procedures relating to the investigation and arrest of persons suspected of, charged with or convicted of terrorist acts, in conformity with the national law of each State.
5. States Parties shall co-operate among themselves in conducting and exchanging studies and researches on how to combat terrorist acts and to exchange expertise relating to control of terrorist acts.
6. States Parties shall co-operate among themselves, where possible, in providing any available technical assistance in drawing up programmes or organizing, where necessary and for the benefit of their personnel, joint training courses involving one or several States Parties in the area of control of terrorist acts, in order to improve their scientific, technical and operational capacities to prevent and combat such acts.

Part III: State Jurisdiction

Article 6

1. Each State Party has jurisdiction over terrorist acts as defined in Article 1 when:
 - (a) the act is committed in the territory of that State and the perpetrator of the act is arrested in its territory or outside it if this is punishable by its national law;
 - (b) the act is committed on board a vessel or a ship flying the flag of that State or an aircraft which is registered under the laws of that State at the time the offence is committed; or
 - (c) the act is committed by a national or a group of nationals of that State.
2. A State Party may also establish its jurisdiction over any such offence when:
 - (a) the act is committed against a national of that State; or
 - (b) the act is committed against a State or government facility of that

- State abroad, including an embassy or other diplomatic or consular premises, and any other property, of that State; or
 - (c) the act is committed by a stateless person who has his or her habitual residence in the territory of that State; or
 - (d) the act is committed on board an aircraft which is operated by any carrier of that State; and
 - (e) the act is committed against the security of the State Party.
3. Upon ratifying or acceding to this Convention, each State Party shall notify the Secretary General of the Organization of African Unity of the jurisdiction it has established in accordance with paragraph 2 under its national law. Should any change take place, the State Party concerned shall immediately notify the Secretary General.
 4. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over the acts set forth in Article 1 in cases where the alleged offender is present in its territory and it does not extradite that person to any of the States Parties which have established their jurisdiction in accordance with paragraphs 1 or 2.

Article 7

1. Upon receiving information that a person who has committed or who is alleged to have committed any terrorist act as defined in Article 1 may be present in its territory, the State Party concerned shall take such measures as may be necessary under its national law to investigate the facts contained in the information.
2. Upon being satisfied that the circumstances so warrant, the State Party in whose territory the offender or alleged offender is present shall take the appropriate measures under its national law so as to ensure that person's presence for the purpose of prosecution.
3. Any person against whom the measures referred to in paragraph 2 are being taken shall be entitled to:
 - (a) communicate without delay with the nearest appropriate representative of the State of which that person is a national or which is otherwise entitled to protect that person's rights or, if that person is a stateless person, the State in whose territory that person habitually resides;
 - (b) be visited by a representative of that State;
 - (c) be assisted by a lawyer of his or her choice;
 - (d) be informed of his or her rights under sub-paragraphs (a), (b) and (c).
4. The rights referred to in paragraph 3 shall be exercised in conformity with the national law of the State in whose territory the offender or alleged offender is present, subject to the provision that the said laws must enable full effect to be given to the purposes for which the rights accorded under paragraph 3 are intended.

Part IV: Extradition

Article 8

1. Subject to the provisions of paragraphs 2 and 3 of this Article, the States Parties shall undertake to extradite any person charged with or convicted of any terrorist act carried out on the territory of another State Party and whose extradition is requested by one of the States Parties in conformity with the rules and conditions provided for in this Convention or under extradition agreements between the States Parties and within the limits of their national laws.
2. Any State Party may, at the time of the deposit of its instrument of ratification or accession, transmit to the Secretary General of the OAU the grounds on which extradition may not be granted and shall at the same time indicate the legal basis in its national legislation or international conventions to which it is a party which excludes such extradition. The Secretary General shall forward these grounds to the States Parties.
3. Extradition shall not be granted if final judgement has been passed by a competent authority of the requested State upon the person in respect of the terrorist act or acts for which extradition is requested. Extradition may also be refused if the competent authority of the requested State has decided either not to institute or terminate proceedings in respect of the same act or acts.
4. A State Party in whose territory an alleged offender is present shall be obliged, whether or not the offence was committed in its territory, to submit the case without undue delay to its competent authorities for the purpose of prosecution if it does not extradite that person.

Article 9

Each State Party undertakes to include as an extraditable offence any terrorist act as defined in Article 1, in any extradition treaty existing between any of the States Parties before or after the entry into force of this Convention.

Article 10

Exchange of extradition requests between the States Parties to this Convention shall be effected directly either through diplomatic channels or other appropriate organs in the concerned States.

Article 11

Extradition requests shall be in writing, and shall be accompanied in particular by the following:

- (a) an original or authenticated copy of the sentence, warrant of arrest or any order or other judicial decision made, in accordance with the procedures laid down in the laws of the requesting State;
- (b) a statement describing the offences for which extradition is being requested, indicating the date and place of its commission, the offence committed, any convictions made and a copy of the provisions of the applicable law; and
- (c) as comprehensive a description as possible of the wanted person together with any other information which may assist in establishing the person's identity and nationality.

Article 12

In urgent cases, the competent authority of the State making the extradition may, in writing, request that the State seized of the extradition request arrest the person in question provisionally. Such provisional arrest shall be for a reasonable period in accordance with the national law of the requested State.

Article 13

1. Where a State Party receives several extradition requests from different States Parties in respect of the same suspect and for the same or different terrorist acts, it shall decide on these requests having regard to all the prevailing circumstances, particularly the possibility of subsequent extradition, the respective dates of receipt of the requests, and the degree of seriousness of the crime.
2. Upon agreeing to extradite, States Parties shall seize and transmit all funds and related materials purportedly used in the commission of the terrorist act to the requesting State as well as relevant incriminating evidence.
3. Such funds, incriminating evidence and related materials, upon confirmation of their use in the terrorist act by the requested State, shall be transmitted to the requesting State even if, for reasons of death or escape of the accused, the extradition in question cannot take place.
4. The provisions in paragraphs 1, 2 and 3 of this Article shall not affect the rights of any of the States Parties or bona fide third parties regarding the materials or revenues mentioned above.

Part V: Extra-Territorial Investigations (Commission Rogatoire) and Mutual Legal Assistance

Article 14

1. Any State Party may, while recognizing the sovereign rights of States Parties in matters of criminal investigation, request any other State Party to carry out, with its assistance and cooperation, on the latter's territory, criminal investigations related to any judicial proceedings concerning alleged terrorist acts and, in particular:
 - (a) the examination of witnesses and transcripts of statements made as evidence;
 - (b) the opening of judicial information;
 - (c) the initiation of investigation processes;
 - (d) the collection of documents and recordings or, in their absence, authenticated copies thereof;
 - (e) conducting inspections and tracing of assets for evidentiary purposes;
 - (f) executing searches and seizures; and
 - (g) service of judicial documents.

Article 15

A commission rogatoire may be refused:

- (a) where each of the States Parties has to execute a commission rogatoire relating to the same terrorist acts;
- (b) if that request may affect efforts to expose crimes, impede investigations or the indictment of the accused in the country requesting the commission rogatoire; or
- (c) if the execution of the request would affect the sovereignty of the requested State, its security or public order.

Article 16

The extra-territorial investigation (commission rogatoire) shall be executed in compliance with the provisions of national laws of the requested State. The request for an extra-territorial investigation (commission rogatoire) relating to a terrorist act shall not be rejected on the grounds of the principle of confidentiality of bank operations or financial institutions, where applicable.

Article 17

The States Parties shall extend to each other the best possible mutual police and judicial assistance for any investigation, criminal prosecution or extradition proceedings relating to the terrorist acts as set forth in this Convention.

Article 18

The States Parties undertake to develop, if necessary, especially by concluding bilateral and multilateral agreements and arrangements, mutual legal assistance procedures aimed at facilitating and speeding up investigations and collecting evidence, as well as cooperation between law enforcement agencies in order to detect and prevent terrorist acts.

...

1.2 Declarations, frameworks and policies

Resolutions adopted by the First Conference of Independent Heads of State and Government (1963)

Full title: Resolutions Adopted by the First Conference of Independent Heads of State and Government, CIAS/Plen.2/Rev.2 (Agenda Items II: Decolonization; III: Apartheid and Racial Discrimination; IV: General Disarmament)

Date/place of adoption/conclusion: 25 May 1963, Addis Ababa, Ethiopia

Available online at: <https://bit.ly/32byPu3>

* Adopted at the First Conference of Independent African Heads of State and Government, 22-25 May 1963, Addis Ababa, Ethiopia.

Excerpts

Agenda Item II: Decolonization

...

Having considered all aspects of the questions of decolonization, **Unanimously convinced** of the imperious and urgent necessity of co-ordinating and intensifying their efforts to accelerate the unconditional attainment of national independence of all African territories still under foreign domination,

Reaffirming that it is the duty of all African Independent States to support dependent peoples in Africa in their struggle for freedom and independence,

Noting with deep concern that most of the remaining dependent territories in Africa are dominated by foreign settlers,

Convinced that the colonial powers, by their forcible imposition of the settlers to control the governments and administrations of those territories, are thus establishing colonial bases in the heart of Africa,

Have agreed unanimously to concert and co-ordinate their efforts and actions in this field, and to this end have decided on the following measures:

1. **Declares** that the forcible imposition by the colonial powers of the settlers to control the governments and administrations of the dependent territories is a flagrant violation of the inalienable rights of the legitimate inhabitants of the territories concerned;
2. **Invites** the colonial powers to take the necessary measures for the immediate application of the declaration of the Granting of Independence to Colonial Countries and Peoples; and **insists** that their determination to maintain colonies or semi-colonies in Africa constitutes a menace to the peace of the continent;
3. **Invites**, further, the colonial powers, particularly the United Kingdom with regard to Southern Rhodesia, not to transfer the powers and attributes of sovereignty to foreign minority governments imposed on African peoples by the use of force and under cover of racial legislation; and **insists** that the transfer of power to settler minorities would amount to the provision of United Nations resolution 1514(XV) on violations of Independence;
4. **Reaffirms** its support of African nationalists of Southern Rhodesia and solemnly declares that if power in Southern Rhodesia were to be usurped by a racial white minority government, State Members of the Conference would lend their effective moral and practical support to any legitimate measures which the African nationalist leaders may devise for the purpose of recovering such power and restoring it to the African majority; the Conference also **undertakes** henceforth to concert the efforts of its Members to take such measures as the situation demands against any State according recognition to the minority government;
5. **Reaffirms**, further, that the territory of South-West Africa is an African territory under international mandate and that any attempt by the Republic of South Africa to annex it would be regarded as an act of aggression; **reaffirms** also its determination to render all necessary support to the second phase of the South-West Africa case before the International Court of Justice; **reaffirms still further**, the inalienable right of the people of South-West Africa to self-determination and independence;
6. **Intervenes expressly** with the Great Powers so that they cease, without exception, to lend direct or indirect support or assistance to all those colonialist governments which might use such assistance to suppress national liberation movements, particularly the Portuguese

Government which is conducting a real war of genocide in Africa; **informs** the allies of colonial powers that they must choose between their friendship for the African people and their support of powers that oppress African peoples;

...

8. **Decides** further the breaking off of diplomatic and consular relations between all African States and Governments of Portugal and South Africa so long as they persist in their present attitude towards decolonization;

...

Agenda Item II: Apartheid and Racial Discrimination

...

Having considered all aspects of the questions of apartheid and racial discrimination,

Unanimously convinced of the imperious and urgent necessity of co-ordinating and intensifying their efforts to put an end to the South African Government's criminal policy of apartheid and wipe out racial discrimination in all its forms,

Have agreed unanimously to concert and co-ordinate their efforts and actions in this field, and to this end have decided on the following measures:

...

- (b) To support the recommendations [presented to the Security Council and the General Assembly by the Special Committee of the United Nations on the apartheid policies of the South African Government;
 - (c) To despatch a delegation of Foreign Ministers to inform the Security Council of the explosive situation existing in South Africa; (The Conference has decided the Members of the Delegation to be: Liberia, Tunisia, Madagascar and Sierra Leone);
 - (d) To co-ordinate concerted measures of sanction against the Government of South Africa;
1. **Appeals** to all States, and more particularly to those which have traditional relations and co-operate with the Government of South Africa, to apply strictly UN resolution 1761 (XVII) of 6 November 1962 concerning apartheid;

...

Agenda Item III: General Disarmament

...

Having considered all aspects of the questions of general disarmament, **Unanimously convinced** of the imperious and urgent necessity of co-ordinating and intensifying their efforts to contribute to the achievement of a realistic disarmament programme through the signing, by all States

concerned, of a treaty on general and complete disarmament under strict and effective international control,

Have agreed unanimously to concert and co-ordinate their efforts and actions in this field, and to this end have decided on the following measures:

1. To affirm and respect the principle of declaring Africa a Denuclearized Zone to oppose all nuclear and thermonuclear tests, as well as the manufacture of nuclear weapons and to promote the peaceful uses of nuclear energy;
2. The destruction of existing nuclear weapons;
3. To undertake to bring about, by means of negotiation, the end of military occupation of the African continent and the elimination of military bases and nuclear tests, which elimination constitutes a basic element of African Independence and Unity;
4. To appeal to the Great Powers to:
 - (a) reduce conventional weapons;
 - (b) put an end to the arms race; and
 - (c) sign a general and complete disarmament agreement under strict and effective international control;
5. To appeal to the Great Powers, in particular to the Soviet Union and the United States of America, to use their best endeavors to secure the objectives stated above.

OAU Resolutions on Apartheid, Racial Discrimination, Southern Rhodesia, Portuguese Domination, Denuclearization and Other Related Matters (1964)

Full title: OAU AHG/Res.6(I) Apartheid in South Africa; OAU AHG/Res.7(I) Apartheid and Racial Discrimination; OAU AHG/Res.8(I) Report of the Liberation Committee; OAU AHG/Res.9(I) Southern Rhodesia; OAU AHG/Res.10(I) Territories under Portuguese Domination; OAU AHG/Res.12(I) Denuclearization of Africa; OAU AHG/Res.13(I) The Territorial Integrity of Basutoland, Bechuanaland and Swaziland; OAU AHG/Res.17(I) Border Dispute Among African States; OAU AHG/Res.18(I) Financing of the United Nations Peace Operations

Date/place of adoption/conclusion: 21 July 1964, Cairo, UAR

Available online at: <https://bit.ly/2ZU5e5d>

* Adopted at the First Ordinary Session of the Assembly of Heads of State and Government, 17-21 July 1964, Cairo, United Arab Republic (Egypt).

*Excerpts***Apartheid in South Africa**

The Assembly of Heads of State and Government meeting in its First Ordinary Session in Cairo, UAR, from 17 to 21 July 1964,

Recalling the resolution on apartheid and racial discrimination adopted by the Conference of Heads of State and Government in Addis Ababa in May 1963,

Having examined the Report of the Liberation Committee,

Having heard the Report on the activities of the delegation of Ministers for Foreign Affairs instructed by the Conference of Heads of State and Government to explain and uphold the African position before the United Nations Security Council,

Noting with grave concern the consistent refusal of the South African Government to give consideration to appeals made by every sector of world opinion and in particular the resolutions of the United Nations Security Council and General Assembly,

Noting in particular that, in view of the South African Government's apparent decision to disregard all peaceful intervention attempting to bring about discontinuation of their policy of apartheid, sanctions of every nature being the only means available of achieving a peaceful solution to the explosive situation which prevails in South Africa:

1. **Reaffirms** that the position in South Africa represents a serious threat to peace and international security;
2. **Condemns** the South African Government whose policy, being incompatible with its political and moral obligations as a Member State of the United Nations, constitutes a grave danger to stability and peace in Africa and the world;
3. **Approves** and **Encourages** the action of representatives of the Organization of African Unity within the various international bodies with a view to bringing about abolition of the policy apartheid and notes with pleasure the increasing support of a number of countries and institutions in favour of African demands in this respect;
4. **Reiterates** its appeal to all countries to apply in the strictest manner the economic, diplomatic, political and military sanctions already decided by the United Nations General Assembly and Security Council;
5. **Appeals** to the major commercial partners of the South African Government to discontinue the encouragement they are giving to the maintenance of apartheid by their investments and commercial relations with the Pretoria Government;
6. **Decides** to take the necessary steps to refuse any aeroplane or ship or

any other means of communication going to or coming from South Africa the right to fly over the territories of Member States or utilize their ports or any other facilities.

Apartheid and Racial Discrimination

The Assembly of Heads of State and Government meeting in its First Ordinary Session in Cairo, UAR from 17 to 21 July 1964,

...

Noting with great concern the consistent refusal of the Government of South Africa to give consideration to appeals made by every sector of world opinion as well as its non-compliance with the resolutions of the Security Council and the General Assembly of the United Nations;

Noting in particular that the attitude of certain States towards the Government of South Africa and their continued close relations with that Government only encourages it to persist in its policies of apartheid and contempt for the United Nations;

Convinced of the necessity of intensifying as a matter of urgency the action of the African States in regard to further the application of sanctions against the Government of South Africa;

Expressing its deep concern over the trials conducted according to the arbitrary and inhuman laws of the Government of South Africa to convict the opponents of apartheid,

Deeply distressed at the recent convictions of and sentences passed on African nationalists, particularly on Nelson Mandela and Walter Sisulu,

Decides:

1. To call for the release of Nelson Mandela, Walter Sisulu, Mangaliso Sobukwe and all other Nationalists, imprisoned or detained under the arbitrary laws of South Africa;
2. To extend the mandate of the Foreign Ministers of Liberia, Madagascar, Sierra Leone and Tunisia, Commissioned by the Conference of Heads of State and Government in Addis Ababa, in May 1963, to continue their representation on behalf of all OAU Member States at the deliberations of the Security Council;
3. To appeal to all oil producing countries to cease as a matter of urgency their supply of oil and petroleum products to South Africa;
4. To call on all African States to implement forthwith the decision taken in Addis Ababa, in May 1963, to boycott South African goods and to cease the supply of minerals and other raw materials to South Africa;
5. To request the co-operation of all countries and in particular that of the major trading partners of South Africa in the boycott of South African goods;

6. To establish a machinery within the OAU General Secretariat, which will be entrusted inter alia, with the following functions:
 - (a) to plan co-ordination of sanctions against South Africa among the Member States, and to ensure the strictest implementation of all relevant resolutions of the OAU;
 - (b) to harmonize co-operation with friendly States with a view to implementing an effective boycott of South Africa;
 - (c) to collect and disseminate information about governmental and private financial, economic and commercial institutions, which trade with South Africa;
 - (d) to promote, in co-operation with other international bodies, the campaign for international economic sanctions against South Africa by all appropriate means, in particular by countering the propaganda and pressures of the South Africa Government.

Report of the Liberation Committee

...

Noting that some progress has been made by some nationalist liberation movements with the assistance of the Liberation Committee to establish common action fronts with a view to strengthening the effectiveness of their movements,

Regretting the continued existence of multiple rival liberation movements in the territories under foreign domination, in spite of the efforts of the Liberation Committee to reconcile them,

...

Reaffirming the determination of Member States to continue by all means the struggle for the independence of the territories under foreign domination,

...

Southern Rhodesia

...

Having examined the Report of the African Group at the United Nations, submitted in response to resolution CM/Res.14(II) of the Council of Ministers to take appropriate diplomatic measures to ensure that the British Government implement, without delay, the resolutions of the United Nations on Southern Rhodesia,

Requests:

1. African States to take a vigorous stand against a Declaration of Independence of Southern Rhodesia by a European minority government and to pledge themselves to take appropriate measures, including the recognition and support of an African nationalist

- government-in-exile should such an eventuality arise;
2. The African Group at the United Nations to examine further measures to be taken in the event of declaration of independence by the European minority government and to submit a report to the Council;
 3. The United Kingdom to convene immediately a constitutional conference in which representatives of all political groups in Southern Rhodesia would participate with a view to preparing a new and democratic constitution ensuring majority rule on the basis of "one man, one vote";
 4. The immediate release of Joshua N'Komo, the Rev. Ndabininge Sithole and all other political prisoners and detainees;
 5. The Foreign Ministers of Algeria and Senegal assisted by the African Group at the United Nations to undertake the task of presenting the problem of Southern Rhodesia at the appropriate time before the Security Council;
 6. The Government of Malawi and the United Republic of Tanganyika and Zanzibar to offer their good offices to the nationalist parties in Southern Rhodesia so as to bring about a united front of all the liberation movements for the rapid attainment of their common objective of independence;
 7. The African nationalist movements in Southern Rhodesia to intensify their struggle for immediate independence.

Territories under Portuguese Domination

...

Having considered the situation in the African territories under Portuguese domination;

Noting with deep concern the adamant refusal of Portugal to recognise the inalienable right of the African peoples under its domination to self-determination and independence;

...

1. **Condemns** Portugal for its persistent refusal to recognise the right of the peoples under its domination to self-determination and independence and for its non-compliance with the resolutions of the General Assembly and the Security Council of the United Nations;
2. **Calls** on African nationalist movements in the territories under Portuguese domination to intensify their struggle for their immediate liberation;
3. **Reiterates its belief** that it is indispensable to implement in all its aspects the decision taken in Addis Ababa in May 1963 to boycott Portugal;
4. **Decides** to establish a machinery within the OAU General

Secretariat, which would be entrusted inter alia, with the following functions;

- (a) to co-ordinate among the Member States the strictest implementation of all relevant resolutions of the OAU,
 - (b) to harmonize co-operation with friendly States with a view to implementing an effective boycott of Portugal,
5. **Decides further** to extend the mandate of the Foreign Ministers of Liberia, Madagascar, Sierra Leone and Tunisia commissioned by the Conference of Heads of State and Government to represent OAU Member States at the deliberations of the Security Council on the question of territories under Portuguese domination.

Denuclearization of Africa

...
Conscious of our responsibilities towards our peoples and our obligations under the Charter of the United Nations and the Charter of the Organization of African Unity to exert every effort to strengthen international peace and security,

Determined that conditions conducive to international peace and security should prevail to save mankind from the scourge of nuclear war;

Deeply concerned with the effects resulting from the dissemination of nuclear weapons;

...
Bearing in mind that the General Assembly of the United Nations in its Sixteenth Session called upon "All States, and in particular upon the States at present possessing nuclear weapons, to use their best endeavours to secure the conclusion of an international agreement containing provisions under which the nuclear States would undertake to refrain from relinquishing control of nuclear weapons and from transmitting the information necessary for their manufacture to States not possessing such weapons, and (containing) provisions under which States not possessing nuclear weapons would undertake not to manufacture or otherwise acquire control of such weapons";

- ...
 1. **Solemnly declare** their readiness to undertake in an International Treaty to be concluded under the auspices of the United Nations not to manufacture or acquire control of nuclear weapons;
2. **Call upon** all peace-loving nations to adhere to the same undertaking;
3. **Call upon** all nuclear powers to respect and abide by this Declaration;
4. **Invite** the General Assembly of the United Nations, in its 19th Regular Session, to approve this Declaration and take the necessary measures to convene an International Conference with a view to concluding an international treaty.

The Territorial Integrity of Basutoland, Bechuanaland and Swaziland

...

Noting further resolution 1954 (XVII) of the General Assembly of the United Nations solemnly warning the "Government of the Republic of South Africa that any attempt to annex or encroach upon the territorial integrity of these three Territories shall be considered an act of aggression":

1. **Requests** the Member States of OAU in consultation with the authorities of Basutoland, Bechuanaland and Swaziland to take necessary steps so as to secure a guarantee by the United Nations for the territorial integrity, independence and sovereignty of these territories; and
2. **Authorises** in particular the African Group at the United Nations to take necessary measures, in consultation with the Committee of Liberation and the nationalist movements in these territories, to bring the question of guarantee before the Security Council at the appropriate time.

Border Disputes Among African States

...

Considering that border problems constitute a grave and permanent factor of dissention;

Conscious of the existence of extra-African manoeuvres aimed at dividing African States;

Considering further that the borders of African States, on the day of their independence, constitute a tangible reality;

...

Recognising the imperious necessity of settling, by peaceful means and within a strictly African framework, all disputes between African States;

Recalling further that all Member States have pledged, under Article IV of the Charter of African Unity, to respect scrupulously all principles laid down in paragraph 3 of Article III of the Charter of the Organization of African Unity:

1. **Solemnly reaffirms** the strict respect by all Member States of the Organization for the principles laid down in paragraph 3 of Article III of the Charter of the Organization of African Unity;
2. **Solemnly declares** that all Member States pledge themselves to respect the borders existing on their achievement of national independence.

Financing of the United Nations Peace Operations

...

Noting with concern that the United Nations is faced with a serious financial situation arising mainly from its peace-keeping operations, which, if not resolved may affect the very survival of the Organization; **Deeply conscious** of its desire to support and strengthen the United Nations to enable it to fulfil its noble objectives among which is to maintain international peace and security;

...

1. **Earnestly appeals** to Member States of the United Nations to meet their obligations and to render assistance necessary for the Organization to fulfil its role in maintaining international peace and security;
2. **Directs** the Administrative Secretary-General to transmit copies of this resolution to all Member States of the United Nations as well as to the Secretariat of the United Nations

Resolution on the Denuclearization of Africa by the OAU Council of Ministers (1987)

Full title: Resolution on the Denuclearization of Africa, CM/Res.1101 (XLVI)

Date/place of adoption/conclusion: 25 July 1987, Addis Ababa, Ethiopia

Available online at: <https://bit.ly/2ZMKnAW>

* Adopted at the Forty-Sixth Ordinary Session of the Council of Ministers of the Organisation of African Unity, 20-25 July 1987, Addis Ababa, Ethiopia.

...

1. **Solemnly reaffirms** the objectives of the Declaration on the Denuclearization of Africa;
2. **Strongly reaffirms** its conviction that implementation of the Declaration would constitute an important measure to prevent the proliferation of nuclear weapons and to promote regional as well as international peace and security;
3. **Expresses its grave alarm** at racist South Africa's possession and continued development of nuclear-weapon capability in contravention of the objectives of the Declaration on the Denuclearization of Africa;

4. **Strongly condemns** racist South Africa's nuclear activities and all forms of nuclear collaboration by any state, corporation, institution or individual with that regime;
 5. **Calls upon** all states and the international community as a whole to take the necessary measures to ensure the implementation of the Declaration and to this end, as matter of priority:
 - (i) Refrain from any form of nuclear collaboration with South Africa;
 - (ii) Consider and respect the continent of Africa and its surrounding areas as a Nuclear-Weapon-Free Zone;
 - (iii) Refrain from purchasing uranium, resources from the apartheid regime of South Africa;
 6. **Invites** all member States to submit to the Secretary-General of the OAU their views and comments on the implementation on the Declaration including the drafting of a relevant convention or treaty;
 7. **Requests** the OAU Secretary-General to follow closely the matter and to report the Council of Ministers.
-

Declaration on the Political and Socio-Economic Situation in Africa and the Fundamental Changes Taking Place in the World (1990)

Full title: Declaration of the Assembly of Heads of State and Government of the Organization of African Unity on the Political and Socio-Economic Situation in Africa and the Fundamental Changes Taking Place in the World, OAU AHG/Decl.1 (XXVI)

Date/place of adoption/conclusion: 11 July 1990, Addis Ababa, Ethiopia

Available online at: <https://bit.ly/3iJ3Z1n>

* Adopted at the Twenty-Sixth Ordinary Session of the Assembly of Heads of State and Government, 9-11 July 1990, Addis Ababa, Ethiopia.

Cairo Declaration (1993)

Full title: 1993 Cairo Declaration on the Occasion of the Thirtieth Anniversary of the Organization of African Unity, OAU AHG/Decl.1 (XXIX)

Date/place of adoption/conclusion: 30 June 1993, Cairo, Egypt

Available online at: <https://bit.ly/2W2KLKv>

* Adopted at the Twenty-Ninth Ordinary Session of the Assembly of Heads of State and Government, 28-30 June 1993, Cairo, Egypt.

Declaration on the Establishment within the OAU of a Mechanism for Conflict Prevention, Management and Resolution (1993)

Full title: Declaration of the Assembly of Heads of State and Government on the Establishment within the OAU of a Mechanism for Conflict Prevention, Management and Resolution, OAU AHG/DECL.3 (XXIX)

Date/place of adoption/conclusion: 30 June 1993, Cairo, Egypt

Available online at: <https://bit.ly/3gythxw>

* Adopted at the Twenty-Ninth Ordinary Session of the Assembly of Heads of State and Government, 28-30 June 1993, Cairo, Egypt.

** Replaced by the AU Protocol Relating to the Establishment of the Peace and Security Council of the African Union (2002) (see below).

Declaration on the Framework for an OAU Response to Unconstitutional Changes of Government (Lomé Declaration) (2000)

Full title: Declaration on the Framework for an OAU Response to Unconstitutional Changes of Government

Date/place of adoption/conclusion: 12 July 2000, Lomé, Togo

Available online at: <https://bit.ly/3edj8F1>

* Adopted by the Thirty-Sixth Ordinary Session of the Assembly of Heads of State and Government, 10-12 July 2000, Lomé, Togo.

Excerpts

We, Heads of State and Governments of the Organization of African Unity, meeting at the Thirty-sixth Ordinary Session of our Assembly in Lomé, Togo from 10 – 12 July, 2000 have undertaken a review of the Political Developments on the Continent and in particular the state of consolidating democracy in Africa.

We express our grave concern about the resurgence of coup d'état in Africa. We recognize that these developments are a threat to peace and security of the Continent and they constitute a very disturbing trend and serious set-back to the on-going process of democratization in the Continent.

We recognize that the phenomenon of coup d'état has resulted in flagrant violations of the basic principles of our Continental Organization and of the United Nations. The phenomenon also contradicts and contravenes the position taken by our Organization in Harare in 1997 following the coup d'état in Sierra Leone, in which we unequivocally condemned and rejected any unconstitutional change of government. We reaffirm that coups are sad and unacceptable developments in our Continent, coming at a time when our people have committed themselves to respect of the rule of law based on peoples will expressed through the ballot and not the bullet.

We recall our Decision AHG/Dec.141 (XXXV), adopted during the Thirty-fifth Ordinary Session of our Assembly, in which we unanimously rejected any unconstitutional change as an unacceptable and anachronistic act, which is in contradiction of our commitment to promote democratic principles and conditions.

We recall further the mandate by the Seventieth Ordinary Session of the Council of Ministers, held in Algiers, in July 1997, to the Central Organ of the OAU Mechanism for Conflict Prevention, Management and

Resolution to reactivate, as a matter of urgency, the sub-committee on unconstitutional change, in order to finalize its work in the light of the Harare discussions particularly, as regards the measures to apply in coup d'état situations occurring in Member States.

We reaffirm the provisions of the OAU Charter and the provisions of the African Charter on Human and Peoples' Rights.

We recognize that the principles of good governance, transparency and human rights are essential elements for building representative and stable governments and can contribute to conflict prevention.

Having reviewed the state of democracy in the Continent, and bearing in mind all our previous Decisions on this issue, as well as our strong determination to put an end to this unacceptable development.

We have agreed on the following elements of a Framework for an OAU response to Unconstitutional Changes of Government:

- (a) a set of common values and principles for democratic governance;
- (b) a definition of what constitutes an unconstitutional change; and
- (c) measures and actions that the OAU would progressively take to respond to an Unconstitutional Change of Government; and
- (d) an implementation Mechanism.

We are of the view that there is need to provide a solid underpinning to the OAU's agenda of promoting democracy and democratic institutions in Africa. Beyond invoking relevant Declarations issued by various sessions of our Assembly and the Council of Ministers, consideration could be given to the elaboration of a set of principles on democratic governance to be adhered to by all Member States of the OAU. These principles are not new; they are, as a matter of fact, contained in various documents adopted by our Organization. What is required here is to enumerate them in a coherent manner which will bear witness to our adherence to a common concept of democracy and will lay down the guiding principles for the qualification of a given situation as constituting an unconstitutional change. In this regard, and without being exhaustive, we have also agreed on the following principles as a basis for the articulation of common values and principles for democratic governance in our countries:

- (i) adoption of a democratic Constitution: its preparation, content and method of revision should be in conformity with generally acceptable principles of democracy;
- (ii) respect for the Constitution and adherence to the provisions of the law and other legislative enactments adopted by Parliament;
- (iii) separation of powers and independence of the judiciary;
- (iv) promotion of political pluralism or any other form of participatory democracy and the role of the African civil society, including enhancing and ensuring gender balance in the political process;
- (v) the principle of democratic change and recognition of a role for the

- opposition;
- (vi) organization of free and regular elections, in conformity with existing texts;

...

We believe that the strict adherence to these principles and the strengthening of democratic institutions will considerably reduce the risks of unconstitutional change on our Continent. Indeed, experience has shown that unconstitutional changes are sometimes the culmination of a political and institutional crisis linked to non-adherence to the above common values and democratic principles. Our Organization should therefore support all efforts aimed at promoting adherence to these principles.

In order to give practical effect to the principles we have enunciated, we have agreed on the following definition of situations that could be considered as situations of unconstitutional change of government:

- (i) military coup d'état against a democratically elected Government;
- (ii) intervention by mercenaries to replace a democratically elected Government;
- (iii) replacement of democratically elected Governments by armed dissident groups and rebel movements;
- (iv) the refusal by an incumbent government to relinquish power to the winning party after free, fair and regular elections.

We have also decided that:

Whenever an unconstitutional change as provided for in the definition of unconstitutional change above, takes place in a Member States, our Current Chairman of the OAU and our Secretary-General, on behalf of our Organization, should immediately and publicly condemn such a change and urge for the speedy return to constitutional order. The Current Chairman and the Secretary-General should also convey a clear and unequivocal warning to the perpetrators of the unconstitutional change that, under no circumstances, will their illegal action be tolerated or recognized by the OAU. In that regard, the Current Chairman and the Secretary-General should urge for consistency of action at the bilateral, inter-state, sub-regional and international levels. The Central Organ should thereafter convene, as a matter of urgency, to discuss the matter.

At the request of its Chairman, the Secretary-General or any OAU Member State, the Central Organ may be convened to consider any given situation that could be considered as constituting an unconstitutional change.

Following the initial response of condemning the unconstitutional change by the Central Organ:

- (a) A period of up to six months should be given to the perpetrators of the unconstitutional change to restore constitutional order. During the six month period, the government concerned should be suspended from participating in the Policy Organs of the

OAU. Apart from the sanctions provided for under Article 115 of the OAU Financial Rules and Regulations, the governments concerned should not participate in meetings of the Central Organ and Sessions of the Council of Ministers and the Assembly of Heads of State and Government. Its exclusion from participating in the OAU Policy Organs should not affect the country's membership in the OAU and therefore will not preclude it from honouring its basic obligations towards the Organization including financial contributions to the OAU regular budget;

- (b) The Secretary-General should, during this period gather facts relevant to the unconstitutional change of Government and establish appropriate contacts with the perpetrators with a view to ascertaining their intentions regarding the restoration of constitutional order in the country; the Secretary-General should seek the contribution of African leaders and personalities in the form of discreet moral pressure on the perpetrators of the unconstitutional change in order to get them to cooperate with the OAU and facilitate the restoration of constitutional order in the Member State concerned; the Secretary-General should speedily enlist the collaboration of the Regional Grouping to which the "country in crisis" belongs.

At the expiration of the six months suspension period, a range of limited and targeted sanctions against the regime that stubbornly refuses to restore constitutional order should be instituted, in addition to the suspension from participation in the OAU Policy Organs. This could include visa denials for the perpetrators of an unconstitutional change, restrictions of government-to-government contacts, trade restrictions, etc. In implementing a sanctions regime, the OAU should enlist the cooperation of Member States, Regional Groupings and the wider International/Donor Communities. Careful attention should be exercised to ensure that the ordinary citizens of the concerned country do not suffer disproportionately on account of the enforcement of sanctions.

In order to give effect to these measures, we have decided that existing OAU mechanisms, particularly the Central Organ, at all its three levels, will be the instrument for implementing this Framework for an OAU response to unconstitutional changes in Africa. In this regard, we request our Secretary-General to explore how best to enhance the capacity of that Policy Organ to enable it implement in an effective and credible manner, the principles contained in the Framework.

We have agreed on the establishment of a Central Organ sanctions sub-committee of 5 members chosen on the basis of regional representation. The sub-committee will regularly monitor compliance with Decisions taken on situations of unconstitutional changes and recommend appropriate review measures to the Policy Organs of the OAU.

Bamako Declaration on Small Arms and Light Weapons (2000)

Full title: Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons

Date/place of adoption/conclusion: 1 December 2000, Bamako, Mali

Available online at: <https://bit.ly/3203OsE>

* Adopted by the Ministers of Member States of the OAU, 30 November – 1 December 2000, Bamako, Mali.

...

III. In reviewing the situation of the illicit proliferation, circulation and trafficking of small arms and light weapons, **we recognise** the progress made at national and regional levels in developing action programmes for the reduction, prevention and management of small arms and light weapons proliferation. In this regard, we welcome in particular, the ECOWAS Moratorium of 31 October 1998, its accompanying Code of Conduct of 1999 and its Plan of Action under the Programme for Coordination and Assistance for Security and Development (PCASED); the Nairobi Declaration adopted by the Ministers of the countries of the Great Lakes and the Horn of Africa regions on 15 March 2000, and its Coordinated Agenda for Action and Implementation Plan; the progress towards the signature of a SADC Declaration and Protocol on Firearms and Ammunition and its Implementation Programme as discussed in August 2000; the Djibouti Declaration of the countries of the Horn of Africa and the Gulf of Aden on antipersonnel landmines, of 18 November 2000; as well as the efforts made by ECCAS Member States, within the framework of the UN Standing Advisory Committee on Security Questions in Central Africa on the proliferation and illicit circulation of small arms and light weapons in Central Africa.

IV. **We reaffirm** our respect for international law and principles as contained in the Charter of the United Nations, in particular, the respect for national sovereignty, non-interference in the internal affairs of Member States, the right to individual and collective self-defense, as stated in Article 51 of the UN Charter, the right of self determination of peoples and the right of Member States to develop their own defense systems to ensure national security.

V. **We have deliberated** extensively on the various aspects of the problem of the illicit proliferation, circulation and trafficking of small arms and light weapons, and **have agreed** on the following African Common Position on the illicit proliferation, circulation and trafficking of small arms and light weapons:

1. **We express grave concern** that the problem of the illicit proliferation, circulation and trafficking of small arms and light weapons continues to have devastating consequences for stability and development in Africa. We recognize that this problem:
 - (i) sustains conflicts, exacerbates violence, contributes to the displacement of innocent populations and threatens international humanitarian law, as well as fuels crime and encourages terrorism;
 - (ii) promotes a culture of violence and destabilizes societies by creating a propitious environment for criminal and contraband activities, in particular, the looting of precious minerals and the illicit trafficking in and abuse of, narcotic drugs and psychotropic substances and endangered species;
 - (iii) has adverse effects on security and development, especially on women, refugees and other vulnerable groups, as well as on infrastructure and property;
 - (iv) also has devastating consequences on children, a number of whom are victims of armed conflict, while others are forced to become child soldiers;
 - (v) undermines good governance, peace efforts and negotiations, jeopardizes the respect for fundamental human rights, and hinders economic development;
 - (vi) relates to the combating and the eradication of the illicit proliferation, circulation and trafficking of small arms and light weapons, and control of their proliferation;
 - (vii) is both one of supply and demand, transcends borders and calls for cooperation at all levels: local, national, regional, continental and international.
2. **We therefore agree** that, in order to promote peace, security, stability and sustainable development on the continent, it is vital to address the problem of the illicit proliferation, circulation and trafficking of small arms and light weapons in a comprehensive, integrated, sustainable and efficient manner through:
 - (i) ensuring that the behaviour and conduct of Member States and suppliers are not only transparent but also go beyond narrow national interests;
 - (ii) the promotion of measures aimed at restoring peace, security and confidence among and between Member States with a view to reducing the resort to arms;
 - (iii) the promotion of structures and processes to strengthen democracy, the observance of human rights, the rule of law and good governance, as well as economic recovery and growth;
 - (iv) the promotion of conflict prevention measures and the pursuit of negotiated solutions to conflicts;
 - (v) the promotion of comprehensive solutions to the problem of the illicit proliferation circulation and trafficking of small arms and light weapons that:
 - include both control and reduction, as well as supply and demand aspects;

- are based on the coordination and harmonization of the efforts of Member States at regional, continental and international levels;
- involve civil society in support of the central role of governments, in this regard.
- (vi) the enhancement of the capacity of Member States to identify, seize and destroy illicit weapons and to put in place measures to control the circulation, possession, transfer and use of small arms and light weapons;
- (vii) the promotion of a culture of peace by encouraging education and public awareness programmes on the problem of the illicit proliferation, circulation and trafficking of small arms and light weapons, involving all sectors of society;
- (viii) the institutionalization of national and regional programmes for action aimed at preventing, controlling and eradicating the illicit proliferation, circulation and trafficking of small arms and light weapons in Africa; and
- ix) the respect for international humanitarian law.

3. **We recommend** that Member States should:

A. At the National Level

- (i) put in place, where they do not exist, national coordination Agencies or bodies and the appropriate institutional infrastructure responsible for policy guidance, research and monitoring on all aspects of small arms and light weapons proliferation, control, circulation, trafficking and reduction;
- (ii) enhance the capacity of national law enforcement and security Agencies and officials to deal with all aspects of the arms problem, including appropriate training on investigative procedures, border control and specialized actions, and upgrading of equipment and resources;
- (iii) adopt, as soon as possible, where they do not exist, the necessary legislative and other measures to establish as a criminal offence under national law, the illicit manufacturing of, trafficking in, and illegal possession and use of small arms and light weapons, ammunition and other related materials;
- (iv) develop and implement, where they do not exist, national programmes for:
 - the responsible management of licit arms;
 - the voluntary surrender of illicit small arms and light weapons;
 - the identification and the destruction by competent national authorities and where necessary, of surplus, obsolete and seized stocks in possession of the state, with, as appropriate, international financial and technical support;
 - the reintegration of demobilized youth and those who possess small arms and light weapons illegally.
- (v) develop and implement public awareness programmes on the problem of the proliferation and the illicit trafficking of small arms and light weapons;
- (vi) encourage the adoption of appropriate national legislation

- or regulations to prevent the breaching of international arms embargoes, as decided by the United Nations Security Council;
- (vii) take appropriate measures to control arms transfers by manufacturers, suppliers, traders, brokers, as well as shipping and transit agents, in a transparent fashion;
- (viii) encourage, where appropriate, the active involvement of civil society in the formulation and implementation of a national action plan to deal with the problem;
- (ix) enter into binding bilateral arrangements, on a voluntary basis with neighbouring countries, so as to put in place an effective common system of control, including the recording, licensing and collection of small arms and light weapons, within common frontier zones.

B. At the Regional Level

- (i) Put in place, where they do not exist, mechanisms to coordinate and harmonize efforts to address the illicit proliferation, circulation and trafficking of small arms and light weapons;
 - (ii) Encourage the codification and harmonization of legislation governing the manufacture, trading, brokering, possession and use of small arms and ammunition. Common standards could include, but not be limited to, marking, record-keeping and controls governing imports, exports and the licit trade;
 - (iii) Strengthen regional and continental cooperation among police, customs and border control services to address the illicit proliferation, circulation and trafficking of small arms and light weapons. These efforts should include, but not be limited to, training, the exchange of information to support common action to contain and reduce illicit small arms and light weapons trafficking across borders, and the conclusion of the necessary Agreements in this regard;
 - (iv) Ensure that the manufacturers and suppliers of illicit small arms and light weapons, who violate global or continental regulations on the issue, shall be sanctioned. Known brokers and States which act as suppliers of illicitly acquired arms and weapons to combatants in Member States, should equally be sanctioned by the international community.
4. **We strongly appeal** to the wider international community and, particularly, to arms supplier countries, to:
- (i) Accept that trade in small arms should be limited to governments and authorized registered licensed traders;
 - (ii) Actively engage, support and fund the efforts of OAU Member States in addressing the problem of the illicit proliferation, circulation and trafficking of small arms and light weapons in the continent;
 - (iii) Seriously consider ways to discourage and eliminate the practice of dumping excess weapons in African countries and in violation of arms embargoes;
 - (iv) Enact appropriate legislation and regulations to control arms

- transfers by manufacturers, suppliers, traders, brokers, shipping and transit agents;
- (v) Enact stringent laws, regulations and administrative procedures to ensure the effective control over the transfer of small arms and light weapons, including mechanisms with a view to facilitating the identification of illicit arms transfers; and
 - (vi) Take full advantage of the forthcoming United Nations Conference to make these commitments known.
5. **We call** for international partnership to curb the illicit proliferation, circulation and trafficking of small arms and light weapons in Africa. In this regard,
- (i) **We appeal** to international institutions to support initiatives and programmes aimed at eradicating the illicit proliferation, circulation and trafficking of small arms and light weapons. In this regard, **we reiterate** the call as contained in the relevant United Nations General Assembly Resolutions for financial and other appropriate support for the implementation of these programmes;
 - (ii) **We appeal** to Governments, all sectors of civil society and donor Agencies for the financial and technical support to national programmes for the reintegration of demobilized youths and those in illegal possession of small arms;
 - (iii) **We call for** close cooperation between the OAU, regional economic communities, the United Nations Agencies, other international organizations, in close association with civil society Organizations, in addressing the illicit proliferation, circulation and trafficking of small arms and light weapons;
 - (iv) **We urge** OAU Member States, the United Nations, Regional Organizations, Research Centers, the civil society and the international community as a whole, to develop and fund action oriented research aimed at facilitating greater awareness and better understanding on the nature and scope of the problem, providing, whenever possible, a basis for continued advocacy and action on prevention measures, and evaluating the impact of these measures;
 - (v) **We request** that competent international Organizations like INTERPOL, the World Customs Organization (WCO) and the UN Regional Centre for Peace and Disarmament in Africa, play a more important role in the fight against the illicit proliferation, circulation and trafficking of small arms and light weapons;
 - (vi) **We encourage** all the Member States of the United Nations, to accede to international legal instruments on terrorism and international. organized crime.
- ...
7. **We undertake** to promote and defend this African common position on the illicit proliferation, circulation and trafficking of small arms and light weapons during the 2001 UN Conference on the Illicit Trade in Small Arms and Light Weapons in all its aspects.
- ...

2 The African Union

The AU was established on 26 May 2001, formally replacing the OAU with the adoption of the Constitutive Act of the African Union (AU Constitutive Act). The AU was officially launched in South Africa on 9 July 2001 and was initially composed of nine principal organs (although several more have since been established). The AU currently has 55 African states under its membership. Its organs include the AU Assembly, composed of the heads of state and government and is the supreme governing body of the organisation; the Executive Council, which takes decisions on among others, trade, food security, agriculture, and communication; and the Pan-African Parliament, the AU's highest legislative body. In 2004 the AU Peace and Security Council (PSC) was established under a Protocol to the AU Constitutive Act. The PSC was established as a "collective security and early-warning arrangement to facilitate timely and efficient response to conflict and crisis situations in Africa."

The AU's Peace and Security Structures and Mechanisms

(a) The Assembly

The Assembly is responsible for among others, the election of the chairperson and deputy chairperson, the adoption of new member states, and adopting the AU budget. It is also the supreme organ which may take decisions relating to peace and security. Decisions are taken by consensus or by a two-third majority vote and the Assembly may delegate any of its powers to any AU organ. The Assembly may give directives to the Executive Council on the management of conflicts, war and other emergency situations and for the restoration of peace. Since 2004, the Assembly has delegated its authority on peace and security matters to the PSC.

(b) The Executive Council

The Executive Council works closely with the Assembly and may make recommendations for its consideration. Under the AU Constitutive Act, the Assembly may direct the management of conflicts, war and other emergency situations for the restoration of peace to the Executive Council.

(c) The Permanent Representatives Committee

The Permanent Representatives Committee (PRC) was established under the AU Constitutive Act and is composed of permanent representatives to the AU and other Plenipotentiaries of member states to assist the Executive Council with preparatory work upon its instruction. All member

states of the AU are represented under the PRC. The PRC currently has five sub-committees on matters ranging from auditing and economics to headquarters and host agreements.

(d) The Peace and Security Council

Established under the PSC Protocol in 2002, the PSC is a “standing-decision making organ for the prevention, management and resolution of conflict” and a “collective security and early-warning arrangement to facilitate timely and efficient response to conflict and crisis situations in Africa.” The objectives of the PSC include: the promotion of peace, security and stability in Africa; anticipating and preventing conflicts; promoting and implementing peace-building and post-conflict reconstruction activities; co-ordinating and harmonising continental efforts in preventing and combatting terrorism; developing a common defence policy for the AU; and promoting and encouraging democratic practices, good governance, the rule of law and protection of human right. The PSC is composed of 15 member states, ten of which are elected for a two-year term, and five of which are elected for a three-year term.

(e) The Pan African Parliament

The Pan African Parliament consists of the Plenary, the Bureau, the Secretariat, Committees and regional groups. The full Assembly of the Parliament is the Plenary and is the main decision-making body. The Parliament currently has ten Permanent Committees and one ad hoc Committee, on dedicated issues, one of which solely deals with “Cooperation, International Relations and Conflict Resolution.” Its objectives include encouraging good governance, promoting human rights principles and democracy, and promoting peace and security. Each member state of the AU is represented on the Pan African Parliament by five representatives.

(f) The African Peer Review Mechanism

The African Peer Review Mechanism (APRM) was established in 2003 by the New Partnerships for Africa’s Development (NEPAD) Heads of State and Government Implementation Committee (HSGIC). The APRM is a voluntary self-monitoring governance performance mechanism used by member states. Performance is measured under four thematic areas: democracy and political governance; economic governance and management; corporate governance; and socio-economic development. The APRM is composed of a dual structure: at a continental level comprising of an African Peer Review (APR) Forum, APR Panel, APR Focal Point Committee, and an APR Secretariat; and at a national level comprising of National Focal Points, a National Commission or Governing Council and a National Secretariat. The basis of the APRM

is derived from the AU's Declaration on Democracy, Political, Economic and Corporate Governance adopted in 2002.

(g) The African Standby Force

In order to ensure the functioning of the PSC, its founding protocol also envisaged and established the African Standby Force (ASF). The ASF is composed of standby multidisciplinary contingents, with civilian and military components in their countries of origin; ready for rapid and timely deployment. The ASF has the following mandate: deploying of observation, monitoring and other peace missions; intervention into a member state in respect of grave circumstances or at the request of a member state in order to restore peace and security in line with Articles 4(j) or 4(h) of the AU Constitutive Act, respectively; peace-building including post-conflict disarmament and demobilisation; preventative deployment to prevent disputes from escalating, prevent ongoing conflicts, or prevent the resurgence of violence; humanitarian assistance to alleviate human suffering in cases of conflicts or major natural disasters; and any other function which the Assembly or PSC may mandate.

(h) The Regional Economic Communities

Part of the AU's common defence policy in line with Article 4(d) of the AU Constitutive Act includes its recognition of Regional Economic Communities (RECs) which facilitate regional economic integration. As a consequence of their development, RECs include in their own instruments and institutions regional prevention, management and resolution of conflicts. The RECs are also part of the wider African Economic Community (AEC) established under the Abuja Treaty in 1991 which ultimately seeks to promulgate a common African market. The AU currently recognises eight RECs: the Arab Maghreb Union (AMU); the Common Market for Eastern and Southern Africa (COMESA); the Community of Sahel-Saharan States (CEN-SAD); the East African Community (EAC); the Economic Community of Central African States (ECCAS); the Economic Community of West African States (ECOWAS); the Intergovernmental Authority on Development (IGAD); and the Southern African Development Community.

(i) The African Capacity for Immediate Response to Crises

The African Capacity for Immediate Response to Crises (ACIRC) is a temporary multinational intervention force first approved following the conflict in Mali in 2013. The ACIRC was meant as a temporary measure to be succeeded by the African Standby Force. Although a Rapid Deployment Capability under the African Standby Force was envisaged, it never materialised. Equally so, despite the operationalisation of the African Standby Force, a mechanism for immediate response remained

a key requirement in African regional and sub-regional conflict zones. As of yet, the ACIRC has not formally been incorporated into the African Standby Force but remains in place of the Rapid Deployment Capability. A process to harmonise the ACIRC into the existing African Standby Force framework is currently under way.

AU Military Interventions and Peacekeeping Missions

While the AU has as of yet not relied on its Article 4(h) right of intervention into its member states, it has nonetheless engaged in several military and peacekeeping missions. These operations include its interventions in Burundi, Sudan, Somalia and the Comoros. Additionally, the AU has also authorised a regional initiative to combat the Lord's Resistance Army (LRA) insurgency across its member states. For the AU supported African-led International Support Mission to Mali (AFISMA), see ECOWAS in chapter 3.

African Mission in Burundi (AMIB) (2003-2004)

Following conflict during the Burundian Civil War (1993 – 2005) the AU deployed its first ever peacekeeping mission in the country in 2003 – the African Mission in Burundi (AMIB). Some 3000 troops from Ethiopia, Mozambique and South Africa were mandated under the deployment following a decision by the AU's Central Organ of the Mechanism for Conflict Prevention, Management and Resolution at Ambassadorial Level. The AMIB deployment was mandated for an initial period of one year, subject to renewal every six months thereafter. AMIB's mandate consisted of four primary objectives: to oversee the implementation of the ceasefire agreement (Arusha Peace Accords); support disarmament and demobilisation as well as reintegration of combatants; create favourable conditions for the deployment of a UN peacekeeping mission; and contribute overall to the political and economic stability of Burundi. In May 2004, AMIB was officially replaced by the United Nations Operation in Burundi which was established under United Nations Security Council Resolution 1454 (2004).

African Union Mission in Sudan (AMIS) (2004-2008)

Less than a year following on from the AMIB deployment, the AU again engaged in another peacekeeping mission, this time in Sudan. On 20 October 2004, the AU Assembly authorised the deployment of a protection force in Sudan – the African Union Mission in Sudan (AMIS). Continued escalation of the conflict in the Darfur region resulted in a bolstered deployment, from the original 150 Rwandan troops deployed in mid-2004 meant to monitor compliance with ceasefire arrangements, to an increase of up to 7000 troops by April 2005 under the AMIS deployment. The AMIS deployment was first endorsed by the United Nations Security

Council in its Resolution 1556 (2004) and was supported throughout its deployment period. It was to operate closely with the United Nations Mission in Sudan (UNMIS), established in March 2005. In 2008, both AMIS and UNMIS were succeeded by the AU-UN Hybrid Operation in Darfur (UNAMID), established under United Nations Security Council Resolution 1769 (2008).

African Union Mission in Somalia (AMISOM) (2007-)

In 2004 Colonel Abulah Yusuf was elected as President of Somalia. A growing tension across Somalia lead President Yusuf to formally request peacekeeping forces to assist his government with the security situation in Somalia. The AU first responded by endorsing an envisaged peacekeeping deployment by the Intergovernmental Authority on Development (IGAD) (see IGASOM in chapter 5). A lack of political will meant the IGAD peacekeeping force never materialised and the AU was forced to deploy another peacekeeping force in its place. Under the United Nations Security Council's authorisation, the AU established the African Union Mission in Somalia (AMISOM), authorised for an initial period of six months. The AMISOM deployment in Somalia continues to date with the United Nations Security Council periodically extending its authorisation.

Operation Democracy (2008) and the African Union Electoral and Security Assistance Mission to The Comoros (MAES) (2008)

In 2007 upon the completion of elections in The Comoros, former President Mohamed Bacar refused to relinquish power – organising unlawful elections and subsequently pronouncing Anjouan's independence from the country. On 25 March 2008, Comorian troops backed by the AU (including troops from Senegal, Sudan, and Tanzania) launched *Operation Restore Democracy* (occasionally referred to as the “invasion of Anjouan”) – to topple Bacar and enforce the results of the elections. The operation effectively reclaimed Anjouan on the same day and Bacar was apprehended shortly after. The African Union Electoral and Security Assistance Mission to the Comoros (MAES) was in essence present even before *Operation Restore Democracy*. Given changing circumstances, the MAES mandate was amended on several occasions to accommodate for these circumstances as well as the post-election and post-invasion situation.

African Union – United Nations Hybrid Operation in Darfur (UNAMID) (2007-)

Following from the AMIS deployment in Somalia, in 2007, the United Nations Security Council authorised the establishment of a joint African Union – United Nations Hybrid Operation in Darfur (UNAMID). UNAMID's mandate includes among others: the protection of civilians; facilitating the delivery of humanitarian assistance; ensuring safety of

humanitarian personnel; mediation between the Government of Sudan and armed groups and supporting the mediation of community conflict. UNAMID is headquartered in Zalingei, Central Darfur and its mandate was most recently extended under United Nations Security Council Resolution 2525 (2020). Its current deployment consists of some 4 300 military personnel, 2 500 police advisers and formed police units, 492 international civilian staff, 945 national civilian staff and 65 United Nations volunteers.

The Regional Cooperative Initiative for the Elimination of the Lord's Resistance Army (RCI-LRA) (2011-)

On 22 November 2011, the AU adopted a comprehensive regional initiative – the Regional Cooperative Initiative for the Elimination of the Lord's Resistance Army (RCI-LRA) – to combat the LRA insurgency across AU member states. The adoption of the RCI-LRA was a result of long-standing discussions which first began in 2009 and culminated in the formation of a Regional Task Force (RTF) to counter the LRA. In November of 2011, the PSC formally authorised the RTF – to strengthen response capabilities and capacities of those AU member states affected by the LRA insurgency. The RCI-LRA consists of three principal components: the Joint Coordination Mechanism chaired by the AU Commissioner for Peace and Security and composed of defence ministers from all affected countries – which includes the Central African Republic, the Democratic Republic of the Congo, South Sudan and Uganda; the RTF (composed of some 5000 troops from national contingencies); and a Joint Operations Centre (an RTF component staffed by 30 personnel).

African-led International Support Mission in the Central African Republic (MISCA) (2013-)

In 2013, the United Nations Security Council expressed ongoing concern for the political transition in the Central African Republic following the Agreement of Libreville. Subsequently, it authorised the deployment of an African-led International Support Mission in the CAR (MISCA). MISCA was established under United Nations Security Council Resolution 2127 (2013). MISCA's mandate includes among others the protection of civilians; restoration of security and public order; stabilization of the country at large; restoration of state authority; and the creation of conditions conducive for the provision of humanitarian assistance. The current MISCA deployment is composed of some 5 000 troops and 600 police members from ten African countries, most of which include members of the Economic Community of Central African States.

2.1 Treaties

Constitutive Act of the African Union (2000/2001)

Full title: Constitutive Act of the African Union

Date/place of adoption/conclusion: 11 July 2000, Lomé, Togo

Entered into force (EIF:): 26 May 2001

EIF provision: Article 28

Authentic texts: Arabic, English, French, Portuguese

Available online at: <https://bit.ly/2ZPStZD>

Excerpts

We, Heads of State and Government of the Member States of the Organization of African Unity (OAU):

...

Considering the principles and objectives stated in the Charter of the Organization of African Unity and the Treaty establishing the African Economic Community;

Recalling the heroic struggles waged by our peoples and our countries for political independence, human dignity and economic emancipation;

Considering that since its inception, the Organization of African Unity has played a determining and invaluable role in the liberation of the continent, the affirmation of a common identity and the process of attainment of the unity of our continent and has provided a unique framework for our collective action in Africa and in our relations with the rest of the world.

...

Conscious of the fact that the courage of conflicts in Africa constitutes a major impediment to the socio-economic development of the continent and of the need to promote peace, security and stability as a prerequisite for the implementation of our development and integration agenda;

Determined to promote and protect human and peoples' rights, consolidate democratic institutions and culture, and to ensure good governance and the rule of law;

Further determined to take all necessary measures to strengthen our common institutions and provide them with the necessary powers and resources to enable them discharge their respective mandates effectively;

...

Have agreed as follows:

...

Article 2: Establishment

The African Union is hereby established in accordance with the provisions of this Act.

Article 3: Objectives

The objectives of the Union shall be to:

- (a) achieve greater unity and solidarity between the African countries and the peoples of Africa;
- (b) defend the sovereignty, territorial integrity and independence of its Member States;
- (c) accelerate the political and socio-economic integration of the continent;
- (d) promote and defend African common positions on issues of interest to the continent and its peoples;
- (e) encourage international cooperation, taking due account of the Charter of the United Nations and the Universal Declaration of Human Rights;
- (f) promote peace, security, and stability on the continent;
- (g) promote democratic principles and institutions, popular participation and good governance;
- (h) promote and protect human and peoples' rights in accordance with the African Charter on Human and Peoples' Rights and other relevant human rights instruments;
- (i) establish the necessary conditions which enable the continent to play its rightful role in the global economy and in international negotiations;
- (j) promote sustainable development at the economic, social and cultural levels as well as the integration of African economies;
- (k) promote co-operation in all fields of human activity to raise the living standards of African peoples;
- (l) coordinate and harmonize the policies between the existing and future Regional Economic Communities for the gradual attainment of the objectives of the Union;
- (m) advance the development of the continent by promoting research in all fields, in particular science and technology;
- (n) work with relevant international partners in the eradication of preventable diseases and the promotion of good health on the continent.

Article 4: Principles

The Union shall function in accordance with the following principles:

- (a) sovereign equality and interdependence among Member States of the Union;
- (b) respect of borders existing on achievement of independence;
- (c) participation of the African peoples in the activities of the Union;
- (d) establishment of a common defence policy for the African Continent;

- (e) peaceful resolution of conflicts among Member States of the Union through such appropriate means as may be decided upon by the Assembly;
- (f) prohibition of the use of force or threat to use force among Member States of the Union;
- (g) non-interference by any Member State in the internal affairs of another;
- (h) the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity;
- (i) peaceful co-existence of Member States and their right to live in peace and security;
- (j) the right of Member States to request intervention from the Union in order to restore peace and security;
- ...
- (m) respect for democratic principles, human rights, the rule of law and good governance;
- ...
- (o) respect for the sanctity of human life, condemnation and rejection of impunity and political assassination, acts of terrorism and subversive activities;
- (p) condemnation and rejection of unconstitutional changes of governments.

Article 5: Organs of the Union

1. The organs of the Union shall be:
 - (a) The Assembly of the Union;
 - (b) The Executive Council;
 - (c) The Pan-African Parliament;
 - (d) The Court of Justice;
 - (e) The Commission;
 - (f) The Permanent Representatives Committee;
 - (g) The Specialized Technical Committees;
 - (h) The Economic, Social and Cultural Council;
 - (i) The Financial Institutions;
2. Other organs that the Assembly may decide to establish.

Article 6: The Assembly

1. The Assembly shall be composed of Heads of States and Government or their duly accredited representatives.
2. The Assembly shall be the supreme organ of the Union.
3. The Assembly shall meet at least once a year in ordinary session. At the request of any Member State and on approval by a two-thirds majority of the Member States, the Assembly shall meet in extraordinary session.
4. The Office of the Chairman of the Assembly shall be held for a period of one year by a Head of State or Government elected after

consultations among the Member States.

Article 7: Decisions of the Assembly

1. The Assembly shall take its decisions by consensus or, failing which, by a two-thirds majority of the Member States of the Union. However, procedural matters, including the question of whether a matter is one of procedure or not, shall be decided by a simple majority.
2. Two-thirds of the total membership of the Union shall form a quorum at any meeting of the Assembly.

Article 8: Rules of Procedure of the Assembly

The Assembly shall adopt its own Rules of Procedure.

Article 9: Powers and Functions of the Assembly

1. The functions of the Assembly shall be to:
 - (a) determine the common policies of the Union;
 - (b) receive, consider and take decisions on reports and recommendations from the other organs of the Union;
 - (c) consider requests for Membership of the Union;
 - (d) establish any organ of the Union;
 - (e) monitor the implementation of policies and decisions of the Union as well ensure compliance by all Member States;
 - (f) adopt the budget of the Union;
 - (g) give directives to the Executive Council on the management of conflicts, war and other emergency situations and the restoration of peace;
 - (h) appoint and terminate the appointment of the judges of the Court of Justice;
 - (i) appoint the Chairman of the Commission and his or her deputy or deputies and Commissioners of the Commission and determine their functions and terms of office.
2. The Assembly may delegate any of its powers and functions to any organ of the Union.

Article 10: The Executive Council

1. The Executive Council shall be composed of the Ministers of Foreign Affairs or such other Ministers or Authorities as are designated by the Governments of Member States.
2. The Executive Council shall meet at least twice a year in ordinary session. It shall also meet in an extra-ordinary session at the request of any Member State and upon approval by two-thirds of all Member States.

Article 11: Decisions of the Executive Council

1. The Executive Council shall take its decisions by consensus or, failing which, by a two-thirds majority of the Member States. However, procedural matters, including the question of whether a matter is one of procedure or not, shall be decided by a simple majority.
2. Two-thirds of the total membership of the Union shall form a quorum at any meeting of the Executive Council.

Article 12: Rules of Procedure of the Executive Council

The Executive Council shall adopt its own Rules of Procedure.

Article 13: Functions of the Executive Council

1. The Executive Council shall coordinate and take decisions on policies in areas of common interest to the Member States, including the following:
 - (a) foreign trade;
 - (b) energy, industry and mineral resources;
 - (c) food, agricultural and animal resources, livestock production and forestry;
 - (d) water resources and irrigation;
 - (e) environmental protection, humanitarian action and disaster response and relief;
 - (f) transport and communications;
 - (g) insurance;
 - (h) education, culture, health and human resources development;
 - (i) science and technology;
 - (j) nationality, residency and immigration matters;
 - (k) social security, including the formulation of mother and child care policies, as well as policies relating to the disabled and the handicapped;
 - (l) establishment of a system of African awards, medals and prizes.
2. The Executive Council shall be responsible to the Assembly. It shall consider issues referred to it and monitor the implementation of policies formulated by the Assembly.
3. The Executive Council may delegate any of its powers and functions mentioned in paragraph 1 of this Article to the Specialized Technical Committees established under Article 14 of this Act.

Article 14: The Specialised Technical Committees

Establishment and Composition

1. There is hereby established the following Specialized Technical Committees, which shall be responsible to the Executive Council:
 - (a) The Committee on Rural Economy and Agricultural Matters;
 - (b) The Committee on Monetary and Financial Affairs;

- (c) The Committee on Trade, Customs and Immigration Matters;
 - (d) The Committee on Industry, Science and Technology, Energy, Natural Resources and Environment;
 - (e) The Committee on Transport, Communications and Tourism;
 - (f) The Committee on Health, Labour and Social Affairs; and
 - (g) The Committee on Education, Culture and Human Resources.
2. The Assembly shall, whenever it deems appropriate, restructure the existing Committees or establish other Committees.
 3. The Specialized Technical Committees shall be composed of Ministers or senior officials responsible for sectors falling within their respective areas of competence.

Article 15: Functions of the Specialised Technical Committees

Each Committee shall within its field of competence:

- (a) prepare projects and programmes of the Union and submit it to the Executive Council;
- (b) ensure the supervision, follow-up and the evaluation of the implementation of decisions taken by the organs of the Union;
- (c) ensure the coordination and harmonization of projects and programmes of the Union;
- (d) submit to the Executive Council either on its own initiative or at the request of the Executive Council, reports and recommendations on the implementation of the provisions of this Act; and
- (e) carry out any other functions assigned to it for the purpose of ensuring the implementation of the provisions of this Act.

Article 16: Meetings

Subject to any directives given by the Executive Council, each Committee shall meet as often as necessary and shall prepare its Rules of Procedure and submit them to the Executive Council for approval.

...

Article 23: Imposition of Sanctions

1. The Assembly shall determine the appropriate sanctions to be imposed on any Member State that defaults in the payment of its contributions to the budget of the Union in the following manner: denial of the right to speak at meetings, to vote, to present candidates for any position or post within the Union or to benefit from any activity or commitments, therefrom;
2. Furthermore, any Member State that fails to comply with the decisions and policies of the Union may be subjected to other sanctions, such as the denial of transport and communications links with other Member States, and other measures of a political and economic nature to be determined by the Assembly.

...

Article 30: Suspension

Governments which shall come to power through unconstitutional means shall not be allowed to participate in the activities of the Union.

...

Article 33: Transitional Arrangements and Final Provisions

1. This Act shall replace the Charter of the Organization of African Unity. However, the Charter shall remain operative for a transitional period of one year or such further period as may be determined by the Assembly, following the entry into force of the Act, for the purpose of enabling the OAU/AEC to undertake the necessary measures regarding the devolution of its assets and liabilities to the Union and all matters relating thereto.

...

Protocol Relating to the Establishment of the Peace and Security Council of the African Union (2002/2003)

Full title: Protocol Relating to the Establishment of the Peace and Security Council of the African Union

Date/place of adoption/conclusion: 9 July 2002, Durban, South Africa

Entered into force (EIF): 26 December 2003

EIF provision: Article 22(5)

Available online at: <https://bit.ly/2Dq6NjZ>

* Adopted at the First Ordinary Session of the Assembly of the African Union 9 July 2002, Durban, South Africa.

** Replaced the Cairo Declaration – Declaration on the Establishment, within the OAU of the Mechanism for Conflict Prevention, Management and Resolution (1993) (see above).

Excerpts

...

Considering the Constitutive Act of the African Union and the Treaty establishing the African Economic Community, as well as the Charter of the United Nations;

...

Mindful of the provisions of the Charter of the United Nations, conferring on the Security Council primary responsibility for the maintenance of international peace and security, as well as the provisions of the Charter on the role of regional arrangements or agencies in the maintenance of international peace and security, and the need to forge closer cooperation and partnership between the United Nations, other international organizations and the African Union, in the promotion and maintenance of peace, security and stability in Africa;

Acknowledging the contribution of African Regional Mechanisms for Conflict Prevention, Management and Resolution in the maintenance and promotion of peace, security and stability on the Continent and the need to develop formal coordination and cooperation arrangements between these Regional Mechanisms and the African Union;

...

Concerned about the continued prevalence of armed conflicts in Africa and the fact that no single internal factor has contributed more to socioeconomic decline on the Continent and the suffering of the civilian population than the scourge of conflicts within and between our States;

Concerned also by the fact that conflicts have forced millions of our people, including women and children, into a drifting life as refugees and internally displaced persons, deprived of their means of livelihood, human dignity and hope;

Concerned further about the scourge of landmines in the Continent and **recalling**, in this respect, the Plan of Action on a Landmine Free Africa, adopted by the 1st Continental Conference of African Experts on Anti-Personnel Mines, held in Kempton Park, South Africa, from 17 to 19 May 1997, and endorsed by the 66th Ordinary Session of the OAU Council of Ministers, held in Harare, Zimbabwe, from 26 to 30 May 1997, as well as subsequent decisions adopted by the OAU on this issue;

Concerned also about the impact of the illicit proliferation, circulation and trafficking of small arms and light weapons in threatening peace and security in Africa and undermining efforts to improve the living standards of African peoples and **recalling**, in this respect, the Declaration on the Common African Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons, adopted by the OAU Ministerial Conference held in Bamako, Mali, from 30 November to 1 December 2000, as well as all subsequent OAU decisions on this issue;

Aware that the problems caused by landmines and the illicit proliferation, circulation and trafficking of small arms and light weapons constitute a serious impediment to Africa's social and economic development, and that they can only be resolved within the framework of increased and well coordinated continental cooperation;

Aware also of the fact that the development of strong democratic institutions and culture, observance of human rights and the rule of law,

as well as the implementation of post-conflict recovery programmes and sustainable development policies, are essential for the promotion of collective security, durable peace and stability, as well as for the prevention of conflicts;

Determined to enhance our capacity to address the scourge of conflicts on the Continent and to ensure that Africa, through the African Union, plays a central role in bringing about peace, security and stability on the Continent;

Desirous of establishing an operational structure for the effective implementation of the decisions taken in the areas of conflict prevention, peace-making, peace support operations and intervention, as well as peace-building and post-conflict reconstruction, in accordance with the authority conferred in that regard by Article 5(2) of the Constitutive Act of the African Union;

Hereby agree on the following:

Article 1: Definitions

For the purpose of this Protocol:

...

(b) “**Cairo Declaration**” shall mean the Declaration on the Establishment, within the OAU, of the Mechanism for Conflict Prevention, Management and Resolution;

(c) “**Lomé Declaration**” shall mean the Declaration on the Framework for an OAU Response to Unconstitutional Changes of Government;

...

Article 2: Establishment, Nature and Structure

1. There is hereby established, pursuant to Article 5(2) of the Constitutive Act, a Peace and Security Council within the Union, as a standing decision-making organ for the prevention, management and resolution of conflicts. The Peace and Security Council shall be a collective security and early-warning arrangement to facilitate timely and efficient response to conflict and crisis situations in Africa.
2. The Peace and Security Council shall be supported by the Commission, a Panel of the Wise, a Continental Early Warning System, an African Standby Force and a Special Fund.

Article 3: Objectives

The objectives for which the Peace and Security Council is established shall be to:

- (a) promote peace, security and stability in Africa, in order to guarantee the protection and preservation of life and property, the well-being of the African people and their environment, as well as the creation

- of conditions conducive to sustainable development;
- (b) anticipate and prevent conflicts. In circumstances where conflicts have occurred, the Peace and Security Council shall have the responsibility to undertake peace-making and peacebuilding functions for the resolution of these conflicts;
- (c) promote and implement peace-building and post-conflict reconstruction activities to consolidate peace and prevent the resurgence of violence;
- (d) co-ordinate and harmonize continental efforts in the prevention and combating of international terrorism in all its aspects;
- (e) develop a common defence policy for the Union, in accordance with article 4(d) of the Constitutive Act;
- (f) promote and encourage democratic practices, good governance and the rule of law, protect human rights and fundamental freedoms, respect for the sanctity of human life and international humanitarian law, as part of efforts for preventing conflicts.

Article 4: Principles

The Peace and Security Council shall be guided by the principles enshrined in the Constitutive Act, the Charter of the United Nations and the Universal Declaration of Human Rights. It shall, in particular, be guided by the following principles:

- (a) peaceful settlement of disputes and conflicts;
- (b) early responses to contain crisis situations so as to prevent them from developing into full-blown conflicts;
- (c) respect for the rule of law, fundamental human rights and freedoms, the sanctity of human life and international humanitarian law;
- (d) interdependence between socio-economic development and the security of peoples and States;
- (e) respect for the sovereignty and territorial integrity of Member States;
- (f) non interference by any Member State in the internal affairs of another;
- (g) sovereign equality and interdependence of Member States;
- (h) inalienable right to independent existence;
- (i) respect of borders inherited on achievement of independence;
- (j) the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely war crimes, genocide and crimes against humanity, in accordance with Article 4(h) of the Constitutive Act;
- (k) the right of Member States to request intervention from the Union in order to restore peace and security, in accordance with Article 4(j) of the Constitutive Act.

Article 5: Composition

1. The Peace and Security Council shall be composed of fifteen Members elected on the basis of equal rights, in the following manner:

- (a) ten Members elected for a term of two years; and
 - (b) five Members elected for a term of three years in order to ensure continuity.
2. In electing the Members of the Peace and Security Council, the Assembly shall apply the principle of equitable regional representation and rotation, and the following criteria with regard to each prospective Member State:
- (a) commitment to uphold the principles of the Union;
 - (b) contribution to the promotion and maintenance of peace and security in Africa – in this respect, experience in peace support operations would be an added advantage;
 - (c) capacity and commitment to shoulder the responsibilities entailed in membership;
 - (d) participation in conflict resolution, peace-making and peacebuilding at regional and continental levels;
 - (e) willingness and ability to take up responsibility for regional and continental conflict resolution initiatives;
 - (f) contribution to the Peace Fund and/or Special Fund created for specific purpose;
 - (g) respect for constitutional governance, in accordance with the Lomé Declaration, as well as the rule of law and human rights;
 - (h) having sufficiently staffed and equipped Permanent Missions at the Headquarters of the Union and the United Nations, to be able to shoulder the responsibilities which go with the membership; and
 - (i) commitment to honor financial obligations to the Union.
3. A retiring Member of the Peace and Security Council shall be eligible for immediate re-election.
4. There shall be a periodic review by the Assembly to assess the extent to which the Members of the Peace and Security Council continue to meet the requirements spelt out in article 5 (2) and to take action as appropriate.

Article 6: Functions

The Peace and Security Council shall perform functions in the following areas:

- (a) promotion of peace, security and stability in Africa;
- (b) early warning and preventive diplomacy;
- (c) peace-making, including the use of good offices, mediation, conciliation and enquiry;
- (d) peace support operations and intervention, pursuant to article 4 (h) and (j) of the Constitutive Act;
- (e) peace-building and post-conflict reconstruction;
- (f) humanitarian action and disaster management;
- (g) any other function as may be decided by the Assembly.

Article 7: Powers

1. In conjunction with the Chairperson of the Commission, the Peace

and Security Council shall:

- (a) anticipate and prevent disputes and conflicts, as well as policies that may lead to genocide and crimes against humanity;
- (b) undertake peace-making and peace-building functions to resolve conflicts where they have occurred;
- (c) authorize the mounting and deployment of peace support missions;
- (d) lay down general guidelines for the conduct of such missions, including the mandate thereof, and undertake periodic reviews of these guidelines;
- (e) recommend to the Assembly, pursuant to Article 4(h) of the Constitutive Act, intervention, on behalf of the Union, in a Member State in respect of grave circumstances, namely war crimes, genocide and crimes against humanity, as defined in relevant international conventions and instruments;
- (f) approve the modalities for intervention by the Union in a Member State, following a decision by the Assembly, pursuant to article 4(j) of the Constitutive Act;
- (g) institute sanctions whenever an unconstitutional change of Government takes place in a Member State, as provided for in the Lomé Declaration;
- (h) implement the common defense policy of the Union;
- (i) ensure the implementation of the OAU Convention on the Prevention and Combating of Terrorism and other relevant international, continental and regional conventions and instruments and harmonize and coordinate efforts at regional and continental levels to combat international terrorism;
- (j) promote close harmonization, co-ordination and co-operation between Regional Mechanisms and the Union in the promotion and maintenance of peace, security and stability in Africa;
- (k) promote and develop a strong “partnership for peace and security” between the Union and the United Nations and its agencies, as well as with other relevant international organizations;
- (l) develop policies and action required to ensure that any external initiative in the field of peace and security on the continent takes place within the framework of the Union’s objectives and priorities;
- (m) follow-up, within the framework of its conflict prevention responsibilities, the progress towards the promotion of democratic practices, good governance, the rule of law, protection of human rights and fundamental freedoms, respect for the sanctity of human life and international humanitarian law by Member States;
- (n) promote and encourage the implementation of OAU/AU, UN and other relevant international Conventions and Treaties on arms control and disarmament;
- (o) examine and take such appropriate action within its mandate in situations where the national independence and sovereignty of a Member State is threatened by acts of aggression, including by mercenaries;
- (p) support and facilitate humanitarian action in situations of armed conflicts or major natural disasters;

- (q) submit, through its Chairperson, regular reports to the Assembly on its activities and the state of peace and security in Africa; and
 - (r) decide on any other issue having implications for the maintenance of peace, security and stability on the Continent and exercise powers that may be delegated to it by the Assembly, in accordance with Article 9 (2) of the Constitutive Act.
2. The Member States agree that in carrying out its duties under the present Protocol, the Peace and Security Council acts on their behalf.
 3. The Member States agree to accept and implement the decisions of the Peace and Security Council, in accordance with the Constitutive Act.
 4. The Member States shall extend full cooperation to, and facilitate action by the Peace and Security Council for the prevention, management and resolution of crises and conflicts, pursuant to the duties entrusted to it under the present Protocol.

Article 8: Procedure

Organisation and Meetings

1. The Peace and Security Council shall be so organized as to be able to function continuously. For this purpose, each Member of the Peace and Security Council shall, at all times, be represented at the Headquarters of the Union.
2. The Peace and Security Council shall meet at the level of Permanent Representatives, Ministers or Heads of State and Government. It shall convene as often as required at the level of Permanent Representatives, but at least twice a month. The Ministers and the Heads of State and Government shall meet at least once a year, respectively.
3. The meetings of the Peace and Security Council shall be held at the Headquarters of the Union.
4. In the event a Member State invites the Peace and Security Council to meet in its country, provided that two-thirds of the Peace and Security Council members agree, that Member State shall defray the additional expenses incurred by the Commission as a result of the meeting being held outside the Headquarters of the Union.

Subsidiary Bodies and Sub-Committees

5. The Peace and Security Council may establish such subsidiary bodies as it deems necessary for the performance of its functions. Such subsidiary bodies may include ad hoc committees for mediation, conciliation or enquiry, consisting of an individual State or group of States. The Peace and Security Council shall also seek such military, legal and other forms of expertise as it may require for the performance of its functions.

Chairmanship

6. The chair of the Peace and Security Council shall be held in turn by the Members of the Peace and Security Council in the alphabetical order of their names. Each Chairperson shall hold office for one calendar month.

Agenda

7. The provisional agenda of the Peace and Security Council shall be determined by the Chairperson of the Peace and Security Council on the basis of proposals submitted by the Chairperson of the Commission and Member States. The inclusion of any item in the provisional agenda may not be opposed by a Member State.

Quorum

8. The number of Members required to constitute a quorum shall be two-thirds of the total membership of the Peace and Security Council.

Conduct of Business

9. The Peace and Security Council shall hold closed meetings. Any Member of the Peace and Security Council which is party to a conflict or a situation under consideration by the Peace and Security Council shall not participate either in the discussion or in the decision making process relating to that conflict or situation. Such Member shall be invited to present its case to the Peace and Security Council as appropriate, and shall, thereafter, withdraw from the proceedings.
10. The Peace and Security Council may decide to hold open meetings. In this regard:
 - (a) any Member State which is not a Member of the Peace and Security Council, if it is party to a conflict or a situation under consideration by the Peace and Security Council, shall be invited to present its case as appropriate and shall participate, without the right to vote, in the discussion;
 - (b) any Member State which is not a Member of the Peace and Security Council may be invited to participate, without the right to vote, in the discussion of any question brought before the Peace and Security Council whenever that Member State considers that its interests are especially affected;
 - (c) any Regional Mechanism, international organization or civil society organization involved and/or interested in a conflict or a situation under consideration by the Peace and Security Council may be invited to participate, without the right to vote, in the discussion relating to that conflict or situation.
11. The Peace and Security Council may hold informal consultations with parties concerned by or interested in a conflict or a situation

under its consideration, as well as with Regional Mechanisms, international organizations and civil society organizations as may be needed for the discharge of its responsibilities.

Voting

12. Each Member of the Peace and Security Council shall have one vote.
13. Decisions of the Peace and Security Council shall generally be guided by the principle of consensus. In cases where consensus cannot be reached, the Peace and Security Council shall adopt its decisions on procedural matters by a simple majority, while decisions on all other matters shall be made by a two-thirds majority vote of its Members voting.

Rules of Procedure

14. The Peace and Security Council shall submit its own rules of procedure, including on the convening of its meetings, the conduct of business, the publicity and records of meetings and any other relevant aspect of its work, for consideration and approval by the Assembly.

Article 9: Entry Points and Modalities for Action

1. The Peace and Security Council shall take initiatives and action it deems appropriate with regard to situations of potential conflict, as well as to those that have already developed into full-blown conflicts. The Peace and Security Council shall also take all measures that are required in order to prevent a conflict for which a settlement has already been reached from escalating.
2. To that end, the Peace and Security Council shall use its discretion to effect entry, whether through the collective intervention of the Council itself, or through its Chairperson and/or the Chairperson of the Commission, the Panel of the Wise, and/or in collaboration with the Regional Mechanisms.

Article 10: The Role of the Chairperson of the Commission

1. The Chairperson of the Commission shall, under the authority of the Peace and Security Council, and in consultation with all parties involved in a conflict, deploy efforts and take all initiatives deemed appropriate to prevent, manage and resolve conflicts.
2. To this end, the Chairperson of the Commission:
 - (a) shall bring to the attention of the Peace and Security Council any matter, which, in his/her opinion, may threaten peace, security and stability in the Continent;
 - (b) may bring to the attention of the Panel of the Wise any matter which, in his/her opinion, deserves their attention;
 - (c) may, at his/her own initiative or when so requested by the Peace

and Security Council, use his/her good offices, either personally or through special envoys, special representatives, the Panel of the Wise or the Regional Mechanisms, to prevent potential conflicts, resolve actual conflicts and promote peacebuilding and post-conflict reconstruction.

3. The Chairperson of the Commission shall also:
 - (a) ensure the implementation and follow-up of the decisions of the Peace and Security Council, including mounting and deploying peace support missions authorized by the Peace and Security Council. In this respect, the Chairperson of the Commission shall keep the Peace and Security Council informed of developments relating to the functioning of such missions. All problems likely to affect the continued and effective functioning of these missions shall be referred to the Peace and Security Council, for its consideration and appropriate action;
 - (b) ensure the implementation and follow-up of the decisions taken by the Assembly in conformity with Article 4 (h) and (j) of the Constitutive Act;
 - (c) prepare comprehensive and periodic reports and documents, as required, to enable the Peace Security Council and its subsidiary bodies to perform their functions effectively.
4. In the exercise of his/her functions and powers, the Chairperson of the Commission shall be assisted by the Commissioner in charge of Peace and Security, who shall be responsible for the affairs of the Peace and Security Council. The Chairperson of the Commission shall rely on human and material resources available at the Commission, for servicing and providing support to the Peace and Security Council. In this regard, a Peace and Security Council Secretariat shall be established within the Directorate dealing with conflict prevention, management and resolution.

Article 11: Panel of the Wise

1. In order to support the efforts of the Peace and Security Council and those of the Chairperson of the Commission, particularly in the area of conflict prevention, a Panel of the Wise shall be established.
2. The Panel of the Wise shall be composed of five highly respected African personalities from various segments of society who have made outstanding contribution to the cause of peace, security and development on the continent. They shall be selected by the Chairperson of the Commission after consultation with the Member States concerned, on the basis of regional representation and appointed by the Assembly to serve for a period of three years.
3. The Panel of the Wise shall advise the Peace and Security Council and the Chairperson of the Commission on all issues pertaining to the promotion, and maintenance of peace, security and stability in Africa.

4. At the request of the Peace and Security Council or the Chairperson of the Commission, or at its own initiative, the Panel of the Wise shall undertake such action deemed appropriate to support the efforts of the Peace and Security Council and those of the Chairperson of the Commission for the prevention of conflicts, and to pronounce itself on issues relating to the promotion and maintenance of peace, security and stability in Africa.
5. The Panel of the Wise shall report to the Peace and Security Council and, through the Peace and Security Council, to the Assembly.
6. The Panel of the Wise shall meet as may be required for the performance of its mandate. The Panel of the Wise shall normally hold its meetings at the Headquarters of the Union. In consultation with the Chairperson of the Commission, the Panel of the Wise may hold meetings at such places other than the Headquarters of the Union.
7. The modalities for the functioning of the Panel of the Wise shall be worked out by the Chairperson of the Commission and approved by the Peace and Security Council.
8. The allowances of members of the Panel of the Wise shall be determined by the Chairperson of the Commission in accordance with the Financial Rules and Regulations of the Union.

Article 12: Continental Early Warning System

1. In order to facilitate the anticipation and prevention of conflicts, a Continental Early Warning System to be known as the Early Warning System shall be established.
2. The Early Warning System shall consist of:
 - (a) an observation and monitoring centre, to be known as "The Situation Room", located at the Conflict Management Directorate of the Union, and responsible for data collection and analysis on the basis of an appropriate early warning indicators module; and
 - (b) observation and monitoring units of the Regional Mechanisms to be linked directly through appropriate means of communications to the Situation Room, and which shall collect and process data at their level and transmit the same to the Situation Room.
3. The Commission shall also collaborate with the United Nations, its agencies, other relevant international organizations, research centers, academic institutions and NGOs, to facilitate the effective functioning of the Early Warning System.
4. The Early Warning System shall develop an early warning module based on clearly defined and accepted political, economic, social, military and humanitarian indicators, which shall be used to analyze developments within the continent and to recommend the best course of action.
5. The Chairperson of the Commission shall use the information

gathered through the Early Warning System timeously to advise the Peace and Security Council on potential conflicts and threats to peace and security in Africa and recommend the best course of action. The Chairperson of the Commission shall also use this information for the execution of the responsibilities and functions entrusted to him/her under the present Protocol.

6. The Member States shall commit themselves to facilitate early action by the Peace and Security Council and or the Chairperson of the Commission based on early warning information.
7. The Chairperson of the Commission shall, in consultation with Member States, the Regional Mechanisms, the United Nations and other relevant institutions, work out the practical details for the establishment of the Early Warning System and take all the steps required for its effective functioning.

Article 13: African Standby Force

Composition

1. In order to enable the Peace and Security Council perform its responsibilities with respect to the deployment of peace support missions and intervention pursuant to article 4 (h) and (j) of the Constitutive Act, an African Standby Force shall be established. Such Force shall be composed of standby multidisciplinary contingents, with civilian and military components in their countries of origin and ready for rapid deployment at appropriate notice.
2. For that purpose, the Member States shall take steps to establish standby contingents for participation in peace support missions decided on by the Peace and Security Council or intervention authorized by the Assembly. The strength and types of such contingents, their degree of readiness and general location shall be determined in accordance with established African Union Peace Support Standard Operating Procedures (SOPs), and shall be subject to periodic reviews depending on prevailing crisis and conflict situations.

Mandate

3. The African Standby Force shall, inter alia, perform functions in the following areas:
 - (a) observation and monitoring missions;
 - (b) other types of peace support missions;
 - (c) intervention in a Member State in respect of grave circumstances or at the request of a Member State in order to restore peace and security, in accordance with Article 4(h) and (j) of the Constitutive Act;
 - (d) preventive deployment in order to prevent (i) a dispute or a conflict

- from escalating, (ii) an ongoing violent conflict from spreading to neighboring areas or States, and (iii) the resurgence of violence after parties to a conflict have reached an agreement.;
 - (e) peace-building, including post-conflict disarmament and demobilization;
 - (f) humanitarian assistance to alleviate the suffering of civilian population in conflict areas and support efforts to address major natural disasters; and
 - (g) any other functions as may be mandated by the Peace and Security Council or the Assembly.
4. In undertaking these functions, the African Standby Force shall, where appropriate, cooperate with the United Nations and its Agencies, other relevant international organizations and regional organizations, as well as with national authorities and NGOs.
 5. The detailed tasks of the African Standby Force and its *modus operandi* for each authorized mission shall be considered and approved by the Peace and Security Council upon recommendation of the Commission.

Chain of Command

6. For each operation undertaken by the African Standby Force, the Chairperson of the Commission shall appoint a Special Representative and a Force Commander, whose detailed roles and functions shall be spelt out in appropriate directives, in accordance with the Peace Support Standing Operating Procedures.
7. The Special Representative shall, through appropriate channels, report to the Chairperson of the Commission. The Force Commander shall report to the Special Representative. Contingent Commanders shall report to the Force Commander, while the civilian components shall report to the Special Representative.

Military Staff Committee

8. There shall be established a Military Staff Committee to advise and assist the Peace and Security Council in all questions relating to military and security requirements for the promotion and maintenance of peace and security in Africa.
9. The Military Staff Committee shall be composed of Senior Military Officers of the Members of the Peace and Security Council. Any Member State not represented on the Military Staff Committee may be invited by the Committee to participate in its deliberations when it is so required for the efficient discharge of the Committee's responsibilities.
10. The Military Staff Committee shall meet as often as required to deliberate on matters referred to it by the Peace and Security Council.
11. The Military Staff Committee may also meet at the level of the Chief

of Defence Staff of the Members of the Peace and Security Council to discuss questions relating to the military and security requirements for the promotion and maintenance of peace and security in Africa. The Chiefs of Defence Staff shall submit to the Chairperson of the Commission recommendations on how to enhance Africa's peace support capacities.

12. The Chairperson of the Commission shall take all appropriate steps for the convening of and follow-up of the meetings of the Chiefs of Defence Staff of Members of the Peace and Security Council.

Training

13. The Commission shall provide guidelines for the training of the civilian and military personnel of national standby contingents at both operational and tactical levels. Training on International Humanitarian Law and International Human Rights Law, with particular emphasis on the rights of women and children, shall be an integral part of the training of such personnel.
14. To that end, the Commission shall expedite the development and circulation of appropriate Standing Operating Procedures to inter-alia:
 - (a) support standardization of training doctrines, manuals and programmes for national and regional schools of excellence;
 - (b) co-ordinate the African Standby Force training courses, command and staff exercises, as well as field training exercises.
15. The Commission shall, in collaboration with the United Nations, undertake periodic assessment of African peace support capacities.
16. The Commission shall, in consultation with the United Nations Secretariat, assist in the co-ordination of external initiatives in support of the African Standby Force capacity-building in training, logistics, equipment, communications and funding.

Role of Member States

17. In addition to their responsibilities as stipulated under the present Protocol:
 - (a) troop contributing countries States shall immediately, upon request by the Commission, following an authorization by the Peace and Security Council or the Assembly, release the standby contingents with the necessary equipment for the operations envisaged under Article 9 (3) of the present Protocol;
 - (b) Member States shall commit themselves to make available to the Union all forms of assistance and support required for the promotion and maintenance of peace, security and stability on the Continent, including rights of passage through their territories.

Article 14: Peace Building

Institutional Capacity for Peace-building

1. In post-conflict situations, the Peace and Security Council shall assist in the restoration of the rule of law, establishment and development of democratic institutions and the preparation, organization and supervision of elections in the concerned Member State.

Peace-building during Hostilities

2. In areas of relative peace, priority shall be accorded to the implementation of policy designed to reduce degradation of social and economic conditions arising from conflicts.

Peace-building at the End of Hostilities

3. To assist Member States that have been adversely affected by violent conflicts, the Peace and Security Council shall undertake the following activities:
 - (a) consolidation of the peace agreements that have been negotiated;
 - (b) establishment of conditions of political, social and economic reconstruction of the society and Government institutions;
 - (c) implementation of disarmament, demobilization and reintegration programmes, including those for child soldiers;
 - (d) resettlement and reintegration of refugees and internally displaced persons;
 - (e) assistance to vulnerable persons, including children, the elderly, women and other traumatized groups in the society.

Article 15: Humanitarian Action

1. The Peace and Security Council shall take active part in coordinating and conducting humanitarian action in order to restore life to normalcy in the event of conflicts or natural disasters.
2. In this regard, the Peace and Security Council shall develop its own capacity to efficiently undertake humanitarian action.
3. The African Standby Force shall be adequately equipped to undertake humanitarian activities in their mission areas under the control of the Chairperson of the Commission.
4. The African Standby Force shall facilitate the activities of the humanitarian agencies in the mission areas.

Article 16: Relationship with Regional Mechanisms for Conflict Prevention, Management and Resolution

1. The Regional Mechanisms are part of the overall security architecture of the Union, which has the primary responsibility for promoting peace, security and stability in Africa. In this respect, the Peace and

Security Council and the Chairperson of the Commission, shall:

- (a) harmonize and coordinate the activities of Regional Mechanisms in the field of peace, security and stability to ensure that these activities are consistent with the objectives and principles of the Union;
 - (b) work closely with Regional Mechanisms, to ensure effective partnership between them and the Peace and Security Council in the promotion and maintenance of peace, security and stability. The modalities of such partnership shall be determined by the comparative advantage of each and the prevailing circumstances.
2. The Peace and Security Council shall, in consultation with Regional Mechanisms, promote initiatives aimed at anticipating and preventing conflicts and, in circumstances where conflicts have occurred, peacemaking and peace-building functions.
3. In undertaking these efforts, Regional Mechanisms concerned shall, through the Chairperson of the Commission, keep the Peace and Security Council fully and continuously informed of their activities and ensure that these activities are closely harmonized and coordinated with the activities of Peace and Security Council. The Peace and Security Council shall, through the Chairperson of the Commission, also keep the Regional Mechanisms fully and continuously informed of its activities.
4. In order to ensure close harmonization and coordination and facilitate regular exchange of information, the Chairperson of the Commission shall convene periodic meetings, but at least once a year, with the Chief Executives and/or the officials in charge of peace and security within the Regional Mechanisms.
5. The Chairperson of the Commission shall take the necessary measures, where appropriate, to ensure the full involvement of Regional Mechanisms in the establishment and effective functioning of the Early Warning System and the African Standby Force.
6. Regional Mechanisms shall be invited to participate in the discussion of any question brought before the Peace and Security Council whenever that question is being addressed by a Regional Mechanism is of special interest to that Organization.
7. The Chairperson of the Commission shall be invited to participate in meetings and deliberations of Regional Mechanisms.
8. In order to strengthen coordination and cooperation, the Commission shall establish liaison offices to the Regional Mechanisms. The Regional Mechanisms shall be encouraged to establish liaison offices to the Commission.
9. On the basis of the above provisions, a Memorandum of Understanding on Cooperation shall be concluded between the Commission and the Regional Mechanisms.

Article 17: Relationship with the United Nations and Other International Organisations

1. In the fulfilment of its mandate in the promotion and maintenance of peace, security and stability in Africa, the Peace and Security Council shall cooperate and work closely with the United Nations Security Council, which has the primary responsibility for the maintenance of international peace and security. The Peace and Security Council shall also cooperate and work closely with other relevant UN Agencies in the promotion of peace, security and stability in Africa.
2. Where necessary, recourse will be made to the United Nations to provide the necessary financial, logistical and military support for the African Unions' activities in the promotion and maintenance of peace, security and stability in Africa, in keeping with the provisions of Chapter VIII of the UN Charter on the role of Regional Organizations in the maintenance of international peace and security.
3. The Peace and Security Council and the Chairperson of the Commission shall maintain close and continued interaction with the United Nations Security Council, its African members, as well as with the Secretary-General, including holding periodic meetings and regular consultations on questions of peace, security and stability in Africa.
4. The Peace and Security Council shall also cooperate and work closely with other relevant international organizations on issues of peace, security and stability in Africa. Such organizations may be invited to address the Peace and Security Council on issues of common interest, if the latter considers that the efficient discharge of its responsibilities does so require.

Article 18: Relationship with the Pan African Parliament

1. The Mechanism shall maintain close working relations with the Pan African Parliament in furtherance of peace, security and stability in Africa.
2. The Peace and Security Council shall, whenever so requested by the Pan African Parliament, submit, through the Chairperson of the Commission, reports to the Pan-African Parliament, in order to facilitate the discharge by the latter of its responsibilities relating to the maintenance of peace, security and stability in Africa.
3. The Chairperson of the Commission shall present to the Pan-African Parliament an annual report on the state of peace and security in the continent. The Chairperson of the Commission shall also take all steps required to facilitate the exercise by the Pan-African Parliament of its powers, as stipulated in Article 11 (5) of the Protocol to the

Treaty establishing the African Economic Community relating to the Pan-African Parliament, as well as in Article 11 (9) in so far as it relates to the objective of promoting peace, security and stability as spelt out in Article 3 (5) of the said Protocol.

Article 19: Relationship with the African Commission on Human and Peoples' Rights

The Peace and Security Council shall seek close cooperation with the African Commission on Human and Peoples' Rights in all matters relevant to its objectives and mandate. The Commission on Human and Peoples' Rights shall bring to the attention of the Peace and Security Council any information relevant to the objectives and mandate of the Peace and Security Council.

Article 20: Relationship with Civil Society Organisations

The Peace and Security Council shall encourage non-governmental organizations, community-based and other civil society organizations, particularly women's organizations, to participate actively in the efforts aimed at promoting peace, security and stability in Africa. When required, such organizations may be invited to address the Peace and Security Council.

Article 21: Funding

Peace Fund

1. In order to provide the necessary financial resources for peace support missions and other operational activities related to peace and security, a Special Fund, to be known as the Peace Fund, shall be established. The operations of the Peace Fund shall be governed by the relevant Financial Rules and Regulations of the Union.
2. The Peace Fund shall be made up of financial appropriations from the regular budget of Union, including arrears of contributions, voluntary contributions from Member States and from other sources within Africa, including the private sector, civil society and individuals, as well as through appropriate fund raising activities.
3. The Chairperson of the Commission shall raise and accept voluntary contributions from sources outside Africa, in conformity with the objectives and principles of the Union.
4. There shall also be established, within the Peace Fund, a revolving Trust Fund. The appropriate amount of the revolving Trust Fund shall be determined by the relevant Policy Organs of the Union upon recommendation by the Peace and Security Council.

Assessment of Cost of Operations and Pre-Financing

5. When required, and following a decision by the relevant Policy Organs of the Union, the cost of the operations envisaged under Article 13 (3) of the present Protocol shall be assessed to Member States based on the scale of their contributions to the regular budget of the Union.
6. The States contributing contingents may be invited to bear the cost of their participation during the first three (3) months.
7. The Union shall refund the expenses incurred by the concerned contributing States within a maximum period of six (6) months and then proceed to finance the operations.

...

Protocol on Amendments to the Constitutive Act of the African Union (2003/)

Full title: Protocol on Amendments to the Constitutive Act of the African Union

Date/place of adoption/conclusion: 11 July 2003, Maputo, Mozambique

Entry into force (EIF): Not yet in force

EIF provision: Article 13

Available online at: <https://bit.ly/2VWNvZS>

* Adopted at the First Extraordinary Session of the Assembly of the African Union, 3 February 2003 and the Second Ordinary Session of the Assembly of the African Union, 11 July 2003, Maputo, Mozambique.

Excerpts

The Member States of the African Union States Parties to the Constitutive Act of the African Union

Have agreed to adopt amendments to the Constitutive Act as follows:

...

Article 2: Preamble

In the first paragraph of the Preamble to the Constitutive Act, the replacement of the words “founding fathers” with “founders”

Article 3: Objectives

In Article 3 of the Act (Objectives), the insertion of three new subparagraphs (i), (p) and (q) with consequential renumbering of subparagraphs:

The objectives of the Union shall be to:

- ...
(i) ensure the effective participation of women in decision-making, particularly in the political, economic and socio-cultural areas;
- ...
(p) develop and promote common policies on trade, defence and foreign relations to ensure the defence of the Continent and the strengthening of its negotiating positions;
- (q) invite and encourage the full participation of the African Diaspora as an important part of our Continent, in the building of the African Union.

Article 4: Principles

In Article 4 of the Act (Principles), the expansion of subparagraph (h) and the insertion of two new subparagraphs (q) and (r):

- ...
(h) the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity as well as a serious threat to legitimate order to restore peace and stability to the Member State of the Union upon the recommendation of the Peace and Security Council;
- ...
(q) restraint by any Member State from entering into any treaty or alliance that is incompatible with the principles and objectives of the Union;
- (r) prohibition of any Member State from allowing the use of its territory as a base for subversion against another Member State.

Article 5: Organs of the Union

In Article 5 of the Act (Organs of the Union), the insertion of a new subparagraph (f) with consequential renumbering of subsequent subparagraphs:

- ...
(f) The Peace and Security Council
- ...

Article 6: The Assembly

In Article 6 of the Act (The Assembly) and where-ever else it occurs in the Act, the substitution of the word “Chairman” with “Chairperson”; the deletion of the second sentence of subparagraph 3 and the insertion of new paragraphs 4, 5, 6 and 7.

...

3. The Assembly shall meet at least once a year in ordinary session.
4. At the initiative of the Chairperson after due consultation with all Member States, or at the request of any Member State and upon approval by two-thirds majority of Member States, the Assembly shall meet in Extraordinary Session.
5. The Assembly shall elect its Chairperson from among the Heads of State or Government at the beginning of each ordinary session and on the basis of rotation for a period of one year renewable.
6. The Chairperson shall be assisted by a Bureau chosen by the Assembly on the basis of equitable geographical representation.
7. Where the Assembly meets at the Headquarters, an election of the Chairperson shall be held taking into account the principle of rotation.

...

Article 9: Peace and Security Council

The insertion in the Act of a new Article 20(bis):

1. There is hereby established, a Peace and Security Council (PSC) of the Union, which shall be the standing decision-making organ for the prevention, management and resolution of conflicts.
2. The functions, powers, composition and organization of the PSC shall be determined by the Assembly and set out in a protocol relating thereto.

Article 10: The Permanent Representatives Committee

In Article 21 of the Act (The Permanent Representatives Committee) the insertion of a new paragraph 3:

...

3. The Chairperson of the Permanent Representatives Committee shall be assisted by a Bureau chosen on the basis of equitable geographical representation.

...

Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament (2001/2003)

Full title: Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament

Date/place of adoption/conclusion: 2 March 2001, Sirte, Libya

Entry into force (EIF): 14 December 2003

EIF provision: Article 22

Available online at: <https://bit.ly/3iN0Ygu>

* Adopted at the First Extraordinary Session of the Assembly of the African Union, 3 February 2003 and the Second Ordinary Session of the Assembly of the African Union, 11 July 2003, Maputo, Mozambique.

** See above for the Treaty Establishing the African Economic Community (1991).

Excerpts

Preamble

...

Determined to promote democratic principles and popular participation, to consolidate democratic institutions and culture and to ensure good governance;

Article 2: Establishment of the Pan-African Parliament

1. Member States hereby establish a Pan-African Parliament the composition, functions, powers and organization of which shall be governed by the present Protocol.

...

Article 3: Objectives

The objectives of the Pan-African Parliament shall be to:

1. facilitate the effective implementation of the policies and objectives of the OAU/AEC and, ultimately, of the African Union;
2. promote the principles of human rights and democracy in Africa;
3. encourage good governance, transparency and accountability in Member States;
- ...
5. promote peace, security and stability;
- ...
9. facilitate cooperation among Regional Economic Communities and their Parliamentary fora.

Article 4: Composition

1. During the interim period, Member States shall be represented in the Pan-African Parliament by an equal number of Parliamentarians;
2. Each Member State shall be represented in the Pan-African Parliament by five (5) members, at least one of whom must be a woman;
3. The representation of each Member State must reflect the diversity of political opinions in each National Parliament or other deliberative organ.

...

Article 11: Functions and Powers

The Pan-African Parliament shall be vested with legislative powers to be defined by the Assembly. However, during the first term of its existence, the Pan-African Parliament shall exercise advisory and consultative powers only. In this regard, it may:

1. Examine, discuss or express an opinion on any matter, either on its own initiative or at the request of the Assembly or other policy organs and make any recommendations it may deem fit relating to, inter alia, matters pertaining to respect of human rights, the consolidation of democratic institutions and the culture of democracy, as well as the promotion of good governance and the rule of law.
9. Perform such other functions as it deems appropriate to achieve the objectives set out in Article 3 of this Protocol.

...

Statutes of the Economic, Social and Cultural Council of the AU (ECOSOCC) (2004)

Full title: Statutes of the Economic, Social and Cultural Council of the African Union (ECOSOCC), AU Assembly Dec.48(III)

Date/place of adoption/conclusion: 5 July 2004, Addis Ababa, Ethiopia

EIF provision: Article 19

Available online at: <https://bit.ly/2WhrG7J>

* Adopted at the Third Ordinary Session of the Heads of State and Government, 4-5 July 2004, Addis Ababa.

Excerpts

...

Article 2: Objectives

ECOSOCC shall amongst other things, and in conformity with the objectives of the African Union as provided in the Constitutive Act, perform the following functions:

1. Promote continuous dialogue between all segments of the African people on issues concerning Africa and its future;
- ...
4. Support policies and programmes that will promote peace, security and stability in Africa, and foster development and integration of the continent;
5. Promote and defend a culture of good governance, democratic principles and institutions, popular participation, human rights and freedoms as well as social justice;
- ...
7. Promote and strengthen the institutional, human and operational capacities of the African civil society;

Article 7: Functions

As an advisory organ, ECOSOCC shall:

...

4. Contribute to the promotion of popularization, popular participation, sharing of best practices and expertise, and to the realization of the vision and objectives of the Union;
5. Contribute to the promotion of human rights, the rule of law, good governance, democratic principles, gender equality and child rights;

...

Article 11: Sectoral Cluster Committees

1. The following Sectoral Cluster Committees are hereby established as key operational mechanisms of ECOSOCC to formulate opinions and provide inputs into the policies and programmes of the African Union:
 - (a) **Peace and Security:** (Conflict Anticipation; prevention; management and resolution; post-conflict reconstruction and peace building; prevention and combating of terrorism; use of child soldiers; drug trafficking; illicit proliferation of small arms and light weapons and security reforms, etc).
 - (b) **Political Affairs:** (Human Rights; Rule of Law; Democratic and Constitutional Rule, Good Governance; Power Sharing; Electoral Institutions; Humanitarian Affairs and assistance, etc).

...

2. The Sectoral Cluster Committees of ECOSOCC shall prepare and submit advisory opinions and reports of ECOSOCC.
 3. The Sectoral Cluster Committees shall also perform any other functions as may be assigned to it.
 4. The ECOSOCC General Assembly may recommend amendments to the established Sectoral Cluster Committees as it may deem necessary.
- ...

Protocol to the OAU Convention on the Prevention and Combatting of Terrorism (2004/2014)

Full title: Protocol to the Organisation of African Unity Convention on the Prevention and Combatting of Terrorism

Date/place of adoption/conclusion: 8 July 2004, Addis Ababa, Ethiopia

Entry into Force (EIF): 26 February 2014

EIF provision: Article 10

Available online at: <https://bit.ly/2O5BmO5>

* Adopted by the Third Ordinary Session of the Assembly of the African Union.

Excerpts

We, the Heads of State and Government of the Member States of the African Union;

Gravely concerned at the increasing incidence of terrorist acts worldwide, including in Africa, and the growing risks of linkages between terrorism and mercenarism, weapons of mass destruction, drug trafficking, corruption, transnational organized crimes, money laundering, and the illicit proliferation of small arms;

Determined to combat terrorism in all its forms and manifestations and any support thereto in Africa;

Aware of the capabilities of the perpetrators of terrorist acts to use sophisticated technology and communication systems for organizing and carrying out their terrorist acts;

Bearing in mind that the root causes of terrorism are complex and need to be addressed in a comprehensive manner;

Convinced that acts of terrorism cannot be justified under any circumstances;

Determined to ensure Africa's active participation, cooperation and coordination with the international community in its determined efforts to combat and eradicate terrorism;

Guided by the principles and regulations enshrined in international conventions and the relevant decisions of the United Nations (UN) to prevent and combat terrorism, including resolution 1373 adopted by the Security Council on 28 September 2001, and the relevant General Assembly resolutions;

...

Considering the Constitutive Act of the African Union, as well as the Protocol Relating to the Establishment of the Peace and Security Council of the African Union adopted by the Inaugural Summit of the Union in Durban, South Africa, in July 2002;

Reiterating our conviction that terrorism constitutes a serious violation of human rights and a threat to peace, security, development, and democracy;

Stressing the imperative for all Member States of the African Union to take all necessary measures to protect their populations from acts of terrorism and to implement all relevant continental and international humanitarian and human rights instruments; and

Desirous of ensuring the effective implementation of the OAU Convention on the Prevention and Combating of Terrorism.

Hereby agree as follows:

Article 1: Definitions

...

12. **"Terrorist Act"** means any act as defined in Articles 1 and 3 of the Convention;

...

14. **"Weapons of Mass Destruction (WMD)"** means biological, chemical and nuclear devices and explosives and their means of delivery.

Article 2: Purpose

1. This Protocol is adopted pursuant to Article 21 of the Convention as a supplement to the Convention.
2. Its main purpose is to enhance the effective implementation of the Convention and to give effect to Article 3(d) of the Protocol Relating to the Establishment of the Peace and Security Council of the African Union, on the need to coordinate and harmonize continental efforts in the prevention and combating of terrorism in all its aspects, as well as the implementation of other relevant international instruments.

Article 3: Commitments by States Parties

1. States Parties commit themselves to implement fully the provisions of the Convention. They also undertake, among other things, to:
 - (a) take all necessary measures to protect the fundamental human rights of their populations against all acts of terrorism;
 - (b) prevent the entry into, and the training of terrorist groups on their territories;
 - (c) identify, detect, confiscate and freeze or seize any funds and any other assets used or allocated for the purpose of committing a terrorist act, and to establish a mechanism to use such funds to compensate victims of terrorist acts or their families;
 - (d) establish national contact points in order to facilitate the timely exchange and sharing of information on terrorist groups and activities at the regional, continental and international levels, including the cooperation of States for suppressing the financing of terrorism;
 - (e) take appropriate actions against the perpetrators of mercenarism as defined in the OAU Convention for the Elimination of Mercenarism in Africa, adopted in Libreville, in 1977, and other relevant applicable international instruments;
 - (f) strengthen national and regional measures in conformity with relevant continental and international Conventions and Treaties, to prevent the perpetrators of terrorist acts from acquiring weapons of mass destruction;
 - (g) cooperate with the international community in the implementation of continental and international instruments related to weapons of mass destruction;
 - (h) submit reports to the PSC on an annual basis, or at such regular intervals as shall be determined by the PSC, on measures taken to prevent and combat terrorism as provided for in the Convention, the AU Plan of Action and in this Protocol;
 - (i) report to the PSC all terrorist activities in their countries as soon as they occur;
 - (j) become parties to all continental and international instruments on the prevention and combating of terrorism; and
 - (k) outlaw torture and other degrading and inhumane treatment, including discriminatory and racist treatment of terrorist suspects, which are inconsistent with international law.
2. States Parties shall implement the provisions of paragraph 1 above on the basis of all relevant African and international Conventions and Treaties, in conformity with Article 22 of the Convention.

Article 4: Mechanism for Implementation

The Peace and Security Council (PSC) shall be responsible for harmonizing and coordinating continental efforts in the prevention and combating of terrorism. In pursuing this endeavor, the PSC shall:

- (a) establish operating procedures for information gathering,

- processing and dissemination;
- (b) establish mechanisms to facilitate the exchange of information among States Parties on patterns and trends in terrorist acts and the activities of terrorist groups and on successful practices on combating terrorism;
- (c) present an annual report to the Assembly of the Union on the situation of terrorism on the Continent;
- (d) monitor, evaluate and make recommendations on the implementation of the Plan of Action and programmes adopted by the African Union;
- (e) examine all reports submitted by States Parties on the implementation of the provisions of this Protocol; and
- (f) establish an information network with national, regional and international focal points on terrorism.

Article 5: The Role of the Commission

1. Under the leadership of the Chairperson of the Commission, and in conformity with Article 10 paragraph 4 of the Protocol Relating to the Establishment of the Peace and Security Council, the Commissioner in charge of Peace and Security shall be entrusted with the task of following-up on matters relating to the prevention and combating of terrorism.
2. The Commissioner shall be assisted by the Unit established within the Peace and Security Department of the Commission and the African Centre for the Study and Research on Terrorism, and shall, among other things:
 - (a) provide technical assistance on legal and law enforcement matters, including on matters relating to combating the financing of terrorism, the preparation of model laws and guidelines to help Member States to formulate legislation and related measures for the prevention and combating of terrorism;
 - (b) follow-up with Member States and with regional mechanisms on the implementation of decisions taken by the PSC and other Organs of the Union on terrorism related matters;
 - (c) review and make recommendations on up-dating the programmes of the Union for the prevention and combating of terrorism and the activities of the African Centre for the Study and Research on Terrorism;
 - (d) develop and maintain a database on a range of issues relating to terrorism including experts and technical assistance available;
 - (e) maintain contacts with regional and international organizations and other entities dealing with issues of terrorism; and
 - (f) provide advice and recommendations to Member States on a needs basis, on how to secure technical and financial assistance in the implementation of continental and international measures against terrorism.

Article 6: The Role of Regional Mechanisms

Regional mechanisms shall play a complementary role in the implementation of this Protocol and the Convention. They shall among other activities undertake the following:

- (a) establish contact points on terrorism at the regional level;
- (b) liaise with the Commission in developing measures for the prevention and combating of terrorism;
- (c) promote cooperation at the regional level, in the implementation of all aspects of this Protocol and the Convention, in accordance with Article 4 of the Convention;
- (d) harmonize and coordinate national measures to prevent and combat terrorism in their respective Regions;
- (e) establish modalities for sharing information on the activities of the perpetrators of terrorist acts and on the best practices for the prevention and combating of terrorism;
- (f) assist Member States to implement regional, continental and international instruments for the prevention and combating of terrorism; and
- (g) report regularly to the Commission on measures taken at the regional level to prevent and combat terrorist acts.

Article 7: Settlement of Disputes

1. Any dispute or differences between States Parties arising from interpretation or application of the provisions of this Protocol shall be resolved amicably through direct consultations between the States Parties concerned.
2. In the event of failure to settle the dispute under sub paragraph 1 above, either State Party may refer the dispute to the Assembly through the Chairperson, pending the entry into force of the Court of Justice of the African Union, which shall have jurisdiction over such disputes.
3. In the case where either or both States Parties are not Members of the Court of Justice of the African Union, either or both State Parties may refer the dispute to the International Court of Justice for a settlement in conformity with its Statutes.

...

African Union Non-Aggression and Common Defence Pact (2005/2009)

Full title: African Union Non-Aggression and Common Defence Pact

Date/place of adoption/conclusion: 31 January 2005. Abuja, Nigeria

Entered into force (EIF): 18 December 2009

EIF provision: Article 19

Authentic texts: Arabic English, French, Portuguese

Available online at: <https://bit.ly/2W2MYph>

* Adopted by the Fourth Ordinary Session of the Assembly of the African Union, 31 January 2005, Abuja, Nigeria.

Excerpts

Preamble

We, the Heads of State and Government of the Member States of the African Union;

Conscious of the gravity of the impact of conflicts both within and among African States, on peace, security and stability in the Continent, and their devastating impact on socio-economic development;

Committed to our common vision of a united and strong Africa, based on respect for the principles of peaceful co-existence, nonaggression, non-interference in the internal affairs of Member States, mutual respect for individual sovereignty and territorial integrity of each State;

Determined to put an end to conflicts of any kind within and among States in Africa, in order to create propitious conditions for socio-economic development and integration of the Continent, as well as the fulfilment of the aspirations of our peoples;

Reaffirming that appropriate development institutions and promotion of a strong democratic culture through organization of honest and regular elections, respect for human rights and the rule of law, combating corruption and impunity and formulation of sustainable development policies are vital to collective security, peace and stability;

Considering the Constitutive Act of the African Union, the Treaty Establishing the African Economic Community and the Charter of the United Nations;

Considering also the Protocol Relating to the Establishment of the Peace and Security Council of the African Union adopted in Durban, South Africa, on 10 July 2002, particularly its Article 7(h) on the implementation of the Common Defence Policy of the Union;

Reaffirming our commitment to the Solemn Declaration on the Common African Defence and Security Policy adopted in Sirte, Great Libyan Arab Jamahiriya, by the Second Extraordinary Session of the Assembly of the African Union held from 27 to 28 February 2004, particularly its Chapter III, paragraph (t) which encourages “the conclusion and ratification of non-aggression pacts between and among African States and the harmonization of such agreements”;

Convinced that the African Union is a community of Member States which decided, among other things, to adopt an African Union Non-Aggression and Common Defence Pact in order to deal with threats to peace, security and stability in the continent and to ensure the well being of the African peoples.

Having agreed as follows:

Article 1: Definitions

In this Pact:

- (a) **“Acts of Subversion”** means any act that incites, aggravates or creates dissension within or among Member States with the intention or purpose to destabilize or overthrow the existing regime or political order by, among other means, fomenting racial, religious, linguistic, ethnic and other differences, in a manner inconsistent with the Constitutive Act, the Charter of the United Nations and the Lome Declaration;
- (b) **“African Standby Force”** means the African Standby Force (ASF) provided in the Protocol Relating to the Establishment of the Peace and Security Council of the African Union;
- (c) **“Aggression”** means the use, intentionally and knowingly, of armed force or any other hostile act by a State, a group of States, an organization of States or non-State actor(s) or by any foreign or external entity, against the sovereignty, political independence, territorial integrity and human security of the population of a State Party to this Pact, which are incompatible with the Charter of the United Nations or the Constitutive Act of the African Union. The following shall constitute acts of aggression, regardless of a declaration of war by a State, group of States, organization of States, or non-State actor(s) or by any foreign entity:
 - (i) the use of armed forces against the sovereignty, territorial integrity and political independence of a Member State, or any other act inconsistent with the provisions of the Constitutive Act of the African Union and the Charter of the United Nations;
 - (ii) the invasion or attack by armed forces against the territory of a Member State, or military occupation, however temporary, resulting from such an invasion or attack, or any annexation by the use of force of the territory of a Member State or part thereof;

- (iii) the bombardment of the territory of a Member State or the use of any weapon against the territory of a Member State;
 - (iv) the blockade of the ports, coasts or airspace of a Member State;
 - (v) the attack on the land, sea or air forces, or marine and fleets of a Member State;
 - (vi) the use of the armed forces of a Member State which are within the territory of another Member State with the agreement of the latter, in contravention of the conditions provided for in this Pact;
 - (vii) the action of a Member State in allowing its territory, to be used by another Member State for perpetrating an act of aggression against a third State;
 - (viii) the sending by, or on behalf of a Member State or the provision of any support to armed groups, mercenaries, and other organized trans-national criminal groups which may carry out hostile acts against a Member State, of such gravity as to amount to the acts listed above, or its substantial involvement therein;
 - (ix) the acts of espionage which could be used for military aggression against a Member State;
 - (x) technological assistance of any kind, intelligence and training to another State for use in committing acts of aggression against another Member State; and
 - (xi) the encouragement, support, harbouring or provision of any assistance for the commission of terrorist acts and other violent trans-national organized crimes against a Member State.
- ...
- (f) **“Common African Defence and Security Policy”** means the Solemn Declaration on a Common African Defence and Security Policy adopted by the Second Extraordinary Session of the Assembly, held in Sirte, Great Socialist Libyan Arab Jamahiriya, in February 2004;
- ...
- (i) **“Destabilization”** means any act that disrupts the peace and tranquillity of any Member State or which may lead to mass social and political disorder;
- (j) **“Dispute”** means any conflict between two or among several Member States or within a Member State, which constitutes a threat to peace and security, or a breach of the peace and security within the African Union, as determined by the Assembly of Heads of State and Government or the Peace and Security Council;
- (k) **“Human Security”** means the security of the individual in terms of satisfaction of his/her basic needs. It also includes the creation of social, economic, political, environmental and cultural conditions necessary for the survival and dignity of the individual, the protection of and respect for human rights, good governance and the guarantee for each individual of opportunities and choices for his/her full development;
- ...

- (n) “**Mercenaries**” means mercenaries as defined in the OAU Convention on the Elimination of Mercenarism in Africa;
- (o) “**Military Staff Committee**” means the Military Staff Committee (MSC) provided in the Protocol Relating to the Establishment of the Peace and Security Council of the African Union;
- (p) “**Non-Aggression**” means peaceful conduct by a Member State, group of Member States, organization of Member States, or non-State actor(s), which does not constitute acts of aggression as defined above;
- ...
- (t) “**Regional Mechanism**” means African Regional Mechanisms for Conflict Prevention, Management and Resolution;
- ...
- (v) “**Terrorist Acts**” means those acts or offences defined in the OAU Convention on the Prevention and Combating of Terrorism;
- (w) “**Threat of Aggression**” means any harmful conduct or statement by a State, group of States, organization of States, or non-State actor(s) which though falling short of a declaration of war, might lead to an act of aggression as defined above;
- (x) “**Trans-national Organized Criminal Group**” means a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes which are transnational in scope, or offences established in accordance with international law, including the United Nations Convention Against Trans-national Organized Crime and its Protocols thereto, the purpose being which to obtain, directly or indirectly financial and other material benefits;
- ...

Article 2: Objectives

- (a) The objectives of this Pact are:
 - (i) to promote cooperation among the Member States in the areas of non-aggression and common defence,
 - (ii) to promote peaceful co-existence in Africa,
 - (iii) to prevent conflicts of inter-State or intra-State nature, and
 - (iv) to ensure that disputes are resolved by peaceful means.
- (b) In pursuance of these objectives, this Pact seeks to define a framework under which the Union may intervene or authorise intervention, in preventing or addressing situations of aggression, in conformity with the Constitutive Act, the Protocol and the Common African Defence and Security Policy;
- (c) Consequently, any aggression or threat of aggression against any of the Member States shall be deemed to constitute a threat or aggression against all Member States of the Union.

Article 3: Obligations

- (a) State Parties undertake, pursuant to the provisions of the Constitutive Act, to resolve any differences by peaceful means, in order to avoid endangering peace and security; to refrain from the use of force or threat to use force in their relations with each other and in any manner whatsoever, incompatible with the United Nations Charter. Consequently, no consideration whatsoever, be it political, economic, military, religious or racial shall justify aggression;
- (b) State Parties undertake to develop and strengthen the friendly and peaceful relations among them in accordance with the fundamental principles of the Union;
- (c) State Parties undertake to promote such sustainable development policies as are appropriate to enhance the well being of the African people, including the dignity and fundamental rights of every human being in the context of a democratic society as stipulated in the Lome Declaration. In particular, State Parties shall ensure freedom of worship, respect of the cultural identity of peoples and the rights of minorities;
- (d) State Parties undertake to prohibit and prevent genocide, other forms of mass murder as well as crimes against humanity.

Article 4

- (a) State Parties undertake to provide mutual assistance towards their common defence and security vis-à-vis any aggression or threats of aggression;
- (b) State Parties undertake, individually and collectively, to respond by all available means to aggression or threats of aggression against any Member State;
- (c) State Parties undertake not to recognize any territorial acquisition or special advantage, resulting from the use of aggression;
- (d) As part of the vision of building a strong and united Africa, State Parties undertake to establish an African Army at the final stage of the political and economic integration of the Continent. In the meantime, State Parties will make best efforts to address the challenges of common defence and security through the effective implementation of the Common African Defence and Security Policy, including the early establishment and operationalisation of the African Standby Force.

Article 5

- (a) State Parties undertake to intensify collaboration and cooperation in all aspects related to combating international terrorism and any other form of organized trans-national crime or destabilization of

- any Member State;
- (b) Each State Party shall prevent its territory and its people from being used for encouraging or committing acts of subversion, hostility, aggression and other harmful practices that might threaten the territorial integrity and sovereignty of a Member State or regional peace and security;
 - (c) Each State Party shall prohibit the use of its territory for the stationing, transit, withdrawal or incursions of irregular armed groups, mercenaries and terrorist organizations operating in the territory of another Member State.

Article 6

- (a) State Parties undertake to extend mutual legal and all other assistance in the event of threats of terrorist attack or other organized international crimes.
- (b) State Parties undertake to arrest and prosecute any irregular armed group(s), mercenaries or terrorist(s) that pose a threat to any Member State.

Article 7

State Parties undertake, to cooperate and enhance their military and intelligence capacities through mutual assistance.

Article 8

- (a) Each State Party declares not to enter into any international or regional commitment which is in contradiction to the present Pact.
- (b) Each State Party declares that under no circumstances shall it exempt itself from its obligations under this Pact.

Article 9: Implementation Mechanisms

The Peace and Security Council shall be responsible for the implementation of this Pact, under the authority of the Assembly. In this regard, the Peace and Security Council may be assisted by any organ of the Union, pending the setting up of mechanisms and institutions for common defence and security.

Article 10

- (a) State Parties undertake to provide all possible assistance towards the military operations decided by the Peace and Security Council, including the use of the African Standby Force;
- (b) State Parties undertake to develop and strengthen the level of their actual collaboration with the Command Headquarters and Military Staff Committee of the African Standby Force in accordance with the provisions of the Protocol and the Policy Framework for the

Establishment of the African Standby Force and the Military Staff Committee.

Article 11

- (a) State Parties undertake to develop and strengthen the capacities of African research, information and training institutions to enhance early preventive action against any aggression or threats of aggression;
- (b) The Peace and Security Council may also be assisted by the following institutions:
 - (i) The African Peace Academy;
 - (ii) The African Centre for Study and Research on Terrorism;
 - (iii) The African Union Commission on International Law;
- (c) The Peace and Security Council may establish any other mechanism as it deems necessary.

Article 12: The African Peace Academy

- (a) State Parties undertake to establish and operationalize the African Peace Academy (APA) to serve as a framework for the promotion of peace and stability in Africa, and as a centre of excellence for research and development of an African peace doctrine;
- (b) The organization and operational modalities of the Academy shall be decided upon by the Assembly.

Article 13: African Centre for the Study and Research of Terrorism

- (a) The African Centre for the Study and Research on Terrorism (ACSRT) shall serve to centralize, collect and disseminate information, studies and analysis on terrorism and terrorist groups, and shall provide training programs by organizing, with the assistance of international partners meetings, and symposia, in order to prevent and combat terrorist acts in Africa;
- (b) The Centre shall assist Member States develop the expertise and strategies for the prevention and combating of terrorism, particularly with respect to the implementation of the 1999 OAU Convention and its Protocol thereto on the Prevention and Combating of Terrorism, as well as the Plan of Action on the Prevention and Combating of Terrorism in Africa and other relevant decisions adopted by the policy Organs of the Union;
- (c) State Parties undertake to support fully and take active part in the activities of the Centre.

Article 14: The African Union Commission on International Law

- (a) State Parties undertake to establish an African Union Commission on International Law whose objectives shall, among others, be to

study all legal matters related to the promotion of peace and security in Africa, including the demarcation and delineation of African borders;

- (b) The composition and functions of the African Union Commission on International Law shall be decided upon by the Assembly.

Article 15

State Parties involved in any dispute shall first seek a solution by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, or resort to regional and continental mechanisms or arrangements, or other peaceful means.

Article 16: Interpretation

State Parties undertake to refer all disputes over the interpretation, implementation and validity of this Pact to the Court of Justice, without prejudice to the competence of the Peace and Security Council.

Article 17

- (a) This Pact shall not derogate from, and shall not be interpreted as derogating in any way from the obligations of Member States contained in the United Nations Charter and the Constitutive Act, including the Protocol, and from the primary responsibility of the United Nations Security Council for the maintenance of international peace and security.
- (b) This Pact shall not derogate from, and shall not be interpreted as derogating in any way whatsoever, from the rights of refugees guaranteed by the relevant continental and international instruments.

...

Article 21

There shall be a periodic evaluation of this Pact in order to update it and to enhance its implementation. The evaluation of the Pact shall be done within the context of paragraph 36 of the Solemn Declaration on the Common African Defence and Security Policy which provide for the convening by the Chairperson of the Peace and Security Council “of a yearly review conference involving all the conflict resolution mechanisms of the various regional organizations as well as mechanisms established by the continental instruments.”

...

African Charter on Democracy, Elections and Good Governance (2007/2012)

Full title: African Charter on Democracy, Elections and Good Governance

Date/place of adoption/conclusion: 30 January 2007, Addis Ababa, Ethiopia

Entered into force (EIF): 15 February 2012

EIF provision: Article 48

Authentic texts: Arabic, English, French, Portuguese

Available online at: <https://bit.ly/2DpwRf7>

Excerpts

Preamble

We, the Member States of the African Union (AU);

Inspired by the objectives and principles enshrined in the Constitutive Act of the African Union, particularly Articles 3 and 4, which emphasise the significance of good governance, popular participation, the rule of law and human rights;

Recognising the contributions of the African Union and Regional Economic Communities to the promotion, nurturing, strengthening and consolidation of democracy and governance;

Reaffirming our collective will to work relentlessly to deepen and consolidate the rule of law, peace, security and development in our countries;

Guided by our common mission to strengthen and consolidate institutions for good governance, continental unity and solidarity;

Committed to promote the universal values and principles of democracy, good governance, human rights and the right to development;

Cognizant of the historical and cultural conditions in Africa;

Seeking to entrench in the Continent a political culture of change of power based on the holding of regular, free, fair and transparent elections conducted by competent, independent and impartial national electoral bodies;

Concerned about the unconstitutional changes of governments that are one of the essential causes of insecurity, instability and violent conflict in Africa;

Determined to promote and strengthen good governance through the institutionalization of transparency, accountability and participatory democracy;

Convinced of the need to enhance the election observation missions in the role they play, particularly as they are an important contributory factor to ensuring the regularity, transparency and credibility of elections;

...

Have agreed as follows:

...

Chapter 2: Objectives

Article 2

The objectives of this Charter are to:

1. Promote adherence, by each State Party, to the universal values and principles of democracy and respect for human rights;
2. Promote and enhance adherence to the principle of the rule of law premised upon the respect for, and the supremacy of, the Constitution and constitutional order in the political arrangements of the State Parties;
3. Promote the holding of regular free and fair elections to institutionalize legitimate authority of representative government as well as democratic change of governments;
4. Prohibit, reject and condemn unconstitutional change of government in any Member State as a serious threat to stability, peace, security and development;
5. Promote and protect the independence of the judiciary;
6. Nurture, support and consolidate good governance by promoting democratic culture and practice, building and strengthening governance institutions and inculcating political pluralism and tolerance;
7. Encourage effective coordination and harmonization of governance policies amongst State Parties with the aim of promoting regional and continental integration;
8. Promote State Parties' sustainable development and human security;
9. Promote the fight against corruption in conformity with the provisions of the AU Convention on Preventing and Combating Corruption adopted in Maputo, Mozambique in July 2003;
- ...
12. Enhance cooperation between the Union, Regional Economic Communities and the International Community on democracy, elections and governance; and
13. Promote best practices in the management of elections for purposes of political stability and good governance.

Chapter 3: Principles

Article 3

State Parties shall implement this Charter in accordance with the following principles:

1. Respect for human rights and democratic principles;
2. Access to and exercise of state power in accordance with the constitution of the State Party and the principle of the rule of law;
3. Promotion of a system of government that is representative;
4. Holding of regular, transparent, free and fair elections;
5. Separation of powers;
- ...
9. Condemnation and rejection of acts of corruption, related offenses and impunity;
10. Condemnation and total rejection of unconstitutional changes of government;
11. Strengthening political pluralism and recognising the role, rights and responsibilities of legally constituted political parties, including opposition political parties, which should be given a status under national law.

Chapter 4: Democracy, Rule of Law and Human Rights

Article 4

1. State Parties shall commit themselves to promote democracy, the principle of the rule of law and human rights.
2. State Parties shall recognize popular participation through universal suffrage as the inalienable right of the people.

Article 5

State Parties shall take all appropriate measures to ensure constitutional rule, particularly constitutional transfer of power.

...

Chapter 5: The Culture of Democracy and Peace

Article 11

The State Parties undertake to develop the necessary legislative and policy frameworks to establish and strengthen a culture of democracy and peace.

Article 12

State Parties undertake to implement programmes and carry out activities designed to promote democratic principles and practices as well as

consolidate a culture of democracy and peace.

To this end, State Parties shall:

1. Promote good governance by ensuring transparent and accountable administration.
2. Strengthen political institutions to entrench a culture of democracy and peace.

...

Article 13

State Parties shall take measures to ensure and maintain political and social dialogue, as well as public trust and transparency between political leaders and the people, in order to consolidate democracy and peace.

Chapter 6: Democratic Institutions

Article 14

1. State Parties shall strengthen and institutionalize constitutional civilian control over the armed and security forces to ensure the consolidation of democracy and constitutional order.
2. State Parties shall take legislative and regulatory measures to ensure that those who attempt to remove an elected government through unconstitutional means are dealt with in accordance with the law.
3. State Parties shall cooperate with each other to ensure that those who attempt to remove an elected government through unconstitutional means are dealt with in accordance with the law.

Article 15

1. State Parties shall establish public institutions that promote and support democracy and constitutional order.
2. State Parties shall ensure that the independence or autonomy of the said institutions is guaranteed by the constitution.
3. State Parties shall ensure that these institutions are accountable to competent national organs.
4. State Parties shall provide the above-mentioned institutions with resources to perform their assigned missions efficiently and effectively.

Article 16

State Parties shall cooperate at regional and continental levels in building and consolidating democracy through exchange of experiences.

Chapter 7: Democratic Elections

Article 17

State Parties re-affirm their commitment to regularly holding transparent, free and fair elections in accordance with the Union's Declaration on the Principles Governing Democratic Elections in Africa.

To this end, State Parties shall:

1. Establish and strengthen independent and impartial national electoral bodies responsible for the management of elections.
2. Establish and strengthen national mechanisms that redress election related disputes in a timely manner.
3. Ensure fair and equitable access by contesting parties and candidates to state controlled media during elections.
4. Ensure that there is a binding code of conduct governing legally recognized political stakeholders, government and other political actors prior, during and after elections. The code shall include a commitment by political stakeholders to accept the results of the election or challenge them in through exclusively legal channels.

Article 18

1. State Parties may request the Commission, through the Democracy and Electoral Assistance Unit and the Democracy and Electoral Assistance Fund, to provide advisory services or assistance for strengthening and developing their electoral institutions and processes.
2. The Commission may at any time, in consultation with the State Party concerned, send special advisory missions to provide assistance to that State Party for strengthening its electoral institutions and processes.

Article 19

1. Each State Party shall inform the Commission of scheduled elections and invite it to send an electoral observer mission.
2. Each State Party shall guarantee conditions of security, free access to information, non-interference, freedom of movement and full cooperation with the electoral observer mission.

Article 20

The Chairperson of the Commission shall first send an exploratory mission during the period prior to elections. This mission shall obtain any useful information and documentation, and brief the Chairperson, stating whether the necessary conditions have been established and if the environment is conducive to the holding of transparent, free and

fair elections in conformity with the principles of the Union governing democratic elections.

Article 21

1. The Commission shall ensure that these missions are independent and shall provide them with the necessary resources for that purpose.
2. Electoral observer missions shall be conducted by appropriate and competent experts in the area of election monitoring, drawn from continental and national institutions such as, but not limited to, the Pan African Parliament, national electoral bodies, national legislatures and eminent persons taking due cognizance of the principles of regional representation and gender equality.
3. Electoral observer missions shall be conducted in an objective, impartial and transparent manner.
4. All electoral observer missions shall present the report of their activities to the Chairperson of the Commission within a reasonable time.
5. A copy of the report shall be submitted to the State Party concerned within a reasonable time.

Article 22

State Parties shall create a conducive environment for independent and impartial national monitoring or observation mechanisms.

Chapter 8: Sanctions in Cases of Unconstitutional Changes of Government

Article 23

State Parties agree that the use of, inter alia, the following illegal means of accessing or maintaining power constitute an unconstitutional change of government and shall draw appropriate sanctions by the Union:

1. Any putsch or coup d'Etat against a democratically elected government.
2. Any intervention by mercenaries to replace a democratically elected government.
3. Any replacement of a democratically elected government by armed dissidents or rebels.
4. Any refusal by an incumbent government to relinquish power to the winning party or candidate after free, fair and regular elections; or
5. Any amendment or revision of the constitution or legal instruments, which is an infringement on the principles of democratic change of government.

Article 24

When a situation arises in a State Party that may affect its democratic political institutional arrangements or the legitimate exercise of power, the Peace and Security Council shall exercise its responsibilities in order to maintain the constitutional order in accordance with relevant provisions of the Protocol Relating to the Establishment of the Peace and Security Council of the African Union, hereinafter referred to as the Protocol.

Article 25

1. When the Peace and Security Council observes that there has been an unconstitutional change of government in a State Party, and that diplomatic initiatives have failed, it shall suspend the said State Party from the exercise of its right to participate in the activities of the Union in accordance with the provisions of articles 30 of the Constitutive Act and 7 (g) of the Protocol. The suspension shall take effect immediately.
2. However, the suspended State Party shall continue to fulfill its obligations to the Union, in particular with regard to those relating to respect of human rights.
3. Notwithstanding the suspension of the State Party, the Union shall maintain diplomatic contacts and take any initiatives to restore democracy in that State Party.
4. The perpetrators of unconstitutional change of government shall not be allowed to participate in elections held to restore the democratic order or hold any position of responsibility in political institutions of their State.
5. Perpetrators of unconstitutional change of government may also be tried before the competent court of the Union.
6. The Assembly shall impose sanctions on any Member State that is proved to have instigated or supported unconstitutional change of government in another state in conformity with Article 23 of the Constitutive Act.
7. The Assembly may decide to apply other forms of sanctions on perpetrators of unconstitutional change of government including punitive economic measures.
8. State Parties shall not harbour or give sanctuary to perpetrators of unconstitutional changes of government.
9. State Parties shall bring to justice the perpetrators of unconstitutional changes of government or take necessary steps to effect their extradition.
10. State Parties shall encourage conclusion of bilateral extradition agreements as well as the adoption of legal instruments on extradition and mutual legal assistance.

Article 26

The Peace and Security Council shall lift sanctions once the situation that led to the suspension is resolved.

Chapter 9: Political, Economic and Social Governance

...

Article 32

State Parties shall strive to institutionalize good political governance through:

...

4. Relevant reforms of public institutions including the security sector;
5. Harmonious relationships in society including civil-military relations;
6. Consolidating sustainable multiparty political systems;
7. Organising regular, free and fair elections; and
8. Entrenching and respecting the principle of the rule of law.

...

Article 36

State Parties shall promote and deepen democratic governance by implementing the principles and core values of the NEPAD Declaration on Democracy, Political, Economic and Corporate Governance and, where applicable, the African Peer Review Mechanism (APRM).

Article 37

State Parties shall pursue sustainable development and human security through achievement of NEPAD objectives and the United Nations Millennium Development Goals (MDGs).

Article 38

1. State Parties shall promote peace, security and stability in their respective countries, regions and in the continent by fostering participatory political systems with well-functioning and, if need be, inclusive institutions;
2. State Parties shall promote solidarity amongst Member States and support the conflict prevention and resolution initiatives that the Union may undertake in conformity with the Protocol establishing the Peace and Security Council.

Article 39

State Parties shall promote a culture of respect, compromise, consensus and tolerance as a means to mitigate conflicts, promote political stability

and security, and to harness the creative energies of the African peoples.

...

Chapter 10: Mechanisms for Application

Article 44

To give effect to the commitments contained in this Charter:

1. Individual State Party Level

State Parties commit themselves to implement the objectives, apply the principles and respect the commitments enshrined in this Charter as follows:

- (a) State Parties shall initiate appropriate measures including legislative, executive and administrative actions to bring State Parties' national laws and regulations into conformity with this Charter;
- (b) State Parties shall take all necessary measures in accordance with constitutional provisions and procedures to ensure the wider dissemination of the Charter and all relevant legislation as may be necessary for the implementation of its fundamental principles;
- (c) State Parties shall promote political will as a necessary condition for the attainment of the goals set forth in this Charter;
- (d) State Parties shall incorporate the commitments and principles of the Charter in their national policies and strategies.

2. Commission Level

A. At Continental Level

- (a) The Commission shall develop benchmarks for implementation of the commitments and principles of this Charter and evaluate compliance by State Parties;
- (b) The Commission shall promote the creation of favourable conditions for democratic governance in the African Continent, in particular by facilitating the harmonization of policies and laws of State Parties;
- (c) The Commission shall take the necessary measures to ensure that the Democracy and Electoral Assistance Unit and the Democracy and Electoral Assistance Fund provide the needed assistance and resources to State Parties in support of electoral processes;
- (d) The Commission shall ensure that effect is given to the decisions of the Union in regard to unconstitutional change of government on the Continent.

B. At Regional Level

The Commission shall establish a framework for cooperation with Regional Economic Communities on the implementation of the principles of the Charter. In this regard, it shall commit the Regional Economic

Communities (RECs) to:

- (a) Encourage Member States to ratify or adhere to this Charter.
- (b) Designate focal points for coordination, evaluation and monitoring of the implementation of the commitments and principles enshrined in this Charter in order to ensure massive participation of stakeholders, particularly civil society organizations, in the process.

Article 45

The Commission shall:

- (a) Act as the central coordinating structure for the implementation of this Charter;
- (b) Assist State Parties in implementing the Charter;
- (c) Coordinate evaluation on implementation of the Charter with other key organs of the Union including the Pan-African Parliament, the Peace and Security Council, the African Human Rights Commission, the African Court of Justice and Human Rights, the Economic, Social and Cultural Council, the Regional Economic Communities and appropriate national- level structures.

...

Protocol on Relations Between the African Union and the Regional Economic Communities (2007)

Full title: Protocol on Relations Between the African Union (AU) and the Regional Economic Communities (RECs)

Date/place of adoption/conclusion: July 2007, Accra, Ghana

EIF provision: Article 33

Authentic texts: Arabic, English, French, Portuguese, Spanish, Swahili

Available online at: <https://bit.ly/2W0gTyw>

Excerpts

Preamble

...

Aware of the need to establish a mechanism for the harmonisation and strategic planning of programmes by the African Union and RECs taking into account the NEPAD process so as to accelerate the integration of Africa;

...

Agreeing on the need to enhance integration in the social, cultural and political areas, including the need to maintain peace and security;

Agreeing also on the need to establish a co-operation mechanism between the Union and the RECs in the promotion of good governance, human rights, the rule of law, humanitarian concerns and a democratic culture in Africa;

...

Now therefore it is hereby agreed as follows:

Chapter 1: Preliminary Provisions

...

Article 2: Scope of Application

This Protocol shall apply to the mechanism established by the Parties in the implementation of measures in the economic, social, political and cultural fields including gender, peace and security, intended to fulfil the responsibilities placed on them by the Constitutive Act, Treaty and this Protocol.

Article 3: Objectives

The objectives of this Protocol are to:

- (a) formalize, consolidate and promote closer co-operation among the RECs and between them and the Union through the co-ordination and harmonization of their policies, measures, programmes and activities in all fields and sectors;
- (b) establish a framework for co-ordination of the activities of RECs in their contribution to the realization of the objectives of the Constitutive Act and the Treaty;

...

Article 4: General Undertakings

The Parties undertake, in conformity with the Constitutive Act, the Treaty and this Protocol to co-ordinate their policies, measures, programmes and activities with a view to avoiding duplication thereof. To this end, the Parties shall:

- (a) cooperate and coordinate the policies and programmes of the RECs with those of the Union;
- ...
- (c) promote inter-regional projects in all fields; and
- (d) support each other in their respective integration endeavours and agree to attend and participate effectively in all meetings of each other and in the activities required to be implemented under this Protocol.

...

Article 5: Specific Undertakings

1. The RECs which have not yet done so, shall take the necessary steps to review their treaties in order to establish an organic link with the Union and in particular with a view to:
 - (a) strengthening of their relations with the Union;
 - (b) alignment of their programmes, policies and strategies with those of the AU;
 - (c) providing for an effective implementation of this Protocol; and

...
2. The Union undertakes to discharge fully its responsibility of strengthening the RECs as well as of coordinating and harmonizing their activities.

Chapter 2: Institutional Framework

Article 6: Establishment of Institutional Organs

The following organs for co-ordinating policies, measures, programmes and activities of RECs and ensuring the implementation of this Protocol are hereby established:

- (a) the Committee on Co-ordination; and
- (b) the Committee of Secretariat Officials (CSO).

Article 7: The Committee on Co-ordination Composition and Functions

- ...
2. The Committee on Co-ordination shall be responsible for:
 - (a) providing policy orientation pertaining to the implementation of this Protocol;
 - (b) co-ordinating and harmonizing the macro-economic policies, peace and security policies, other policies and activities of the RECs, including the priority sectors of agriculture, industry, transport and communication, energy and environment, trade and customs, monetary and financial matters, integration legislation, human resources, gender, tourism, science and technology, cultural and social affairs, democracy, governance, human rights and humanitarian matters;

...

Article 9: The Committee of Secretariat Officials Composition and Functions

- ...
2. The Committee shall be responsible for:
 - (a) preparing and submitting reports to the Committee on Co-ordination on:

...

- (ii) co-ordination and harmonization of the macro-economic policies, peace and security policies, other policies and activities of the RECs, including the priority sectors of agriculture, industry, transport and communication, energy and environment, trade and customs, monetary and financial matters, integration legislation, human resources, gender, tourism, science and technology, cultural and social affairs, governance, democracy, human rights and humanitarian affairs;

Chapter 8: General and Final Provisions

Article 30: Harmonization of Mechanisms for Promotion of Peace, Security and Stability

1. For the purpose of the implementation of the provisions of Article 3 (a) of this Protocol and Articles 7(j) and 16(4) of the Protocol Establishing the Peace and Security Council of the African Union, the Parties agree to undertake the following:
 - (a) to harmonize and coordinate their activities in the field of peace, security and stability to ensure that these activities are consistent with the objectives and principles of the Union and those of the RECs;
 - (b) to work closely to ensure effective partnership between them in the promotion and maintenance of peace, security and stability; and
 - (c) to determine the modalities of the relationship in the promotion of peace, security and stability through a Memorandum of Understanding between the Union and the RECs.
2. Notwithstanding the provisions of Article 14 of the Protocol Establishing the Peace and Security Council of the African Union, the co-ordination and harmonization of mechanisms to prevent, manage and resolve conflicts among the RECs with a view to establishing, at continental level, a peace and security architecture, shall be achieved within the shortest possible time.

...

Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) (2009/2012)

Full title: African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)

Date/place of adoption/conclusion: 23 October 2009, Kampala, Uganda

Entered into force (EIF): 6 December 2012

EIF provision: Article 17(1)

Authentic texts: Arabic, English, French, Portuguese

Available online at: <https://bit.ly/2ALY6zA>

* Adopted by the Special Summit of the African Union, 23 October 2009, Kampala, Uganda.

Revised African Maritime Transport Charter (2010/)

Full title: Revised African Maritime Transport Charter

Date/place of adoption/conclusion: 26 July 2010, Kampala, Uganda

Entered into force (EIF): Not yet in force

EIF provision: Article 51(1)

Authentic texts: Arabic, English, French, Portuguese

Available online at: <https://bit.ly/31VKmxj>

* Adopted by the Fifteenth Ordinary Session of the Assembly of the African Union, 26 July 2010, Kampala, Uganda.

Excerpts

Preamble

...

Considering the importance of cooperation in the implementation of maritime conventions and regulations, particularly in the areas of safety, security, protection of the marine environment and maritime labour.

...

Chapter II: Objectives and Principles of Cooperation

Article 3: Objectives

The objectives of the African Maritime Charter are as follows to:

- ...
- 2. Facilitate and encourage regular consultations for determining African common positions on issues of international maritime policy and to define, for each given problem, concerted solutions.
- ...
- 9. Develop and promote mutual assistance and cooperation between States Parties in the area of maritime safety, security and protection of the marine environment.
- ...

Article 4: Principles

- ...
- 2. The Charter further seeks to promote cooperation between States parties, regional and international organizations.
- 3. States parties hereby adopt the following fundamental principles:
 - (a) Sovereignty, solidarity, cooperation, and interdependence of States;
 - ...
 - (c) Efficiency, safety, security and global competitiveness of maritime, port infrastructure and operations in order to promote economic and social development;
 - (d) Safe, secure and efficient shipping on clean oceans and sustainable maritime, port policies and implementation strategies.

Chapter V: Cooperation in Maritime and Inland Waterways Transport

Article 12: General Cooperation

- ...
- 2. States Parties agree to cooperate at bilateral, sub regional and regional levels on all matters contained in this Charter to promote safe, secure, clean waters and environmentally sustainable maritime inland waterways transport practices.
- ...
- 4. States Parties agree to cooperate at regional, continental and international levels to prevent and control maritime pollution in order to protect and conserve the marine environment and to suppress all unlawful acts, piracy, terrorism, etc.
- ...

Chapter VIII: Enhancing Maritime Safety and Security

...

Article 24: Sharing of information and Mutual Assistance

1. States Parties undertake to put in place an efficient maritime communication network in order to make optimum use of mechanisms for control, follow-up and intervention at sea and ensure better organization of maritime traffic.
2. States Parties should strive to create a strategic framework for the exchange of information and mutual assistance in order to enhance measures that can improve the safety, security and prevention systems and make it possible to combat unlawful acts perpetrated at sea.

...

Article 26: International Instrument[s] Relating to Maritime Safety, Maritime Security and Combating Piracy

1. States Parties shall enact legislation and take all the necessary measures to give full effect to this Charter and all other relevant international instrument codes and regulations in the area of maritime, port safety and security in order to ensure safe, secure and efficient shipping and port operations.
2. States Parties shall adopt effective measures to combat acts of piracy, armed robbery and other unlawful acts against shipping through co-operation with other international bodies.

...

2050 Africa's Integrated Maritime Strategy (2050 AIM Strategy) (2014)

Full title: 2050 Africa's Integrated Maritime Strategy (2050 AIM Strategy)

Date/place of adoption/conclusion: 31 January 2014, Addis Ababa, Ethiopia

Available online at: <https://bit.ly/2ALiGjy>

* Adopted by the Twenty-Second Ordinary Session of the Assembly of the African Union, 30-31 January 2014, Addis Ababa, Ethiopia.

Excerpts

...

II: Threats and Vulnerabilities

15. AMD draws attention to a broad array of real and potential threats that could result in mass casualties and inflict catastrophic economic harm to African States. In addition to loss of revenue, they could fuel violence and insecurity. Some of them, such as drug trafficking, could feed corruption, finance the purchase of illegal weapons, corrupt the youth, pervert democracy/rule of law, distort economies and destabilize communal life. As the actors threatening Africa's maritime domain continue to grow in number and capability, there must be a corresponding African endeavor to address these at the national, regional and continental levels.
16. Among others, the threats and vulnerabilities in the AMD include:
 - (i) Transnational Organized Crimes in the maritime domain (includes Money Laundering, Illegal Arms and Drug Traffic, Piracy and Armed Robbery at Sea, Illegal Oil bunkering / Crude Oil Theft along African coasts, Maritime Terrorism, Human Trafficking, Human Smuggling and Asylum Seekers Travelling by Sea);
 - (ii) Illegal, Unreported and Unregulated Fishing - IUU Fishing - and overfishing, and Environmental Crimes (includes deliberate shipwrecking and oil spillage as well as dumping of toxic wastes);
 - (iii) Natural Disasters, Marine Environmental Degradation and climate change;

...

IV: Strategic Objectives

21. In keeping with the AU principles and the deep-rooted values enshrined in the Constitutive Act of the AU with applicable programs, the following objectives will guide the 2050 AIM Strategy's activities:
 - (v) Ensure security and safety of maritime transportation systems
 - vi. Minimize environmental damage and expedite recovery from catastrophic events
 - (vii) Prevent hostile and criminal acts at sea, and Coordinate/harmonize the prosecution of the offenders
 - (viii) Protect populations, including AMD heritage, assets and critical infrastructure from maritime pollution and dumping of toxic and nuclear waste

...

XII: Framework for Strategic Actions

...

(b) Inter-Agency/Transnational Cooperation and Coordination on Maritime Safety and Security

...

31. Steps toward promoting inter-agency and transnational cooperation and coordination on maritime safety and security shall include the development of an inter-agency approach, a Naval Component capacity within the framework of the African Standby Force (ASF), and the establishment of a representative continental working group of Chiefs of African Navies and/or Coast Guards (CHANS) to scrutinize issues of situational awareness and collaborate towards the enhancement of Africa's Maritime Domain Awareness (MDA), and to uphold cooperative efforts between Navies/Coast Guards of the AU Member States and international partners. The AU, in collaboration with maritime agencies across the continent, including those from coastal and non-coastal Member States, will designate appropriate representatives to the CHANS. The CHANS will strive to:
 - (i) Foster development of requisite capacities to achieve effective MDA in Africa.
 - (ii) Pool national and regional political will by enhancing understanding of the importance of MDA as a critical enabler in building Africa's maritime domain security and safety.
 - (iii) Increase joint regional surveillance operations at sea, and the establishment of seagoing Navies and/or Coast Guard networks around Africa, with cross-border hot pursuit function.

...

(c) Regional Maritime Operational Centers

...

34. All AU Member States shall establish a 24-hour communications nodal point for coordination of national input and/or response. In accordance with Article 111 of UNCLOS, Member States' intent for operations to deter or disrupt acts of piracy and armed robbery against ships in the territorial sea and airspace of another Member State shall be subject to the approval and authority of that Member State, including in the case of hot pursuit. To increase the ability to deliver successful outcomes, all AU Member States are encouraged to establish cross-border hot pursuit arrangements. Further, due cognizance shall be given to the IMO Recommendations on Regional Agreements on Cooperation on Preventing and Suppressing Acts of Piracy and armed Robbery Against Ships (IMO MSC 1/ Circ 1333).

...

(h) Disaster Risk Management

55. In collaboration with relevant stakeholders such as the World Meteorological Organization (WMO), the UNESCO's Intergovernmental Oceanographic Commission (IOC) and the IMO, the AU shall encourage and support the implementation of continuous and integrated multisectoral and multi-disciplinary Maritime Disaster Management Strategy for Africa, with measures aimed at preventing or reducing risks of disasters; lessening severity or consequences of disasters; emergency preparedness, rapid and effective response to disasters; and post-disaster recovery and rehabilitation in the AMD. In this regard consideration shall be given to early warning sensors and centers and build on the concept of disaster relief and humanitarian aid from the sea.
56. In collaboration with relevant stakeholders, the AU shall also (a) make an assertive call to establish and constantly update co-operation and hence co-ordination between Member States so as to enhance regional co-operation, especially between or among those sharing common borders and Search And Rescue (SAR) areas; (b) conduct regular, inclusive, multi-agency maritime disaster management exercises, in national and regional sea areas; and (c) maintain compliance with relevant international conventions.

(i) Handling and Shipment of Hazardous Materials and Dangerous Goods

57. The handling and shipment of hazardous materials and dangerous goods is a serious matter that requires AU Member States compliance with regulatory requirements, especially the International Maritime Dangerous Goods (IMDG) Code. All workers handling hazardous materials or dangerous goods shall follow regulatory requirements, in line with the Convention on Hazardous and Noxious Substances, and the Basel Convention and the 1996 Bamako Convention on the Ban of the Import to Africa and the Control of Trans-boundary Movement and Management of Hazardous Waste within Africa. The AU shall encourage Member States to ensure, through appropriate legislation in collaboration with relevant stakeholders, the safe handling and transport of hazardous goods and materials.

...

(k) Maritime Governance

...

(iii) Money Laundering, Illegal Arms and Drug Trafficking

63. Greater and stronger development is needed across all RECs/RMs so as to provide legal framework of prevention aimed at combating money laundering, arms and drug trafficking, and related crimes. Information-sharing shall be promoted among affected countries in order to disrupt trafficking networks. In partnership with relevant stakeholders (UNODC, Interpol, etc.), the AU shall create a C4ISR-equipped Trans-Saharan Crime Monitoring Network to improve information, monitor suspicious activities, exchange evidence, facilitate legal cooperation, and strengthen national and regional efforts against these organized crimes. Such a Trans-Saharan crime monitoring network would ensure a first and practical response to a growing problem, such an early warning device, linked to the AU's Continental Early Warning System (CEWS), will help review situations that warrant careful investigation.
64. At the national level, Member States shall be encouraged to stiffen penalties associated with money laundering, illegal arms and drug trafficking. AU Member States shall strive to harmonize policies and laws in this area to curb these trans-boundary crimes, borrowing from the workings of the Council of Europe Group of States against Corruption [GRECO] and Money Laundering and Corruption [MONEYVAL] which carry out evaluations and peer reviews to ensure that Member States have effective systems to counter corruption, money laundering and terrorist financing. The AU already has a peer review mechanism in place, namely the African Peer Review Mechanism (APRM), whose mandate can be expanded.

(iv) Environmental Crimes

65. The AU shall develop mechanism to detect and prosecute cases of dumping of toxic waste in the AMD, with the toughest position for compensation. The AU together with relevant partners shall support the NEPAD Joint Implementation Mechanism of the Nairobi⁹ and Abidjan¹⁰ Conventions in the implementation of the marine and coastal environment component of the NEPAD. Full support shall also be given to the Environment Initiative of the NEPAD and the Sirte Declaration on Agriculture and Water on comprehensive environment protection and management, as well as other relevant conventions, such as CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora), and the Convention on Biological Diversity.

...

(ix) Piracy and Armed Robbery at Sea

70. Since 2008, the AU has advocated a comprehensive approach towards combating piracy and armed robbery at sea. The AU fully supports the work of the Contact Group on Piracy Off the Coast of Somalia (CGPCS), as well as all IMO initiatives to combat piracy and armed robbery against ships, including the Best Management Practices (BMPs) for vessel protection in High Risk Areas (HRA)¹² and the Djibouti Code of Conduct (DCC) concerning the repression of piracy and armed robbery against ships in the Western Indian Ocean and the Gulf of Aden. Therefore, the AU shall encourage Member States, consistent with their available resources and related priorities, their respective national laws and regulations, and applicable rules of international law, in cooperation with the IMO and any other relevant organisations, to mutualize their assets so as to cooperate to the fullest possible extent in the repression of piracy and armed robbery against ships. This would be with a view towards: encouraging (a) burden sharing, (b) tracking financial flows, (c) sharing and reporting relevant information; (d) interdicting ships and/or aircraft suspected of engaging in piracy or armed robbery against ships; (e) apprehension and prosecution of persons committing or attempting to commit piracy or armed robbery against ships, and (f) facilitating proper care, treatment, and repatriation for seafarers, fishermen, other shipboard personnel and passengers subject to piracy or armed robbery against ships, particularly those who have been subjected to violence.
71. The AU shall provide support and technical assistance to vulnerable African states, to enhance their capacity to ensure effective coastal and maritime patrols. In this regard, special attention shall be given to the development of effective Navies/Coast Guard(s).

(x) Maritime Terrorism

72. Within the past decade, there have been major developments in the regulation of international shipping, particularly through the introduction of the International Ship and Port Facility Security (ISPS) Code. Consequently, AU Member States that have not yet implemented the ISPS Code should move quickly to do so, and introduce other maritime MDA and security measures.
73. In line with the framework of the UN Strategy on counter-terrorism, the AU, the RECs/RMs, and Member States will strive to support the African Center for the Study and Research on Terrorism (ACSRT) in the operationalization of the Terrorism Early Warning system as well as all the ACSRT activities listed in its strategic plan.
74. The AU shall make an assertive call for preventive measures with efforts to address both real and perceived grievances and underlying

social, economic, and political conditions which give rise to this content. Therefore, the AU, the RECs/RMs and Members States will give priority attention to addressing underlying conditions conducive to the spread of terrorism in the continent, as well as respect for human rights and the rule of law. These conditions include: poverty, prolonged unresolved conflicts, dehumanization of victims of terrorism, lack of rule of law and violations of human rights, ethnic, national and religious discrimination, political exclusion, Corporate Social Responsibility (CSR), socio-economic marginalization and lack of good governance.

(xi) Human Trafficking, Human Smuggling and Asylum Seekers Travelling by Sea

75. Trafficking in persons is a criminal offence addressed by many international instruments and programmes. Among those are the UN Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000); the United Nations Global Initiative to Fight Human Trafficking (UN.GIFT) programme (2004) and in the context of Africa, the Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children (2006). The UNODC has developed a United Nations Counter - Kidnap Manual on best practices for law enforcement authorities to combat kidnapping.
76. To deal with the scourge of human trafficking, a bigger part of the work will consist in awareness-raising, through media and training workshops, and capacity building in source and transit countries to deal with human trafficking. The AU shall work towards addressing the root causes of human trafficking, which include poverty, unbalanced distribution of wealth, unemployment, armed conflicts, poor law enforcement system, degraded environment, poor governance, societies under stress, corruption, lack of education, lack of respect for universal human rights and discrimination, increased demand for sex trade and sex tourism.
77. The AU in collaboration with relevant stakeholders shall continue to assist Member States with the development and implementation of sound migration policies aimed at addressing trafficking in human beings, especially women and children.

(xii) Strategic Communications Systems

78. Mobile phones and the Internet have had beneficial impacts on supporting the livelihoods of rural people, particularly small scale business women and men in Africa, where mobile phones are the most widely-used form of communications technology. However,

while their benefits are yet to be fully exploited for improving strategic communications in support of the maritime industry, the maritime industry has been exposed to a myriad of related risks such as cyber attacks and related crimes.

79. Cybercrime is of particular concern for the AU because of the cross-border nature of the issue., The AU, RECs/RMs, Member States, the private sector and civil society, shall work together to improve cybercrime.
80. In order to prevent, defend against and respond to cyber threats, the AU shall encourage cooperation between the RECs/RMs and Member States, with the cooperation of the UN International Telecommunication Union (ITU), the International Multilateral Partnership Against Cyber Threats (IMPACT) and the UN Office on Drugs and Crime (UNODC). This targeted cooperation will assist AU Member States in mitigating the risks posed by cybercrime and cybercrime through activities such as maritime database generation and maritime information exchange networks. The AU, RECs/RMs and Member States shall regularly carry out multi-agency cyber drill exercises which involve testing the response technologies.

Annex B: Definitions

In the context of this strategy, the following terms should be understood as detailed below:

...

(iv) Maritime Safety

The concept of “Maritime Safety” shall focus on enhanced sustainable socioeconomic development, the condition that reflects the ability of public and private entities to conduct legitimate activities such as territorial protection, resource extraction, trade, transport and tourism, free of threats or losses from accidents, negligence, natural and man-made disasters, for an integrated and prosperous Africa.

(v) Maritime Security

The concept of “Maritime Security” will focus on enhancing sustainable socioeconomic development, the condition that reflects the freedom of public and private entities to conduct legitimate activities such as the exercise of sovereign and jurisdictional rights, resource extraction, trade, transport and tourism, free of threats or losses from illegal acts or aggression, for an integrated and prosperous Africa.

...

(x) Security

A sea-centric approach to “Security” encompasses all the traditional,

statefocused, regional and continental notions for the protection of the states and regions of the continent. This protection can be achieved by all appropriate means. The emphasis is on collective security. Collective security embraces human security; national developmental aspirations and economic rights, the right of popular participation in the decision-making process and other development issues. The challenge therefore will be how to develop and access; resources and basic necessities of life; the right to protection against threats such as famine and poverty; education and health facilities; protection against marginalization on the basis of gender; and vigilance against ecological and environmental degradation. Within the scope of this AIM Strategy, the focus will be on the key issues of maritime governance, maritime safety and security, maritime prosperity and maritime viability.

...

Convention on Cross-Border Cooperation (Niamey Convention) (2014/)

Full title: African Union Convention on Cross-Border Cooperation (Niamey Convention)

Date/place of adoption/conclusion: 27 June 2014, Malabo, Equatorial Guinea

Entered into force (EIF):) Not yet in force

EIF provision: Article 15

Authentic texts: Arabic, English, French, Portuguese

Available online at: <https://bit.ly/3iLMGwU>

* Adopted during the Twenty-Third Ordinary Session of the Assembly of the African Union, 26-27 June 2014, Malabo, Equatorial Guinea.

Excerpts

Preamble

...

Recalling the international initiatives on the delimitation and delineation of maritime borders and the provisions of the United Nations Convention on the Law of the Sea;

Convinced that a legal framework for cross-border cooperation would

accelerate integration in Africa and enhance prospects for the peaceful resolution of border disputes between Member States;

...

Have agreed as follows:

Article 2: Objectives

The objectives of the present Convention are to:

...

4. facilitate the peaceful resolution of border disputes;
5. ensure efficient and effective integrated border management;
- ...
7. promote peace and stability through the prevention of conflicts, the integration of the continent and the deepening of its unity.

Article 3: Areas of Cooperation

State Parties shall commit themselves to promote cross-border cooperation in the following areas:

...

4. security, especially combatting cross-border crime, terrorism, piracy and other forms of crime;
5. de-mining of border areas;
- ...

Article 4: Facilitation of Cross-Border Cooperation

1. The State Parties shall endeavour to solve any legal, administrative, security, cultural or technical impediment likely to hamper the strengthening and smooth functioning of cross-border cooperation. In this respect, State Parties shall regularly consult with each other or with other interested parties.
2. State Parties shall, in accordance with the provisions of the present Convention, cooperate fully in the implementation of the Border Programme.

Article 5: Sharing of Information and Intelligence

...

2. Each State Party shall take the necessary steps to encourage, promote and facilitate information and intelligence sharing, as may be requested by another State Party on matter relating to the protection and security of border areas.

...

Protocol to the Constitutive Act of the African Union Relating to the Pan-African Parliament (2014/)

Full title: Protocol to the Constitutive Act of the African Union Relating to the Pan-African Parliament

Date/place of adoption/conclusion: 27 June 2014, Malabo, Equatorial Guinea

Entered into force (EIF): Not yet in force

EIF provision: Article 23

Available online at: <https://bit.ly/3iOsvP0>

* Adopted by the Twenty-Third Ordinary Session of the Assembly of the African Union, 27 June 2014, Malabo, Equatorial Guinea.

Excerpts

...

Article 3: Objectives of the Pan African Parliament

The objectives of the Pan African Parliament shall be to:

...

- (b) facilitate the effective implementation of the policies and objectives of the AU;
- (c) promote the principles of human and peoples' rights and democracy in Africa;
- (d) encourage good governance, respect for the rule of law, transparency and accountability in Member States;

...

- (f) promote peace, security and stability;

...

Article 8: Functions and Powers

The Pan African Parliament shall be the legislative organ of the African Union. In this regard,

- (a) The Assembly shall determine the subjects/areas on which the Pan African Parliament may propose draft model laws;
 - (b) The Pan African Parliament may on its own make proposals on the subjects/areas on which it may submit or recommend draft Model Laws to the Assembly for its consideration and approval.
2. The Pan African Parliament shall also:
- (a) Receive and consider reports of other organs of the African Union as may be referred to it by the Council or the Assembly, including audit and other reports and make recommendations thereon;
 - b) Debate and discuss its own budget and the budget of the Union and make recommendations thereon to the relevant policy organs;

- c) Establish any Parliamentary Committee and determine its functions, mandate, composition and term of office;
 - d) Discuss any matter relevant to the African Union and make recommendations to the Council or the Assembly as it may deem appropriate;
 - e) Make proposals to the Council on the structure of the Secretariat of the Parliament taking into account its needs;
 - ...
 - j) Carry out such other activities as it deems appropriate to achieve the objectives set out in Article 3 of this Protocol.
3. Without prejudice to the preceding paragraphs and in so far as it is not in conflict with the mandate of any other organ of the AU, the powers and functions of the Parliament may also be exercised through:
- (a) Fact-finding or inquiry missions;
 - (b) Observer missions;
- ...

Malabo Protocol on the Statute of the African Court of Justice and Human Rights (2014/)

Full title: Protocol on Amendments to the Protocol on the Statute of the African Court of Justice and Human Rights (Statute of the African Court of Justice and Human Rights [as amended])

Date/place of adoption/conclusion: 27 June 2014, Malabo, Equatorial Guinea

Entered into force (EIF): Not yet in force

EIF provision: Article 11(1)

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* Adopted by the Twenty-Third Ordinary Session of the Assembly of the African Union, 27 June 2014, Malabo, Equatorial Guinea.

Excerpts

Article 28A: International Criminal Jurisdiction of the Court

1. Subject to the right of appeal, the International Criminal Law Section of the Court shall have power to try persons for the crimes provided hereunder:
 1. Genocide

2. Crimes Against Humanity
3. War Crimes
4. The Crime of Unconstitutional Change of Government;
5. Piracy
6. Terrorism
7. Mercenarism
- ...
14. The Crime of Aggression

Article 28B: Genocide

For the purposes of this Statute, 'genocide' means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group;
- (f) Acts of rape or any other form of sexual violence.

Article 28C: Crimes Against Humanity

1. For the purposes of this Statute, 'crime against humanity' means any of the following acts when committed as part of a widespread or systematic attack or enterprise directed against any civilian population, with knowledge of the attack or enterprise:
 - (a) Murder;
 - (b) Extermination;
 - (c) Enslavement;
 - (d) Deportation or forcible transfer of population;
 - (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
 - (f) Torture, cruel, inhuman and degrading treatment or punishment;
 - (g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
 - (h) Persecution against any identifiable group or collectively on political, racial, national, ethnic, cultural, religious, gender or other grounds that are universally recognized as impermissible under international law;
 - (i) Enforced disappearance of persons;
 - (j) The crime of apartheid;
 - (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or mental or physical health.
2. For the purpose of paragraph 1:
 - (a) 'Attack directed against any civilian population' means a course

of conduct involving the multiple commission of acts referred to in paragraph 1 against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack;

- (b) 'Extermination' includes the intentional infliction of conditions of life, inter alia the deprivation of access to food and medicine, calculated to bring about the destruction of part of a population;
- (c) 'Enslavement' means the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children;
- (d) 'Deportation or forcible transfer of population' means forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law;
- (e) 'Torture' means the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused; except that torture shall not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions;
- (f) 'Forced pregnancy' means the unlawful confinement of a woman forcibly made pregnant, with the intent of affecting the ethnic composition of any population or carrying out other grave violations of international law. This definition shall not in any way be interpreted as affecting national laws relating to pregnancy;
- (g) 'Persecution' means the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectively;
- (h) 'The crime of apartheid' means inhumane acts of a character similar to those referred to in paragraph 1, committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime;
- (i) 'Enforced disappearance of persons' means the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time.

Article 28D: War Crimes

For the purposes of this Statute, 'war crimes' means any of the offences listed, in particular when committed as part of a plan or policy or as part of a large scale commission of such crimes.

- (a) Grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention:

- (i) Wilful killing;
 - (ii) Torture or inhuman treatment, including biological experiments;
 - (iii) Wilfully causing great suffering, or serious injury to body or health;
 - (iv) Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;
 - (v) Compelling a prisoner of war or other protected person to serve in the forces of a hostile Power;
 - (vi) Wilfully depriving a prisoner of war or other protected person of the rights of fair and regular trial;
 - (vii) Unlawful deportation or transfer or unlawful confinement;
 - (viii) Taking of hostages.
- (b) Grave breaches of the First Additional Protocol to the Geneva Conventions of 8 June 1977 and other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts:
- (i) Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;
 - (ii) Intentionally directing attacks against civilian objects, that is, objects which are not military objectives;
 - (iii) Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;
 - (iv) Intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated;
 - (v) Intentionally launching an attack against works or installations containing dangerous forces in the knowledge that such attack will cause excessive loss of life, injury to civilians or damage to civilian objects which will be excessive in relation to the concrete and direct overall military advantage anticipated;
 - (vi) Attacking or bombarding, by whatever means, towns, villages, dwellings or buildings which are undefended and which are not military objectives;
 - (vii) Killing or wounding a combatant who, having laid down his arms or having no longer means of defence, has surrendered at discretion;
 - (viii) Making improper use of a flag of truce, of the flag or of the military insignia and uniform of the enemy or of the United Nations, as well as of the distinctive emblems of the Geneva Conventions, resulting in death or serious personal injury;
 - (ix) The transfer, directly or indirectly, by the Occupying Power of

- parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory;
- (x) Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;
 - (xi) Subjecting persons who are in the power of an adverse party to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons;
 - (xii) Killing or wounding treacherously individuals belonging to the hostile nation or army;
 - (xiii) Declaring that no quarter will be given;
 - (xiv) Destroying or seizing the enemy's property unless such destruction or seizure be imperatively demanded by the necessities of war;
 - (xv) Declaring abolished, suspended or inadmissible in a court of law the rights and actions of the nationals of the hostile party;
 - (xvi) Compelling the nationals of the hostile party to take part in the operations of war directed against their own State, even if they were in the belligerent's service before the commencement of the war;
 - (xvii) Pillaging a town or place, even when taken by assault;
 - (xviii) Employing poison or poisoned weapons;
 - (xix) Employing asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices;
 - (xx) Employing bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions;
 - (xxi) Employing weapons, projectiles and material and methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering or which are inherently indiscriminate in violation of the international law of armed conflict
 - (xxii) Committing outrages upon personal dignity, in particular humiliating and degrading treatment;
 - (xxiii) Committing rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence also constituting a grave breach of the Geneva Conventions;
 - (xxiv) Utilizing the presence of a civilian or other protected person to render certain points, areas or military forces immune from military operations;
 - (xxv) Intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;
 - (xxvi) Intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including

- wilfully impeding relief supplies as provided for under the Geneva Conventions;
- (xxvii) Conscripting or enlisting children under the age of eighteen years into the national armed forces or using them to participate actively in hostilities;
- (xxviii) Unjustifiably delaying the repatriation of prisoners of war or civilians;
- (xxix) Wilfully committing practices of apartheid and other inhuman and degrading practices involving outrages upon personal dignity, based on racial discrimination.
- (xxx) Making non-defended localities and demilitarised zones the object of attack;
- (xxxi) Slavery and deportation to slave labour;
- (xxxii) Collective punishments;
- (xxxiii) Despoliation of the wounded, sick, shipwrecked or dead;
- (c) In the case of an armed conflict not of an international character, serious violations of article 3 common to the four Geneva Conventions of 12 August 1949, namely, any of the following acts committed against persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention or any other cause:
 - (i) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
 - (ii) Committing outrages upon personal dignity, in particular humiliating and degrading treatment;
 - (iii) Taking of hostages;
 - (iv) The passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognized as indispensable.
- (d) Paragraph (c) applies to armed conflicts not of an international character and thus does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature.
- (e) Other serious violations of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law, namely, any of the following acts:
 - (i) Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;
 - (ii) Intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;
 - (iii) Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the

- United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;
- (iv) Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;
 - (v) Pillaging a town or place, even when taken by assault;
 - (vi) Committing rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, and any other form of sexual violence also constituting a serious violation of article 3 common to the four Geneva Conventions;
 - (vii) Conscripting or enlisting children under the age of eighteen years into armed forces or groups or using them to participate actively in hostilities;
 - (viii) Ordering the displacement of the civilian population for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand;
 - (ix) Killing or wounding treacherously a combatant adversary;
 - (x) Declaring that no quarter will be given;
 - (xi) Subjecting persons who are in the power of another party to the conflict to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons;
 - (xii) Destroying or seizing the property of an adversary unless such destruction or seizure be imperatively demanded by the necessities of the conflict;
 - (xiii) Employing poison or poisoned weapons;
 - (xiv) Employing asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices;
 - (xv) Employing bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions;
 - (xvi) Intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including wilfully impeding relief supplies;
 - (xvii) Utilizing the presence of a civilian or other protected person to render certain points, areas or military forces immune from military operations;
 - (xviii) Launching an indiscriminate attack resulting in death or injury to civilians, or an attack in the knowledge that it will cause excessive incidental civilian loss, injury or damage;
 - (xix) Making non-defended localities and demilitarised zones the object of attack;
 - (xx) Slavery;
 - (xxi) Collective punishments;
 - (xxii) Despoliation of the wounded, sick, shipwrecked or dead.

- (f) Paragraph (e) applies to armed conflicts not of an international character and thus does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature. It applies to armed conflicts that take place in the territory of a State when there is protracted armed conflict between governmental authorities and organized armed groups or between such groups.
- (g) Using nuclear weapons or other weapons of mass destruction.

Article 28E: The Crime of Unconstitutional Change of Government

1. For the purposes of this Statute, ‘unconstitutional change of government’ means committing or ordering to be committed the following acts, with the aim of illegally accessing or maintaining power:
 - (a) A putsch or coup d’état against a democratically elected government;
 - (b) An intervention by mercenaries to replace a democratically elected government;
 - (c) Any replacement of a democratically elected government by the use of armed dissidents or rebels or through political assassination;
 - (d) Any refusal by an incumbent government to relinquish power to the winning party or candidate after free, fair and regular elections;
 - (e) Any amendment or revision of the Constitution or legal instruments, which is an infringement on the principles of democratic change of government or is inconsistent with the Constitution;
 - (f) Any substantial modification to the electoral laws in the last six (6) months before the elections without the consent of the majority of the political actors.
2. For purposes of this Statute, “democratically elected government” has the same meaning as contained in AU instruments.

Article 28F: Piracy

Piracy consists of any of the following acts:

- (a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private boat, ship or a private aircraft, and directed:
 - (i) on the high seas, against another boat, ship or aircraft, or against persons or property on board such boat, ship or aircraft;
 - (ii) against a boat, ship, aircraft, persons or property in a place outside the jurisdiction of any State
- (b) any act of voluntary participation in the operation of a boat, ship or of an aircraft with knowledge of facts making it a pirate boat, ship or aircraft;
- (c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).

Article 28G Terrorism

For the purposes of this Statute, 'terrorism' means any of the following acts:

- A. Any act which is a violation of the criminal laws of a State Party, the laws of the African Union or a regional economic community recognized by the African Union, or by international law, and which may endanger the life, physical integrity or freedom of, or cause serious injury or death to, any person, any number or group of persons or causes or may cause damage to public or private property, natural resources, environmental or cultural heritage and is calculated or intended to:
 1. intimidate, put in fear, force, coerce or induce any government, body, institution, the general public or any segment thereof, to do or abstain from doing any act, or to adopt or abandon a particular standpoint, or to act according to certain principles; or
 2. disrupt any public service, the delivery of any essential service to the public or to create a public emergency; or
 3. create general insurrection in a State.
- B. Any promotion, sponsoring, contribution to, command, aid, incitement, encouragement, attempt, threat, conspiracy, organizing, or procurement of any person, with the intent to commit any act referred to in sub-paragraph (a) (1) to (3).
- C. Notwithstanding the provisions of paragraphs A and B, the struggle waged by peoples in accordance with the principles of international law for their liberation or self-determination, including armed struggle against colonialism, occupation, aggression and domination by foreign forces shall not be considered as terrorist acts.
- D. The acts covered by international Humanitarian Law, committed in the course of an international or non-international armed conflict by government forces or members of organized armed groups, shall not be considered as terrorist acts.
- E. Political, philosophical, ideological, racial, ethnic, religious or other motives shall not be a justifiable defence against a terrorist act.

Article 28H Mercenarism

For the purposes of this Statute:

- (a) A mercenary is any person who:
 - (i) Is specially recruited locally or abroad in order to fight in an armed conflict;
 - (ii) Is motivated to take part in the hostilities essentially by the desire for private gain and, in fact, is promised, by or on behalf of a party to the conflict, material compensation;
 - (iii) Is neither a national of a party to the conflict nor a resident of territory controlled by a party to the conflict;
 - (iv) Is not a member of the armed forces of a party to the conflict; and

- (v) Has not been sent by a State which is not a party to the conflict on official duty as a member of its armed forces.
- (b) A mercenary is also any person who, in any other situation:
 - (i) Is specially recruited locally or abroad for the purpose of participating in a concerted act of violence aimed at:
 1. Overthrowing a legitimate Government or otherwise undermining the constitutional order of a State;
 2. Assisting a government to maintain power;
 3. Assisting a group of persons to obtain power; or
 4. Undermining the territorial integrity of a State;
 - (ii) Is motivated to take part therein essentially by the desire for private gain and is prompted by the promise or payment of material compensation;
 - (iii) Is neither a national nor a resident of the State against which such an act is directed;
 - (iv) Has not been sent by a State on official duty; and
 - (v) Is not a member of the armed forces of the State on whose territory the act is undertaken.
- (c) Any person who recruits, uses, finances or trains mercenaries, as defined in paragraph (1) (a) or (b) above commits an offence.
- (d) A mercenary, as defined in paragraph (1) (a) or (b) above, who participates directly in hostilities or in a concerted act of violence, as the case may be, commits an offence.

...

Article 28M Crime of Aggression

- A. For the purpose of this Statute, "Crime of Aggression" means the planning, preparation, initiation or execution, by a person in a position effectively to exercise control over or to direct the political or military action of a state or organization, whether connected to the state or not of an act of aggression which, by its character, gravity and scale, constitutes a manifest violation of the Charter of the United Nations or the Constitutive Act of the African Union and with regard to the territorial integrity and human security of the population of a State Party."
- B. The following shall constitute acts of aggression, regardless of a declaration of war by a State, group of States, organizations of States, or non-State actor(s) or by any foreign entity:
 - (a) The use of armed forces against the sovereignty, territorial integrity and political independence of any state, or any other act inconsistent with the provisions of the Constitutive Act of the African Union and the Charter of the United Nations.
 - (b) The invasion or attack by armed forces against the territory of a State, or military occupation however temporary, resulting from such an invasion or attack, or any annexation by the use of force of the territory of a State or part thereof.

- (c) The bombardment by the armed forces of a State against the territory of another State or the use of any weapons by a State against the territory of another State.
 - (d) The blockade of the ports, coasts or airspace of a State by the armed forces of another State.
 - (e) The attack by the armed forces of a State on the land, sea or air forces, or marine and fleets of another State.
 - (f) The use of the armed forces of one State which are within the territory of another State with the agreement of the receiving State, in contravention of the conditions provided for in the African Union Non-Aggression and Common Defence Pact or any extension of their presence in such territory beyond the termination of the agreement.
 - (g) The action of a State in allowing its territory, which it has placed at the disposal of another State to be used by another State for perpetrating an act of aggression against a third State.
 - (h) The sending or materially supporting by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State of such gravity as to amount to the acts listed above, or its substantial involvement therein.
- ...

African Charter on Maritime Security and Safety and Development in Africa (Lomé Charter) (2016/)

Full title: African Charter on Maritime Security and Safety and Development in Africa (Lomé Charter)

Date/place of adoption/conclusion: 15 October 2016, Lomé, Togo

Entered into force (EIF): Not yet in force

EIF provision: Article 50(1)

Authentic texts: Arabic, English, French, Portuguese

Available online at: <https://bit.ly/2OaUdY1>

* Adopted by the Extraordinary Session of the Assembly of the African Union, 15 October 2016, Lomé, Togo.

Excerpts

Preamble

We, the Heads of State and Government of the Member States of the African Union (AU);

Having regard to the provisions of the Charter of the United Nations of 26 June 1945, in particular its Chapters VI, VII and VIII;

Cognisant of the United Nations Convention on the Law of the Sea of 10 December 1982, in particular its Articles 100, 101 and 105, defining the legal framework for the fight against piracy and armed robbery against ships and the international Convention for the Safety of Life at Sea, 1 November 1974;

...

Further mindful of the relevant provisions of the United Nations Security Council Resolutions, which call for the development and implementation of regional, sub-regional and national maritime safety and security and fight against piracy strategies;

...

Further considering that the persistence of conflicts constitutes a serious threat to peace and security and undermines our efforts to raise the standard of living of our peoples;

Deeply concerned by the scourge of terrorism, extremism in all its forms and transnational organised crime as well as the different threats against peace and security in Africa;

Acknowledging that the proliferation of small arms and light weapons as well as cross-border crime contribute to the spread of insecurity and instability and pose serious risks to international maritime navigation;

Reaffirming our commitment to combat maritime crime, threats and challenges to, protect and secure our seas and oceans;

Convinced that the prevention, management and the eradication of these scourges can only succeed through the enhancement of cooperation, with a view to coordinating the efforts of coastal, island and land-locked African States within the framework of the African Union;

...

Deeply committed to peace and security in the Mediterranean Sea, the Red Sea, the Gulf of Aden, the Atlantic Ocean and the Indian Ocean, and **welcoming** the determination, through the Maritime Strategies of the Regional Economic Communities/Regional Mechanisms, the Indian Ocean Commission, and the Gulf of Guinea Commission to work closely with the Commission of the African Union on the implementation, in conformity with International Maritime Law, of the 2050 AIM Strategy;

...

Firmly resolved to work tirelessly to ensure peace, security, safety and stability, protection of the marine environment and facilitation of trade in the maritime space and development of our countries;

Hereby agree as follows:

Chapter I: General Provisions

Article 1: Definitions

1. For the purpose of this Charter, the following terms and expressions shall apply:

“African Space Policy and Strategy” refers to the first concrete steps to realize an African Space Programme, as one of the flagship programmes of the AU Agenda 2063 adopted on 31 January 2016;

“2050 AIM Strategy” refers to the 2050 Africa’s integrated Maritime Strategy adopted by the Assembly on 27 January 2014;

“Armed robbery against ships” means any illegal act of violence or detention or any act of depredation, or threat thereof, other than an act of piracy, committed for private ends and directed against a ship or against persons or property on board such a ship, in an area falling within the jurisdiction of a State;

...

“Bamako Convention” refers to the Bamako Convention on the ban on the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa adopted by the Organisation of African Unity on 30 January 1991;

...

“Drug trafficking” means the global illicit trade involving the cultivation, manufacture, distribution and sale of substances which are subject to drug prohibition laws;

...

“Illegal, unreported and unregulated (IUU) fishing” means:

(i) Illegal fishing means activities:

- (a) conducted by national or foreign vessels in waters Under the jurisdiction of a State, without the permission of that State, or in contravention of its laws and regulations;
- (b) conducted by vessels flying the flag of States that are parties to a relevant regional fisheries management organization but operate in contravention of the conservation and management measures adopted by that organization and by which the States are bound, or relevant provisions of the applicable international law; or
- (c) in violation of national laws or international obligations, including those undertaken by cooperating States to a relevant regional fisheries management organization.

(ii) Unreported fishing means fishing activities:

- (a) which have not been reported, or have been misreported, to the relevant national authority, in contravention of national laws and regulations; or

- (b) undertaken in the area of competence of a relevant regional fisheries management organization which have not been reported or have been misreported, in contravention of the reporting procedures of that organization.

(iii) Unregulated fishing means fishing activities:

- (a) in the area of application of a relevant regional fisheries management organization that are conducted by vessels without nationality, or by those flying the flag of a State not party to that organization, or by a fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organization; or
- (b) in areas or for fish stocks in relation to which there are no applicable conservation or management measures and where such fishing activities are conducted in a manner inconsistent with State responsibilities for the conservation of living marine resources under international law.

...

“Maritime Safety” means all measures taken for the safety of ships and offshore installations, their crews and where appropriate, their passengers, the safety of navigation and the facilitation of maritime traffic, maritime infrastructure, maritime facilities and maritime environment;

“Maritime Security” means the prevention of and fight against all acts Or threats of illicit acts against a ship; its crew and its passengers or against the port facilities, maritime infrastructure, maritime facilities and maritime environment;

...

“Piracy” means:

- (a) any illegal act of violence or detention committed for private ends by the crew or passengers of a private ship or a private aircraft, and directed:
 - (i) on high seas against another ship or aircraft, or against persons or property, on board such ship or aircraft;
 - (ii) against a ship, aircraft or property in a place outside the jurisdiction of any State;
- (b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;
- (c) any act of inciting or of intentionally facilitating an act as. Described in paragraphs (a) or (b);

“Pirate Ship” means a ship under the effective control of individuals who have the intention to use it to commit an act of piracy, or a ship which has been used to commit such an act as long as they are under the control of these individuals;

...

“Terrorist acts” refers to terrorist:

- (a) Any act or threat of act in violation of the criminal laws of the State Party likely to endanger the life, physical integrity, freedoms of an individual or group of individuals, which results or may result in damages to private or public property, natural resources, the environment or cultural heritage and committed with the intention of:
 - (i) Intimidating, creating a situation of terror, forcing, exerting pressure or compelling any government, body, institution, population or section thereof to take or refrain from taking any initiative, adopt, abandon any particular standpoint or act according to-certain principles;
 - (ii) Disrupting the normal functioning of public services, providing essential services to populations or creating a crisis situation within the populations;
 - (iii) Creating general insurrection in a State Party.
- (b) Any promotion, financing, contribution, order, aide, incitement, encouragement, attempt, threat, conspiracy, organization or equipment of any individual with the intention of committing any act mentioned in paragraphs (a) (I) to (iii).

“Trafficking in persons” means the recruitment, transportation, transfer, harbouring or receipt of persons, by Means of the threat or use of force or other forms or coercion, of abduction; of fraud; of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation;

“Transnational Organised Crime” means organized crime coordinated across national borders, involving groups of three or more persons existing for a while acting together, to or committing one or more serious offenses to obtain, directly or indirectly, a financial or other material benefit or networks of individuals working in more than one country to plan and execute illegal business ventures. In order to achieve their goals, these criminal groups use systematic violence and corruption;

...

Article 2: Principles

Each State Party reaffirms its commitment to the principles and objectives contained in the Charter of the United Nations adopted on 26 June 1945, the Constitutive Act of the African Union adopted on 11 July 2000, the Universal Declaration of Human Rights adopted on 10 December 1948, the African Charter of Human and Peoples’ Rights adopted on 27 June 1981, the Agenda 21 on Sustainable Development, adopted in Rio de Janeiro, on 14 June 1992, the Palermo Convention adopted on 15 November 2000, the Bamako Convention adopted on 30 January 1991, and other relevant legal instruments as well as the following fundamental

principles:

- (a) the promotion of peace, security, stability and development;
- (b) the protection of fundamental human rights and freedoms, as well as the observance of the rules of International Humanitarian Law;
- (c) the free movement of people and goods;
- (d) the sovereign equality and interdependence of the Member States;
- (e) the territorial integrity and national sovereignty of Member States; and
- (f) subsidiarity.

Article 3: Objectives

The objectives of the present Charter shall be to:

- (a) prevent and suppress national and transnational crime, including terrorism, piracy, armed robbery against ships, drug trafficking, smuggling of migrants, trafficking in persons and all other kinds of trafficking transiting through the sea and IUU fishing;
- (b) protect the environment in general and the marine environment in the space of coastal and insular States, in particular;
- ...
- (d) promote and enhance cooperation in the fields of maritime domain awareness, prevention by early warning and fight against piracy, armed robbery against ships, illicit trafficking of all kinds, the pollution of the seas, cross-border crime, international terrorism and the proliferation of small arms and light weapons;
- (e) establish appropriate national, regional and continental institutions and ensure the implementation of appropriate policies likely to promote safety and security at sea;
- (f) promote the inter-agency and transnational coordination and cooperation among Member States. within the spirit of the African Peace and Security Architecture of the African Union;
- (g) boost the implementation of the 2050 AIM Strategy in conformity with International Maritime Law;
- (h) promote the training and capacity building of the maritime, port and industrial sector, for safe and responsible use of the maritime domain;
- ...

Article 4: Scope

The present Charter shall cover:

- (a) the prevention and control of all transnational crime at sea, including terrorism, piracy, armed robbery against ships, drug trafficking, smuggling of migrants, trafficking in persons and all other kinds of trafficking, IUU fishing, prevention of pollution at sea and other unlawful acts at sea, under the jurisdiction of a State Party in its area of responsibility;
- (b) all measures to prevent or minimize accidents at sea caused by ships or crew or aimed at facilitating safe navigation;
- ...

Chapter II: Measures to Prevent and Combat Crimes at Sea

Article 5: Socio-Economic Measures to Prevent Crimes at Sea

Each State Party shall endeavour to:

- (a) continue its efforts to take appropriate measures to create productive jobs, reduce poverty and eliminate extreme poverty, encourage awareness of maritime related issues in order to establish the best living conditions, and to strengthen social cohesion through the implementation of a fair, inclusive and equitable policy to address the socio-economic issues;
- (b) stimulate the creation of jobs along the coasts, particularly by codifying and promoting artisanal fishery through the training of sector stakeholders, encouraging the local processing of fishery products, and facilitating their marketing at national, sub-regional and international levels.

Article 6: States Parties Responsibility

Each State Party undertakes, according to its own realities, where applicable, to:

- (a) organise its actions at sea and to develop its capacity to protect its maritime area and provide assistance to other States Parties or third States as may be required;
- (b) strengthen law enforcement at sea, through the training and the professionalization of navies, coast guards, and agencies responsible for maritime safety and security, custom authorities and port authorities;
- (c) maintain patrols, surveillance and reconnaissance in the anchorage areas, the exclusive economic zone and continental shelf for law enforcement, search and rescue operations.

Article 7: National Coordinating Structures

1. Each State Party shall take measures to curb maritime crime and other forms of unlawful acts, as part of on-going dialogue and effective cooperation between their relevant national institutions.
2. Each State Party shall establish a national coordinating structure and centre for awareness on maritime related issues to ensure the coordination of actions aimed at safeguarding and enhancing maritime safety and security.

Article 8: Harmonizing of National Legislation

Each State Party shall, where appropriate:

- (a) harmonise its national laws to conform with relevant international legal instruments including UNCLOS, SOLAS and the Protocol of the 2005 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation of 1 November 2005; and
- (b) train the staff responsible for their implementation, in particular

personnel within the justice system.

Article 9: Resources to Guarantee Maritime Security and Safety

Each State Party shall adopt policies that guarantee the availability of resources either by public funds or by forging public-private partnerships, needed for investment in equipment, operations and training in the field of maritime security and safety in accordance with their domestic procedures.

Article 10: Financial Obligations of Flag States and Coastal States

Each State Party shall encourage cooperation between Flag States and Coastal States, so that, in a spirit of co-responsibility, the financial obligations of security and safety in the African maritime domain are shared and supported by the different actors concerned.

Article 11: Maritime Security and Safety Fund

State Parties undertake to establish a Maritime Security and Safety Fund.

Chapter III: Maritime Governance

...

Article 14: Protection of Maritime Territories

Each State Party shall protect its maritime territories and ensure its maritime security and safety in conformity with the relevant international laws and principles.

...

Article 16: Trafficking in Human Beings and Smuggling of Migrants by Sea

Each State Party shall develop and implement sound migration policies aimed at eliminating trafficking in human beings, especially women and children, as well as smuggling of migrants by sea,

Article 17: Drug Trafficking

Each State Party shall develop and implement balanced and integrated strategies aimed at combatting drug trafficking and related challenges in the maritime domain.

...

Chapter IV: Development of the Blue/Ocean Economy

...

Article 25: Measures to Mitigate Climate Change and Environmental Threats

1. Each State Party shall adopt specific adaptation and mitigation measures to contain climate change and environmental threats to the marine environment in conformity with relevant international instruments.
2. Each State Party shall establish 'information exchange and early warning systems on marine pollution, including the dumping of toxic and hazardous waste and unauthorized emissions from the high seas.

...

Article 29: Maritime Disaster Risk Management

Each State' Party shall develop an integrated multi-sectoral and multidisciplinary strategy for ensuring disaster risk management and reducing the severity and impacts of a disaster.

...

Article 32: Cooperation in Combating Crimes at Sea

1. State Parties shall cooperate and coordinate their actions in combating transnational organized crimes of all kinds including the circulation and trafficking of 'arms, maritime terrorism, drug trafficking, trafficking 'in protected species or- of its trophies, money laundering and its predicate offences; acts Of piracy and armed robbery against ships, taking of hostages at sea, theft of oil and gas, trafficking in persons, smuggling of migrants, pollution of the seas and oceans, IUU fishing, and illegal dumping of toxic and hazardous waste.
2. State Parties shall take adequate measures, individually and collectively, to effectively fight organized crime, including transnational organized crime, and ensure that the perpetrators of such crimes are effectively prosecuted and denied the advantage of the proceeds of their crimes.

Article 33: Maritime Information Sharing

1. State Parties shall establish a, platform for exchange and sharing of experiences and best practices on maritime security and safety.
2. State Parties shall endeavour to develop a system of information sharing integrating national, regional and continental structures for maritime domain awareness aimed at:

- (a) preventing the commission of unlawful acts at-sea;
- (b) the arrest and detention of individuals preparing to or committing any unlawful acts at sea; and
- (c) the seizure or confiscation of ships and equipment used in the commission of any unlawful acts at sea.

...

Statute of the African Union Mechanism for Police Cooperation (AFRIPOL) (2017/2017)

Full title: Statute of the African Union Mechanism for Police Cooperation (AFRIPOL)

Date/place of adoption/conclusion: 30 January 2017, Addis Ababa, Ethiopia

Entered into force (EIF): 30 January 2017

EIF provision: Article 29(1)

Authentic texts: Arabic, English, French, Portuguese

Available online at: <https://bit.ly/3iKkXNa>

2.2 Declarations, frameworks and policies

New Partnership for Africa's Development (NEPAD) Framework Document (2001)

Full title: New Partnership for Africa's Development (NEPAD) Framework Document

Date/place of adoption/conclusion: October 2001, Abuja, Nigeria

Available online at: www.au.int

* Adopted at the Thirty-Seventh Summit of the Organisation of African Unity, October 2001, Abuja, Nigeria.

I. Introduction

1. This New Partnership for Africa's Development is a pledge by African leaders, based on a common vision and a firm and shared conviction, that they have a pressing duty to eradicate poverty and to place their countries, both individually and collectively, on a path of sustainable growth and development, and at the same time to participate actively in the world economy and body politic. The Programme is anchored on the determination of Africans to extricate themselves and the continent from the malaise of underdevelopment and exclusion in a globalising world.
2. The poverty and backwardness of Africa stand in stark contrast to the prosperity of the developed world. The continued marginalisation of Africa from the globalisation process and the social exclusion of the vast majority of its peoples constitute a serious threat to global stability.
3. Historically accession to the institutions of the international community, the credit and aid binomial has underlined the logic of African development. Credit has led to the debt deadlock, which, from instalments to rescheduling, still exists and hinders the growth of African countries. The limits of this option have been reached. Concerning the other element of the binomial – aid – we can also note the reduction of private aid and the upper limit of public aid, which is below the target set in the 1970s.
4. In Africa, 340 million people, or half the population, live on less than US \$1 per day. The mortality rate of children under 5 years of age is 140 per 1000, and life expectancy at birth is only 54 years. Only 58 per cent of the population have access to safe water. The rate of illiteracy for people over 15 is 41 per cent. There are only 18 mainline telephones per 1000 people in Africa, compared with 146 for the world as a whole and 567 for high-income countries.
5. The New Partnership for Africa's Development calls for the reversal of this abnormal situation by changing the relationship that underpins it. Africans are appealing neither for the further entrenchment of dependency through aid, nor for marginal concessions.
6. We are convinced that an historic opportunity presents itself to end the scourge of underdevelopment that afflicts Africa. The resources, including capital, technology and human skills, that are required to launch a global war on poverty and underdevelopment exist in abundance, and are within our reach. What is required to mobilise these resources and to use them properly, is bold and imaginative leadership that is genuinely committed to a sustained human development effort and poverty eradication, as well as a new global partnership based on shared responsibility and mutual interest.

7. Across the continent, Africans declare that we will no longer allow ourselves to be conditioned by circumstance. We will determine our own destiny and call on the rest of the world to complement our efforts. There are already signs of progress and hope. Democratic regimes that are committed to the protection of human rights, people-centred development and market-oriented economies are on the increase. African peoples have begun to demonstrate their refusal to accept poor economic and political leadership. These developments are, however, uneven and inadequate and need to be further expedited.
8. The New Partnership for Africa's Development is about consolidating and accelerating these gains. It is a call for a new relationship of partnership between Africa and the international community, especially the highly industrialised countries, to overcome the development chasm that has widened over centuries of unequal relations.

II: Africa in Today's World: Between Poverty and Prosperity

...

Africa and the global revolution

...

37. There also exist other factors that pose serious longer-term risks. These include the rapid increase in the numbers of the socially excluded in different parts of the world, contributing to political instability, civil war and military conflict on the one hand, and a new pattern of mass migration on the other. The expansion of industrial production and the growth in poverty contribute to environmental degradation of our oceans, atmosphere and natural vegetation. If not addressed, these will set in motion processes that will increasingly slip beyond the control of governments, both in developed and developing countries.

III: The New Political Will of African Leaders

...

43. The new phase of globalisation coincided with the reshaping of international relations in the aftermath of the Cold War. This is associated with the emergence of new concepts of security and self-interest, which encompass the right to development and the eradication of poverty. Democracy and state legitimacy have been redefined to include accountable government, a culture of human rights and popular participation as central elements.
44. Significantly, the numbers of democratically elected leaders are on the increase. Through their actions, they have declared that the

hopes of Africa's peoples for a better life can no longer rest on the magnanimity of others.

45. Across the continent, democracy is spreading, backed by the African Union (AU), which has shown a new resolve to deal with conflicts and censure deviation from the norm. These efforts are reinforced by voices in civil society, including associations of women, youth and the independent media. In addition, African governments are much more resolute about regional and continental goals of economic cooperation and integration. This serves both to consolidate the gains of the economic turnaround and to reinforce the advantages of mutual interdependence.

...

49. To achieve these objectives, African leaders will take joint responsibility for the following:

- Strengthening mechanisms for conflict prevention, management and resolution at the regional and continental levels, and to ensure that these mechanisms are used to restore and maintain peace;
- Promoting and protecting democracy and human rights in their respective countries and regions, by developing clear standards of accountability, transparency and participatory governance at the national and sub-national levels;

...

V. Programme of Action: The Strategy for Achieving Sustainable Development in the 21st Century

...

A. Conditions for Sustainable Development

The Peace, Security, Democracy, and Political Governance Initiative

71. African leaders have learnt from their own experiences that peace, security, democracy, good governance, human rights and sound economic management are conditions for sustainable development. They are making a pledge to work, both individually and collectively, to promote these principles in their countries, sub-regions and the continent.

(i) Peace and Security Initiative

72. The Peace and Security Initiative consists of three elements as follows:
 - Promoting long-term conditions for development and security;
 - Building the capacity of African institutions for early warning, as well as enhancing African institutions' capacity to prevent, manage and resolve conflicts;
 - Institutionalising commitment to the core values of the New Partnership for Africa's Development through the leadership.

73. Long-term conditions for ensuring peace and security in Africa require policy measures to address the political and social vulnerabilities on which conflict is premised. These are dealt with by the Political and Economic Governance Initiatives, the Capital Flows and Market Access Initiatives and the Human Development Initiative.
74. Efforts to build Africa's capacity to manage all aspects of conflict must focus on the means necessary to strengthen existing regional and sub-regional institutions, especially in four key areas:
 - Prevention, management and resolution of conflict;
 - Peacemaking, peacekeeping and peace enforcement;
 - Post-conflict reconciliation, rehabilitation and reconstruction;
 - Combating the illicit proliferation of small arms, light weapons and landmines.
- ...
76. The envisaged Heads of State Forum will serve as a platform for the New Partnership for Africa's Development leadership to seek to enhance the capacity of African institutions to promote peace and security on the continent, to share experience and to mobilise collective action. The Forum will ensure that the principles and commitments implicit in the initiative are fulfilled.
77. Aware of that requirement, Africans must make all efforts to find a lasting solution to existing conflicts; strengthen their internal security and promote peace among the countries.
78. At the Lusaka Summit, the African Union decided to take drastic measures in reviving the organs responsible for conflict prevention and resolution.

(ii) Democracy and Political Governance Initiative

79. It is now generally acknowledged that development is impossible in the absence of true democracy, respect for human rights, peace and good governance. With the New Partnership for Africa's Development, Africa undertakes to respect the global standards of democracy, which core components include political pluralism, allowing for the existence of several political parties and workers' unions, fair, open, free and democratic elections periodically organised to enable the populace choose their leaders freely.
80. The purpose of the Democracy and Governance Initiative is to contribute to strengthening the political and administrative framework of participating countries, in line with the principles of democracy, transparency, accountability, integrity, respect for human rights and promotion of the rule of law. It is strengthened by and supports the Economic Governance Initiative, with which it shares key features, and taken together will contribute to harnessing the energies of the continent towards development and poverty eradication.
81. The Initiative consists of the following elements:

A series of commitments by participating countries to create or consolidate basic governance processes and practices;

- An undertaking by participating countries to take the lead in supporting initiatives that foster good governance;
- The institutionalisation of commitments through the New Partnership for Africa's Development leadership to ensure that the core values of the initiative are abided by.

...

Declaration on Democracy, Political, Economic and Corporate Governance (2002)

Full title: New Partnership for Africa's Development (NEPAD) Declaration on Democracy, Political, Economic and Corporate Governance

Date/place of adoption/conclusion: 18 June 2002, Durban, South Africa

Available online at: <https://bit.ly/2DqaOVF>

* Adopted by the Assembly of Heads of State and Government, 18 June 2002, Durban, South Africa, AU Decision AHG/235 (XXXVIII).

Preamble

...

2. In the general context of our meeting, we recalled our shared commitment underlying the establishment of NEPAD to eradicate poverty and to place our countries, individually and collectively, on a path of sustainable growth and development and, at the same time, to participate actively in the world economy and body politic on equal footing. We reaffirm this pledge as our most pressing duty.

...

5. Africa faces grave challenges and the most urgent of these are the eradication of poverty and the fostering of socio-economic development, in particular, through democracy and good governance. It is to the achievement of these twin objectives that the NEPAD process is principally directed.
6. Accordingly, we the participating Heads of State and Government of the member states of the African Union have agreed to work together in policy and action in pursuit of the following objectives:-
 - Democracy and Good Political Governance
 - Economic and Corporate Governance
 - Socio-Economic Development

- African Peer Review Mechanism

Democracy and Good Political Governance

7. At the beginning of the new century and millennium, we reaffirm our commitment to the promotion of democracy and its core values in our respective countries. In particular, we undertake to work with renewed determination to enforce
 - the rule of law;
 - the equality of all citizens before the law and the liberty of the individual;
 - individual and collective freedoms, including the right to form and join political parties and trade unions, in conformity with the constitution;
 - equality of opportunity for all;
 - the inalienable right of the individual to participate by means of free, credible and democratic political processes in periodically electing their leaders for a fixed term of office; and
 - adherence to the separation of powers, including the protection of the independence of the judiciary and of effective parliaments.
8. We believe in just, honest, transparent, accountable and participatory government and probity in public life. We therefore undertake to combat and eradicate corruption, which both retards economic development and undermines the moral fabric of society.
9. We are determined to increase our efforts in restoring stability, peace and security in the African continent, as these are essential conditions for sustainable development, alongside democracy, good governance, human rights, social development, protection of environment and sound economic management. Our efforts and initiatives will also be directed at seeking speedy peaceful solutions to current conflicts and at building Africa's capacity to prevent, manage and resolve all conflicts on the continent.
10. In the light of Africa's recent history, respect for human rights has to be accorded an importance and urgency all of its own. One of the tests by which the quality of a democracy is judged is the protection it provides for each individual citizen and for the vulnerable and disadvantaged groups. Ethnic minorities, women and children have borne the brunt of the conflicts raging on the continent today. We undertake to do more to advance the cause of human rights in Africa generally and, specifically, to end the moral shame exemplified by the plight of women, children, the disabled and ethnic minorities in conflict situations in Africa.
11. In Africa's efforts at democracy, good governance and economic reconstruction, women have a central role to play. We accept it as a binding obligation to ensure that women have every opportunity to contribute on terms of full equality to political and socio-economic

development in all our countries.

12. To fulfil these commitments we have agreed to adopt the following action plan:

13. In support of democracy and the democratic process

We will:

- ensure that our respective national constitutions reflect the democratic ethos and provide for demonstrably accountable governance;
- promote political representation, thus providing for all citizens to participate in the political process in a free and fair political environment;
- enforce strict adherence to the position of the African Union (AU) on unconstitutional changes of government and other decisions of our continental organization aimed at promoting democracy, good governance, peace and security;
- strengthen and, where necessary, establish an appropriate electoral administration and oversight bodies, in our respective countries and provide the necessary resources and capacity to conduct elections which are free, fair and credible;
- reassess and where necessary strengthen the AU and sub-regional election monitoring mechanisms and procedures; and
- heighten public awareness of the African Charter on Human and Peoples' Rights, especially in our educational institutions.

14. In support of Good Governance

We have agreed to:

- adopt clear codes, standards and indicators of good governance at the national, sub-regional and continental levels;
- accountable, efficient and effective civil service;
- ensure the effective functioning of parliaments and other accountability institutions in our respective countries, including parliamentary committees and anti-corruption bodies; and
- ensure the independence of the judicial system that will be able to prevent abuse of power and corruption.

15. To promote and protect human rights

We have agreed to:

- facilitate the development of vibrant civil society organizations, including strengthening human rights institutions at the national, sub-regional and regional levels;
- support the Charter, African Commission and Court on Human and Peoples' Rights as important instruments for ensuring the promotion, protection and observance of Human Rights;
- strengthen co-operation with the UN High Commission for Human Rights; and
- ensure responsible free expression, inclusive of the freedom of the press.

Economic and Corporate Governance

16. Good economic and corporate governance including transparency in financial management are essential pre-requisites for promoting economic growth and reducing poverty. Mindful of this, we have approved eight prioritized codes and standards for achieving good economic and corporate governance.
17. These prioritized codes and standards represent those “fundamental” internationally, regionally, and domestically accepted codes and standards that all African countries should strive to observe within their capacity capabilities. In other words, they are the codes and standards that need to be complied with as a minimum requirement, given a country’s capacity to do so.

...

African Peer Review Mechanism

28. We have separately agreed to establish an African Peer Review Mechanism (APRM) on the basis of voluntary accession. The APRM seeks to promote adherence to and fulfilment of the commitments contained in this Declaration. The Mechanism spells out the institutions and processes that will guide future peer reviews, based on mutually agreed codes and standards of democracy, political, economic and corporate governance.

The African Peer Review Mechanism (APRM) Base Document (2002)

Full title: NEPAD The African Peer Review Mechanism (APRM) Base Document

Date/place of adoption/conclusion: 8 July 2002, Durban, South Africa

Available online at: <https://bit.ly/2W31ttd>

* Adopted by the Thirty-Eighth Ordinary Session of the Assembly of Heads of State and Government of the Organisation of African Unity, OAU Decision AHG/235 (XXXVIII).

Objectives, Standards, Criteria and Indicators for the African Peer Review Mechanism (APRM) (2003)

Full title: Objectives, Standards, Criteria and Indicators for the African Peer Review Mechanism (APRM)s

Date/place of adoption/conclusion: 9 March 2003, Abuja, Nigeria

Available online at: <https://bit.ly/3iNCAvh>

* Adopted by the Sixth Summit of the NEPAD Heads of State and Government Implementation Committee, 9 March 2003, Abuja, Nigeria.

African Peer Review Mechanism (APRM) Organisation and Processes (2003)

Full title: African Peer Review Mechanism (APRM) Organisation and Process

Date/place of adoption/conclusion: 9 March 2003, Abuja, Nigeria

Available online at: <https://bit.ly/3ecnKLm>

* Adopted by the Sixth Summit of the NEPAD Heads of State and Government Implementation Committee, 9 March 2003, Abuja, Nigeria.

Memorandum of Understanding on the African Peer Review Mechanism (2003)

Full title: Memorandum of Understanding on the African Peer Review Mechanism

Date/place of adoption/conclusion: 9 March 2003

Authentic texts: Arabic, English, French, Portuguese

Available online at: <https://bit.ly/38FEvxg>

Statute of the African Peer Review Mechanism (APRM) (2016/2016)

Full title: Statute of the African Peer Review Mechanism (APRM)

Date/place of adoption/conclusion: 26 August 2016, Nairobi, Kenya

Entered into force (EIF): 26 August 2016 (provisionally)

EIF provision: Article 24

Authentic texts: Arabic, English, French, Portuguese

Available online at: <https://bit.ly/3iLYO0U>

* Adopted at the Twenty-Fifth Summit of the APRM Forum of Heads of State and Government, 26 August 2016, Nairobi, Kenya.

Excerpts

Preamble

The Member States of the African Union,

Reiterating our commitment to the fundamental principles and objectives of the African Union, as enshrined in the Constitutive Act, the founding instrument of the African Union and comprising, inter alia, the promotion of democratic principles and institutions, popular participation, good governance, human and peoples' rights; the promotion of peace, security and stability on the continent; and the acceleration of the political and socio-economic integration of Africa;

Cognisant that the principles and objectives of the African Peer Review Mechanism [APRM], are themselves intrinsic to the afore-mentioned principles and objectives of the African Union;

...

Inspired by the vision of the APRM as an African-owned and African-led platform for self-assessment, peer-learning, and experience-sharing in the pursuit of the highest possible standards of good political, economic and corporate governance as well as broad-based and sustainable socioeconomic development;

Recognising that the primary purpose of the APRM is to foster the adoption of policies, standards and practices leading to political stability, high economic growth, sustainable development and accelerated regional and continental economic integration;

Recalling that the mandate of the APRM is to encourage Participating States in ensuring that their policies and practices conform to the agreed political, economic and corporate governance values, codes and standards, and to achieve mutually agreed objectives in socio-economic development contained in the Declaration on Democracy, Political, Economic and

Corporate Governance;

Reaffirming our commitment to the APRM Base Document AHG/235 (XXXVIII) Annex II of July 2002 in which the APRM is described as an instrument voluntarily acceded to by Member States of the African Union and as an African self-monitoring mechanism; and convinced of the imperative need for the APRM to consolidate itself as the authoritative institution on Governance within the African Union;

Reaffirming our commitment to the African Charter on Democracy, Elections, and Governance of January 2007, and particularly its principal objective to promote adherence to the universal values and principles of democracy and respect for human rights, thus building on the core principles of the Declaration on Democracy, Political, Economic and Corporate Governance;

Recalling that the African Charter on Democracy, Elections and Governance stipulates that the States Parties shall promote and deepen democratic governance by implementing, inter alia, the principles and core values of the APRM;

...

Reiterating that Regional Economic Communities remain the critical building blocks for Africa's economic integration;

Mindful of the critical role that the APRM is expected to play in the monitoring of Agenda 2063, the African Union's overarching framework for the continent's development, as well as in following up on the implementation of the UN Sustainable Development Goals, based substantially as they are on the Common African Position;

Mindful also of the fact that the APRM is required to be a lead player in the implementation of other major frameworks of the AU such as the African Governance Architecture and the African Peace and Security Architecture; and

Recalling the General Convention on Privileges and Immunities of the Organization of African Unity [OAU], adopted by the Heads of State and Government of the OAU;

Have agreed as follows:

...

Chapter 2

Article 2: Establishment of the African Peer Review Mechanism

1. APRM is hereby established as a Specialised Agency within the AU.
2. The structure, objectives and functions of the APRM shall be defined in this Statute.

Article 3: Scope and Purpose of this Statute

1. This Statute, as supplemented by the respective Rules of Procedure of the APR Forum, APR Focal Points Committee, and APR Panel, supersedes the APRM Operating Procedures adopted by the APR Forum in 2012; as well as consolidates the Malabo Decision on the Integration of the APRM into the AU, as adopted by the Assembly in 2012;
2. This Statute accordingly:
 - (a) determines the respective roles, powers, responsibilities and lines of accountability of the various structures of the APRM; and
 - (b) defines the relations between the APRM and other AU institutions external to the APRM in the context of the integration of the APRM into the AU system.
 - (c) defines relations between the APRM and other international organisations.

Chapter 3

Article 4: Mandate

1. The APRM has the mandate to promote and facilitate self-monitoring by the Participating States, and to ensure that their policies and practices conform to the agreed political, economic, corporate governance and socio-economic values, codes and standards contained in the Declaration on Democracy, Political, Economic and Corporate Governance; and the African Charter on Democracy, Elections and Governance, as well as other relevant treaties, conventions and instruments adopted by Participating States whether through the African Union or through other international platforms.
2. In the implementation of its mandate, the APRM has the primary purpose of fostering the adoption of policies, standards and practices that lead to political stability, high economic growth, sustainable and inclusive development, as well as accelerated regional and continental economic integration, through sharing of experiences and reinforcement of successful and best practices.

Chapter 4

Article 5: Principles of the APRM

The APRM shall be guided by the following principles:

1. The APRM shall remain a self-monitoring mechanism based on an African agenda and ownership;
2. The APRM shall deliver its mandate in a technically and culturally competent manner, as well as in a credible fashion free of political

- manipulation;
- 3. The APRM process shall be founded on the principles of good political, economic, social and corporate governance; democracy; the rule of law, respect for human rights, and peaceful resolution of conflicts; and
- 4. The APRM process shall ensure the full participation of all stakeholders in society.

Chapter 5

Article 6: Participation in the African Peer Review Process

The APRM shall be guided by the following principles:

- 1. Participation in the African Peer Review process is open to all AU Member States
- 2. Membership of the APRM shall comprise and be limited to AU Member States that have voluntarily acceded to it.
- 3. Any Member State of the African Union wishing to participate in the APRM after the entry into in force of the present Statute, shall notify the Chairperson of the APR Forum of its intention to accede to this Statute and be admitted as a Member of the APRM.
- 4. Any Member State of the African Union wishing to participate in the APRM shall give an undertaking to submit to and facilitate periodic peer reviews, and to implement the recommendations relating thereto.

Chapter 6

Article 7: Status of the APRM within the African Union System

- 1. The APRM is an instrument voluntarily acceded to by AU Member States.
- 2. The APRM is an autonomous institution body within the AU system with the legal personality of a specialized agency.
- 3. The APRM exercises political, administrative, budgetary and financial autonomy in relation to other organs and institutions of the AU.
- 4. The day-to-day management of the APRM in the administrative, human resource and financial domains shall be based on the standard rules, practices and procedures of the African Union system.
- 5. The APRM shall be autonomous of the Commission and its departments, with which it shall work closely.

Chapter 7

Article 8: Continental Structure

1. At the continental level, the APRM shall comprise:
 - (a) an APR Forum composed of the Heads of State and Government of Participating States;
 - (b) an APRM Focal Points Committee composed of the national Focal Points of Participating States;
 - (c) an APR Panel of Eminent Persons composed of a minimum of five and a maximum of nine Africans appointed by the APR Forum; and
 - (d) an APRM Continental Secretariat led by a Chief Executive Officer (CEO) appointed by the APR Forum.
2. The continental governing bodies of the APRM provided in paragraph (1) above shall operate independently of, but in close collaboration with, AU organs, institutions, bodies and structures.

...

Article 14: APRM National Structures

1. Without prejudice to the inherent right of each Member State to organize its APRM national structures as it deems appropriate, Member States shall endeavour to organise their national structures in accordance with the guidelines provided in this article.
2. National APRM structures shall comprise:
 - (a) the APRM National Focal Point;
 - (b) the APRM National Governing Council or Commission [NGC];
 - (c) the APRM National Secretariat; and d. the Technical Research Institutions.

...

Chapter 10

Article 21: Relations between APRM Continental Structures and Strategic Partner And Other International Organisations

1. The APRM shall work closely with Strategic Partners which are external to the AU.
2. The APR Forum shall decide on which international institutions outside the AU shall be accorded the status of Strategic Partners.
3. The APRM shall establish relationships with other international organisations as agreed to by the APR Forum

Chapter 11

Article 22: Funding of the APRM

1. The APRM shall be funded from APR Member States' contributions, as determined from time to time by the APR Forum. Member States shall also endeavour, where possible, to make special contributions on a voluntary basis to the APRM, beyond their regular annual contributions.
2. The APRM may receive financial contributions from the African Union.
3. The APRM may also receive donations, including from African and international institutions and the private sector, on criteria to be adopted by the APR Forum, provided that such support shall not compromise the autonomy, independence, integrity and African ownership of the APRM and all its processes.

...

Policy Framework for the Establishment of the African Standby Force and the Military Staff Committee (2003)

Full title: Policy Framework for the Establishment of the African Standby Force and the Military Staff Committee (Part 1)

Date/place of adoption/conclusion: 14 May 2003, Addis Ababa, Ethiopia

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* Adopted by the Third Meeting of the African Chiefs of Defence Staff, 14 May 2003, Addis Ababa, Ethiopia.

Chapter 1: Introduction

- 1.1. African Member States, in transforming the OAU to the African Union (AU), have created a Protocol to enhance peace and security on the Continent. Central to this is the Peace and Security Council (PSC).
- 1.2. In establishing the PSC, AU Member States have clearly indicated that they are willing to take additional concrete steps for peace and security in Africa. In particular, they have signalled their intention to expand their willingness to take risks for peace, and again indicated they are ready to accept their share of responsibility for ensuring durable development of the Continent, particularly in the area of

peace and security.

- 1.3. The protocol establishing the PSC sought to create a number of structures, including the African Standby Force (ASF) and the Military Staff Committee (MSC). To advance consideration of these issues the AU has embarked on a process to prepare a Policy Framework. The Policy Framework was considered, improved and revised by the AU Regional Economic Communities and other African and External Partners at Addis Ababa on 14-15 April 2003, and subsequently by a meeting of Government Experts in Addis Ababa from 12-14 May 2003.

ACDS Recommendations

- 1.4. The Meeting noted that the African Chiefs of Defence Staff made a number of substantive recommendations in their Second Meeting, held in Harare, in 1997 (See Annex A). In particular, these included the following important recommendations relevant to this Policy Framework:
 - (a) All Peace Support Operations in Africa should be conducted in a manner consistent with both the UN and the OAU Charters and the Cairo Declaration. This will enable the OAU to mobilize for action and to acquire UN support for the initiative.
 - (b) The conflict situation should guide the level at which the OAU considers involvement. In an emergency situation, the OAU should undertake preliminary preventive action while preparing for more comprehensive action which may include the UN involvement. The emphasis here is for speed of action and deployment. As a principle, the OAU should take the first initiative in approaching the UN to deploy a peace operation in response to an emergency in the continent. If the UN is unresponsive, the OAU must take preliminary action whilst continuing its efforts to elicit a positive response from the world body.
 - (c) Where the OAU deploys a peace operation, this should be an all-African force.
 - (d) Operational procedures for the planning and conduct of Peace Support Operations exist and are well documented at the level of the UN. The OAU should use these references and adapt them to unique continental and organizational factors.
 - (e) The OAU could earmark a brigade-sized contribution to standby arrangements from each of the five African sub-regions as a starting point, which could then be adjusted upwards or downwards according to evolving circumstances.
 - (f) The OAU should identify about 500 trained military and civilian observers (100 from each sub-region) as an appropriate starting point for standby capacity.
 - (g) The OAU should devise a standard structure for battalions, brigades, and perhaps even a division for future OAU deployments.
 - (h) Training should be conducted according to UN doctrine and

- standards, and should draw on the available training materials, training aids and courses available through the UN system. UN training manuals should be complemented by Africa specificity.
- (i) Centers of expertise for Peace Support Operations training should be established, which are capable of conducting research into training; formulating guidelines for training; producing common training syllabi; and conducting control and evaluation functions.
 - (j) The Secretariat be tasked to establish a stand-by system to be based on Member States' indication of peace support capabilities. These would include information on size and types of forces on stand-by and their general standards of training, equipment and state of readiness.

Development of African Peace and Security Initiatives

- 1.5. The ACDS recommendations should be taken in the wider context of overall developments in African peace and security. The Meeting also noted that for some time now, in particular over the last decade, commencing with the Cairo Declaration of 1993, African Member States and Regions have increasingly addressed peace and security on the Continent, and developed the capacity to participate in peace operations at the continental and regional level. An outline of the history of this development, the existing operational capability, and a number of critical limitations to the conduct of peace operations are at Annex B.

Conflict and Mission Scenarios

- 1.6. A number of typical conflict scenarios, outlined below were used to develop the proposals in this document:
- (a) **Scenario 1.** AU/Regional Military advice to a Political mission.
 - (b) **Scenario 2.** AU/Regional observer mission co-deployed with UN mission.
 - (c) **Scenario 3.** Stand alone AU/Regional observer mission.
 - (d) **Scenario 4.** AU/Regional peacekeeping force (PKF) for Chapter VI and preventive deployment missions.
 - (e) **Scenario 5.** AU PKF for complex multidimensional PK mission-low level spoilers (a feature of many current conflicts).
 - (f) **Scenario 6.** AU intervention – e.g. genocide situations where international community does not act promptly.

Chapter 2: Requirements, Issues and Options for the Conceptual Framework of the ASF

Generic Components of a Peace Operations Capability

- 2.1. The generic components of a valid multidimensional peace support operations capability comprise the following:
- (a) A legitimate political capacity to mandate a mission under the UN Charter.

- (b) A multidimensional strategic level management capability.
- (c) A mission HQ level multidimensional management capability.
- (d) Mission components for multidimensional peace operations.

Mandating Authority

- 2.2. As noted in the Chapter 3 of this Policy Framework dealing with African Goals, and particularly with regard to the provisions of the Protocol establishing the PSC, the AU PSC is a legitimate mandating authority under Chapter VIII of the UN Charter. This view is consistent with the endorsed recommendations of the Second African Chiefs of Defence Staff (ACDS) (of the Central Organ) Meeting, Harare 1997. However, due regard needs to be taken of the provisions of the UN Charter (Chapter VII Article 51) on the inherent right of individual or collective self-defence, subject to such measures being reported to the UN Security Council, as well as the provisions of Chapter VIII on enforcement action by Regional Arrangements, in particular subject to authorisation by the Security Council, which shall also be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies (Articles 53- 54). In this context, it is to be expected that while the AU will seek UN Security Council authorisation of its enforcements actions, African Regions similarly will seek AU authorisation of their interventions.

Multidimensional Strategic Level Management Capability

- 2.3. Based on UN advice, instructive experiences of the OAU Mechanism for Conflict Prevention Management and Resolution, the Meeting recommends a series of strategic level HQ structures for the AU needed to manage operations for each of the Scenarios. These are provided at Annex C to this Report. These structures could be adapted by a Region, if it were authorised to manage an operation.

Mission HQ Level Multidimensional Management Capability

- 2.4. Given the goal contained in the Protocol establishing the PSC to involve the UN in the conduct of missions in Africa, any mission HQ level structure should be able to be handed over to, or incorporated into, a UN PSO with relative ease. UN structures are subject to rigorous consideration within the Secretariat and in various UN legislative and budgetary bodies. For this reason the Meeting has based its advice on structures used in UN Missions. This approach is consistent with the endorsed recommendations of the Second ACDS Meeting. With the exception of Scenario 6 (intervention) the structures are shown at Annex D.
- 2.5 Based on the level of coherence required at the field HQ level for an

intervention mission, particularly those involving an opposed early deployment, such operations are best conducted by a coalition under a lead nation. The initial entry may best be undertaken by the lead nation with rapid follow-up by the other nations in the coalition. This would mean that the lead nation HQ would need to deploy “as is”, with limited change to its existing structure to cater for multinational representation. For this reason a proposed structure for a mission HQ for Scenario 6 (intervention) is not shown. As a long term goal, the ASF should be capable of conducting such interventions without reliance on lead nations. This would require a standing AU multinational military HQ at above brigade level, plus the capability to assemble and deploy rapidly well prepared and capable military contingents.

Mission Components

- 2.6. **Military.** The Meeting endorses the recognition, contained in the recommendations of the Second ACDS Meeting, of the importance of the brigade level as the basis for a viable peace operations capability. The brigade is the first level of military command where multiple arms and services are grouped under one HQ. It is also the first level that is genuinely self-contained and capable of sustained independent operations. In addition, the number of manoeuvre units can be easily adjusted depending on the situation. It is a sound building block for the military component of Scenarios 4 and 5 [traditional and complex AU/Regional peacekeeping forces (PKFs)]. A reduced version of a brigade HQ can also provide the HQ for Scenarios 2 and 3 (co-deployed and standalone observer missions). Structures for the military component for each Scenario are shown at Annex D together with indicative strengths. The military component of Scenario 4 (AU/Regional PKF) is a model structure for a brigade deployed in the field.
- 2.7. **Other Components.** Scenario 5 (complex PKF) involves components other than the military. The UN is the most experienced Organisation in these types of activities. Examples of typical UN mission structures for police, human rights, governance, DDR, and reconstruction components are shown at Annex D.

Goals, Priorities and Deployment Timelines

- 2.8. The speed with which forces will be required to deploy has particular implications for standby force structures and arrangements. Linked to this is the type of conflict into which they will deploy. Given the fluid and uncertain nature of conflict, particularly in Africa, coherence on deployment will be critical. This demands that units and HQ staff will have trained together prior to deployment.

Significant implications of varying readiness levels are:

- (a) At 14 days readiness collective training involving field exercises with all units is essential prior to activation. At this level of readiness there is also a clear requirement for a standing fully staffed brigade HQ and HQ support. There is also a requirement for an established and fully stocked logistics system capable of sustaining the entire brigade. Apart from large military alliances such as NATO, individual Member States may be best placed to provide this capability.
- (b) At 30 days readiness collective training at least involving HQ command post exercises must occur prior to activation. At this level of readiness there is also a clear requirement for at least a standing nucleus of a brigade HQ with its attendant HQ support as well as an established and fully stocked logistics system capable of sustaining the entire brigade. SHIRBRIG provides a good example of the HQ structure. In its system, contingents deploy fully self-sustained for 60 days. This is not normally the case with African contingents. In the African context ASF owned logistics bases will be required.
- (c) At 90 days readiness there may be time available to conduct collective training to develop a level of coherence prior to deployment. There is also time to establish a HQ and logistics stocks. A requirement does exist, however, for a small full time staff to manage the standby system, and to standardise procedures and doctrine.

2.9. Bearing this in mind, the Meeting recommends the following long-term deployment targets for the ASF (all timings are from an AU mandate resolution):

- (a) Scenario 1-4 should be able to deploy in 30 days (possible only if pre-mandate actions have been taken).
- (b) Scenario 5 should complete deployment in 90 days, with the military component being able to deploy in 30 days (possible only if premandate actions have been undertaken; and
- (c) Due to the nature of situations demanding intervention operations, Scenario 6, it will be important the AU can deploy a robust military force in 14 days.

2.10. The AU possesses a limited capability of deploying in Scenarios 1 and 2. The UN would normally be able to deploy in Scenarios 3 and 4 and Scenario 6 requires a capable nation that is prepared to assume leadership. Given this, development of the ASF should concentrate on Scenario 5, in particular the military component of this Scenario. The building block of this capability is robust coherence at brigade group level.

2.11. The Meeting emphasised that the issue of resource constraints was a key considerations in the achievement of the long-term deployment targets listed in paragraph 2.9.

Doctrine

- 2.12. To be effective, a multinational peace operations capability requires standardised doctrine. As in other areas of African capability, the Meeting endorses the recommendation of the Second ACDS Meeting that peacekeeping doctrine used by the ASF should be consistent with doctrine produced and used by the UN, and complemented by African specificity. In this respect, the Meeting notes that the UN has almost completed a Multidimensional Peacekeeping Handbook, with publication slated for August 2003 at the latest, which will serve as the base document for all UN peacekeeping doctrine. Doctrine for the ASF should be based on this UN document when it enters into circulation and use. The Meeting also notes that peace operations SOPs have already been drafted by the AU, as well as by ECOWAS. In this sense, the two Organisations are ahead of the UN. The UN has indicated that it will comment on the AU SOPs and the outcome of this Report will affect the scope and content of the draft SOP. It is logical to suggest that draft Regional SOPs will have to be harmonised with that of the AU.
- 2.13. In the UN context, production of detailed doctrine for how units will complete normal military tasks, e.g. conduct of a reconnaissance patrol, is a national responsibility. The UN has produced policy for subjects that are common in a multinational peacekeeping environment, such as civil-military co-ordination. These should be adopted by the AU. Doctrine for what could be termed multinational war fighting tasks is not available from the UN. Production of this type of publication is a major task for military alliances such as NATO, where there is a significant standardisation structure in NATO HQ. In the case of intervention, the AU may wish to seek NATO and European advice.

Training

- 2.14. Training for peace operations has a number of elements, both military and civilian. As far as peace operations are concerned, a basis for the military component is sound capability in the full range of normal military tasks. While this cannot be over stressed, training in these tasks is a national responsibility. Even in large military alliances, there is limited standardisation of this type of training, as a result of differing national doctrines, tactics, techniques and procedures. It may be impractical to try to develop standardised training at this level in the African context.
- 2.15. On the other hand, there is some degree of standardisation on issues specific to peace operations. In addition to doctrine, Africa should use UN training standards and material, modified as necessary, for Africa. The UN has made significant effort in recent months in this

direction, particularly as part of its Standardised Generic Training Modules Project. Because African Member States have been, and will continue to be involved, this Project will be useful and should inform African peace operations training.

- 2.16. The relevant AU and regional training framework should provide for some amount of co-ordination of AU, Regional and national training, as well as for the establishment and designation of centres of excellence for peacekeeping training at the tactical, operational and strategic levels. An example of this is that, within ECOWAS, broad thinking is to designate the Zambakro PKTC (Côte d'Ivoire) as a tactical institution; the Kofi Annan International Peacekeeping Training Centre (Ghana) as an operational level centre; the National War College (Nigeria) as the strategic level institution. Other regions have their own training centres and institutions, both nationally and regionally, including the SADC Regional Peacekeeping Training Centre in Zimbabwe, the PSTC Kenya and the Cairo International PK Training Centre. Regionally the establishment, through the Training for Peace project of an African Chapter of African peacekeeping training centres may be useful in the pursuit of doctrinal harmonization and sharing of lessons learnt.
- 2.17. While this arrangement does not seek to micro-manage issues of standardisation of doctrine and training, it provides a practical framework for standardisation based on UN doctrine and training standards, and the promotion of cohesion.
- 2.18. It is also to be recalled that national military training frameworks provide for training cycles normally incorporating progressive training activities. AU and sub-regional training should therefore be designed on the basis of a cycle that dovetails into these national arrangements. In this respect, there will be the need for some degree of harmonisation among Member States signing up to the standby arrangements. Such harmonised training cycles, if synchronised with UN and other external initiatives such as ACRI (as well as Operation Focus Relief and African Crisis Operations and Training Assistance - ACOTA), RECAMP, BPST, the Norwegian funded Training for Peace program, etc., should help to harness support for AU training for PSO by channelling external assistance towards quality support at the centres of excellence. This will enhance African peacekeeping capacities, as well as provide a framework for joint tactical and operational field training exercises (FTX), command post exercises (CPX) and telephone battles to practice common doctrine and techniques and test readiness. It will be particularly useful if training is focused towards structures established as part of the ASF.
- 2.19. Troops that participate in peace support operations are placed under particular scrutiny regarding their adherence to the highest

standards of international humanitarian law/Law of armed conflict. This subject should be covered in national training as well as by any regional peacekeeping training institutions. Reference could here be made to bulletin issued by the UNSG in 1999 on international humanitarian law.

Brahimi Issues

- 2.20. The recommendations of the Brahimi Panel have made collaboration with the UN System even more fundamental. It is instructive to call to attention the Brahimi Panel's view:

"There are many tasks which United Nations peacekeeping forces should not be asked to undertake and many places they should not go. But when the United Nations does send its forces to uphold the peace, they must be prepared to confront the lingering forces of war and violence, with the ability and determination to defeat them."

- 2.21. The Brahimi Panel's Report and Recommendations raise serious challenges that have far-reaching implications for AU and Regional peace support efforts, especially in the areas of organisation, equipment, training, operational doctrine, and capacities for mandate accomplishment, including demobilisation, disarmament and reintegration (DDR), as well as for Quick Impact Projects (QIP). In operationalizing the ASF, the AU should borrow extensively from the relevant lessons drawn in the Brahimi Report and give serious consideration to those issues relating to mission-capable forces within the UN Standby Arrangements System (UNSAS) for regional training, standardisation and organic logistical support. The rationale for this view is that the relevant recommendations impose a higher premium on standards and capacities that, if met, will facilitate the full participation of African countries in UN peace operations.

Issue of AU/Regional Consultations and Co-ordination

- 2.22. The need for consultations, harmonisation and co-ordination of the security mechanisms of the AU and Regions is predicated on the framework of the CAAU and relevant decisions of the Durban Summit (July 2002). Within the framework of the PSC Protocol, Regional security mechanisms should be envisioned as a crucial part of the regional security architecture.
- 2.23. Another pertinent reason for closer AU-Regional collaboration stems from the fact that there is a limit to the burden that sub-regions can bear for their own security, and the lack of sub-regional capacity may tend to prolong conflicts. The AU has provided diplomatic support for sub-regional interventions, but its financial and logistical contributions to such Regional efforts has been limited.
- 2.24. The lack of fully co-ordinated and harmonised regional security

mechanisms and intervention efforts has also created competition among and between African regional organisations for external assistance, to the detriment of concerted efforts at building African and regional capabilities.

- 2.25. In reality, the more ambitious objectives of the PSC Protocol and the ACDS recommendations which envisage sub-regional components of the ASF demand the full participation of the Regions. Their respective security mechanisms need to be harmonised with that of the AU, in order to synergise African security efforts.
- 2.26. To achieve effective consultations between the AU and Regions on these subjects, as well as with external Partners, there is the need for clearly designated focal points at all levels.

Issue of Collaboration with the International Community

- 2.27. AU co-operation with the international community occurs in the areas of diplomatic, political and economic activities, in addition to resource (financial and material) mobilisation in support of its peace and security agenda. In the context of building African capacity for peacekeeping, the AU is expected to continue to be the recipient and beneficiary of external support programmes, such as support for the establishment of the Conflict Management Centre (CMC), and financial support for the establishment and sustainment of peace operations. In addition, the Union and Regions have benefited from other financial and material assistance programmes such as the ACRI (US), RECAP (France), as well as support from the British (BPST), Norwegian, Canadian, Danish and other Nordic countries. These have helped to enhance skills, further doctrinal standardisation, and improve the logistics capacity for African peacekeeping.
- 2.28. Nevertheless, while external initiatives have helped to improve some African peace support capacities, the level of external assistance has been lower than expected, and has not always focused on key African concerns. In particular, the OAU/AU has not been fully involved in determining the nature and scope of the initiatives.

Sustainability and Logistical Support Requirements

- 2.29. In order to develop advice regarding sustainability, logistic support and funding, the Meeting adopted assumptions regarding rapid deployment, periods of self-sustainability and methods of providing logistic support. These are that:
 - (a) Scenarios 1 to 3 will deploy with self sustainability for 30 days.
 - (b) Scenarios 4 to 6 should ideally involve contingents deploying with self sustainability for 90 days.
- 2.30. The identification of broad sustainability, logistical support, and funding requirements are key components for the deployment of any

peace operations. The UN has developed a number of documents which are used to establish these requirements. Examples are shown at Annex F. Past experience has indicated that the rates used by the UN may be too high for adoption by the AU. It is therefore recommended that the AU use the information in these documents as a guide and build on this information, making changes as appropriate in the scales of reimbursement, the consumption rates, etc., to fit the African environment. The resulting documents, formatted to fit AU parameters, will provide valuable planning tools to determine the sustainability, logistical support and funding requirements needed for peace operations. This will also assist a smooth transition to UN operations, if necessary.

AU Logistical Infrastructure for PSO

- 2.31. Considering that poor equipment and logistics have often undermined effectiveness of African PSOs, the AU should initiate an investigation into an appropriate concept for logistical infrastructure and resupply system, including ASF Military Logistical Depots (AMLD), for Phase 2. During Phase 1 Member States should focus on national readiness (own reserves and stocks) while an appropriate and cost-effective concept for Phase 2 is investigated. In general, when involved in peace support operations, force projection and sustainment should be executed by outsourcing strategic lift capabilities from the international environment.

Equipment Standardisation

- 2.32. While standardisation of doctrine and procedures are both desirable and possible, it should be clear that due to different development processes of Member State defence forces, equipment standardisation will not be possible across the whole spectrum of ASF military equipment. However, the clear identification of key areas where interoperability is essential, such as inter-unit communications, is urgent. The issue of standardisation policy and the development of suitable technical solutions, where necessary, should be centrally managed at the AU. Apart from the possible impact that this could have on national government procurement practices, interoperability is also an issue to be taken on board by the various external capacity building initiatives listed elsewhere in this document.

Funding and Reimbursement

- 2.33. The parameters for financing the peace operations of the ASF and other operational activities related to peace and security (Article 21) provide for the establishment of the AU Peace Fund, subject to relevant AU Financial Rules and Regulations. The Peace Fund also

receives additional contributions from African and international partners. Excepting the regular budgetary appropriations that could be guaranteed, the AU has no guaranteed control over the other sources. The PSC therefore needs to be aware of the responsibility of making available such financial resources as are requisite for ASF mission accomplishment. In this regard, however, it is recalled that the Second Meeting of the ACDS made the following recommendations on funding:

- (a) Initiating an annual fund raising week.
 - (b) Increasing contributions of Member States to the Regular Budget; increasing the percentage of the budget dedicated to the Peace Fund, that is, from six (6) to ten (10) percent.
 - (c) Soliciting for individual donations in cash or kind, and involving insurance corporations.
- 2.34. The issue of reimbursement for troop commitments, movements and airlifts, and logistical, as well as other operational costs incurred by Member States, is one that needs careful consideration. Except for some coalition interventions, particularly in West, Central and Southern Africa, lack of central funding and reimbursement for peacekeeping costs have severely inhibited the full participation of less endowed Member States. This situation has undermined multinational efforts of Regions and engendered sub-regional polarisation.
- 2.35. An appropriate policy decision is required on reimbursement rates for Member State commitments to the ASF. In addition to reimbursement of Member States, the contribution of the Region itself needs to be considered when formulating a system of reimbursement.

Command, Control and Communication Considerations

- 2.36. Multinational brigades raise legal as well as technical command and control issues that need to be resolved prior to deployment. This could be achieved through appropriate AU command and control policies, Letters of Exchange (LOEs), Letters of Intent (LIs) or MOUs. In general, the command of the brigades will need to reflect the multinational nature of the formation, and be combined with a system of rotation of staff appointments, having regard to the capacities, contributions, and professional competence levels in the respective defence forces of Member State.
- 2.37. **Skeleton Rapid Deployment Headquarters.** For rapid deployment of a multinational force, UN, African and other experience clearly indicate the need for an effective mission HQ to be functioning very early. As mentioned above for readiness at 30 days or less, experience indicates that this can only be achieved by the core of such a HQ already existing full time which is trained and competent in the appropriate command procedures. Standby procedures similar to

the SHIRBRIG concept and the UNSAS “on call” HQ described in Annex E will assist development of such a capacity.

- 2.38. **Status of Affiliation of Contingents.** It is likely that not all the units contributed to the ASF will be self-sufficient, and that some will lack adequate operational resources. Such units will have to be regrouped with much stronger contingents of the ASF. This may engender some amount of political and legal implications in placing units under command of foreign officers and practical issues at the tactical level that will need close attention.
- 2.39. **Communications.** The Meeting pointed out that deployed missions and operational activities require effective communications. This is one area requiring close examination to achieve a required level of standardization and interoperability. While the use of satellite communications may be convenient in limited observer missions and between missions and the Commission/Secretariats, they are expensive and are not ideal for communications internal to peacekeeping force operations. Careful consideration therefore needs to be given to the types and mix of communications proposed for the respective mission scenarios

Chapter 3: Africa Standby Force: A Suggested Action Plan

- 3.1. By the provisions of Article 13 of the PSC Protocol, the ASF will be composed of standby multidisciplinary contingents, with civilian and military components located in their countries of origin and ready for rapid deployment at appropriate notice. It further states that the ASF shall, inter alia, perform functions in the following areas:
 - (a) Observation and monitoring missions.
 - (b) Other types of peace support missions.
 - (c) Intervention in a Member State in respect of grave circumstances or at the request of a Member State in order to restore peace and security, in accordance with Article 4(h) and (j) of the Constitutive Act of the African Union (CAAU).
 - (d) Preventive deployment.
 - (e) Peacebuilding, including post-conflict disarmament and demobilisation.
 - (f) Humanitarian assistance to alleviate the suffering of civilian population in conflict areas and support efforts to address major natural disasters; and
 - (g) Any other functions as may be mandated by the PSC or the Assembly.
- 3.2. As an approach, the development of the concept of the ASF must be informed by the dynamics of relevant conflict and mission scenarios, the instructive experiences of the existing Mechanism, as well as by the experience of the UN System in peace operations, and by other

models evolved outside of Africa. As far as possible, the ASF will use UN doctrine, guidelines, training and standards. The concept will also need to be validated against pragmatic conflict scenarios.

- 3.3. There are clear, significant and fundamental gaps between the capabilities needed to realise the AU goals and current capacity. The main areas of concern being lack of political will and readiness; lack of financial resources; lack of equipment and logistical capacity; and in some areas, lack of training. For these reasons, the full development of the ASF will need to be viewed as a longer-term project.
- 3.4. Taking into account financial reality, previous ACDS guidance and experiences, in broad outline the Meeting recommends that the ASF be developed in phases to provide:
 - (a) A reasonable level of staffing to develop a strategic level HQ (PSOD) capacity, managing an on-call individual reinforcement system to gain mission level (ASF) HQ capacity, and specialist mission level civilian components, such as those dealing with human rights.
 - (b) In due course a system of sub-regionally managed standby brigade groups, eventually capable of deployment in 30 days, that maintains a small full time core planning staff (15) with individual on-call reinforcement of other brigade HQ staff positions, and a pool of units on standby in Member States that are supported by appropriate administrative, logistics and training infrastructures.
 - (c) An AU managed high readiness brigade capable of deployment in 30 days comprising a HQ, including a full time planning staff of 15, plus a pool of units able to be committed by Member States from all sub-regions, supported by appropriate administrative, logistics and training infrastructures.
 - (d) An AU-managed standby system of military observers and police capacity, preferably consisting of individuals nominated to on-call lists. Alternatively, if it is impracticable to provide names, Member States could also advise the numbers of appropriately trained and prepared military observers and police that they could provide.
- 3.5. The entire standby system would use as its basis for doctrine and training, concepts and material developed by the UN and SHIRBRIG and other organisations (as outlined in the Standby models described in Annex E). It should also be linked into the UNSAS.

Multidimensional Strategic Level Management Capability

- 3.6. While the AU should provide overall political direction to peace operations in Africa that are not commanded by the UN, it is clear that some missions could be managed at the strategic level by Regions, but with AU and UN sanction as appropriate. Indeed, such Regional-mandated missions should have the involvement of the AU and the UN, which should, to various degrees, provide not only diplomatic support, but also direct financial and logistical assistance

and assistance to mobilise material and financial support.

- 3.7. Financial constraints and a need to avoid duplication with the UN System dictate that, for the foreseeable future, full time strategic level HQ capacity in both the AU and Regions will be minimal. Besides ongoing efforts to enhance staffing levels within the relevant peace operations Directorates (this applies to the AU and ECOWAS, for instance), the AU and Regions should supplement their Commission/Secretariat HQ capacity by using UN and On-Call Member State personnel. It is possible reinforcements may also be available from other sources, e.g., external Partners and initiatives, the SHIRBRIG, etc. The AU should therefore explore avenues for the formulation of MOUs with these entities to that end. As far as the UN is concerned, the possibility of such an MOU exists.
- 3.8. **Phases.** The Meeting recommends that strategic level AU HQ management capacity should be developed in two phases:

(a) Phase 1. (Up to 30 June 2005)

1. **AU Capability.** The AU should develop and maintain the full time capacity to manage Scenario 1 and 2 (military advice to political mission and co-deployed observer) missions, and establish a standby reinforcement system to manage Scenario 3 (stand alone observer) missions. The structure is at Annex C. Experience suggests that at this level, a senior officer of the rank of Brigadier will be required in the PSD to provide an appropriate level of strategic military advice. The AU should also commence to develop a high readiness brigade capability.
2. **Regional Capability.** Regions should within capacity develop their standby brigades within this phase. Where they can develop standby brigade groups, Regions should, by the end of this phase also develop the capacity to use a standby reinforcement system to manage Scenario 4 (AU/Regional PKF) missions.

(b) Phase 2. (1 July 2005 - 30 June 2010)

1. **AU Capability.** In this period, while maintaining its full time capacity to manage Scenario 1 and 2, the AU should develop the capacity to manage up to Scenario 5 (complex PKF) missions. The structure is at Annex C. Experience suggests that at this level, a senior officer of the rank of Major General will be required in the PSD to provide an appropriate level of strategic military advice.
2. **Regional Capability.** All Regions should try to develop capabilities up to that of a standby brigade in this period, and those with existing brigades should increase their rapid deployment capability.

Mission HQ Level Management Capability

- 3.9. Even though the Director PSD should exercise overall responsibility for the establishment of the ASF, it is argued that the peculiarities of the standby arrangements and the initial requirements for its effective management, training and possible deployment, strongly suggest the need to develop a skeleton mission headquarters in Addis, under a Chief of Staff (COS), of the rank of Major General; this rank is considered appropriate for missions involving brigades or contingents drawn from more than one sub-region.
- 3.10. The COS and his skeleton HQ should be embedded with the Planning Element of the AU high readiness brigade. With the benefit of his peacetime command, control, training and administration of the standby arrangements, the COS could be redesignated as FC/CMO to deploy rapidly with the skeleton HQ/Planning Element Staff to ensure that the impending mission is provided with effective operational management and guidance. Alternatively, the COS and his HQ could remain in the mission area for the first 3-6 months of an operation, to make for its gradual relief by a mission headquarters staffed by personnel recruited for that purpose.
- 3.11. The Meeting recommends that such capacity should be developed using an on-call system of individuals and standing logistics infrastructure as follows:

(a) Phase 1. (Up to 30 June 2005)

1. **AU Capability.** The AU should develop the capacity to deploy a mission HQ for Scenarios 1-3.
2. **Regional Capability.** Where they develop standby brigade groups, Regions should also develop the capacity to deploy a mission HQ for Scenario 4 (AU/Regional PKF).
3. **Lead Nations and Coalitions.** Especially in regions lagging behind with the establishment of peace and security protocols and mechanisms, the Meeting recommends that encouragement be given to potential lead nations to form coalitions of the willing as a stop-gap arrangement, pending the establishment of Regional standby forces arrangements. In addition, however, it is recommended that at the AU level, potential lead nations be identified for Scenario 6 (intervention) type operations. These lead nations would be those Member States with standing deployable HQ capacity of greater than brigade level, and with forces that are capable of seizing points of entry, ideally using airborne or airmobile assets.

(b) Phase 2. (1 July 2005 – 30 June 2010)

1. **AU Capability.** The AU should develop the capacity to deploy a mission HQ up to Scenario 5 (complex PKF).

2. **Regional Capability.** Regions should continue to maintain and improve on their capacity to deploy a mission HQ for Scenario 4 (AU/Regional PKF).

The staff structure is at Annex C and logistics guidelines are at Annex F.

Mission Components

3.12. **Military.** The Meeting recommends the following:

(a) Military Observers

1. The AU should centrally manage a standby roster of individual military observers in order to be able to establish up to two Scenario 3 (standalone observer) missions simultaneously. This would mean at least 300-500 officers in accordance with the ACDS recommendation. Those observers on the roster should be trained nationally and/or within regional Peacekeeping Training Centres (PKTC), to UN standards and be held in Member States at 14 days notice.
2. UN Guidelines for Military Observers should be used and modified as necessary for AU conditions. The Observers should be paid by their parent Member States, while the AU administers travel, mission subsistence, and other allowances in accordance with its established Administrative, Logistic and Financial Guidelines and SOPs.
3. AU observer missions should be supported from the AU logistical infrastructure, which should include equipment maintained centrally (AU MLD).

(b) Formed Units

1. Where capable, by 30 June 2005, the AU and Regions should establish standby brigade groups (in the case of the AU this should be a standby high readiness brigade) that would consist of:
 - (a) A small full time Planning Element (PLANELM) of 15 staff, who should have the requisite experience and skills. They should be nominated as an entity for Group 1 of the UNSAS On Call List, and should be paid by their Member States with a post allowance being paid by the Region on the basis of the cost of living in the relevant HQ location. Facilities, common costs and staff helpers for operation of the PLANELM should be provided by the Region.
 - (b) Selected PLANELM staff officers could undertake on the-job experience with the Copenhagen-based SHIRBRIG. The UN should be approached to use the Trust Fund for Conflict Prevention and Peacekeeping in Africa to fund this. Selection should be a consultative process involving the UN, the AU, Regions and SHIRBRIG.
 - (c) The remainder of the brigade staff would be on call in Member States. These must be individuals who are identified by name and who possess the requisite experience and skills. All should be

- nominated as an entity for Group 2 of the UNSAS On Call List.
- (d) Identified brigade units would be on standby in Member States, but must be subject to verification visits by the PLANELM staff to identify standards and shortfalls. Units should be nominated for the UNSAS RDL. Where shortages of major items of equipment are identified, these should be addressed through the use of central Regional stocks (this is described below).
 - (e) The pool of units that are identified as part of the system should exceed that required for an operation. This redundancy will allow for Member State decisions not to deploy, as well as allow for rotations and possibly more than one simultaneous mission.
 - (f) Central AU/Regional logistics facilities. Regional MLDs should hold standard stocks to cover typical shortages for sustainment and key items of equipment. The stocking policy should cover a brigade level deployment for 180 days. The MLDs should be controlled through a joint AU/Regional mechanism, but operated by regional staff. Alternatively, they could be managed by a contractor. Stocks should only to be used for UN/AU mandated or authorised missions.
 - (g) A system that would link the issue of equipment from the MLD, with final collective training, and certification that brigades/units are operationally deployable. Staff to support this collective training could be drawn from regional centres of excellence and/or from Member States. Ideally, if funding were available, dedicated collective training institutions could be established.
 - (h) The AU should jointly agree on locations of logistics infrastructure (MLDs) and training facilities with Regions, in order to maximise efficiency and effectiveness.
2. Where a sub-region does not possess the capacity to establish a multinational brigade group organic to the Region, or where for whatever reason a Member State wishes to contribute outside the brigade group framework, two options should remain open:
 - (a) **Option 1.** A Member State may wish to offer to serve as a lead nation with an established brigade HQ. In this case other Member States could provide additional units on standby in a manner similar to that described above, with bilateral support to bring the unit up to RDL level as required.
 - (b) **Option 2.** The AU should manage a central high readiness brigade and standby system of units similar to SHIRBRIG and UNSAS. Units should be able to reach RDL level standards, if necessary through bilateral assistance. In particular, the units providing enabling capability for rapid deployment, should be included in this option.
 3. As regards employment, the Meeting noted that a brigade would not be restricted to undertaking missions in its own subregion. Where a Regional standby brigade is employed within its own region, the Meeting is of the view that the command, control and management of such a brigade will be a Regional responsibility.

4. Two or more brigades could be linked to establish a Scenario 5 (complex PKF) mission. Where such brigades are drawn from more than one Region, or where a number of single nation standby units are composed for an ASF mission, the AU should assume command, control and administrative responsibility for such missions.
5. Standby brigades could also be used as follow-on forces after the initial lead nation forced entry in a Scenario 6 (intervention) mission.
6. Solutions should cater for a multilingual environment. In this vein, the formation of brigade groups should not exacerbate linguistic division that can be exploited by external actors. Multilingual capacity should be developed in the staff of the Planning Elements, perhaps through in situ language training, and ideally with the non-permanent staff.
7. In some instances, Member States may offer specialised units that may be useful, but would not normally form part of a brigade group. To cater for this, the AU should include them in centralised arrangements managed at AU level.

3.13. **Police.** The Meeting recommends the following:

- (a) **Individual Police Officers.** By 30 June 2005, the AU should establish and centrally manage a standby roster of individual police officers in order to be able to establish the police component of up to two Scenario 5 (complex PKF) missions simultaneously. This would mean at least 240 officers, some whom would act as staff officers on the mission HQ. These individuals should be trained nationally to UN standards, or at regional and other centres of excellence, and be held in Member States at 14 days notice. UN Guidelines for Police Missions should be used and modified as necessary for AU conditions. Police Officers should be paid by their parent Member State, while the AU administers travel, mission subsistence and other allowances, in accordance with its Administrative, Logistic and Financial Guidelines and SOPs. Individual police standby arrangements should be linked to UNSAS.
- (b) **Formed Units.** Some Member States maintain formed units of police such as gendarmerie. By 30 June 2005 the AU should establish and centrally manage a standby system that would contain at least two company level units on 90 days notice, in order to be able to support two Scenario 5 (complex PKF) missions simultaneously. These would be managed in a similar fashion to the RDL arrangements with verification visits, and as required, use the central AU logistical infrastructure. In a manner similar to formed military units, Member States providing police units would be reimbursed under a system similar to the UN, subject to necessary variations to suit AU conditions. The AU should be linked to UNSAS.

3.14. **Civilian Components.** The Meeting recommends that by 30 June 2005 the AU should establish and centrally manage a roster of

mission administration, plus a roster of civilian experts to fill the human rights, humanitarian, governance, DDR and reconstruction component structure shown at Annex D. Qualifications should be similar to that required by the UN, while the AU roster should be linked to UN rosters. On deployment civilian experts should be paid by their parent Member States, while the AU administers mission subsistence and other allowances in accordance with its Administrative, Logistic and Financial Guidelines and SOPs. An alternative for some capabilities may be to establish partnerships with other organisations that have relevant expertise, e.g., UNDP, UNHCHR and World Bank, for reconstruction, governance, DDR, human rights, etc.

AU, Regional and Member State Responsibilities

3.15. While there is broad collective responsibility for the system, the establishment and maintenance of the ASF will involve specific responsibilities for the AU, Region and Member States as follows:

(a) AU

1. Sole African mandating authority for peace operations in situations consistent with the UN Charter and the CAAU.
2. Establishment and maintenance of a capacity for direct management of missions as required, with initial emphasis on Scenario 1-3 missions from 1 July 2005, and up to Scenario 5 (complex PKF) missions by 2010.
3. Overall supervision of the AU system of standby arrangements to ensure standardisation, currency of information and sound linkages with the UNSAS.
4. Establishment and detailed management of central standby arrangements for:
 - (a) AU HQ reinforcement staff, including an MOU with the UN and other willing Partners and agencies.
 - (b) Mission HQ staff and the Planning Element of an AU high readiness brigade.
 - (c) Single nation military units in sub-regions where no sub-regional organisation or lead nation state has established a standby brigade group.
 - (d) Specialised military units that would not normally form part of a brigade group.
 - (e) Individual civilian police.
 - (f) Formed police units.
 - (g) Individuals for civilian components of missions
5. Review of UN doctrine and training material as necessary to suit African conditions and then promulgate this to Member States, Regions and the UN.

6. Co-ordination of efforts to establish a logistical infrastructure consisting of a central and regional MLDs, as well as efforts to mobilise external assistance towards the establishment and stocking of the MLDs.
7. Co-ordination of efforts to mobilise, harmonise and focus external initiatives (ACRI, RECAP, etc.) towards standardisation of doctrine and quality peacekeeping training for peace operations.

(b) Regions

1. If within capability, establishment and maintenance of a capacity for direct management of missions, with emphasis on Scenario 4 missions.
2. If within capability, establishment and maintenance of standby arrangements for:
 - (a) HQ reinforcement staff, including an MOU with the UN, under the auspices of the AU.
 - (b) Mission HQ staff for a Scenario 4 mission.
 - (c) A standby brigade group, including training at brigade level.
 - (d) Direct management of sub-regional logistical and training infrastructures.
 - (e) Elements nominated to the AU high readiness brigade.

(c) Member States

1. If within capability, provide individuals and units to AU high readiness and sub-regional standby arrangements, including permitting required verification visits by the AU, Regions and UN.
2. Train individuals and units in basic military tasks using national doctrine and procedures.
3. Train individuals and units in the particular tasks involved in peace operations, using UN standardised doctrine and training material, and where necessary, consistent with AU SOPs reflecting African situations.

(d) Priority of Effort

The Meeting recommends that, where required, the following factors be taken into consideration in determining the priority of effort in establishing the sub-regional standby brigades:

1. Regional volatility.
2. Regional political cohesion.
3. Existing security architecture and infrastructure.

Enhancing Co-operation with the UN

- 3.16. There are a number of areas where the ASF Concept and overall African peace and security agenda can be enhanced through co-operation with the UN. The Meeting recommends that:

- (a) **HQ Capacity.** In establishing high readiness and standby brigade groups, the AU and Regions should establish an MOU with the UN to reinforce strategic HQ capacity, using an on call UN Planning, Liaison, and Advisory Team. Additionally the UN should consider on request of the AU reinforcing the UNLO office in Addis with a peacekeeping specialist.
- (b) **Standby Information.** Where Member States approve, the AU should ensure African standby information is included in UN standby databases. The UN should share its detailed requirements for military, police and civilian standby with the AU.
- (c) **Doctrine and Training Material.** The AU should consult closely with the UN to gain access to the latest UN peace operations doctrine and training material and modify this as necessary to suit African conditions. Essentially, all African peacekeeping centres of excellence should have and use such material. The AU, Regions and Member States should actively participate in the activities of the DPKO Training and Evaluation Service Standardised Generic Training Module Project. To that end, the UN (DPKO) should be invited to participate in the planning and conduct of all forms of peacekeeping training and exercises, including those within the frameworks of external initiatives.
- (d) **On the Job Experience.** The AU and Regions should co-operate closely with the UN to gain experience at UN HQ, and with the Planning Element of the Copenhagen-based SHIRBRIG. The UN should be approached to fund this through the appropriate Trust Fund.
- (e) **Logistics Co-operation.** Given the AU goal of handing over an operation to the UN as soon as possible, the AU should approach the UN with a view to co-operation in logistics support.
- (f) **UN Consultations with TCCs.** In order to take advantage of this provision, the Meeting recommends that one or more ASF operational brigades should be organised in accordance with UN standards to be fielded in UN peacekeeping operations along the lines of SHIRBRIG. The strategy of task-organising special contingents for UN missions is currently being adopted by some national defence forces—India is a good example—which have, as a result, reaped enormous benefits, including operational expertise and financial resources, from participation in UN peace operations. The funding of regional operations could thus be “subsidised” with funds from ASF’s participation in UN missions. In addition to their being harmonised with commitments to the UNSAS, ASF databases will also benefit from that of the UNSAS and help provide a formal framework for bilateral MOU and/or LOEs between African TCCs and the AU Commission. This is consistent with the coherent brigade group concept contained in the Brahimi Report.

Command and Control Functions

3.17. Reiterating the assumption that the structures of the OAU Mechanism for Conflict Prevention, Management and Resolution are of relevance, the Meeting recommends the following command and control relationships and functions:

(a) Strategic Chain of Command and Functions.

1. In accordance with Articles 6 (Functions) and 7 (Powers) of the PSC Protocol, the PSC, as the decision-making institution, should be the sole authority for mandating and terminating AU peace missions and operations.
2. In accordance with Article 10 (The Role of the Chairperson of the Commission), political command and control of missions mandated by the PSC should be vested in the Chairperson, who should then submit periodic reports to the PSC on the progress of implementation of the relevant mandates of such operations and missions. The Reports of the Chairperson should include, but not be limited to the following matters:
 - (a) Introduction.
 - (b) Progress of implementation of the ceasefire and/or agreement.
 - (c) Status of the mission.
 - (d) Status of work of other commissions and agencies.
 - (e) Humanitarian developments.
 - (f) Human rights.
 - (g) Confidence-building measures, etc.
 - (h) Observations and recommendations.
3. The Chairperson should, however, delegate authority for the political direction and administrative control of AU peace operations and missions to the Commissioner for Peace and Security. As part of his functions, the Commissioner for Peace and Security, should exercise delegated authority for:
 - (a) Enhancing the rapid and effective response of the Commission to conflict situations.
 - (b) Providing the Commissioner with early warning information and timely, informed analysis of current and potential conflicts, to facilitate appropriate and effective decisions and actions by the Commissioner and the PSC.
 - (c) Providing facilities for collection, collation and dissemination of early warning data, and communication linkage with Member States, Regions, peace operations and missions.
 - (d) Providing analysis of conflict- and security-related information, and research into the root causes of conflicts, for the formulation of specific-, medium- and long-term policy options.
 - (e) Providing facilities for collection, collation and dissemination of early warning data, and communication linkage with Member States and field missions.

- (f) The detailed planning, preparation, conduct, direction and sustainment of AU peace operations and missions.
 - (g) Assisting Member States and Regions in any activity related to peace support missions, defence and security matters.
 - (h) Providing planning guidance for the implementation of post conflict reconstruction.
 - (i) Provide administrative and technical support for PSC meetings and dissemination of its decisions.
4. Similarly, the PSOD should be responsible for the routine execution of all decisions and issues relating to the planning, deployment and sustainment of missions.

3.18. Chain of ASF Command.

- (a) In Scenarios 2 and 3 missions, overall political control and overall direction, as well as the activities of the mission and consultations with other Organisations and agencies in the field, should normally be exercised and co-ordinated by an AU Special Representative (ASR) designated by the Chairperson. All heads of major components should report to him.
- (b) The Chairperson of the Commission will provide the ASR with legal and political advisers, and with a civilian administrative staff, as necessary.
- (c) Notwithstanding the designation of a Special Representative, command and control of the military components of an AU mission should be vested variously in an FC or CMO, who should be appointed by the Chairperson. He should be provided with appropriate HQ facilities based on the type of mission to be undertaken.
- (d) Military personnel of AU peace missions should be under the authority of the Chairperson of the AU, through the FC/CMO, and should be directly answerable to FC/CMO for the conduct and performance of their duties. Member States contributing contingents and other military and civilian staff components to AU missions shall allocate them under the command and control authority of the AU.
- (e) The outline chain of ASF command and control in a top-down mode should be:
 1. Commissioner, Peace and Security Department, supported by Director (PSD) and Head (PSOD).
 2. Head of Mission (AU Special Representative).
 3. FC/CMO.

This reporting channel should not preclude the Head of Mission, as and when appropriate, from direct access to the Chairperson of the Commission.

Communications

- 3.19. The Meeting recommends the following capacity for communications:

(a) AU responsibility for providing communications will be focused at supporting the following:

1. An HF digital encryption-capable communication systems linking the AU Commission with Regional Secretariats, Regional Offices and ASF Missions (administration and operations), combined with land/GSM telephones and faxes, as well as broadband and Internet facilities.
2. ASF HF digital encryption-capable communication systems (administration/ operations) with rear link to the AU Commission, Regions and Regional Office(s).
3. Sector/contingent/detachment (combat net radio), communications, rear link to ASF HQ.
4. Broadband and cc-mail presence which should be provided by the ASF.

(b) Contingent responsibility for providing communications should be focussed at supporting the following:

1. Forward communications capable of maintaining the required command and control, security, and logistics nets required to support operations within the units' areas of responsibility.
2. Separate contingent rear link to home country.

(c) These links include telephone, VHF/UHF FM and HF communications available and meeting mission requirements.

3.20. **Force Integrity.** The Meeting recommends the following in order to ensure force integrity and morale:

- (a) **Multinational Balance.** As much as possible, staff appointments at ASF mission HQs should reflect the multinational nature of the force, and should be characterised by the same principle of geographical distribution, subject to technical aspects of levels of command, the size and attributes of contingents, and the rank structure of their staff. Appointments should also be rotated periodically (12 months) to ensure balanced national exposure and to forestall tendencies that excessive familiarity with particular appointments could breed.
- (b) **Consultations with Senior National Officers.** Senior national officers within the mission should be consulted on issues pertaining to the operations of his/her contingent.

Enhancing Co-operation with Regions

3.21. In general, the Meeting recommends that in order to enhance AU Regional co-operation, consultative meetings between the PSC and Regional security organs should be formalised. Additionally, the appropriate sub-regional Departments responsible for security should be involved in ASF mission planning.

Enhancing Co-operation with the International Community

3.22. It is in the interest of the AU to maintain co-operation with its traditional Partners in accordance with the provisions of the Protocol on the PSC. Such cooperation should however be reviewed to allow for increased joint AU ownership of the relevant external initiatives and assistance. Towards this end, the Meeting recommends that:

- (a) The AU should negotiate with its Partners to share in the planning, objectives and conduct of external support initiatives; the objectives of training exercises should accord with requirements of the AU,
- (b) The AU should encourage its Partners and donors to meet UN equipment standards in their assistance and initiatives.
- (c) The AU should negotiate with the Partners and donors to have equipment donations through multilateral arrangements towards stocking, maintaining and managing MLDs.
- (d) Explore through MOU, the possibility of strategic airlift of ASF equipment and personnel to and from mission areas, from external Partners.

3.23. In general, the harmonisation of security mechanisms and collaborative multilateral regional and sub-regional security with the UN and international community will facilitate global African strategies for peace support and peacebuilding efforts. In terms of external assistance and initiatives, it may facilitate a shift or change in the competing nature of external initiatives, and a move away from bilateral arrangements towards multilateral regional assistance arrangements. The G8 approach emphasising multilateral regional arrangements with African ownership underscores this point.

Other Suggested Actions

3.24. The Meeting is of the view that the following additional actions need to be considered:

(a) Mandates

Ceasefire or peace agreements negotiated by the AU, to be implemented by the ASF, should meet threshold conditions, such as consistency with international human rights standards and practicability of specified tasks and timelines.

(b) Entry-Exit Strategies and Mandates

1. There is the need to highlight the requirement for a framework of entry and exit strategies informed by realistic criteria addressing the legal, political and moral dilemmas of intervention. The Fund for Peace (FFP) Seminar⁷ suggested that AU and Regional operations should be designed with the view to eventually handing over mandates and responsibilities to the UN, with or without the subsuming of regional forces. Where intervention takes place before

appropriate authorisation, ex post facto, the approval of the AU and/or the UN should be sought. The PSC must be clear in its entry and exit strategies for each of the scenarios for which the ASF is being designed.

2. For intervention, the level of coherence and capability required is such that a phased concept of deployment is required, involving a lead or single nation to seize a point of entry(s) to stabilise the situation, followed by standby brigade group(s) deployment.

(c) Staffing

1. **Best Practices Capability.** Although not included in currently approved structures (PSOD), similar to DPKO, the PSD should develop a Best Practices capability, possibly using serving as well as retired officers.
2. **AU Military Advisory Staff.** Considering the enormity of the military aspects of AU-UN consultations and the implications of AU/Regional peace operations, the Meeting is of the view that serious consideration needs to be given to the inclusion of a military liaison and advisory officer of appropriate rank on the staff of the AU Permanent Mission to UN HQ in New York, to facilitate appropriate military staff actions on issues relating to peace and security.

(d) IT

IT needs to be considered as a vital tool for ASF command, control and communications. Ongoing improvements in IT resources and facilities at the AU Commission and some Regional Secretariats should therefore be extended to the ASF. The ASF must also be provided with appropriate reliable and effective multiple link communications, including Internet access and mission Intranet facilities. In this sense, consideration should be given to the need to establish a small IT/EDP cell at the Commission (within the PSD), Regional Secretariats and within the rapidly deployable ASF HQ, which resources could then be expanded during deployment.

(e) Quick Impact Projects

Even though the ASF will not be expected to undertake serious humanitarian projects, it should be endowed with appropriate resources and capacity in specialised units, to undertake QIP and limited post-conflict reconstruction. This accords with the recommendations of the Brahimi Panel for UN peace operations.

(f) Reimbursement

The meeting recommended that the AU should reimburse contributors. Indications are that some Member States would be unable to contribute to operations without adequate reimbursement. If reimbursement is

determined, using the relevant UN scales of reimbursement as a guide, the AU, in consultation with Regions, should determine its own scales based on its capacity to fund the reimbursement regime. A sample of the UN scales of reimbursement is at Annex F. The meeting recommended that the AU establish a working group, comprising at least of one nominated member from each sub-region, to provide options for ASF re-imbursement, guided by the following considerations:

1. Re-imbursement for personnel and equipment are considered separately.
2. Reimbursement follows the format of the UN.
3. The scale of reimbursement is determined for sub-region actions, and AU mandated actions based on sub-regional and AU respective expert considerations
4. A mission may be initiated at sub-regional level, later receive AU mandate and thereafter UN – mandate and thus would move through three levels of re-imbursement process.
5. Preferably AU – mandated missions do not involve different scales for personnel and equipment within one mission.
6. Bi-lateral funding and/ or resource allocations towards a sub-regional/ or AU mission is accommodated, not reimbursed but accounted for as per bi-lateral arrangement.

(g) AU Logistical Infrastructure for PSO

Any AU logistics support strategy should aim to enable rapid and effective deployment, on the one hand, and mission sustainability on the other. To this end, it is suggested that the AMLD should be incorporated into a system of sub-regional MLDs. In future, external logistical facilities in the region should be negotiated to support these MLDs. Alternatively, the AMLD could be centralised like the UNLB (Brindisi); this has the advantage of maximising the management and maintenance resources of the facility, even though it will also entail higher costs in strategic air and sea lifts.

(h) Equipment Standardisation

This will probably involve various technical working groups in areas such as communications and IT, as well as key areas of logistics. Because of its very well developed system in this regard, NATO should be approached for advice on the systems they use.

(i) Funding

To ensure availability of funds for the implementation of the Protocol, the Meeting suggests that consideration be given to additional means being considered by some Regions, such as the levying of a peace tax. Additionally, assessed supplementary quotas could be made to meet the

cost of specific PKOs. Furthermore, to stretch the value and application of available funds, and strengthen the confidence of external supporters, stringent measures for probity, accountability and transparency, need to be maintained. Stringent inspection and verification regimes at all levels of missions, and by appropriate AU Departments and Offices, will help to ensure this.

Chapter 4: Military Staff Committee

Establishment

- 4.1. The Military Staff Committee (MSC) is to be established pursuant to Article 13 of the PSC Protocol. In this respect, it should be established as a standing advisory military committee to the PSC.

Composition and Membership

- 4.2. According to the relevant Article, the MSC shall be composed of Senior Military Officers of the Member of the PSC. It also provides that any Member State not represented on the MSC may be invited by the Committee to participate in its deliberations when it is so required for the efficient discharge of the Committee's responsibilities.
- 4.3. **Regional Representation.** Given that operational capacity of the ASF is largely based on sub-regional groupings, the views of the sub-regions should be represented in the MSC. This creates a responsibility for Member States to consult with their sub-region, in order to accurately reflect the sub-regional position, and to periodically invite Regional representatives as observers to MSC meetings.
- 4.4. **MSC Membership.** Membership of the MSC should accord with those of the PSC. Members will serve the terms of their elected Member States serving on the PSC. In the event that an elected Member State of the PSC is not permanently represented by a sufficiently Senior Military Advisor in Addis Ababa, that Member State may authorize/designate another Member State which is not a Member of the PSC, to serve on its behalf on the MSC.

Functions

- 4.5. Having due regard to Article 13 of the PSC Protocol and informed by the functions of the MSC of the UN Security Council (Article 47), as well as similar provisions of NATO, the EU and the SHIRBRIG, the Meeting proposes the following military advisory functions for the MSC:
 - (a) To advise and assist the PSC in all questions relating to military and security requirements for the promotion and maintenance of peace and security in Africa.
 - (b) Similarly, to keep the Chiefs of Defence Staff (CDS) of Member

States serving on the PSC and MSC well informed of all decisions of the PSC, and their implications on peace and security in Africa, in order to facilitate their deliberations and decisions during MSC meetings at the level of ACDS.

- (c) To ensure that policies and actions in the fields of conflict prevention, management and resolution are consistent with sub-regional mechanisms.
- (d) To enhance co-operation in the fields of early warning, conflict prevention, peacemaking, peacekeeping and post-conflict peacebuilding through consultations with the PSD (PSOD).
- (e) Prior to submission of plans to the Chairperson, co-ordinate with the PSD.
- (f) Subject to the decision and authorization of the PSC, participate in or undertake visits to ASF missions, and other peacemaking and peacebuilding functions for the resolution of conflicts.
- (g) Carry out any other functions, which the PSC may entrust to it.

Chairperson

- 4.6. The modalities of the Chairperson of the MSC should be guided by those of the PSC. Thus, the Member State holding the Chair of the PSC should also provide the Chair of the MSC.
- 4.7. In accordance with the Provisions of the PSC Protocol, the Chairperson of the PSC should take appropriate measures for convening meetings of the MSC at the level of the CDS. In all other cases, the Chair of the MSC will convene meetings and take appropriate follow-up measures.

Rules of Procedure

- 4.8. **Agenda.** The Meeting recommends that the MSC should derive the agenda of its meetings from two sources:
 - (a) Members of the MSC should be given notification of all PSC meetings at the same time that members of the PSC are being notified, in order to facilitate their own deliberations, consultations, and provision of advice, prior to meetings of the PSC.
 - (b) As and when it is necessary to convene on its own accord, the MSC should develop its own agenda. The provisional agenda of such MSC meetings should be determined by its Chairperson on the basis of items proposed by its Members, or advised/suggested by the PSD. The inclusion of any item in the provisional agenda may not be opposed by a Member.
 - (c) In general, the draft agenda may include the following items:
 - 1. Adoption of the agenda.
 - 2. Reading and adoption of the minutes of the previous meeting.
 - 3. Chairperson's remarks and information.
 - 4. Mission/Security Information briefing.
 - 5. Substantive points (to be presented by nominating Member).
 - 6. Date and draft agenda of next meeting.

7. Any other business.

4.9. Meetings. The Meeting proposes that:

- (a) The MSC should be in permanent sessions and should meet at the level of Senior Military Officers and CDS. It should convene as often as required, prior to all meetings of the PSC at the level of the Senior Military Officers, but at least once a month, prior to meetings of the PSC, which they should also attend to offer any necessary clarifications and advice when invited to do so. The MSC should also convene normally once per year at the level of the CDS, and include Regional representatives, to discuss questions relating to the military and security requirements for the promotion and maintenance of peace and security in Africa, and to review the activities of the MSC.
- (b) Upon notification of PSC meetings, the MSC should meet to deliberate on the military security implications of all issues coming before the PSC, and formulate common understanding and position on such issues.
- (c) If and when necessary/possible, it should arrange consultative meetings with the PSD in order to seek further clarifications on issues, or to acquaint the PSD with the perspectives and/or position of the MSC on issues.
- (d) The MSC should prepare briefs detailing the perspectives and/or position of the MSC regarding issues coming before the PSC, in order to facilitate the deliberations and decisions of the PSC.

4.10. Quorum. The number of Members required to constitute a quorum should be two-thirds of the total membership of the MSC, that is, 10 out of the 15 Members.

4.11. Conduct of Business.

- (a) In line with the PSC, the MSC should hold closed meetings, during which any Member who is party to a conflict or a situation under consideration by the MSC should not participate, either in the discussion or in the decision-making process relating to that conflict or situation. Such a Member should be invited only to present its case to the MSC as appropriate, and should, thereafter, withdraw from the proceedings.
- (b) When the MSC decides to hold open meetings:
 1. Any Member which is not a Member of the MSC, if it is party to a conflict or a situation under consideration by the MSC, should be invited to present its case as appropriate, without the right to vote, in the discussion.
 2. Any Member which is not a Member of the MSC may be invited to participate, without the right to vote, in the discussion of any question brought before the MSC whenever that Member considers that its interests are especially affected.
 3. Any Regional Mechanism, international organization or civil society organization involved and/or interested to participate, without the right to vote, in the discussion of relating to that conflict or situation, may be invited.

- (c) In appropriate ways and with appropriate institutions, the MSC may hold informal consultations with parties concerned with or interested in a conflict or a situation under its consideration, as well as with Regional Mechanisms, international organizations and civil society organizations as may be needed for the discharge of its responsibilities.
- (d) The MSC may also establish such working or working groups as it deems necessary for the performance of its functions.

4.12. Decisions and Voting.

- (a) Each Member of the MSC should have one vote.
- (b) Decisions of the MSC should generally be guided by the principle of consensus. In situations where consensus cannot be reached, the MSC should adopt its decisions on procedural matters by a simple majority, while decisions on all other matters should be made by a two-thirds majority vote of its Members voting.

4.13. Other Rules of Business. Within the foregoing framework, the MSC should evolve and submit its own rules for the conduct of business, records of meetings and any other relevant aspect of its work, for due consideration and approval by the PSC. The Chairperson of the MSC may avail him/herself of the services of the PSC Secretariat for the production of the records of meetings and any other relevant aspects of the work of the MSC. The MSC will further be guided by the relevant traditions of the PSC.

Accountability

4.14. The MSC should be an advisory Committee accountable to the PSC, even though it may consult with other institutions as explained in these provisions. It should have no executive powers of its own except as and when assigned by the PSC.

Chapter 5: Recommendations and Way Forward

The African Standby Force

1. The Basics of the Force

5.1. It is recommended that an ASF be established in two phases, with Phase 1 to 30 June 2005, and Phase 2 to 30 June 2010. The Meeting confirmed the importance of the brigade level as the basis for a viable peace operations capability. Taking into account financial reality, previous ACDS guidance and experiences, in broad outline the Meeting further recommends that the ASF be developed in phases to provide:

- (a) A reasonable level of staffing to develop a strategic level HQ capacity, managing an on-call individual reinforcement system to gain mission level (ASF) HQ capacity, and specialist mission level civilian components.

- (b) System of Regionally managed standby brigade, eventually capable of deployment in 30 days and a pool of units on standby in Member States that are supported by appropriate administrative, logistics and training infrastructures.
- (c) An AU Strategic HQ located at the AU Commission capable of managing, planning and conducting all necessary arrangements for employment of the Standby Force. The Strategic HQ must be supported by necessary systems capable of rendering appropriate support for its operations and functions.
- (d) An AU-managed standby system of military observers, civilian and police capacity.

2. Goals, Priorities and Deployment Timelines

5.2. The Meeting recommends the following long-term deployment targets for the ASF from an AU mandate resolution:

- (a) Simpler missions (scenarios 1-4) should be able to deploy in 30 days;
- (b) Complex missions (scenario 5) should complete deployment in 90 days, with the military component being able to deploy in 30 days; and
- (c) Due to the nature of situations demanding intervention operations, (scenario 6), it will be important the AU can eventually deploy a robust military force in 14 days.

3. Multidimensional Strategic Level Management Capability

5.3. The Meeting recommends that strategic level HQ management capacity should be developed in two phases:

(a) Phase 1 (Up to 30 June 2005).

1. AU Capability

The AU should develop and maintain the full time capacity to manage Scenario 1 and 2 (AU/Regional military advice to political mission and co-deployed observer) missions, and establish a standby reinforcement system to manage Scenario 3 (stand alone observer) missions. The AU should also develop a system of communication with the Regions.

2. Regional Capability

Regions should within capacity develop/evolve their standby brigades within this phase. Where they can develop standby brigade groups, Regions should by the end of this phase also develop the capacity to use a standby reinforcement system to manage Scenario 4 (AU/Regional PKF) missions.

(b) Phase 2 (1 July 2005 - 30 June 2010)

1. AU Capability

In this period, while maintaining its full time capacity to manage Scenario 1 and 2, the AU should develop the capacity to manage up to Scenario 5 (complex PKF) missions.

2. Regional Capability

All Regions should try to develop a standby brigade in this period, and those with existing brigades should increase their rapid deployment capability.

4. Mission HQ Level Management Capability

5.4. Although the Director PSD should exercise overall responsibility for the establishment of the ASF, it is recommended that a skeleton mission headquarters be developed in Addis Ababa.

5. Mission Components

5.5. The Meeting recommends the following:

(a) Military Observers

The AU should centrally manage a standby roster of individual military observers, consisting of at least 300-500 officers at 14 days notice.

(b) Formed Units

Where capable, by 30 June 2005, the AU and Regions should establish standby brigades that would consist of:

1. A small full time Planning Element (PLANELM).
2. Selected PLANELM staff officers could undertake on the-job experience with the Copenhagen-based SHIRBRIG. The UN should be approached to use the Trust Fund for Conflict Prevention and Peacekeeping in Africa to fund this.
3. Identified brigade units would be on standby in Member States, but must be subject to verification visits by the PLANELM staff to identify standards and shortfalls.
4. The pool of units that are identified as part of the system should exceed that required for an operation. This will allow for Member State decisions not to deploy, as well as allow for rotations.
5. Regional MLDs should hold standard stocks to cover typical shortages for sustainment and key items of equipment. The stocking policy should cover a brigade level deployment for 180 days.
6. The AU should jointly agree on locations of logistics infrastructure (MLDs) and training facilities with Regions, in order to maximise efficiency and effectiveness.

(c) Police

The Meeting recommends that by 30 June 2005, the AU should establish and centrally manage a standby roster of at least 240 police officers in order to be able to establish the police component of complex PKF missions. These individuals should be trained nationally to UN standards, or at regional and other centres of excellence, and be held in Member States at 14 days notice. By 30 June 2005 the AU should also establish and centrally manage a standby system that would contain at least two company level formed police units on 90 days notice, in order to be able to support complex PKF missions.

(d) Civilian Components

The Meeting recommends that the AU should establish and centrally manage a roster of mission administration, plus a roster of civilian experts to fill the human rights, humanitarian, governance, DDR and reconstruction components of a complex PKF mission. Qualifications should be similar to that required by the UN, while the AU roster should be linked to UN rosters.

6. Doctrine

- 5.6. The Meeting endorses the recommendation of the Second ACDS Meeting that peacekeeping doctrine used by the ASF should be consistent with doctrine produced and used by the UN, and complemented by African specificity.

7. Training

- 5.7. The Meeting endorses the recommendation of the ACDS that Africa should use UN training standards and material, modified as necessary. This training shall include International Humanitarian Law. The UN has made significant effort in recent months in this direction, particularly as part of its Standardised Generic Training Modules Project.
- 5.8. The AU and regional training framework should provide for some amount of co-ordination of AU, Regional and national training, as well as for the establishment and utilisation of existent centres of excellence for peacekeeping training.

8. Equipment Interoperability

- 5.9. The Meeting noted that clear identification of key areas where interoperability is essential. It is therefore recommended that the issue of standardisation policy and the development of suitable technical solutions, where necessary, should be centrally managed at the AU.

9. Enhancing Co-operation with the UN

(a) HQ Capacity

In establishing high readiness and standby brigade groups, the AU and Regions should establish an MOU with the UN to reinforce strategic HQ capacity, using an on call UN Planning, Liaison, and Advisory Team. Additionally the UN should consider on request of the AU reinforcing the UNLO office in Addis with a peacekeeping specialist.

(b) Standby Information

Where Member States approve, the AU should ensure African standby information is included in UN standby databases.

(c) Doctrine and Training Material

The AU should consult closely with the UN to gain access to the latest UN peace operations doctrine and training material and modify this as necessary to suit African conditions. The UN should also be invited to participate in the planning and conduct of all forms of peacekeeping training and exercises.

(d) On the Job Experience

The AU and the Regions should co-operate closely with the UN to gain experience at UN HQ, and with the Planning Element of SHIRBRIG. The UN should be approached to fund this through the appropriate Trust Fund.

(e) Logistics Co-operation

Given the AU goal of handing over an operation to the UN as soon as possible, the AU should approach the UN with a view to cooperation in logistics support.

(f) UN Consultations with TCCs

The Meeting recommends that ASF operational brigades should be organised in accordance with UN standards along the lines of SHIRBRIG.

(g) AU Military Advisory Staff

Serious consideration needs to be given to the inclusion of a military liaison and advisory officer of appropriate rank on the staff of the AU Permanent Mission to UN HQ in New York.

10. Command and Control Functions

- 5.10. The Meeting noted that an agreed AU command and Control policy needed to be developed based on the existing UN command and control guidance, and including the following relationships and

functions:

- (a) Overall political control and overall direction, as well as the activities of the mission and consultations with other Organisations and agencies in the field, should normally be exercised and co-ordinated by an AU Special Representative (ASR) designated by the Chairperson. All heads of major components should report to him.
- (b) Command and control of the military components of an AU mission should be vested variously in an FC or CMO, who should be appointed by the Chairperson.
- (c) Military personnel of AU peace missions should be under the authority of the Chairperson of the AU, through the FC/CMO, and should be directly answerable to FC/CMO for the conduct and performance of their duties.

11. Enhancing Co-operation with Regions

- 5.11. The Meeting recommends that in order to enhance AU/Regional cooperation, consultative meetings between the PSC and regional security organs should be formalised.

12. Enhancing Co-operation with the International Community

- 5.12. The Meeting recommends that:

- (a) The AU should negotiate with its Partners to share in the planning, objectives and conduct of external support initiatives in accordance with requirements of the AU.
- (b) The AU should encourage its Partners and donors to meet UN equipment standards in their assistance and initiatives.
- (c) The AU should negotiate with the Partners and donors to have equipment donations through multilateral arrangements towards stocking, maintaining and managing AU/Regional MLDs.

13. Reimbursement, Logistics and Funding

(a) Reimbursement

- 5.13. Past experience has indicated that the reimbursement rates used by the UN may be too high for adoption by the AU. The AU should make appropriate changes to the UN scales of reimbursement, the consumption rates, to fit the African environment. The Meeting recommends that the AU establish a working group, comprising at least of one nominated member from each Region, to provide options for ASF re-imbursement, guided by but not limited to the following considerations:

- (a) Reimbursement follows the format of the UN. Re-imbursement for personnel and equipment are to be considered separately, and take into account the capacity of the AU
- (b) The AU should determine the standard scales of reimbursement for troops and equipment.

- (c) A mission may be initiated at Regional level, later receives AU mandate and thereafter UN mandate and thus would move through three levels of re-imbursement process.
- (d) Preferably AU mandated missions do not involve different scales for personnel and equipment within one mission.
- (e) Bi-lateral funding and or resource allocations towards a Regional or AU mission is accommodated, not reimbursed but accounted for as per bi-lateral arrangement.

(b) AU Logistical Infrastructure for PSO

5.14. Any AU logistics support strategy should aim to enable rapid and effective deployment and mission sustainability. To this end, it is suggested that the AMLD should be incorporated into a system of regional MLDs. During Phase 1 Member States should focus on national readiness (own reserves and stocks) while an appropriate and cost-effective concept for Phase 2 is investigated. In general, when involved in peace support operations, force projection and sustainment should be executed by outsourcing strategic lift capabilities from the international environment.

(c) Funding

5.15. Excepting the regular budgetary appropriations that could be guaranteed, the AU has no guaranteed control over the other sources. The PSC should therefore be aware of the responsibility of making available such financial resources as are requisite for ASF mission accomplishment. In this regard it is recalled that the Second Meeting of the ACDS recommended increasing contributions of Member States to the Regular Budget; increasing the percentage of the budget dedicated to the Peace Fund from six (6) to ten (10) percent. To ensure availability of funds for the implementation of the Protocol, the Meeting suggests that consideration be given to additional means being considered by some Regions, such as the levying of a peace tax. Additionally, assessed supplementary quotas could be made to meet the cost of specific PKOs.

Military Staff Committee

- 5.16. The Military Staff Committee should be established as a standing advisory military committee to the PSC. It should have no executive powers of its own except as and when assigned by the PSC.
- 5.17. The MSC shall be composed of Senior Military Officers of the members of the PSC. Members will serve the terms of their elected Member States serving on the PSC.
- 5.18. The following military advisory functions are proposed for the MSC:
 - (a) to advise and assist the PSC in all questions relating to military and security requirements for the promotion and maintenance of peace

- and security in Africa;
 - (b) to keep the Chiefs of Defence Staff (CDS) of Member States serving on the PSC and MSC well informed of all decisions of the PSC;
 - (c) to ensure that policies and actions in the fields of conflict prevention, management and resolution are consistent with regional mechanisms;
 - (d) to enhance co-operation in the fields of early warning, conflict prevention, peacemaking, peacekeeping and post-conflict peace building through consultations with the PSD (PSOD);
 - (e) prior to submission of plans to the Chairperson, co-ordinate with the PSOD;
 - (f) subject to the decision and authorization of the PSC, participate in or undertake visits to ASF missions, and other peacemaking and peacebuilding functions for the resolution of conflicts.
- 5.19. The modalities of the Chairmanship of the MSC should be guided by those of the PSC. Thus, the Member State holding the chair of the PSC should also provide the chair of the MSC.
- 5.20. The MSC should derive the agenda of its meetings from two sources:
- (a) members of the MSC should be given notification of all PSC meetings at the same time that members of the PSC are being notified, in order to facilitate their own deliberations, consultations, and provision of advice, prior to meetings of the PSC;
 - (b) as and when it is necessary to convene on its own accord, the MSC should develop its own agenda.

Follow-Up

- 5.21. By August 2003, the Chiefs of Defence Staff in the five regions should meet on a regional basis to set in motion regional processes.
- 5.22. Workgroups should be established in the regions to identify standby forces; rapid reaction elements; centres of excellence for peace support operations training; list of military and civilian observers; regional logistics support required; location of early warning (situation rooms for region); and communication/IT capabilities.
- 5.23. At the same time, Member States/Regions should nominate members to the AU to determine feasibility and/or options regarding the following:
- (a) SOPs and doctrine for PSOs (drafts to be finalized)
 - (b) Communications and IT
 - (c) Early Warning (situation room) and its links to Regional Early Warning (situation room)
 - (d) Reimbursement policy and SOPs
 - (e) Financial management systems
 - (f) Logistic support during AU missions
 - (g) Command and control for AU missions
- 5.24. Regional work groups must conclude their work by December 2003, including draft doctrine SOPs, list of terminologies etc.

- 5.25. Preferably by January/February 2004, the 4th meeting of the ACDS should be convened.

Solemn Declaration on a Common African Defence and Security Policy (2004)

Full title: Solemn Declaration on a Common African Defence and Security Policy

Date/place of adoption/conclusion: 28 February 2004, Sirte, Libya

Available online at: <https://bit.ly/3iUzu94>

* Adopted at the Second Ordinary Session of the Assembly of Heads of State and Government of the African Union, 27-28 February 2004, Sirte, Libya.

Preamble

We, the Heads of State and Government of Member States of the African Union, meeting in our Second Extraordinary Session, in Sirte, Great Libyan Arab Jamahiriya, on 28 February, 2004,

1. **Guided** by the principles enshrined in the Constitutive Act of the African Union and in the United Nations Charter, and our common vision of a united and strong Africa based on the scrupulous respect for human rights, peaceful coexistence, non-aggression, non-interference in the internal matters of Member States, mutual respect for national sovereignty and territorial integrity of each State;
2. **Motivated** by a common political will to strengthen our collective efforts to contribute to peace, security, stability, justice and development in Africa, as well as to intensify cooperation and integration in our continent in the best interest of our peoples;
3. **Convinced** that in order to safeguard and preserve the hard-won liberties of our peoples, the sovereignty and territorial integrity of our countries, our cultures, history and common values, as well as to guarantee peace, security, stability, and socio-economic development of our continent, it is imperative for us to undertake mutually reinforcing actions in the areas of defence and security;
4. **Reaffirming** our commitments under Article 4(d) of the Constitutive Act, and Article 3(e) of the Protocol Relating to the establishment of the Peace and Security Council of the African Union, which call for the establishment of a common defence policy for the African

- continent;
5. **Recalling** decision ASS/AU/Dec. 5(I), which we took during the inaugural session of the Assembly of our Union held in Durban, South Africa, in July 2002, in which we stressed the need for a Common African Defence and Security Policy in the context of the Constitutive Act of the African Union;
 6. **Reaffirming** our determination to endow the Union with the requisite capacity for decision-making in order to ensure effective political-military crisis management aimed at preserving peace and strengthening the security of the African continent in all aspects, including the elimination of conflicts;
 7. **Convinced** that these commitments will provide our union with a more enhanced and cost-effective means of maintaining peace and security on the continent;
 8. **Recalling** the Solemn Declaration on the Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA), and particularly its interactive approach, as an invaluable tool for the Union to pursue and strengthen its agenda in the new millennium, in the areas of security, stability, development and cooperation in Africa;
 9. **Stressing** the importance of the various decisions and instruments we have already adopted, with respect to the issues of peace, security and defence at the continental level, which can form the building blocks of the Common African Defence and Security Policy;
 10. **Emphasizing** the need for a common understanding of defence and security as terms embracing both civilian and military aspects;
 11. **Conscious** of the indivisibility of security in Africa, and particularly the fact that the defence and security of one African country is directly linked to that of other African countries, and Desirous to harmonize Member States activities in these areas;
 12. **Undertake** to consult among ourselves and to adopt a common position on matters relating to defence that affect or constitute a potential threat to the collective security of our continent
 13. **Hereby solemnly** adopt the Common African Defence and Security Policy and **declare** our commitment to uphold and give practical expression to the provisions of the Declaration;
 14. **Request** the Chairperson of the Commission to submit proposals relating to the different aspects of this Declaration in order to give effect to its implementation.

Introduction

1. During the inaugural Summit of the African Union held in Durban, South Africa, in July 2002, the Assembly stressed the need for a Common African Defence and Security Policy in the context of

the Constitutive Act of the African Union. The Assembly further requested its Chairman to establish a group of experts to examine all aspects related to the establishment of such a Common African Defence and Security Policy and submit their recommendations thereon, for the consideration of its next ordinary session.

2. The need for a Common African Defence and Security Policy is inherent in the objectives of the Constitutive Act, particularly in Article 3(a) to (h) as well as in Article 4(d) of the Act, which provides for the “establishment of a Common Defence Policy for the African Continent”.
3. Article 3 of the Protocol relating to the establishment of the Peace and Security Council of the African Union also provides that the objectives for which the Peace and Security Council was established shall include “the development of a Common Defence Policy for the Union, in accordance with Article 4(d) of the Constitutive Act”. It also provides in Article 7, that one of the powers of the PSC shall be to “implement the Common Defence Policy of the Union”.

I. Definitions and Scope

4. The adoption of a Common Defence and Security Policy for Africa is premised on a common African perception of what is required to be done collectively by African States to ensure that Africa’s common defence and security interests and goals, especially as set out in Articles 3 and 4 of the Constitutive Act of the African Union, are safeguarded in the face of common threats to the continent as a whole

Defence

5. Ensuring the common defence of Africa involves working on the basis of a definition of defence which encompasses both the traditional, military and state-centric notion of the use of the armed forces of the state to protect its national sovereignty and territorial integrity, as well as the less traditional, non-military aspects which relate to the protection of the people’s political, cultural, social and economic values and ways of life. In terms of the linkage between defence at the national level and that at the regional and continental levels, it is understood, also, that each African country’s defence is inextricably linked to that of other African countries, as well as that of other regions and, by the same token, that of the African continent as a whole

Security

6. Similarly, ensuring the common security of Africa involves working on the basis of a definition which encompasses both the traditional,

state-centric, notion of the survival of the state and its protection by military means from external aggression, as well as the non-military notion which is informed by the new international environment and the high incidence of intra-state conflict. The causes of intra-state conflict necessitate a new emphasis on human security, based not only on political values but on social and economic imperatives as well. This newer, multi-dimensional notion of security thus embraces such issues as human rights; the right to participate fully in the process of governance; the right to equal development as well as the right to have access to resources and the basic necessities of life; the right to protection against poverty; the right to conducive education and health conditions; the right to protection against marginalization on the basis of gender; protection against natural disasters, as well as ecological and environmental degradation. At the national level, the aim would be to safeguard the security of individuals, families, communities, and the state/national life, in the economic, political and social dimensions. This applies at the various regional levels also; and at the continental level, the principle would be underscored that the “security of each African country is inseparably linked to that of other African countries and the African continent as a whole.”

Common Security Threats

7. Common Security Threats may be deemed to pose a danger to the common defence and security interests of the continent, as defined above, when such threats confront all, some, or one of the countries or regions of the continent. Such common security threats which thus undermine the maintenance and promotion of peace, security and stability on the continent, may be internal or external.
8. Common internal threats to Africa may include inter-state conflicts/tensions, intra-state conflicts/tensions; unstable post-conflict situations; grave humanitarian situations, as well as other circumstances:

(i) Inter-State Conflicts/Tensions:

- (a) Situations which undermine the sovereignty, territorial integrity and independence of Member States of the AU;
- (b) Incidents involving the actual use of force or the threat of use of force between and among Member States of the AU;
- (c) Lack of respect for the principle of non-interference by one Member State in the internal affairs of another;
- (d) Aggression or threat of aggression from a country or a coalition of countries, in violation of AU Principles and the provisions of the UN Charter.

(ii) Intra-State Conflicts/Tensions:

- (e) The existence of grave circumstances, namely war crimes, genocide and crimes against humanity;
- (f) Lack of respect for the sanctity of human life, impunity, political assassination, acts of terrorism and subversive activities;
- (g) Coup d'états and unconstitutional changes of government; and situations which prevent and undermine the promotion of democratic institutions and structures, including the absence of the rule of law, equitable social order, popular participation and good governance;
- (h) Improper conduct of electoral processes;
- (i) Lack of commitment by the parties to abide by the elections conducted in line with the laws of the country.
- (j) Absence of the promotion and protection of human and peoples' rights, individual and collective freedoms, equality of opportunity for all, including women, children and ethnic minorities;
- (k) Poverty and inequitable distribution of natural resources; and corruption;
- (l) Political, religious and ethnic extremism, as well as racism.

(iii) Unstable Post-Conflict Situations:

- (m) Failure to consolidate peace in the post-conflict period as a result of the absence of effective and complete post-conflict demobilization, disarmament, and re-integration and lack of sustained post-conflict rehabilitation and reconstruction processes.

(iv) Other Factors that Engender Insecurity:

- (n) Plight of refugees and internally displaced persons and the insecurity caused by their presence;
 - (o) Use of landmines and unexploded ordinance;
 - (p) Illicit proliferation, circulations and trafficking in small arms and light weapons;
 - (q) Pandemic diseases such as HIV/AIDS, tuberculosis, malaria;
 - (r) Environmental degradation;
 - (s) Violent and other crimes, including organized and cross border crimes;
 - (t) Human trafficking
 - (u) Drug trafficking.
 - (v) Money laundering
9. Common external threats refer to external challenges to Africa's continental security, which may endanger or have the potential, either directly or indirectly, to constrain individual and collective efforts to achieve continental security goals. Common external threats to continental security in Africa may include:
- (a) External aggression, including the invasion of an African country;
 - (b) International conflicts and crises with adverse effects on African regional security;

- (c) Mercenarism;
- (d) International terrorism and terrorist activities;
- (e) The adverse effect of globalization and unfair international political and economic policies, practices and regimes;
- (f) The accumulation, stockpiling, proliferation and manufacturing of weapons of mass destruction, particularly nuclear weapons, chemical and biological weapons, unconventional long-range and ballistic missiles;
- (g) Cross-border crimes such as drug and human trafficking (which may constitute a threat at the regional and national levels);
- (h) Unilateral policies aimed at isolating African countries;
- (i) Dumping of chemical and nuclear wastes in Africa.

Areas of Common African Defence and Security Policy

10. The types of common security threats facing Africa, dictate that the Common Defence and Security Policy addresses, among others, the following areas of activity: promotion of the spirit of collective defence and a culture of peace; small arms and light weapons; peace-building and peacekeeping as well as post-conflict rehabilitation and reconstruction, including demobilization, disarmament and reintegration; landmines; child soldiers; nuclear and other weapons of mass destruction; chemical weapons; HIV/AIDS, tuberculosis, malaria and other infectious diseases; terrorism; humanitarian issues; and environmental matters.

II. Principles and Values Underlying the Common African Defence and Security Policy

11. The principles and values informing the Common African Defence and Security Policy include, inter-alia, the principles contained in Article 4 of the Constitutive Act of the African Union. These are:
 - (a) sovereign equality and inter-dependence among Member States of the Union;
 - (b) respect of borders existing on achievement of independence;
 - (c) peaceful resolution of conflicts among Member States of the Union, through such appropriate means as may be decided upon by the Assembly;
 - (d) prohibition of the use of force, or threat of use of force, among Member States of the Union;
 - (e) non-interference by any Member State in the internal affairs of another;
 - (f) the right of the Union to intervene in a Member State pursuant to a decision of the Assembly, in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity, as well as a serious threat to legitimate order, in order to restore peace and stability to the Member States of the Union, upon the recommendation of the Peace and Security Council;
 - (g) peaceful co-existence of Member States and their right to live in

- peace and security;
 - (h) the right of Member States to request intervention from the Union in order to restore peace and security;
 - (i) promotion of self-reliance within the framework of the Union;
 - (j) respect for democratic principles, human rights, the rule of law and good governance;
 - (k) promotion of social justice to ensure balanced economic development;
 - (l) respect for the sanctity of human life, condemnation and rejection of impunity and political assassination, acts of terrorism and subversive activities;
 - (m) condemnation and rejection of Unconstitutional Changes of Governments;
 - (n) restraint by any Member State from entering into any treaty or alliance that is incompatible with the principles and objectives of the Union;
 - (o) prohibition of any Member State from allowing the use of its territory as a base for aggression and subversion against another Member State;
 - (p) promotion of gender equality.
12. Other principles and values forming the basis of the Common African Defence and Security Policy include the following:
- (i) The indivisibility of the security of African States: the security of one African country is inseparably linked to the security of other African countries, and the African continent as a whole. Accordingly, any threat or aggression on one African country is deemed to be a threat or aggression on the others, and the continent as a whole; that needs to be brought to the immediate attention of the Assembly of the Union or the Peace and Security Council for decision and action as appropriate, in conformity with the AU principles and objectives;
 - (ii) The traditional African principle and value of equal burden sharing and mutual assistance;
 - (iii) The fundamental link and symbiotic relationship that exists between security, stability, human security, development and cooperation, in a manner that allows each to reinforce the other;
 - (iv) African countries shall, subject to the generally accepted norms of free speech, not engage in, or allow non-state entities to engage in any actions, that incite or intend to incite individuals or groups in the territory of other African countries to violence, which actions amount to propaganda for war or advocate hatred based on race, ethnicity, gender or religion;
 - (v) The plight of African refugees and internally displaced persons shall be given due consideration;
 - (vi) A close working relationship between AU and RECs must be maintained to enable correct interpretation and follow-up activities and programmes envisaged in the Common Defence and Security Policy;
 - (vii) Collaborative efforts between Sub-Regional or Regional

- Organizations and the AU;
- (viii) The strengthening of links with the United Nations, whose Charter (Chapter 8), stipulates a role for regional organizations in the maintenance of international peace and security.

III: Objectives and Goals of the Common African Defence and Security Policy

13. Based on the fact that a Common Defence and Security Policy tends to be a common feature of advanced co-operative frameworks, or of regions where integration is highly advanced, and taking into account the common historical, political, economic and international experiences which bind AU Member States together, a Common African Defence Policy is established in pursuit of a number of objectives and goals including among others, the following:
- (a) ensure collective responses to both internal and external threats to Africa (as adumbrated above), in conformity with the principles enshrined in the Constitutive Act;
 - (b) enable the achievement of the objectives of the Constitutive Act, especially those relating to defence and security matters which are contained in Articles 3 and 4 therein;
 - (c) serve as a tool for the simultaneous enhancement of defence cooperation between and among African States, and the consolidation of national defence;
 - (d) eliminate suspicions and rivalry among African States, a factor that has traditionally engendered conflicts on the continent and hindered interstate cooperation and integration in Africa;
 - (e) promote mutual trust and confidence among African States;
 - (f) provide a framework for AU Member States to cooperate in defence matters, through training of military personnel; exchange of military intelligence and information (subject to restrictions imposed by national security); the development of military doctrine; and the building of collective capacity.
 - (g) provide for transparency and clarity on national defence and security policies; as well as cost effectiveness;
 - (h) allow for efficient re-allocation of resources to address the most threatening of the defence and security challenges, such as poverty and the adverse effects of globalization;
 - (i) advance the cause of integration in Africa and safeguard, not only common values, but also fundamental interests and the independence and integrity of individual states, regions and the continent, as well;
 - (j) enhance AU's capacity for and coordination of, early action for conflict prevention containment, management, resolution and elimination of conflicts, including the deployment and sustenance of peacekeeping missions and thus promote initiatives that will preserve and strengthen peace and development in Africa.
 - (k) promote a culture of peace and peaceful co-existence among AU Member States and within the regions. This will foster an emphasis

on the use of peaceful means of conflict resolution and the non-use of force, such as preventive diplomacy, negotiation, the use of good offices, persuasion, as well as mediation, conciliation and adjudication;

- (l) provide best practices and develop strategic capabilities through training and policy recommendations, to strengthen the defence and security sectors in Africa;
- (m) develop and enhance the collective defence and strategic capability as well as military preparedness of Member States of the AU and the Continent;
- (n) enable the formulation of policies to strengthen the defence and security sectors at the national and continental levels;
- (o) facilitate the harmonization of national legislation and executive actions on defence and security matters with the Common Defence and Security Policy;
- (p) enhance the capacity of the AU to develop and promote common policies in other areas such as foreign relations and trade, to ensure the security of the continent and the strengthening of its negotiating positions;
- (q) provide a framework to establish and operationalize the African Standby Force provided for in the Protocol Establishing the Peace and Security Council;
- (r) facilitate the establishment of a threat deterrence and containment capacity within the AU;
- (s) integrate and harmonize regional initiatives on defence and security issues;
- (t) encourage the conclusion and ratification of non-aggression pacts between and among African States and harmonize such agreements;
- (u) create a conducive environment for the implementation of the precepts of the African Charter on Human and People's Rights and promote the acceptance of standards of human rights;
- (v) provide a framework for humanitarian action to ensure that international humanitarian law is applied during conflicts between and among African States. It will, further, provide a framework for addressing the problems of refugees and internally displaced persons at the continental, regional and national levels;
- (w) provide a framework for the effective participation of women in conflict prevention, management and resolution activities; and provide a framework for delineating the legal parameters for African Civil Society to function with regard to conflict prevention, management and resolution;
- (x) provide a framework for post-conflict peace-building and reconstruction;
- (y) provide a framework for ensuring that international environmental standards are maintained including during periods of conflict.

IV: Implementing Organs of the Common African Defence and Security Policy

14. A number of defence and security frameworks existing in Africa at the continental, regional/sub-regional levels, will constitute the Actors or the Organs for implementing the Common Defence and Security Policy for the whole African continent. At the continental level, these include the Assembly of the African Union, the Peace and Security Council provided for under the Protocol relating to it, and the peace and security mechanisms of the regional economic groupings.

(a) The Assembly

15. The Assembly of the Union is the supreme Organ which deals with threats to Africa's collective defence and Security. Article 9 of the Constitutive Act, which relates to the "Powers and Functions of the Assembly", endows it with the power to monitor the implementation of policies and decisions of the Union, as well as the power to ensure compliance by all Member States. In addition, that Article provides for the delegation by the Assembly, of any of its powers and functions to any Organ of the Union. The Peace and Security Council is the appropriate Organ to which the Assembly will delegate its powers relating to defence and security.

(b) The Peace and Security Council

16. The Peace and Security Council is created by the Protocol relating to its establishment, adopted in Durban, South Africa, in July 2002. It is intended, (after the ratification of this Protocol) that it be a "standing decision-making organ for the prevention, management and resolution of conflict." It is also described by the Protocol as "a collective security and early-warning arrangement to facilitate timely and efficient response to conflict and crisis situations in Africa."
17. In addition, the Protocol constitutes an effort to incorporate into a single text, the provisions of certain defence and security instruments already in existence and forming part of the general body of "legislation" and principles on which the African Union, and the Peace and Security Council in particular will be able to base its actions in the field of defence and security. Similarly, the Council is required to ensure the implementation of the new genre of security instruments such as the OAU Convention on the Prevention and Combating of Terrorism and other relevant international, continental and regional instruments, adopted to combat international terrorism. Further, the Peace and Security Council has the function of promoting and encouraging the implementation of OAU/AU, UN and other relevant international conventions and treaties on arms control and

disarmament. These specific provisions of the Protocol could also be usefully incorporated into the proposed Common African Defence and Security Policy.

18. In the Peace and Security Council Protocol, it is provided that there shall also be established, a Military Staff Committee to advise and assist the Peace and Security Council on all questions relating to military and security requirements, for the promotion and maintenance of peace and security in Africa. (The Military Staff Committee, composed of the members of the Peace and Security Council, may meet at the level of Chiefs of Defence Staff or at the level of senior military officers.) The African Standby Force should also be an implementing mechanism for the decisions of the Peace and Security Council.
19. The Protocol also addresses the fundamental problem of funding and logistics, a factor which has continued to constrain peace support operations deployed by both the OAU/AU and African regional organizations.
20. The Protocol reaffirms the need to establish a Continental Early Warning System to facilitate the anticipation and prevention of conflicts. It will consist of an observation and monitoring centre to be linked to the observation and monitoring units of the sub-regional mechanisms.
21. There is also provision in the Protocol for the establishment of a Panel of the Wise to advise the Peace and Security Council and the Chairperson of the Commission and to pronounce themselves on issues relating to the promotion and maintenance of peace and security on the continent, particularly in the area of conflict prevention.
22. The Protocol stipulates that the Peace and Security Council shall assist in the restoration of the rule of law, the establishment and development of democratic institutions, and the preparation, organization and supervision of elections in Member States. Further, in areas of relative peace, the Peace and Security Council shall accord priority to the implementation of policy aimed at reducing degradation of social and economic conditions arising from conflict. In the area of post-conflict peace-building, the Peace and Security Council shall work towards the consolidation of peace agreements that have been negotiated; the establishment of conditions for political, social and economic reconstruction of the society and government institutions; the implementation of disarmament, demobilization and reintegration programmes, including those relating to child soldiers; the settlement and reintegration of refugees and internally displaced persons; and the provision of assistance to vulnerable persons including children, the elderly, women, and other

traumatized groups in the society.

23. In an effort to enhance the AU's institutional capacity in the humanitarian field, the Peace and Security Council is required to develop its own capacity to coordinate and efficiently undertake humanitarian action.
24. The Protocol stipulates that the Peace and Security Council shall encourage non-governmental organizations, and community-based and other civil society organizations, particularly women's organizations, to participate actively in the efforts aimed at promoting peace, security and stability in Africa; and that when required, such organizations may be invited to address the Peace and Security Council.

(c) Commission of the African Union

25. The Commission will, among other tasks, deploy efforts and take all initiatives deemed appropriate to prevent, manage and resolve conflicts and support post-conflict and rehabilitation activities.

(d) Regional Economic Groups

26. At the regional level, the implementing organs include the conflict prevention, management and resolution mechanisms existing in the various regional economic organizations. These include those of ECOWAS, ECCAS, IGAD, SADC, the East African Community, CEN-SAD, the Arab Maghreb Union and COMESA.

(e) Coordination and Harmonization procedures for implementing the Common African Defence and Security Policy

(f) Coordination Between the Peace and Security Council and relevant Continental Mechanisms

27. It would be appropriate for the Peace and Security Council to be accorded the role of an umbrella organ coordinating the activities of the various other continental mechanisms, which as mentioned above, have mandates and/or strategies of their own, in the context of the Common African Defence and Security Policy. The nature of the procedures aimed at facilitating the Peace and Security Council's coordinating role is specified already in certain texts. Thus, for example, the Protocol establishing the Peace and Security Council stipulates that the Council shall seek close cooperation with the African Commission on Human and Peoples Rights in all matters relevant to its objectives and mandate; and, further, that the Commission on Human and Peoples Rights shall, for its part, bring to the attention of the Peace and Security Council, any information relevant to the objectives and mandate of the latter. This may be

included in the Common Defence and Security Policy. Where the procedures for facilitating such coordination are not specified, they can be developed in the context of the said Common African Defence and Security Policy. Regarding the continental mechanisms, in general, the CSSDCA provisions for Review Conferences every two years may be utilized to monitor the implementation of decisions.

(g) Coordination Between the Peace and Security Council and Regional Mechanisms

28. Various instruments, at the regional and continental levels, have called for the coordination and harmonization of the existing regional mechanisms with the AU Mechanism. In this regard, reference can be made, for example, to Section II (e) of the CSSDCA Memorandum of Understanding on Security, Stability, Development and Cooperation, which provides for a commitment to “establish a strong cooperation framework for security between the Regional Economic Communities (RECs), the AU and the United Nations”.
 - (a) Further expansion on the relationship between the RECs, regions, and regional defence arrangements and the AU Peace and Security Council, as defined by the relevant AU decisions at the meeting held in Maputo, Mozambique, and that the RECs and AU Regions be synchronized and harmonized.
 - (b) There should be a formalization and legitimization of the role of the Defence and Security Ministers in the implementation of the Common African Defence and Security Policy, in accordance with Article 14 (2) of the Constitutive Act of the African Union.
29. Article 16 of the AU Peace and Security Protocol has detailed provisions on the way and manner in which the relationship between the regional mechanisms and the Peace and Security Council can be structured. It articulates a basic vision in which the Regional Mechanisms are regarded as part of the “overall security structure” of the African Union, which has the primary responsibility for promoting peace, security and stability in Africa.
30. Accordingly, the Peace and Security Council, together with the Chairperson of the Commission, shall harmonize and coordinate the activities of the Regional Mechanisms and ensure that these activities are consistent with the objectives and principles of the Union; as well as work closely with the Regional Mechanisms to ensure effective partnership between them and the Peace and Security Council. It is stipulated that the modalities of such partnership shall be determined by the comparative advantage of each and the prevailing circumstances.
31. It is provided, further, that the Peace and Security Council shall promote initiatives aimed at anticipating and preventing conflicts as well as carrying out peace-making and peace-building functions,

in consultation with Regional Mechanisms. In undertaking these efforts, the Regional Mechanisms shall, through the Chairperson of the Commission, keep the Peace and Security Council fully and continuously informed of their activities and ensure that these activities are closely harmonized and coordinated with the activities of the Peace and Security Council. The Peace and Security Council shall also keep the Regional Mechanisms fully and continuously informed of its activities, through the Chairperson of the Commission.

32. Furthermore, the Chairperson shall convene periodic meetings at least, once a year, with the Chief Executives and/or the officials in charge of peace and security in the Regional Mechanisms, to ensure close harmonization and coordination and facilitate regular exchange of information; and the Regional Mechanisms shall be invited to participate in the discussion of any question brought before the Peace and Security Council, whenever a question that is being addressed by a Regional Mechanism is of special interest to that organization. Similarly, the Chairperson of the Commission shall be invited to participate in meetings and deliberations of Regional Mechanisms.
33. The Chairperson of the Commission shall also take the necessary measures to ensure the full involvement of Regional Mechanisms in the establishment and effective functioning of the Early Warning System and the African Standby Force; and the AU Commission shall establish liaison offices with the Regional Mechanism, which shall, in turn, be encouraged to establish their own liaison offices with the Commission.
34. A Memorandum of Understanding based on the above provisions, shall be concluded between the AU Commission and the Regional Mechanisms.
35. While the Common African Defence and Security Policy will reflect the substance of Article 16 of the Peace and Security Protocol, regarding the role that the AU as the continental body, would be required to play in efforts to coordinate and harmonize sub-regional mechanisms, there needs to be a commitment on the part of the sub-regional mechanisms themselves to coordinate and harmonize their defence and security activities with those of the AU.

Review Conferences

36. In the general context of enhancing the coordination function of the Peace and Security Council, it is suggested to convene regular conferences, every six months, between the Peace and Security Council and the conflict resolution mechanisms of the various regional organizations, in order to review the state of peace and

security on the whole continent. In addition, a yearly review conference involving all the conflict mechanisms of the regional mechanisms as well as the mechanisms established by the continental instruments, should be convened by the Chairperson of the Peace and Security Council.

V. Relations with the United Nations and Other International Organizations

37. Within the context of Chapter VIII of the UN Charter, there is a need to implement the framework for consultation, coordination and harmonization of policies as provided for in the Protocol establishing the Peace and Security Council.
38. In the fulfillment of its mandate for the promotion and maintenance of peace, security and stability in Africa, the Peace and Security Council shall cooperate and work closely with the United Nations Security Council, which has the primary responsibility for the maintenance of international peace and security. The Peace and Security Council shall also cooperate and work closely with other relevant UN Agencies in the promotion of peace, security and stability in Africa. Where necessary, recourse will be made to the United Nations to provide the necessary financial, logistical and military support for the African Union's activities in the promotion and maintenance of peace, security and stability in Africa, in keeping with the provisions of Chapter VIII of the UN Charter on the role of Regional Organizations in the maintenance of international peace and security.
39. The Peace and Security Council and the Chairperson of the Commission shall maintain close and continued interaction with the United Nations Security Council, its African members, as well as with the Secretary General, including holding periodic meetings and regular consultations on questions of peace, security and stability in Africa.
40. Similarly, the Peace and Security Council will also cooperate and work closely with other relevant African Institutions such as the African Academy for Peace and international organizations. Such organizations may be invited to address the Peace and Security Council on issues of common interest, if the latter considers that the efficient discharge of its responsibilities does so require

The Building Blocks of a Common African Defence and Security Policy

(A) Continental Instruments and Mechanisms

1. At the continental level, there are a number of existing

intergovernmental defence and security instruments, including treaties, charters, conventions, agreements, and declarations, which could inform on-going efforts to formulate and implement a Common African Defence and Security Policy. These include:

(i) The Constitutive Act of the AU

The Constitutive Act provides for the establishment of the AU and the relevant policy organs.

(ii) AU Peace and Security Council Protocol

The Protocol provides for the establishment of the Peace and Security Council as the “operational structure for the effective implementation of the decisions taken in the areas of conflict prevention, peacemaking, peace support operations and intervention, as well as peace-building and post-conflict reconstruction.”

(B) Regional Instruments and Mechanisms

25. Various efforts have been made at the sub-regional level in Africa by what are essentially economic-oriented organizations, to establish common policies on defence and security issues; and consequently, a number of instruments have been adopted and mechanisms established at the sub-regional level by these organizations to coordinate regional defence and security policies. These exist within ECOWAS, IGAD, SADC, UMA, ECCAS, the EAC, CEN-SAD and COMESA.

(xxvii) ECOWAS

26. Over a period of time, cooperation within ECOWAS on defence and security issues has evolved; and that body has adopted a range of policy texts, including:
 - (a) The Non-Aggression Protocol, signed in Lagos, Nigeria in 1978;
 - (b) The Protocol on Mutual Defence Assistance, signed in Freetown, Sierra Leone in 1981;
 - (c) The Declaration of Political Principles of the Economic Community of West African States, (1991) and the Supplementary Protocol on Good Governance;
 - (d) The Convention on Mutual Assistance in Criminal Matters (1992);
 - (e) The ECOWAS policy instruments on peace and security also include:
 - Declaration of a Moratorium on the Importation, Exportation and Manufacture of Light Weapons in West Africa (1998);
 - Plan of Action for the Implementation of the Programme for Coordination and Assistance for Security and Development (PCASED (1998));
 - Code of Conduct for the Implementation of the Moratorium on the Importation, Exportation and Manufacture of Light Weapons in

- West Africa (1999);
 - Decision Establishing National Commissions for the Control of the Proliferation and Illicit Circulation of Light Weapons (1999).
 - (f) The Declaration by ECOWAS Ministers of Foreign Affairs on Child Soldiers (1999);
 - (g) Protocol relating to the ECOWAS Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security, which provides for the establishment of institutions like the Authority of Heads of State, the Mediation and Security Council, the Executive Secretariat and other organs such as the Defence and Security Commission, the Council of Elders, ECOWAS Ceasefire Monitoring Group, (ECOMOG) and the Peace and Security Observation Early Warning System.
27. A special structure devoted to peace and security issues has been created within the Secretariat of ECOWAS. It has the function of initiating and supervising activities relating to the implementation of the ECOWAS Mechanism.
 28. In addition, an Early Warning System secretariat composed of an observation centre in 4 ECOWAS capitals has been established as part of the ECOWAS Secretariat structure.

(xxviii) ECCAS

29. A Summit meeting of the Heads of State and Government of ECCAS held in Yaounde on 25th February 1999, decided to create an Organ for the Prevention, and Consolidation of Peace and Security in Central Africa, under the general superintendence of a Council of Peace and Security of Central Africa (COPAX). COPAX is required to operate at the level of Heads of State and Government. In July 1999, the Heads of State of ECCAS decided to integrate COPAX into the structures of ECCAS, as a sub-regional mechanism for the settlement and prevention of conflicts in Central Africa.
30. COPAX makes provision for an early warning capability: the Central African early warning mechanism: (MARAC).
31. The Defence and Security Commission (CDS) is composed of Chiefs of Staff of national armies. It is meant to plan, organize and provide advice to the decision-making bodies of the community, in order to initiate military operations, if and when necessary. However, it is also composed of commanders-in-chief of police and gendarmerie forces from the different Member States.
32. The Central African Multinational Force (FOMAC), is the military arm of COPAX. It is a non-permanent force consisting of military contingents from member states, with the objective of carrying out missions of peace, security and humanitarian relief.
33. A Secretariat structure is also provided for in ECCAS, to oversee COPAX operations and to liaise with the political organs of ECCAS.

(xxix) IGAD

34. IGAD was established in 1986 and revitalized in 1996, to coordinate the efforts of its Member States. Article seven of the Charter of the revitalized IGAD sets as a priority objective of IGAD, the promotion of peace and stability, and the creation of mechanisms within the Region, for the prevention, management and resolution of inter and intra-state conflicts through dialogue. Further, the Charter enjoins Member States, in the context of preserving peace, security and stability, to establish effective mechanisms for consultation and cooperation for peaceful settlement of disputes.
35. At its 8th Meeting in Khartoum in November 2000, the IGAD Summit adopted a resolution, formalizing an arrangement in the form of a conflict early warning and response mechanism (CEWARN). A Protocol establishing the Mechanism, (CEWARN), was adopted in January 2002, in Khartoum, Sudan. CEWARN is based on a complementary set of national and regional structures. Policy is made at the levels of the Heads of State, the Council of Ministers, as well as the Committee of Ambassadors, while the secretariat performs administrative functions. The technical aspects are handled by the Secretariat's arm of CEWARN, as well as the national conflict early warning and response mechanisms. The optional inter-state structures and regional councils are expected to cooperate with CEWARN, while the coordinating functions are intended to be assumed by a Committee of Permanent Secretaries established under Article 9 of the protocol as well as by the Technical Committee on early warning.

(xxx) SADC

36. On 17 August 1992, the States of Southern African Region signed a Declaration and the Treaty establishing the Southern African Development Community (SADC) in Windhoek, the Republic of Namibia. The Declaration and the Treaty, *inter alia*, stressed the need for cooperation in the promotion of peace and security in the region.
37. In June 1996, at an Extraordinary Summit in Gaborone, the Republic of Botswana, SADC created the Organ on Politics, Defence and Security. This represented the establishment of a regional mechanism for conflict prevention, management and resolution. The Summit reaffirmed that the Organ constituted an appropriate institutional framework, by which SADC Member States would coordinate their policies, strategies and activities in the areas of politics, defence and security. Summit also agreed on the need for a Protocol on Politics, Defence and Security, which would constitute a legal regime in the political sphere.

38. In 1999, the Summit decided to undertake a review of the operations of the SADC institutions, including the Organ. In March 2001, in Windhoek, Namibia, Summit approved the Report on the review of the operations of SADC institutions and mandated that the Treaty be amended to conform to the provisions of the review report. In August 2001 Summit signed the Agreement amending the Treaty and the Protocol on Politics, Defence and Security Cooperation.
39. In the context of the amended Treaty and the Protocol the chairpersonship of the Organ rotates among Member States and is chaired by a Head of State or Government who reports to Summit. The main institutions of the Organ are the Chairperson of the Organ, the Troika, the Ministerial Committee, the Inter-State Defence and Security Committee (ISDSC) and the Inter-State Politics and Diplomacy Committee (ISPDIC). The Troika comprises the sitting Chairperson, the Incoming and the Outgoing Chairpersons. This enables the organization to execute tasks in between regular meetings. The Treaty and the Protocol provide that the Organ may establish other institutions as and when the need arises.
40. The SADC relevant instruments include the following:
 - (i) The Treaty (as amended in 2001);
 - (ii) The Protocol on Politics, Defence, and Security Cooperation;
 - (iii) Mutual Defence Pact
 - (iv) The Protocol on Mutual Legal Assistance in Criminal Matters;
 - (v) The Protocol Against Corruption
 - (vi) The Protocol on Extradition;
 - (vii) The Protocol on Tribunal and Rules of Procedure
 - (viii) The Protocol on the Control of Firearms, Ammunition and Other Related Materials
 - (ix) Protocol on combating Illicit Drugs
 - (x) Protocol on Wildlife Conservation and Law Enforcement
 - (xi) Protocol on Legal Affairs

(xxxi) East African Community (EAC)

41. The EAC has a Memorandum of Understanding on Cooperation in Defence, signed by the three Heads of State of Tanzania, Kenya and Uganda, in November, 2001. It builds on the already established tradition of undertaking joint maneuvers and military exercises among the three countries, by providing for cooperation in military training, joint operations, technical assistance, visits, and information exchange. The EAC Memorandum of Understanding also makes provision for institutional arrangements for its implementation, including a Council on Cooperation in Defence Affairs; a Consultative Committee on Cooperation in Defence Affairs; a Sectoral Committee on Cooperation in Defence Affairs; and Defence Experts Working Groups. Provision is, further, made

for financial arrangements relating to expenses arising from all joint training, operational and technical cooperation.

42. In addition, while recognizing the security implications of the major challenge of forced migration, the EAC States are moving towards the harmonization of refugee and migration policies.
43. The EAC also has a memorandum of understanding on foreign policy.

(xxxii) CEN-SAD

44. The Community of Sahelo-Saharan States (CEN-SAD), which comprises 18 States, has included peace and security among its priorities. To this end, it has equipped itself with a “security charter” and has put in place a “High Community Mediator”. In the same vein, CEN-SAD is in the process of providing itself with a mechanism for conflict prevention, management and resolution within CEN-SAD space. This mechanism, whose principle of establishment was adopted by the leaders and Heads of State, is underpinned by two protocols, namely:

- an additional protocol of cooperation and assistance in the area of defence/security;
- an additional protocol on the Mechanism for Conflict Prevention, Management and Resolution.

(xxxiii) The Arab-Maghreb Union

45. The objectives of the UMA treaty, signed in February 1989, are, as in the case of the constitutive instruments establishing its counterpart subregional organizations, primarily economic. Yet, in spite of its overriding economic orientation, UMA, like most of the other regional groups has incorporated peace and security concerns into its activities. Indeed, common defence and non-interference in the domestic affairs of partner states are central to the UMA Treaty. UMA has established some peace and security structures. In 1991, it set up an informal body called the Council of Common Defence (CCD). The Maghreb States had envisaged UMA as a viable forum for negotiating peace, enhancing security and cooperation, and resolving existing conflicts and tensions among them.

(xxxiv) COMESA

46. Since 1999, COMESA has developed a programme on peace and security, with an emphasis on conflict prevention through preventive diplomacy. This programme focuses especially on building the capacity of civil society, NGOs, the private sector and parliament. Included within the general structures of COMESA is a special structure that deals with peace and security matters, starting with the Authority which heads that structure. The Ministers of Foreign

Affairs meet once a year to consider matters relating to peace and security. There is also a committee of officials, which meets at the technical level.

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The Common African Position on the Proposed Reform of the United Nations: The Ezulwini Consensus (2005)

Full title: The Common African Position on the Proposed Reform of the United Nations: The Ezulwini Consensus

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The African Union, having deliberated at length on the Report of the High-level Panel on Threats, Challenges and Change, adopted a Common African Position, known as “The Ezulwini Consensus”, which contains the following elements:

A. Collective Security and the Challenge of Prevention

(i) Poverty, infectious diseases and environmental degradation

- The recommendations of the High-level Panel should be consistent with the Declarations and Decisions of the African Union on the matter. The AU supports their implementation within the framework of multilateralism, as a tool for eradicating poverty, boosting economic growth, promoting sustainable development, alleviating the debt problem, enhancing Africa’s participation in WTO negotiations and combating HIV/AIDS and other infectious diseases.

HIV/AIDS

- It is important to underscore that HIV/AIDS is not only a security threat but has far reaching economic and social consequences that are of primary concern to Africa. Further, affordable access to treatment is fundamental to the fight against HIV/AIDS. It is equally important that more resources are provided for prevention, research

and medication that would combat and eradicate HIV/AIDS. The relevant scientific knowledge must be supported to ensure vaccine development and medicine that can alleviate the disease.

- Building national and regional health systems is vital. The fight against disease in Africa has to be broadened to cover an integrated health system for each country. Accessibility to urgent care and community services is vital in the fight against HIV/AIDS.
- Since the resources required in the prevention and treatment of HIV/AIDS are grossly inadequate, it is important that the international conference scheduled for Stockholm in March 2005 aimed at addressing additional funding to alleviate the constraints on national budget, should be supported by African countries.

Poverty

Africa is of the view that the Report did not sufficiently stress the critical linkage between development and poverty as root causes of insecurity. Indeed, focus on poverty alleviation is the most effective tool for conflict prevention.

- It is important that a balance is maintained between the consideration of security and development issues at all levels. The special needs of Africa, as recognized in the Millennium Declaration, also ought to be taken into account in this context. In addressing poverty, it is important to welcome the innovative idea of a timetable for fulfilling the commitment of 0.7% of GDP as Overseas Development Assistance (ODA) and to take into consideration the recommendations on ODA within the larger framework of the Millennium Declaration's focus on Africa's Special Needs.
- In addressing this issue, the Secretary-General, in the preparation of his report, should take into account the recommendations of the Report by the World Commission on the Social Dimension of Globalization, entitled: "A Fair Globalization: Creating Opportunities for All", as it provides a crucial base for addressing poverty and other systemic issues that impede Africa's development.

Debt

- It is important to raise the serious issue of debt and request the United Nations to support the present efforts made by the Commission of the African Union for its thorough review. In this regard, it is appropriate to ask for the debt cancellation of the highly indebted poor countries as well as the debt reduction and cancellation for middle income indebted countries, where appropriate.

Environmental Degradation

- It is important to stress that environmental protection would be difficult

to achieve without concrete steps to address poverty. Desertification, land degradation, biodiversity and deforestation are critical issues for African countries and constitute major threats to security and stability in Africa. x Developed countries should take urgent actions to address this problem, including ratifying or acceding to the Kyoto Protocol, in view of the fact that they are still responsible for global warming.

WTO Negotiations Process

- Enhance Africa's effective participation in the WTO trade negotiations and in the world trading system as a whole.
- In this regard, the capacity of delegations from developing countries to participate meaningfully in WTO processes must be strengthened through capacity-building and technical cooperation programmes. The WTO Secretariat should increase funding for such programmes and to implement the relevant programmes agreed on in Doha.

(ii) Inter-State and Internal Conflicts

- The UN should set up a Commission to study the recommendation on developing norms governing management of natural resources for countries emerging from or at risk of conflict.
- The UN and its Member States should also give particular consideration to all the other recommendations, especially recommendation 14 regarding development of frameworks for minority rights and the protection of democratically elected governments from unconstitutional changes. Member States should also undertake to negotiate an international instrument on this subject. The African Union and the United Nations should collaborate closely to implement the Lomé and Algiers Declarations on Unconstitutional Changes of Governments.
- Africa accepts recommendation 20 on the preventive deployment of peacekeepers and strongly urges that regional organizations apply the same strategy in their respective regions. However, the UN should not abdicate its responsibility for the maintenance of international peace and security.

(iii) Conventional Weapons

- The illicit transfer, manufacture and circulation of Small Arms and Light Weapons (SALW) and their excessive accumulation and uncontrolled spread as well as the utilization of child soldiers in many regions of the world, particularly Africa, should be prohibited. Africa will collaborate with other regions for the negotiation of an international instrument on the identification and tracing of small arms and light weapons. The prohibition of anti-personnel land mines should also be stressed.

(iv) Nuclear, radio-active, chemical and biological weapons

- The recommendations of the Panel in this area do not fully address the concerns of the African Union. The notion of “proliferation” should be defined in the context of the “horizontal” and vertical proliferation of nuclear weapons. Further, the development of new types of nuclear weapons is in contravention of the assurances provided by the Nuclear-Weapon-States at the conclusion of negotiation of the Comprehensive Nuclear-Test-Ban Treaty (CTBT).
- There is need for an international conference, at the earliest possible date, with the objective of reaching an agreement on a phased programme for the complete elimination of nuclear weapons within a specified timeframe to eliminate all nuclear weapons, to prohibit their development, production, acquisition, testing, stockpiling, transfer, use or threat of use, and to provide for their destruction.
- Africa will collaborate with other regions, within the framework of multilateralism, to address the problem of disarmament and the non-proliferation of nuclear weapons, provided for under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), including the implementation of the African Nuclear Weapon Free Zone Treaty (The Treaty of Pelindaba).
- There is need to respect the inalienable rights of developing countries, including African countries, to engage in research, production and use of nuclear energy for peaceful purposes without discrimination in conformity with the provisions of NPT. Further, the choices and decisions of each country in the field of peaceful uses of nuclear energy should be respected without jeopardizing its policies or international cooperation agreements and arrangements for peaceful uses of nuclear energy. In this context, Africa commits itself to expedite the process of ensuring early entry into force of the Treaty of Pelindaba which contains very useful provisions for peaceful uses of nuclear energy.
- There is need to ensure that any action by the Security Council does not undermine existing international treaty regimes on weapons of mass destruction and conventional weapons and of international organizations established in this regard, such as the International Atomic Energy Agency (IAEA) and the Organization for the Prohibition of Chemical Weapons (OPCW), as well as the role of the United Nations General Assembly.
- There is need to maintain the important role of the First Committee as a subsidiary body of the General Assembly and other multilateral disarmament machinery, in particular, the United Nations Disarmament Commission (UNDC) and the Conference on Disarmament (CD), in dealing with questions of disarmament and other related international security questions.

(v) Terrorism

- It is important for all Member States to sign, ratify or accede to the various international and regional instruments relating to the prevention and combating of terrorism. Member States that have not yet done so should be encouraged to sign, ratify or accede to, these instruments as the case may be.
- It is also important that Member States of the United Nations enhance their cooperation in the prevention and combating of terrorism, and to implement scrupulously continental and international instruments.
- Terrorism, in line with the Algiers Convention on Terrorism, cannot be justified under any circumstances. Political, philosophical, ideological, racial, ethnic, religious or other motives cannot be a justifiable defence against a terrorist act. However, there is a difference between terrorism and legitimate struggle waged by peoples for their liberation or self-determination in accordance with the principles of international law.
- The recommendation pertaining to the establishment of “A Special Capacity-Building Trust Fund” is pertinent and should be supported, as it will enhance the capacity of the United Nations to provide technical assistance to Member States in their national efforts to prevent and combat terrorism. It should be stressed that the rules governing the fund should be democratic enough to help strengthen the regional counter-terrorism mechanisms, especially the operationalization of the AU Convention on Terrorism and the Algiers based African Centre for Study and Research on Terrorism.
- There is particular value in achieving a consensus definition of terrorism within the General Assembly, given its unique legitimacy in normative terms. The Assembly should rapidly complete negotiation on a comprehensive convention on terrorism. The legal definition of terrorism should be the subject of a treaty concluded by the General Assembly and is not a matter to be determined and imposed by the other organs of the United Nations. The appropriate definition must also address the root causes and conditions that impel people towards terrorist acts.

(vi) Trans-National Organized Crime

- The recommendation aimed at preventing, suppressing and punishing human trafficking, especially regarding women and children, is pertinent. Member States should ratify or accede to the related Protocol to ensure its effective implementation.
- It is necessary for African countries to ensure that measures be taken to combat the use of mercenaries to overthrow democratically elected legitimate African governments.
- Special attention should be given to issues such as Money-laundering, and fiscal paradises, as well as modern slavery and all forms of human

exploitation.

The Role of Sanctions

- The recommendations on sanctions and related provisions are pertinent and it is necessary to appoint a Senior Official on the matter.
- The power of the Security Council to impose sanctions should be exercised in accordance with the United Nations Charter and international law. Sanctions should be considered only after all means of peaceful settlement of disputes under Chapter VI of the United Nations Charter have been exhausted and a thorough consideration undertaken of the short-term and long-term effects of such sanctions. Further, sanctions should be imposed for a specified time-frame and be based on tenable legal grounds and should be lifted as soon as the objectives are achieved. Sanctions should also be smart and targeted to mitigate their humanitarian effects. In this regard, there is need for the UN to define the objectives and guidelines for the imposition of sanctions.

B. Collective Security and the Use of Force

(i) The Responsibility to Protect

- Authorization for the use of force by the Security Council should be in line with the conditions and criteria proposed by the Panel, but this condition should not undermine the responsibility of the international community to protect.
- Since the General Assembly and the Security Council are often far from the scenes of conflicts and may not be in a position to undertake effectively a proper appreciation of the nature and development of conflict situations, it is imperative that Regional Organisations, in areas of proximity to conflicts, are empowered to take actions in this regard. The African Union agrees with the Panel that the intervention of Regional Organisations should be with the approval of the Security Council; although in certain situations, such approval could be granted “after the fact” in circumstances requiring urgent action. In such cases, the UN should assume responsibility for financing such operations.
- It is important to reiterate the obligation of states to protect their citizens, but this should not be used as a pretext to undermine the sovereignty, independence and territorial integrity of states.

(ii) The Question of Legality

- With regard to the use of force, it is important to comply scrupulously with the provisions of Article 51 of the UN Charter, which authorise the use of force only in cases of legitimate self-defence. In addition, the

Constitutive Act of the African Union, in its Article 4 (h), authorises intervention in grave circumstances such as genocide, war crimes and crimes against humanity. Consequently, any recourse to force outside the framework of Article 51 of the UN Charter and Article 4 (h) of the AU Constitutive Act, should be prohibited. Furthermore, it is important to define the notion of “collective danger” which would justify collective action.

(iii) Peace Enforcement and Peacekeeping Capacity

- The present rules of the UN relating to the peacekeeping budget should be amended in order to give the UN the latitude to finance operations carried out by Regional Organisations on the basis of contributions to be recovered.
- It is necessary to maintain sustained interaction between the UN and the Regional Organisations in order to build particularly the operational capacities of the organisations. To this end, the UN, the developed countries and the other regional groupings, should continue to give logistic and financial support to the speeding up of the establishment of an African Standby Force for it to become operational as soon as possible, but not later than 2010. Any other initiative to build regional peacekeeping capacities should supplement the African Standby Force.

(iv) Post Conflict Peacebuilding

- It is important to speed up the proposed establishment of a Peacebuilding Commission. It is also necessary to consider thoroughly its mandate and structure. The said Commission should not be placed under the authority of the Security Council as it is important for it to benefit from the contributions of all the major organs, particularly, the General Assembly, the Security Council and ECOSOC. In this regard, a Trust Fund should be established to ensure its sustainability. The focus on peacebuilding must also stress the element of conflict prevention.
- There is need to promote closer cooperation and coordination between the General Assembly, the Security Council, ECOSOC, the major Funds and Programmes, the UN Specialised Agencies, the Bretton Woods Institutions, the Member States and the Regional Organisations throughout the cycle of the conflict. This would guarantee an harmonious transition from conflict management to long-term reconstruction until the danger of instability or the threat of resumption of the conflict has diminished. As part of the support of the international community to peacebuilding in post-conflict countries in Africa, there is need for the Bretton Woods institutions, in particular, to show sensitivity in demanding macro-economic

reforms that have a potential for social upheaval. This underlines the necessity for the Bretton Woods institutions, which are part of the United Nations system, to become more accountable, democratic and transparent in their structure so that their operation will enjoy the full confidence of the entire world community.

- It is important to lay down clear rules for the deployment of UN peacekeeping operations to avoid arbitrary use of the right of veto that may delay or obstruct such deployment when the need for deploying peacekeeping forces arises.

C. Institutional Reform

(a) General Assembly

- The Report of the High-level Panel did not sufficiently address the role of the General Assembly. The General Assembly should be strengthened for it to play its proper role as the most representative and democratic body within the UN System and as the parliament of the world. The inter-governmental nature of the General Assembly should be preserved to ensure that it remains essentially a forum for intergovernmental dialogue.
- Measures must also be taken to enhance the effectiveness of the General Assembly, including its role in maintaining international peace and security, and to ensure the implementation of its decisions.
- There is also a need to improve on the balance of competence or relationship between the General Assembly and the Security Council.

(b) The Secretariat

- Africa strongly supports the call for a more professional and well-trained Secretariat whose skills and experiences are adapted to the tasks at hand, especially recommendation 96(e) on the provision that the General Secretariat should be provided with Sixty (60) new posts, or any other number required in critical areas, for the purpose of improving efficiency. Africa expects that a significant proportion of Africans would be recruited via this process, at middle and high managerial levels, especially in the peacekeeping and political affairs departments.
- Africa perceives the idea of having a second Deputy Secretary-General as one that may create a new layer of bureaucracy.

(c) The Economic and Social Council

- There is need to strengthen the role of the ECOSOC. It should not limit itself to policy coherence, research and coordination, but should also be engaged in finding ways of linking development and security and play a key role in economic development.

- ECOSOC should be the central mechanism for coordination of the activities of the UN system and its specialised agencies as well as supervision of subsidiary bodies in the economic, social and related fields to enable it play a pivotal role in furthering the achievement of the Millennium Development Goals (MDGs).

(d) The Commission on Human Rights

- The proposal to universalise the membership of the Commission on Human Rights (CHR) is not tenable, especially since it reports to ECOSOC which has limited membership. It may also impact on its efficiency. A universalised CHR could also duplicate the work of an already universal Third Committee which also deals with human rights.
- The status quo on the composition and location of the CHR should be maintained.
- The annual report of the Commissioner for Human Rights should be referred to the General Assembly and should not be to the Security Council, except where so requested or in cases of genocide, war crimes and crimes against humanity.
- Efforts should be made to address the selective nature of the funding of the CHR programmes to ensure effectiveness. Measures should be taken to address the selective nature and politicisation of the agenda of the CHR.
- The Commission must pay equal attention to economic, social and cultural rights as, it does to civil and political rights.

(e) The Security Council

On the Security Council, the African Union:

Recalling that, in 1945, when the UN was being formed, most of Africa was not represented and that in 1963, when the first reform took place, Africa was represented but was not in a particularly strong position;

Convinced that Africa is now in a position to influence the proposed UN reforms by maintaining her unity of purpose;

Conscious of the fact that the Harare Declaration has made significant impact on the world community and has thus been fairly reflected in the proposed UN Security Council Reforms, adopted the following position:

1. Africa's goal is to be fully represented in all the decision-making organs of the UN, particularly in the Security Council, which is the principal decision-making organ of the UN in matters relating to international peace and security.
2. Full representation of Africa in the Security Council means:
 - (i) not less than two permanent seats with all the prerogatives and privileges of permanent membership including the right of veto;
 - (ii) five non-permanent seats.

3. In that regard, even though Africa is opposed in principle to the veto, it is of the view that so long as it exists, and as a matter of common justice, it should be made available to all permanent members of the Security Council.
4. The African Union should be responsible for the selection of Africa's representatives in the Security Council.
5. The question of the criteria for the selection of African members of the Security Council should be a matter for the AU to determine, taking into consideration the representative nature and capacity of those chosen.

**Algiers Declaration: Brainstorming Retreat Between the
AU and the Regional Mechanisms for Conflict Prevention,
Management and Resolution (2008)**

Full title: Brainstorming Retreat Between the African Union and the Regional Mechanisms for Conflict Prevention, Management and Resolution

Date/place of adoption/conclusion: 6 January 2008, Algiers, Algeria

Available online at: <https://bit.ly/3ehlJXP>

We,

- the Commissioner for Peace and Security of the Commission of the African Union (AU),
- the President of the Commission of the Economic Community of West African States (ECOWAS),
- the Secretaries General/Executive Secretaries of the Economic Community of Central African States (ECCAS), the Community of Sahel-Saharan States (CENSAD) and the Inter-Governmental Authority on Development (IGAD),
- other representatives of the East African Community (EAC), the Southern Africa Development Community (SADC) and the Common Market for East and Southern Africa (COMESA),
- the Director of the Coordinating Mechanism of the Regional Standby Brigade of East Africa (EASBRICOM) and the representative of the North Africa Regional Capability (NARC),
- met in Algiers on 5 and 6 January 2008, within the framework of a Brainstorming Retreat, to consider the state of our cooperation and agree on ways and means of strengthening and deepening our

partnership in order to promote peace, security and stability in our continent, in conformity with the relevant provisions of the Peace and Security Council (PSC) Protocol.

This Retreat was also attended by the representatives of Cameroon, Chair of the PSC for the month of January 2008, and of Ghana, Current Chair of the AU. The opening session was graced by the presence of the Algerian Minister for Maghreb and African Affairs.

On the establishment of the African Peace and Security Architecture

Our Retreat afforded us an opportunity to take stock of the progress made in the establishment of the African Peace and Security Architecture, as spelt out in the AU PSC Protocol.

In this regard, we noted with satisfaction the remarkable progress made in the establishment of the Continental Early Warning System (CEWS), both at the level of the AU and the Regional Mechanisms, in conformity with the relevant provisions of the PSC Protocol and the roadmap adopted by the Meeting of Government Experts on Early Warning and Conflict Prevention, held in Kempton Park, South Africa, in December 2006. The operationalization of the CEWS is all the more important in view of the fact that conflict prevention is at the core of the mandates of our respective organizations.

We also welcome the progress made towards the establishment of the African Standby Force (ASF), in application of the relevant provisions of the PSC Protocol and the Framework Document on the Establishment of the ASF. Although they are at different stages in their efforts, all the regions of the continent have taken the necessary measures for the establishment of the regional standby brigades provided for within the framework of the ASF. In addition, the basic documents relating to the different aspects of the ASF have been elaborated during workshops jointly organized by the AU and the regions. We underscore the urgent need for the holding of the proposed meeting of African Ministers of Defence and Security, which should validate these documents and adopt the roadmap for the second phase of the establishment of the ASF with a view to its operationalization by 2010, including the development of a rapid deployment capability, which should be taken into consideration in the different ASF scenarios.

At the same time, we recognize that there is still a lot to be done to render the African Peace and Security Architecture fully operational, particularly the CEWS and the ASF, including:

- the strengthening of coordination and harmonization between the continental and the regional levels, in order for all ongoing and future efforts to be fully in line with the arrangements agreed on in this respect;

- the rationalization, as much as possible, of the ongoing efforts, in particular by finding appropriate solutions to the problems linked to the fact that some Member States belong to more than one Regional Mechanism, the objective being to avoid duplication and make optimal use of available resources;
- the intensification, with the support of the AU and other regions, of efforts aimed at accelerating progress in all the Mechanisms concerned;
- the strengthening of the role of the AU, which should fully assume its responsibilities in steering, coordinating and harmonizing efforts aimed at establishing the African Peace and Security Architecture; and
- the provision by African States of the human, financial and institutional means required for the establishment and operationalization of the different components of the African Peace and Security Architecture.

Status of Peace and Security in Africa

Our Retreat reviewed the state of peace and security in the different regions of the continent. We welcome the significant progress made in many countries and regions as a result of the collective, resolute, action of the AU and the Regional Mechanisms, with the support of our partners in the international community. This progress should be consolidated through the implementation of post-conflict reconstruction and development programmes on the basis of the Policy Framework adopted in this respect by the AU Executive Council in Banjul, in June 2006. We undertake to double and better coordinate our efforts to ensure more effective monitoring of this Policy Framework and the implementation of the directives contained therein, including dispatching joint assessment missions to evaluate the needs of countries emerging from conflicts and the implementation of coordinated activities to support post-conflict reconstruction, including rapid recovery of the countries concerned, advocacy for debt cancellation, reform of the security sector and the consolidation of state institutions.

Despite this progress, our continent unfortunately continues to face the scourge of conflicts and instability. In many regions, violence is still prevalent, affecting primarily civilian populations and undermining efforts towards socio-economic development and the promotion of the rule of law and good governance.

We are determined to intensify and better coordinate our efforts towards contributing to the rapid resolution of existing conflicts and strengthening our action in the area of prevention. In this respect, we stress the need to fully apply the principle of nonindifference enshrined in the AU Constitutive Act and the relevant instruments of Regional Mechanisms. It is incumbent upon Member States, in conformity with the PSC Protocol and relevant regional instruments, to lend their full and unconditional

support to conflict prevention and resolution efforts undertaken at continental and regional levels. More specifically, member States should, in conformity with the commitments they have made, provide the AU and the Regional Mechanisms with the necessary political and other support, including facilitating the effective exercise by these organizations of their responsibilities regarding the promotion of peace and security.

Similarly, we reaffirm the determination of our respective organizations to spare no effort to tackle terrorism, in conformity with the relevant AU instruments. We commend the action of the African Centre for the Study and Research on Terrorism and intend to take full advantage of the opportunities it provides.

We are deeply concerned by the magnitude of drug trafficking and organized transnational crime, as well as by the proliferation of small arms and light weapons, which contribute to the weakening of the State structures and perpetuation of insecurity.

Electoral Tensions and Disputes

Our Retreat noted, with concern, the emergence of new challenges linked to the tension which frequently characterizes electoral processes in Africa. This situation has not only the potential of endangering stability, but also that of undermining the democratic processes initiated in the continent in accordance with relevant OAU/AU instruments.

Accordingly, we acknowledge that there is an urgent need to initiate a collective reflection on these developments in order to agree on a common strategy aimed at avoiding election-related disputes and violence, and preventing the election period in Africa from becoming synonymous with tension. There is a need, *inter alia*, to:

- improve monitoring of political developments in the countries concerned during the pre-election phase, including through early warning systems;
- strengthen election observation by deploying missions with adequate strength ahead of the election, with a view to having a more comprehensive view of the situation and making, if need be, recommendations to the stakeholders to guarantee the transparency of the electoral process;
- effectively combine the resources of the AU and the competent regional organizations, including the deployment of joint evaluation and electoral observation missions;
- undertake, whenever required, preventive deployments of peace support operations; and
- ensure that Africa, through the missions deployed on the ground, is in a position to speak with one voice, with the necessary authority and objectivity, on the transparency of electoral processes and

ensure that these processes are fully owned by Africa.

In order to delve further into this issue and submit recommendations to the competent AU organs, we agreed to organize, as soon as possible, a seminar on electoral related conflicts and the challenges they pose for peace and security in Africa. We have requested the AU Commission, in collaboration with COMESA and SADC Secretariats, to prepare a concept note to this effect.

Financing Peace and Security Efforts in Africa

In considering the constraints to our efforts, we noted that financing constitutes one of the greatest difficulties facing the AU and the Regional Mechanisms. Our organizations are almost exclusively dependent on the resources provided by our partners. Clearly, this is a deplorable situation: as much as it is important to mobilize the support of the international community towards the peace efforts made in the continent, it is equally crucial for Africa to endow itself with the means to successfully implement the ambitious agenda it has set for herself.

We reiterate our gratitude to our partners and urge them to continue to provide their assistance, and express our full support for the efforts invested by the AU towards the financing, through United Nations assessed contributions, of peace support operations undertaken by the AU or under its authority, with the consent of the Security Council, as well as the establishment of a facility that would complement the Africa Peace Facility established by the European Union (EU) at the request of the AU.

At the same time, we underscore the imperative need for African States to contribute more significantly to the financing of the activities undertaken by the AU and the Regional Mechanisms in the area of peace and security, through a system of assessed contributions or alternative sources of financing. In doing so, the objective is for Africa to further demonstrate its political will to rid the continent of the scourge of conflicts, effectively take ownership of efforts deployed in this respect, and ensure their sustainability.

Coordination of interaction with international partners

We recognize the need for better coordination between the AU and the Regional Mechanisms with regard to relations with the international partners, to ensure greater consistency, facilitate the achievement of our set objectives within the framework of the continental peace and security agenda, and maximize the impact of international assistance. In this regard, we commit to:

- agree on common modalities for interaction with partners;
- coordinate our actions in the relevant international organs, in order to effectively defend African interests and positions, as defined at

- continental level; and
- keep each other mutually informed of developments relating to our respective relations with our partners.

Adoption of the Draft Memorandum of Understanding

Having considered the draft Memorandum of Understanding (MoU) in the area of Peace and Security between the AU, the Regional Economic Communities and the Coordinating Mechanisms submitted by the meeting of experts held in Kampala, Uganda, from 31 August to 2 September 2007, we have agreed to sign this text, as reviewed and amended during our Retreat, on the margins of the forthcoming AU meetings in Addis Ababa at the end of January 2008. The signing of this MoU, elaborated in conformity with Article 16 of the PSC Protocol, will mark an important step in the implementation process of the African Peace and Security Architecture.

Final Remarks

We have agreed to submit this Declaration, for consideration, to the next AU Assembly.

We express our sincere thanks to the Government of Algeria for the facilities provided in order to ensure the success of this Retreat.

Memorandum of Understanding on Cooperation in the Area of Peace and Security between the AU, the RECs and the Coordinating Mechanisms of the Regional Standby Brigades of Eastern Africa and Northern Africa (2008)

Full title: Memorandum of Understanding on Cooperation in the Area of Peace and Security between the African Union, the Regional Economic Communities and the Coordinating Mechanisms of the Regional Standby Brigades of Eastern Africa and Northern Africa

Date/place of adoption/conclusion: 2008

EIF provision: Article XXVI

Available online at: <https://bit.ly/2OaFKLu>

* See above the Algiers Declaration in which the AU, RECs and RMs first expressed their willingness to sign the draft Memorandum of Agreement.

Excerpts

Preamble

The African Union, the Regional Economic Communities, and the Coordinating Mechanisms of the Regional Standby Brigades of Eastern Africa and Northern Africa,

Considering the relevant provisions of the Constitutive Act of the African Union and of other similar instruments of the Regional Economic Communities and the Coordinating Mechanisms of the Regional Standby Brigades of Eastern Africa and Northern Africa, as well as all other continental and regional instruments relating to conflict prevention, management and resolution;

...

Reaffirming their commitment to the promotion of peace, security and stability on the continent, in conformity with the Charter of the United Nations and other relevant international instruments;

Bearing in mind that no single internal factor has contributed more to socio-economic decline on the continent and the suffering of the civilian population than the scourge of conflicts within and between African States;

Recognizing the need for closer collaboration between the African Union and the Regional Mechanisms for Conflict Prevention, Management and Resolution in order to address effectively the problems posed by the illicit proliferation, circulation and trafficking of small arms and light weapons, the scourge of landmines and the threat of terrorism and transnational organized crime, as well as the importance of promoting arms control and disarmament on the basis of relevant African and international instruments;

Aware of the fact that the development of strong democratic institutions and culture, the respect of human rights and the rule of law, the promotion of good governance and, more generally, of measures geared towards the structural prevention of conflicts, as well as the implementation of post-conflict reconstruction and development policies are essential for the promotion of collective security, durable peace and stability in the continent;

Acknowledging the contribution of the African Union and the Regional Mechanisms for Conflict Prevention, Management and Resolution to the promotion and maintenance of peace, security and stability in Africa and the increasing cooperation and collaboration between them in the implementation of the continent's peace and security agenda;

Desirous of strengthening and deepening their relations and enhancing their capacity to collectively address the scourge of conflicts and ensure the maintenance of peace, security and stability, through the conclusion of the present Memorandum of Understanding, in accordance with the authority conferred by the Protocol Relating to the Establishment of the

Peace and Security Council of the African Union;

Hereby agree as follows:

...

Article II: Scope

Pursuant to the PSC Protocol, the Memorandum is a binding legal instrument consisting of principles, rights and obligations to be applied in the relationship between the Union, the RECs and the Coordinating Mechanisms, in matters relating to the promotion and maintenance of peace, security and stability in Africa, subject to their respective competences.

Article III: Objectives

1. The Parties shall institutionalize and strengthen their cooperation and closely coordinate their activities towards their shared goal of ridding the continent of the scourge of conflicts and laying the foundation for sustainable peace, security and stability.
2. The objectives of the Memorandum shall be to:
 - (i) contribute to the full operationalization and effective functioning of the African Peace and Security Architecture;
 - (ii) ensure the regular exchange of information between the Parties on all their activities pertaining to the promotion and maintenance of peace, security and stability in Africa;
 - (iii) foster closer partnership between the Parties in the promotion and maintenance of peace, security and stability on the continent, as well as to enhance coordination between their activities;
 - (iv) develop and implement joint programmes and activities in the area of peace, security and stability in Africa;
 - (v) ensure that the activities of the RECs and the Coordinating Mechanisms are consistent with the objectives and principles of the Union;
 - (vi) facilitate coordination and enhance partnership between the Parties, on the one hand, and the United Nations and its agencies, as well as other relevant international organizations, on the other hand;
 - (vii) contribute to ensuring that any external initiative in the field of peace and security on the continent takes place within the framework of the objectives and principles of the Union; and
 - (viii) build and strengthen the capacity of the Parties in the areas covered by the Memorandum.

Article IV: Principles

The implementation of the Memorandum shall be guided by the following:

- (i) scrupulous observance of the principles and provisions of the Constitutive Act and the PSC Protocol, as well as other relevant

- instruments agreed to at continental level;
- (ii) recognition of, and respect for, the primary responsibility of the Union in the maintenance and promotion of peace, security and stability in Africa, in accordance with Article 16 of the PSC Protocol;
- (iii) acknowledgment of the role and responsibilities of the RECs and, where appropriate, of the Coordinating Mechanisms in their areas of jurisdiction, as well as the contribution they can make towards the promotion and maintenance of peace, security and stability in other regions of the continent; and
- (iv) adherence to the principles of subsidiarity, complementarity and comparative advantage, in order to optimise the partnership between the Union, the RECs and the Coordinating Mechanisms in the promotion and maintenance of peace, security and stability.

Article V: Areas of Cooperation

In order to achieve the objectives listed in Article III (2) of the Memorandum, the Parties shall cooperate in all areas relevant for the promotion and maintenance of peace, security and stability in Africa, including:

- (i) the operationalization and functioning of the African Peace and Security Architecture, as provided for by the PSC Protocol and other relevant instruments;
- (ii) the prevention, management and resolution of conflicts;
- (iii) humanitarian action and disaster response;
- (iv) post-conflict reconstruction and development;
- (v) arms control and disarmament;
- (vi) counter-terrorism and the prevention and combating of transnational organized crime;
- (vii) border management;
- (viii) capacity building, training and knowledge sharing;
- (ix) resource mobilization;
- (x) any other areas of shared priorities and common interest as may be agreed to by the Parties.

Article VI: Operationalization of the African Peace and Security Architecture

Subject to the provisions of Article IV (iii) and (iv) of this Memorandum:

1. The Parties shall work towards the full operationalization and effective functioning of the African Peace and Security Architecture.
2. The Parties shall work together to make the Continental Early Warning System, as provided for by Article 12 of the PSC Protocol, fully operational, on the basis of the Framework for the Operationalization of the Continental Early Warning System.
3. The Parties shall work together to make the African Standby Force, as provided for in Article 13 of the PSC Protocol, fully operational, on the basis of the Policy Framework on the Establishment of the

African Standby Force and Military Staff Committee, which, among other things, provides for the establishment of five regional brigades to constitute the African Standby Force.

4. The Parties shall, where appropriate and within the framework of their conflict prevention strategies, establish structures similar to the Panel of the Wise, as provided for by Article 11 of the PSC Protocol.

Article VII: Conflict Prevention, Management and Resolution

1. The Parties shall intensify their efforts towards the prevention of conflicts through, among other things, fostering policies aimed at promoting democratic principles and practices, good governance, the rule of law and the protection of human rights and fundamental freedoms, respect for the sanctity of human life and international humanitarian law.
2. The Parties shall work together and draw on each other's expertise to contribute to the implementation of regional and continental instruments relevant to the promotion and maintenance of peace, security and stability in Africa, including the Solemn Declaration on the Conference on Security, Stability, Development and Cooperation in Africa, the Solemn Declaration on the Common African Defence and Security Policy, the Convention Governing the Specific Aspects of Refugee Problems in Africa, the African Charter on Human and People's Rights and its Protocol on the Rights of Women, the African Charter on the Rights and Welfare of the Child, the Convention on the Prevention and Combating of Corruption, and the African Charter on Democracy, Elections and Governance.
3. The Parties shall cooperate to enhance their capacity to anticipate and prevent conflicts and actions that may lead to genocide and crimes against humanity.
4. Where conflicts have occurred, the Parties shall cooperate in peace-making and peace-building activities to resolve these conflicts and prevent their recurrence, including through good offices, mediation, conciliation, enquiry and deployment of peace support missions, as provided for in the PSC Protocol and other relevant regional instruments.

Article VIII: Humanitarian Action and Disaster Management

The Parties shall cooperate and support each other in humanitarian action and in addressing major disasters, in accordance with the relevant provisions of the PSC Protocol.

Article IX: Post-Conflict Reconstruction and Development

1. The Parties shall combine their efforts to support post-conflict reconstruction and development, with a view to consolidating peace,

promoting sustainable development and paving the way for growth and regeneration in countries and regions emerging from and/or affected by conflicts.

2. The Parties shall cooperate to facilitate the effective implementation of the Continental Policy on Post-Conflict Reconstruction and Development.

Article X: Arms Control and Disarmament

1. The Parties shall work together to promote and encourage the implementation of continental, regional and other relevant instruments pertaining to arms control and disarmament.
2. The Parties shall, through collaborative efforts, work to address effectively the scourge of landmines, the problem of the illicit proliferation, circulation and trafficking of small arms and light weapons, issues related to chemical weapons and denuclearization, based on the relevant regional, continental and international instruments.

Article XI: Counter-terrorism, Prevention and Combating of trans-national organized crime

1. The Parties shall promote closer cooperation in the prevention and combating of terrorism, based on the Union's Convention, Protocol, and Plan of Action on the Prevention and Combating of Terrorism, as well as on other relevant regional and international instruments.
2. The Parties shall promote closer cooperation in the prevention and combating of trans-national organized crime.

Article XII: Border Management

The Parties shall work together on issues relating to border management on the basis of the Declaration on the Union's Border Programme and its Implementation Modalities.

Article XIII: Capacity building, training and knowledge sharing

1. The Parties shall work together to develop and enhance their capacities in a mutually reinforcing way to facilitate the effective implementation of the Memorandum and the achievement of its objectives.
2. The Parties shall engage in staff exchange and secondment programmes, as well as sharing of best practices and lessons learnt.

Article XIV: Resource mobilization

1. The Parties shall cooperate in the mobilization of resources through a coherent and coordinated strategy to be elaborated under the auspices of the AU, including with respect to the relations with their

- partners within the international community.
2. Nothing in the Memorandum shall preclude the right of the Parties to seek individual assistance and resources in matters covered by the Memorandum, consistent with the strategy.

Article XV: Arrangements for cooperation

Arrangements for cooperation shall include:

- (i) Exchange of information;
- (ii) Meetings and other mechanisms for enhancing cooperation;
- (iii) Institutional presence; and
- (iv) Joint activities and field coordination.

...

Article XVII: Meetings and other mechanisms for enhancing cooperation

1. The Parties shall regularly consult each other, both at political and technical levels, on matters relating to the promotion and maintenance of peace, security and stability.
2. The RECs and the Coordinating Mechanisms shall be invited to the discussion of any question brought before Council whenever that question is being addressed by a REC or a Coordinating Mechanism or is of special interest to that REC or Coordinating Mechanism, in accordance with Article 16 (6) of the PSC Protocol.
3. The Chairperson of the Commission shall be invited to the meetings and deliberations of the RECs and the Coordinating Mechanisms, in accordance with Article 16(7) of the PSC Protocol.
4. The Parties shall invite each other to all other meetings relevant to their partnership for the promotion and maintenance of peace, security and stability, and shall share reports of those meetings.
5. A meeting between the Chairperson of the Commission and the Chief Executives of the RECs and the Coordinating Mechanisms shall be held at least once a year to discuss matters of peace and security and agree on a programme of work.

...

Article XX: Modalities for interaction

1. Without prejudice to the primary role of the Union in the promotion and maintenance of peace, security and stability in Africa, the RECs and, where appropriate, the Coordinating Mechanisms shall be encouraged to anticipate and prevent conflicts within and among their Member States and, where conflicts do occur, to undertake peace-making and peace-building efforts to resolve them, including through the deployment of peace support missions.
2. In undertaking these activities, the RECs and, where appropriate,

the Coordinating Mechanisms shall keep the Chairperson of the Commission and, through him, Council fully and continuously informed and ensure that their activities are in conformity with the objectives of the PSC Protocol.

3. The RECs managing regional brigades within the framework of the African Standby Force and the Coordinating Mechanisms shall, upon decision by Council, make available their assets and capabilities, including planning, to other RECs and Coordinating Mechanisms or the Union, in order to facilitate the deployment of peace support operations outside their areas of jurisdiction.
4. The RECs and the Coordinating Mechanisms shall, upon decision by Council, make their regional brigades available for deployment as part of a peace support operation undertaken outside their areas of jurisdiction.
5. Nothing in this Memorandum shall prevent the Union from taking measures necessary to maintain or restore peace and security anywhere in the continent.
6. Intervention as provided for by Article 4 (h) of the Constitutive Act shall be authorized by the Assembly upon recommendation by Council.
7. Intervention by the Union, at the request of Member States, as provided for by Article 4 (j) of the Constitutive Act, shall be authorized by the Assembly and the modalities therefore shall be approved by Council.

Article XXI: Relations with the United Nations and other International Actors

1. The Parties shall harmonize their views in relevant international forums, including the United Nations. The Union shall coordinate such efforts to ensure that African interests and positions as defined at continental level are effectively pursued.
2. The Parties shall work together to mobilize the support of the United Nations, other relevant actors and the international community, in pursuit of the objectives outlined in the Memorandum. The Union shall coordinate such efforts.
3. The Commission shall ensure that the United Nations Security Council is kept informed of the activities undertaken by the Union, the RECs and the Coordinating Mechanisms relating to the promotion and maintenance of peace, security and stability.

Article XXII: Relations with civil society and private sector

The parties commit themselves to harmonize and coordinate their efforts with respect to their interaction with civil society organizations and the private sector in furtherance of the continental peace and security agenda.

...

The African Model Anti-Terrorism Law (2011)

Full title: The African Model Anti-Terrorism Law

Date/place of adoption/conclusion: 1 July 2011, Malabo, Equatorial Guinea

Available online at: <https://bit.ly/3feibgS>

* Endorsed by the Seventeenth Ordinary Session of the Assembly of the African Union, 30 June – 1 July 2011, Malabo, Equatorial Guinea.

Strategy on the Control of Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons (2011)

Full title: African Union Strategy on the Control of Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons

Date/place of adoption/conclusion: 29 September 2011, Lomé, Togo

Available online at: <https://bit.ly/2ZRlsvZ>

* Adopted by the Meetings of Member States Experts, 26-29 September 2011, Lomé, Togo.

Preamble

We, the Executive Council of the African Union;

Bearing in mind the Principles enshrined in the Constitutive Act of the African Union; and the Protocol establishing Peace and Security Council,

...

Concerned that the illicit proliferation, circulation and trafficking of small arms and light weapons, as a global problem closely tied to terrorism and other forms of armed violence, the worldwide drug problem, transnational organized crime, mercenary activities,, the rise in social violence, promotion of corruption and other criminal behaviour constitute threats to peace, development, stability and post conflict reconstruction,

Aware that the problem of the illicit proliferation, circulation and

trafficking of small arms and light weapons can only be resolved holistically and in an integrated manner through improving cooperation and coordination and by reinforcing the capacity to regulate compliance with all aspects of the problem as expressed in existing international and regional instruments,

Bearing in mind the different situations, capacities and priorities regarding SALW in each region in Africa,

Taking into account the African Union Commission's decision in 2008 to create an ad hoc AU Regions Steering Committee on Small Arms and Light Weapons (hereinafter AU SALW Committee) to enhance the capacity and harmonize and coordinate the efforts of the AU, the RECs and Regional Bodies with a SALW mandate to implement their programmes and enhance cooperation and synergy across the regions in the implementation of agreed actions,

Hereby adopt the African Union Strategy on the Control of Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons to strengthen coordination and cooperation between and among all implementing regional bodies with the objective of improving implementation at national, regional and continental levels.

1. Objectives

The overall objective of this Strategy is to prevent, combat and eradicate the illicit proliferation, circulation and trafficking of small arms and light weapons in an integrated and holistic manner across all regions of Africa. The specific objectives of the Strategy are to:

- 1.1. Promote a culture of peace by carrying out education and public awareness programmes on the problems of the illicit proliferation, circulation and trafficking of small arms and light weapons;
- 1.2. Address comprehensively the problem of the illicit proliferation, circulation and trafficking of small arms and light weapons through mainstreaming SALW control as a cross-cutting and multidimensional issue in achieving peace, security, development, and stability in the Continent;
- 1.3. Strengthen the capacity of AU Member States, RECs and Regional Bodies, and the African Union Commission, to implement measures against the illicit proliferation, circulation and trafficking of SALW;
- 1.4. Promote cooperation, coordination and exchange of information between relevant stakeholders at national, regional, trans-regional and continental levels;
- 1.5. Enhance international cooperation and assistance in the fight against proliferation of small arms and light weapons at the national, regional and continental levels.

2. Principles

In order to realize the objectives of this Strategy, the following principles as applied in relevant AU policies and documents shall be borne in mind:

- 2.1. **African Leadership and Ownership:** This principle is critical to ensure that the priorities, implementation and oversight of this strategy remain the responsibility of African governments and that activities are aligned to local, national and regional needs and aspirations.
- 2.2. **Inclusiveness:** This principle promotes the participation of all stakeholders in addressing the issue of small arms and light weapons proliferation.
- 2.3. **Integrating Approaches:** This principle rests on the need to ensure cooperation and coherence among all relevant stakeholders of this Strategy to optimize the use of resources, increase effectiveness and efficiency, mutual accountability, transparency and sustainability of efforts across Africa, and between Africa and its international partners, in implementing this Strategy.
- 2.4. **Comprehensiveness:** This principle encompasses all aspects relating to the problem of the illicit proliferation; circulation and trafficking of small arms and light weapons.
- 2.5. **Shared Responsibility:** This principle rests on the need for shared responsibility of all actors connected with this problem, and the joint search for solutions in the regional, continental and international arenas.
- 2.6. **Respect for International Law:** This principle recognizes the need to fully respect the principles and rules of international law.

3. Strategic Orientation

To achieve the objectives of this strategy, the AU will pursue the following strategic orientations:

- 3.1. **Institutional context:** The AU to reinforce the existing ad hoc AU-Regions Steering Committee on SALW and ensure that the Committee gradually attains the status of a standing committee, to be called the AU-Regions Standing Committee on SALW (AU SALW Committee);
- 3.2. **Cooperation and coordination at regional and continental levels:**
 - 3.2.1. The AU to promote coordination among RECs in the implementation of regional and continental agreements on the control of small arms and light weapons.
 - 3.2.2. RECs to enhance inter-regional cooperation through, among others, exchange of information, and experiences, sharing of best practices.
- 3.3. **Gender dimension:** To promote and enhance the participation of all gender groupings especially women in the design and implementation of initiatives to fight proliferation of illicit small arms and light

weapons at all levels.

- 3.4. Partnerships: To institute appropriate measures to engage and enhance the capacity of civil society to effectively participate in the design and implementation of initiatives to fight proliferation of illicit small arms and light weapons at all levels.
- 3.5. Resource mobilization: The AU in collaboration with RECs and regional bodies with a small arms mandate to ensure availability of resources for the implementation of regional and continental agreements on SALW.

4. Implementation Mechanisms

While Member States, RECs and Regional Bodies with SALW mandate remain responsible for implementation at national and regional levels respectively the AUC, through the AU-Regions Steering Committee on SALW is responsible inter alia to:

- 4.1. coordinate and facilitate the implementation of continental agreements relating to the fight against the illicit proliferation, circulation and trafficking of SALW,
 - 4.2. promote exchange of experiences, and organize courses to enhance the capabilities of officials and other key stakeholders from the Member States, RECs, Regional Bodies and civil society
 - 4.3. promote exchange of information and cooperate in all matters relating to illicit proliferation, circulation and trafficking of small arms and light weapons,
 - 4.4. promote research and data collection on SALW in the regions, as well as engage in dialogue and cooperation between the governments, RECs, regional bodies and civil society,
 - 4.5. follow up on the AU Strategy on the illicit proliferation, circulation and trafficking of small arms and light weapons, and its action plan, here to attached as Annex A
 - 4.6. report annually to the relevant AU organs and Member States on progress achieved in implementation this Strategy in order to assess its impact.
-

Roadmap (III) for the Operationalisation of the African Standby Force (2012)

Full title: Roadmap (III) for the Operationalisation of the African Standby Force, 2011-2015

Date/place of adoption/conclusion: February 2012, Addis Ababa, Ethiopia

Available online at: <https://bit.ly/31YhbK3>

* Adopted by the Fifth Ordinary Meeting of the Specialized Technical Committee on Defence, Security and Safety, 26 October 2011, Addis Ababa, Ethiopia.

** Endorsed by the Twentieth Ordinary Session of the Executive Council, 23-27 January 2012, Addis Ababa, Ethiopia, Decision EX.CL/Dec.681 (XX).

*** Replaced Roadmap (I) of 23 March 2005 and Roadmap (II) of 15 May 2009.

Policy Framework on Security Sector Reform (2013/2013)

Full title: African Union Policy Framework on Security Sector Reform

Date/place of adoption/conclusion: 2013, Addis Ababa, Ethiopia

Entered into force (EIF): 28 January 2013

EIF provision: Section L

Authentic texts: Arabic, English, French, Portuguese

Available online at: <https://bit.ly/3iMunYb>

* Adopted during the Twentieth Ordinary Session of the Assembly of the African Union, 27-28 January 2013, Addis Ababa, Ethiopia, Decision: Assembly/AU/Dec.472 (XX).

Common African Position on the UN Review of Peace Operations (2015)

Full title: Common African Position on the UN Review of Peace Operations

Date/place of adoption/conclusion: 29 April 2015, Addis Ababa, Ethiopia

Available online at: <https://bit.ly/3iDLRWK>

* Adopted during the Five Hundred and Second Meeting of the Peace and Security Council of the African Union, 29 April 2015, Addis Ababa, Ethiopia, Decision: PSC/PR/2(DII).

I. Towards a Shared Set of Principles as the Basis for AU-UN Partnership

1. Article 52(1), Chapter VIII, of the UN Charter provides for the “existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the purposes and principles of the United Nations.” The Charter encourages regional institutions to give priority to finding peaceful solutions to conflicts. However, the Charter reserves for the UN Security Council (UNSC) the right to authorize enforcement action. Article 53(1) states that “no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council...” Thus, all enforcement actions by regional organizations require the authorization of the UNSC, but even after such authorization, these organizations are obliged to keep the Council informed of their actions.
2. The challenge for the AU and the UN is how to apply the spirit of Chapter VIII without prejudice to the role of the UNSC, on one hand, and without undermining or otherwise curtailing the efforts of the AU to develop its own capacity to provide adequate responses to the peace and security challenges in Africa, on the other. What is the appropriate consultative decision-making framework, division of labor and burden-sharing that should be put in place, and how would these impact on peace operations, as undertaken by both the UN and the AU?
3. At the heart of Chapter VIII is the need to complement the international legitimacy and legality of the UN with the advantages embedded in regionalism. An innovative application of Chapter VIII would help to address the gaps in the international system that was crafted in the immediate post-1945 era, while taking into account the important changes seen since then.

4. For the African Union, relations with the United Nations in the area of peace and security should be viewed as a strategic partnership, based on: a) consultative decision-making; b) division of labor; and c) burden sharing.
5. Article 17(1) of the Protocol Relating to the Establishment of the Peace and Security Council [hereafter the PSC Protocol] cites Chapter VIII as the basis of its relationship with the UN. The PSC Protocol directs the PSC to cooperate with the UNSC, "...which has the primary responsibility for the maintenance of international peace and security." In a direct reference to burden-sharing, Article 17(2) of the PSC Protocol states that: "Where necessary, recourse will be made to the United Nations to provide the necessary financial, logistical and military support for the African Union's activities in the promotion and maintenance of peace, security and stability in Africa, in keeping with the provisions of Chapter VIII of the UN Charter".
6. The AU has identified a number of principles which it believes should underpin relations with the UN, to ensure that cooperation is not ad hoc but can proceed in a systematic, principled and predictable manner. These principles are:
 - (i) Collective security, in the context of Chapter VII of the UN Charter: Reaffirming the primacy of the United Nations Security Council in the maintenance of international security, the AU underscores that, when it intervenes in conflict and crisis situations on the continent, it is doing so on behalf of the UNSC and that, therefore, in the case of AU-led missions that are authorized by the UNSC, the UN has a duty to provide UN assessed contributions.
 - (ii) Support for African ownership and priority setting: In the spirit of mutual respect, it is critical to support and promote African ownership and priority setting on issues impinging on peace and security on the continent. Closer and consistent consultations between the decision-making organs of the two institutions, in particular the UNSC and the PSC, would contribute to ensuring that African ownership and priority setting is respected.
 - (iii) Partnership on the basis of i) consultative decision-making; ii) division of labor; and iii) burden sharing. The UN and AU should engage in a dialogue on all three elements to foster political coherence. Issues of legitimacy, division of labor and burden sharing will be clarified if this principle is accepted and applied in the relationship between the UN and AU. The same principle applies to the relationship between the AU and the Regional Economic Communities/Regional Mechanisms for Conflict Prevention, Management and Resolution (RECs/RMs). This is another important angle that should be factored into efforts to enhance the strategic partnership between the AU and UN. Efforts to achieve political coherence would be weakened if the role of the RECs/RMs is not properly situated in the partnership.

- (iv) Mutual respect and adherence to the principle of comparative advantage: Regional organizations have a strong comparative advantage in promoting peace and security in their neighborhoods. They are often better positioned to serve as first responders, given their proximity to conflict theatres. In light of this, two elements of this principle can be identified:
 - Political legitimacy: The political legitimacy of external actors is proving increasingly controversial as conflicts shift from inter-state to intra-state. External interventions are increasingly being viewed with reluctance by national actors for a range of reasons, including sovereignty, historical reasons and perceptions linked to impartiality.
 - Flexibility: Regional organizations have proven to be more flexible and adaptable in dealing with security challenges in their regions than other international organizations. In practical terms, these instruments provide the AU with the legal basis to respond to all forms of conflicts on the continent.
- (v) Division of labor underpinned by complementarity: The two institutions need to engage in dialogue to establish a mutually agreed division of labor to foster coherence and limit competition.

II. Institutionalizing the Strategic Partnership

7. The AU and UN are mutually dependent and have a shared strategic interest in establishing a close working partnership. Whilst this has been recognised by both organizations, at a practical level both the AU and the UN need to do more to systematize and institutionalise this partnership.
 - (i) The AU and UN should adopt as formal internal policy and practice the seeking out of each other's views and perspectives, as well as engaging in frank but constructive dialogue towards toward a common understanding on matters of common concern, genuinely seeking collaboration and cooperation in understanding the causes of, as well as the steps necessary towards preventing and addressing, conflict.
 - (ii) The Headquarters of both organizations should have regular high-level interaction among all relevant decision-making bodies. The UN has already taken significant steps in this direction, through the strengthening of the UN Office to the African Union (UNOAU). The AU will need to take the steps necessary to implement its decision, PSC XXX[September 2013] to strengthen the AU Permanent Observer Mission to the United Nations in New York.
 - (iii) Regular joint assessment missions, joint planning, joint evaluations and joint benchmarking exercises should be undertaken as a matter of course, and at all relevant levels, including by the Security Council and Peace and Security Council, as well as the AU Commission and UN Secretariat.
 - (iv) Joint policy documents should steer the overall relationship and specific policies or guidelines should be developed on aspects such

as conflict prevention, mediation, transitions from AU to UN peace operations, funding of UN Security Council endorsed African-lead peace operations, and post-conflict peacebuilding.

- (v) There should be better cooperation in the field, e.g. if both organizations have missions in the same theatre, they should exchange liaison officers; there should be joint operation or coordination centres wherever they would add value, and there should be an annual strategic coherence and alignment conference to agree on shared vision, medium-term plans and short-term priorities on specific conflict issues.

III. Shared Analytical Basis in Responding to Changing Conflict Dynamics

8. The conflict dynamics that the UN and African peace operations have to deal with continue to change rapidly and have become more complex and asymmetrical. Through the development of the African Peace and Security Architecture (APSA), in particular the Peace and Security Council (PSC) and the African Standby Force (ASF), the African Union and the RECs/RMs have become significant actors in international peace support operations. The AU and the RECs/RMs today are an important resource for the UN in the maintenance of international peace and security.
9. Guided by the UN Charter which underscores the principle of non-interference in the internal affairs of states as well as the primacy of the Security Council in the maintenance of international peace and security, and by the principles of impartiality, consent and the limited use of force in its peace operations, the UN is coming under pressure by the new forms of conflict it faces. The AU, which is a younger organization and has had to grapple with some of these issues, is in many ways better adapted to contemporary conflicts, as shown by example by its experiences in Somalia with the deployment of AMISOM. In order to better adapt to these changes in global relations, the AU, the RECs/RMs and the UN can work closer together through the establishment of effective mechanisms for the sharing of information and analyses on conflict situations, for instance by:
 - (i) Establishing a joint senior officials working group to map, track and analyse macro conflict and peace trends with a view to improving our understanding of how these trends emerge, develop and manifest, and the implications these changes may have for peace operations.
 - (ii) Establishing desk-to-desk joint working groups that can assess, map, track and analyse country specific vulnerabilities, including regional and external factors, so that the AU, the RECs/RMs and the UN will be in a better position to prevent outbreaks of violent conflict, and to take steps to help to build resilient states

- and societies that can cope with these emerging challenges without lapsing into violent conflict.
- (iii) Ensuring that the regular meetings of AU and UN Special Envoys convened by the AU Commission have more focused, concrete and measurable outcomes.
 - (iv) Consideration must be given to articulating complementary principles to the existing principles of impartiality, consent and limited use of force in peace operations, taking into account the changing nature of conflict. These new complementary principles should have as their starting point the protection of civilians, and the relationship between the peacekeeping operation and the political process, and the relationship with belligerent forces.
 - (v) Extending the Joint UN-AU Framework for an Enhanced Partnership in Peace and Security, signed by the AU Department for Peace and Security and the UN Office to the African Union (UNOAU) in March 2014, which addresses the steps to be taken towards harmonization of views between the two organizations across the full conflict cycle, to the entire AU and UN systems working in the area of peace and security.

IV. Strategic Coherence

10. While the AU and the UN have taken many positive steps to improve cooperation and coherence, including at the political (PSC-UNSC) and strategic (Commissioner-USGs) levels, more needs to be done. Strategically, the most important relationship is that between the UNSC and the PSC. Strengthening this relationship would entail that there should be a shared long-term vision of the crisis/conflict under consideration, as well as the steps needed to address it effectively, and the benchmarks to be attained before effecting a transition from an African-led to a UN peace operation.
11. Another area where more needs to be done is at the mission or country level. When the AU and UN both have missions in the same country, which is likely to be almost always the case in African conflicts (regardless of who has a political and who has a peacekeeping mission in place), there is a need to ensure strategic coherence between the AU and UN missions, as well as with other key actors in that space, such as the host state, as well as the EU, World Bank, AfDB, etc. Some of the steps that can be taken include:
 - (i) Ensuring regular and systematic consultations between the Chair of the PSC and the President of the UNSC on the issues on their respective agendas, to ensure greater harmony, coordination, and strategic coherence. Also ensure that a platform exists for emergency communication/consultation between the two Councils on emerging crisis situation.
 - (ii) Implementation of the previous decisions of the two Councils to encourage joint assessment missions to conflict situations/areas of mutual concern.

- (iii) Ensuring regular and systematic consultations between the Chairperson of the Commission and the Secretary-General of the UN Secretariat on matters of mutual concern, with a view to promoting joint actions where possible.
- (iv) At the mission level, establishing a process to develop a joint strategic framework for the country in question, consisting of joint assessments, a joint strategic level plan and a joint monitoring process. This should be an iterative process that generates an annual joint strategic plan or framework.
- (v) Where agreed, the AU and UN can consider appointing a Joint Special Representative that provides overall strategic leadership and coherence to both the AU and UN missions, that will be headed respectively by their own heads of missions. (vi) Formalization of the current practice of AU-UN jointly-chaired International Contact Groups.

V. Learning Together

12. The AU and UN can jointly undertake Best Practice assessments of issues relevant to both organisations and African TCCs and PCCs that contribute peacekeepers to both the AU and UN operations. Such cooperation can also strengthen the AU's internal capacity to undertake best practices and lessons learned assessments at the end of mission. Current issues of mutual interest include:
 - (i) In many contemporary conflict zones terrorists, criminal gangs, traffickers and armed groups or militias deliberately choose to use violence to pursue their objectives. Civilian populations, aid workers and increasingly peacekeepers have been targeted as a result. Both the AU and UN have lost peacekeepers due to new asymmetric threats such as improvised explosive devices (IED), the use of modern technology to promote the radicalization of local populations, in particular the youth, the nexuses emerging between armed groups and criminal organizations in conflict situations, and the emergence of new threats such as disease and mass migration, in the context of state fragility. The AU and UN can embark on a joint study of how best to prevent and counter these new kinds of threats.
 - (ii) Both the AU and UN have to deal with unintended consequences and negative side effects of peace operations, such as sexual exploitation and abuse (SEA), corruption, and other forms of misconduct by peacekeepers. The AU and UN can work together to share lessons and best practice and to exchange experiences and personnel. They can also develop a joint database that will help them both to ensure that they do not deploy individuals that have been involved in misconduct in previous missions.
 - (iii) The AU and UN now have an established practice of re-hatting African troop contributing countries (TCCs) and police contributing countries (PCCs) when the UN takes over from AU missions. The 2014 desk-to-desk transitions lessons learned

initiative that focussed on Mali and the Central African Republic (CAR) can be institutionalised by forming a “best practice working group on transitions”, with the aim of generating guidelines for future transitions as well as a joint AU-UN policy or directive on transitions.

- (iv) The AU and the UN should undertake a comprehensive assessment of the lessons learned in Somalia, with the deployment of AMISOM, the use of assessed contributions to support critical aspects of the operation, experience in the use of trust funds, and the coordination between the AU, the UN, neighbouring states and other key stakeholders, eg. the EU and NATO.

VI. Conflict Prevention

13. Conflict prevention is a priority for both the AU and the UN. While progress has been made in implementing existing policies and instruments, a number of challenges remain, not least the possibility of gaining appropriate entry points into tense situations likely to evolve into violent conflict. The AU in particular has, over the past two decades, adopted several instruments, mechanisms and policy documents on direct or operational prevention, as well as on structural prevention.
14. The changing nature of African conflicts, linked in part to governance challenges, gives the AU and its Regional Mechanisms a comparative advantage in the area of conflict prevention. This is all the more so as non-African interventions in areas viewed as “internal affairs” by the countries concerned, and hence a question of sovereignty, have proved problematic.
15. Against this background, the following are recommended:
 - (i) Regular exchanges between the AU Commission and the UN Secretariat on potential crisis and conflict situations, with the view to identifying appropriate entry points and facilitating harmonized responses by the two organizations.
 - (ii) Recognition of AU’s comparative advantage in addressing governance-related conflicts and mobilization of adequate UN technical and political support to AU-led efforts.
 - (iii) The UN should be encouraged to view AU mechanisms for conflict prevention, such as the Panel of the Wise and similar mechanisms at the REC/RM level, as resources to be used in pursuit of common goals, much the same way as the ASF is being viewed with regard to the generation of peacekeepers.
 - (iv) Support to the AU’s efforts towards the structural prevention of conflicts, through the implementation of AU’s instruments, especially those related to governance, elections, democracy, arms control and disarmament, and other related issues.
 - (v) Inclusion of an agenda item on conflict prevention in Africa in the agenda of the annual Joint Consultative Meeting of the PSC and the UN Security Council.

VII. Mediation

16. Traditional peacekeeping was deployed after the signing of a peace agreement, in order to monitor its implementation and to assist in the process of peace- and confidencebuilding in states emerging from conflict. However, increasingly, peace operations are deployed in situations where there is no peace to keep, in order to stabilize the situation and support the mediation process that can lead to a negotiated settlement. However, there are a number of challenges facing mediation and mediators in conflict situations.
17. The Constitutive Act of the African Union and the established practice of African solutions to African problems places a priority on political responses to imminent crises and actually occurring armed conflicts. The absolute priority of the African Union and APSA is to ensure a rapid and effective political response. This is also where the comparative advantage of the AU lies, relative to all external actors. The AU remains fundamentally committed to the principle that political solutions are necessary and preferable and that the dispatch of an armed peace support operation is a last resort, to be undertaken solely and exclusively in support of a political process. To that end, the AU underlines the primacy of the political and will maintain, at all times, the supremacy of political guidance over military peace operations.
18. The African Union reaffirms its commitment to the principles enshrined in its Constitutive Act, including the refusal of unconstitutional change in government, the promotion of democracy and inclusiveness, and the responsibility of member states to intervene in grave circumstances.
19. Current mediation efforts face a host of challenges. These mean that the conventional established models of mediation are less appropriate and viable than in the past, and that mediators must learn new skills, and must be prepared to be far more patient and creative.
20. The first challenge is the lack of viable national interlocutors, in the context of fragile, failing or failed states. This is further compounded by a tendency of armed movements to fracture in the face of political agreements. In the context of weak states, often the mediator is negotiating with states which do not exercise actual authority over parts of their territory, or which lack legitimacy.
21. Secondly, there is the challenge of integrating the peace mission and the peace process. In almost all peace missions in Africa, there is no clear political strategy underpinning the peace mission, beyond the immediate stabilization of the country. Consequently the relationship between the peace mission and the peace process is weak and lacks institutional clarity.

22. Thirdly, the mediator often finds him or herself faced with the need often incompatible demands of negotiating a quick end to the immediate hostilities, while at the same time promoting a comprehensive agreement that can address the underlying causes of the conflict. This is compounded by the demands of “deadline diplomacy”, in which parties, and mediators, often at the instigation of donors who are footing the bill, are pressured to reach agreement within tight specified timeframes, leading in some cases to premature substantive agreements that have little chance of being implemented.
23. Fourthly, coordinating the roles and activities of various mediators, in particular the AU and the UN, but also the AU and the RECs/RMs, as well as other multilateral and bilateral partners is proving to be difficult. The demands of managing these relationships and the multiplicity of actual or putative mediation actors can divert political attention and resources from the mediation. In 2011, an attempt was made to codify the ways in which to ensure cooperation between the AU and the UN through the adoption of a “Joint Mediation Guidelines Handbook”. The AU has attempted to address the issue of coordination of mediation efforts through the establishment of International Contact Groups (ICGs) bringing together the different mediators to coordinate approaches and strategies. The establishment of ICGs has led to an improvement in cooperation between the AU, the UN, EU and the RECs/RMs, and this mechanism should be improved, adapted and implemented for all mediation efforts in Africa. Finally, the “new wars” pose a significant challenge to the very premise of mediation, as an effort to find common ground between belligerents in a conflict.
 - (i) The AU and UN should revisit the AU-UN Mediation Guidelines, with a view to finalizing and adopting them.
 - (ii) The AU should systematize the practice of jointly-chaired International Contact Groups, and should enhance those already in existence, including through the establishment of joint secretariats to service them, as well as putting in place followup mechanisms. The experience of AU-UN cooperation in the mediation process and ICG in Central African Republic, through the G8-CAR, provides an instructive case study.
 - (iii) The question of comparative advantage and division of labour applies as much to mediation as to other aspects of peace operations, and the AU and UN should strive to reach a common understanding of what these are in each mediation context. The case of the African Union High-Level Implementation Panel on Sudan and South Sudan (AUHIP) provides an excellent example of seamless cooperation based on a shared understanding of the comparative advantage and division of labour between the AU, the UN and other interested parties towards the mediation process between Sudan and South Sudan.

- (iv) As the AU embarks on the development of a mediation roster, it should be able to draw on the UN's extensive experience in this regard.
- (v) The AU and UN, including the two Councils, should work together to reach agreement on how to deal with spoilers to peace processes.
- (vi) The AU and UN should consider the establishment of mechanisms and modalities to assess jointly compliance by Parties to a conflict with the agreement reached, as part of the mediation process.
- (vii) The AU and the UN should recognize that effective and successful mediation will need to be responsive to the changing dynamics of each conflict and mediation context, and two bodies should therefore seek to maintain a joint analysis and appraisal of the needs of the mediation as the process unfolds.

VIII. Financing of AU Peace Operations

24. The financing of African-led peace operations in a flexible, predictable and sustainable manner remains one of the most important strategic challenges facing the AU and UN, and more needs to be done to address this challenge directly. Ignoring it will only increase tension and undermine other aspects of the AU-UN strategic partnership. African peace operations represent local responses to global problems and effective African peace operations thus represent a significant contribution to the global common good. Moreover, Africa has become the largest single contributor to UN peace operations, contributing approximately 45 % of the UN's uniformed peacekeepers. Thus African capacities have become a critical resource for the success of the UN's own missions, and the failure to support the development of their capacity has deleterious effects for the UN. Moreover, as demonstrated by the AU and UN experiences in Mali and CAR, the failure to provide the AU with the necessary support to carry out the stabilisation mandate given to it by the UN Security Council, will result ultimately in the deployment of a UN mission into a situation that is not yet stabilized, and consequently that is not consonant with existing UN peacekeeping doctrine. The following recommendations address this key challenge:

- (i) The AU is committed to increase the proportion of the cost of AU peace operations covered by the AU and its Member States. It has launched an initiative to increase AU assessed contributions to AU peace operations, and also to seek alternative ways to finance the AU and its peace operations. To this effect, a number of decisions were taken during the most recent Summit in January 2015. In addition, AU Member States have in the past and are continuing to make significant contributions to peace operations by contributing troops and equipment and shouldering many of the hidden costs, such as the salaries, pensions and health care of the troops and police officers, including long-term health costs of those wounded;

the capital cost of new equipment, etc; and, most importantly, the lives of its peacekeepers. The AU, together with its partners, can assess the total actual contribution AU TCCs and PCCs are making and the alternative ways in which these contributions can be enhanced and resourced.

- (ii) At the same time, the international community, through the UN, has a duty to support AU operations. There are three ways in which the UN has supported AU operations in the past: through undertaking hybrid missions where the AU retains a political role in the management of the mission, but where the financial costs are fully funded by the UN through the normal process of assessed contributions (e.g. UNAMID); through deploying a UN support mission to indirectly support key elements, including logistics, of an AU mission (e.g. UNSOA), and by the UNSC authorising a UN Trust Fund that is dependent on voluntary contributions but that has the political backing of the UNSC. The AU, UN and key partners such as the EU and other major donors should assess these models and make recommendations regarding how they can be improved and adapted in the future.
- (iii) The AU's preferred model is the use of UN assessed contributions to support AU-led peace operations, premised on the conviction that the UNSC retains the primacy for the maintenance of international peace and security and that, in undertaking peace operations in the continent, the AU is responding to an international obligation and acting on behalf of the UN. The AU also fully shares the position articulated by the Report of the African Union-United Nations Panel on Modalities for Support to African Union Peacekeeping Operations (the "Prodi Report"), which stressed the need for equitable burden-sharing between the UN and the AU, and underlined the need for a shared strategic vision, if the two organizations are to be able to exercise their respective advantages.
- (iv) In addressing the funding issue, the two organizations should address also the doctrinal issues relating to interventions in situations where there is "no peace to keep." Such doctrinal differences between the AU and UN in deciding whether or not to deploy peace operations will have an impact on the use of UN assessed contributions.
- (v) The AU would also like to note that experience to date has shown that Trust Funds are neither reliable, predictable nor easily accessible, especially for high-tempo operations where troops on the ground are faced with well-resourced, determined and highly networked armed groups, the very types of operations that the AU has tended to deploy into, and which are not suited to UN peacekeeping doctrine.
- (vi) Even if it is not possible to have one preferred model, the AU and the UN can develop a predictable mechanism for addressing the financing of AU peace operations in future, i.e. a standing mechanism that can be activated when ever the need arises, and that can design a funding and support model that meet the needs

of the specific context at hand. The advantage of such a standing model is that those involved will build up institutional knowledge, best practices and avoid re-inventing the wheel.

IX. Supporting AU Peace Operations

25. The UN has provided some form of support to all the African missions to date. The AU has a very limited in-house capacity to support its own missions and will therefore have to rely on outsourcing and partnerships.
 - (i) The AU and UN should jointly embark on a work study to design an appropriate support model for AU operations. Such a model should give guidance on what kind of in-house mission support capacity the AU should develop, what kind of partnerships the AU can rely on, and what kind of outsourcing arrangements the AU need to prepare for.
 - (ii) The UN should make some of its Department of Field Service capabilities available to the AU, including its Brindisi and Entebbe logistical depots. The UN can include the AU in some on-call procurement arrangements, for instance strategic airlift, etc. The AU and UN can undertake a joint study of which UN Department of Field Support (DFS) capabilities can be made available to the AU on a partnership basis, including through the use by AU missions of assets available in neighbouring UN missions on the ground, and what legal and other procedural steps would be necessary to manage such a partnership.
 - (iii) The issue of support needs also to address the issue of standards and their harmonization, bearing in mind the need to ensure both that AU operations meet all required international standards, while at the same time allowing for flexibility, it being understood that the different environments in which AU operations, especially peace enforcement operations, are deployed, entails a different set of standards from traditional peacekeeping operations.

X. Transitions from AU to UN Operations

26. The idea behind the notion of transitions is that they occur once certain benchmarks, related to stabilization, have been met. Lessons learned from recent transitions in Mali and CAR have exposed both challenges and opportunities for promoting a seamless transition from AU peace support operations to UN peacekeeping. In some cases, benchmarks for transition were neither properly nor jointly conducted, nor informed by improvements in the security conditions on the ground before the deployment of a UN peacekeeping mission. Drawing from experiences of recent transitions, from AU to UN missions as well as current interactions in going AU operations, the AU makes following recommendations:
 - (i) There is an imperative for both the PSC and the UNSC to enhance early consultations well in advance of an adoption of a UNSC

- resolution authorizing a transition from an AU peace support operation to a UN peacekeeping mission.
- (ii) At a technical level, it is important for both the AU Commission and the UN Secretariat to be aware that they are working towards a common vision and objective to promote sustainable peace in Africa. Accordingly, both organizations must develop a more institutionalized practice for early pre-mandate consultations and assessment, collectively develop strategy documents and agree on appropriate benchmarks for transition. This would prevent questions about possible discrepancies between AU and UN standards in the re-hatting of uniformed and civilian personnel and ensure that the transition process is informed primarily by the improvement of the security conditions on the ground.
 - (iii) The UN needs to articulate clearly the *modus operandi* of its support regime to AU peace operations and should seek to adapt its support rules to suit the liquidation process of AU high intensity operations. The transition from AU to UN peacekeeping missions does not end with a transfer of authority ceremony. Rather, transition means that the AU will require continued support both in the liquidation of some of its assets as appropriate, including through enhanced collaboration between the UN and the AU after the re-hatting, usually through the establishment of a political office.
 - (iv) Even after a mission has been re-hatted as a UN mission, the role of the AU remains relevant, especially as part of the political process and post-conflict reconstruction of the country.

XI. Sustainable Post-Conflict Reconstruction and Development

27. Ten years after the establishment of the UN's Peacebuilding Commission (PBC) and nine years after the adoption of the AU's policy on Post-Conflict Reconstruction and Development (PCRD), a number of challenges remain, as shown by the relapse of some post-conflict countries into violence. All the countries on the UN PBC country configuration agenda over the last decade have been from Africa. African countries have received approximately 80% of the UN Peacebuilding Fund's allocations over the 2007-2014 period, and approximately 70% of the UN's Special Political Missions have been in Africa. The AU, through its Post-Conflict Reconstruction and Development Framework (PCRD) and its African Solidarity Initiative (ASI) that encourages South-South cooperation, and the UN through its Peacebuilding Architecture (PBA) and Special Political Missions (SPMs) have much to learn from each other's approaches and experiences, and from seeking greater cooperation, collaboration and complementarity.
 - (i) The UN Peace Operations Panel and the UN Advisory Group of Experts (AGE) that are undertaking a review of the UN's peacebuilding architecture should consider what needs to be done

to ensure that the UN's peacebuilding work is well connected and complementary to the AU's PCRD and ASI work streams.

- (ii) The Panel and the AGE should consider how the UN PBC and PBF can enhance its complementarity and support to the AU, RECs/RMs and African civil society. The engagement between the PBC and the African Union's Peace and Security Council in 2014 should be institutionalised in an annual meeting on peacebuilding in Africa to seek greater coherence on strategic priorities between the PBC and PSC.
- (iii) These high-level exchanges need to be underpinned by a desk-to-desk exchange between the UN's Peacebuilding Support Office, the relevant departments in the AU Commission, and relevant parts of the RECs/RMs.
- (iv) The UN PBC should encourage the efforts of the African Solidarity Initiative to develop its database of support from African countries to others emerging from conflict, it being understood that resources and support extend beyond financial, to include experience and other "soft skills" that are appropriate to the needs of countries emerging from conflict. The PBC should also seek to use these types of skills in its own peace building efforts in African and non-African countries on the PBC's agenda.

XII. International Justice

28. Since the ratification of the Rome Statute in 1998 and the subsequent establishment of the International Criminal Court (ICC) in 2003, there has been a shift in understanding of the concept of "transitional justice." Originally "transitional justice entailed an understanding of how states manage their transitions from conflict through alternatives to prosecution, often rooted in historical cultural practices, precisely as a way to avoid appearances of impunity and to provide a form of justice appropriate to delicate and complex political transitions. Now, with the arrival of the ICC, the main approach to transitional justice privileges prosecutions as a normative response to certain offenses, even in contexts where prosecutions can pose a threat to stability in fragile transition situations.

- (i) The UN should support the AU in the latter's efforts to articulate more fully the intersection and prioritising of peace, justice and reconciliation as it obtains on the African Continent, and should view the AU's efforts as a contribution to the global search for principled responses to the challenges of the new conflicts the world faces.
- (ii) The UN should support the AU's efforts to enhance its capacity to prosecute and adjudicate serious crimes.
- (iii) The UNSC should treat with the seriousness they deserve the AU's decisions and requests to defer cases before the ICC in order to ensure that peace efforts are not undermined.

XIII. Women, Peace and Security

29. Conflicts today unfortunately involve the commission of mass atrocities targeted against civilians. Women and girls in particular have tended to be targets, through the use of rape, enforced pregnancy, and enslavement for sexual and non-sexual purposes. In addition to this, there have been numerous instances where peacekeepers have been accused of committing sexual abuse and exploitation of vulnerable women in displaced persons camps.
30. UN Security Council Resolution 1325 (2000) is the cornerstone resolution on women, peace and security, further reinforced by consequent resolutions on issues related to women participation to peace processes, protection of women from violence and respect of their rights. Together these resolutions create the Global framework for the agenda on Women, Peace and Security. The challenge facing us is how to ensure their concrete and effective implementation, in Africa and globally. In Africa, this framework is supplemented by the AU's own instruments, including the AU Solemn Declaration on Gender Equality in Africa (SDGEA), the Maputo Protocol, and the Africa Decade for Women. Based on the above, the AU makes the following recommendations:
 - (i) Determine a minimum threshold of the proportion of women to be included in peacekeeping operations, all the while ensuring that their basic and specific needs are understood and fulfilled, including the need to be protected from sexual harassment or any other forms of violence against women, and provide facilities to communicate with families on a regular basis.
 - (ii) Increase the proportion of the women in the police component of peace operations, and involve them from the beginning of missions, since experience on the ground has shown that women peacekeepers reassure communities and in particular women victims of the conflict in areas where violence against women has been used as a weapon of war.
 - (iii) Ensure that the terms of reference of mediation and peace building processes have a clear component of women participation, as the basis of their delivery and accountability towards the implementation of the women, peace and security agenda.
 - (iv) The UN and the AU should develop specific tools for the mediation, which can be provided to mediation teams to help increase their understanding and commitment on the issue of women's participation in peacemaking.
 - (v) Work proactively with security and armed forces in Member States hosting peace operations as well as TCCs, to make training programmes on women, peace and security a mandatory part of the curricula for their regular training and not only when they are being prepared for peace support operations. Individual and troops accountability should also be stressed during these trainings.

The AU has already begun to integrate such training into its ASF programme.

- (vi) Invest in conflict prevention and in women's prevention initiatives, particularly in environments that are prone to violence, such as during election periods, and strengthen the participation of women through initiatives such as Women's Situation Rooms, and platforms focused on disseminating information about violence against women in conflict and crisis situations.
- (vii) Ensure that perpetrators of violence against women are held accountable and hence effectively apply zero tolerance policies and act on ensuring accountability thus to end impunity for such crimes. In the case of sexual violence and abuse perpetrated by peacekeepers, the mandating authority (eg. the UN or the AU) should exercise accountability and justice, rather than the TCC, as has been the case to date.
- (viii) Seek to address the scourge of sexual and gender based violence more holistically, as an often deeply engrained societal phenomenon, which requires, among others, the promotion of attitudinal changes and engagement of young males in particular.

Agenda 2063 Framework Document (2015)

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Excerpts

Chapter 1: Introduction

...

Agenda 2063, the continent's shared strategic framework for inclusive growth and sustainable development, takes account of past achievements, challenges and opportunities at the national, continental and global levels to provide the basis and context in which the continent's transformation is being designed and implemented, including:

...

- **An African turning point**, with the end of the Cold War and the destruction of apartheid in Namibia and South Africa, reigniting Africa's determination to end wars and conflicts, to build shared prosperity, to integrate, to build responsive and pluralist democratic governance and to end the continent's marginalization and return to Africa's priorities through the adoption of the New Partnership for Africa's Development and the transformation of the OAU into the African Union. Thus over the last decade Africa has experienced sustained levels of growth, much greater peace and stability and positive movements on several human development indicators. Africa must sustain and consolidate this positive turnaround, using it as a springboard to ensure its transformation and renaissance.
- **The continuities and changes in the African development paradigm and dynamics**, reflected in post-independence state - and nation-building, industrialization and modernization efforts, the fight against disease, and poverty; the focus on deepening Africa's appreciation of its many, diverse assets and the push for integration, as captured in the OAU Charter, the Monrovia Declaration, the Lagos Plan of Action and NEPAD; the sectoral policy frameworks, strategies and architectures including agriculture, peace and security, infrastructure, science and technology, governance, industrialization, education, social policy, culture, sports and health and in normative frameworks around human and people's, children's and women's rights.

Chapter 2: The Vision and African Aspirations for 2063

- 2.1. African Aspirations for 2063 Africans of diverse social formations and in the Diaspora affirmed the AU Vision of "an integrated, prosperous and peaceful Africa, driven by its own citizens and representing a dynamic force in the international arena" as the overarching guide for the future of the African continent. Further, they reaffirmed the relevance and validity of the OAU/AU 50th Anniversary Solemn Declaration.

The converging voices of Africans of different backgrounds, including those in the Diaspora have painted a clear picture of what they desire for themselves and the continent in the future. From these converging voices, a common and a shared set of aspirations has emerged:

1. A prosperous Africa based on inclusive growth and sustainable development;
2. An integrated continent, politically united, based on the ideals of Pan Africanism and the vision of Africa's Renaissance;
3. An Africa of good governance, respect for human rights, justice and the rule of law;
4. A peaceful and secure Africa;

5. An Africa with a strong cultural identity, common heritage, values and ethics;
 6. An Africa whose development is people-driven, relying on the potential of African people, especially its women and youth, and caring for children; and
 7. Africa as a strong, united, resilient and influential global player and partner
- ...

Aspiration # 4: A peaceful and secure Africa

By 2063, Africa will emerge as a peaceful and secure continent, a conflict-free continent with harmony and understanding among communities at the grassroots level. Inter-state and intra-state wars will be fully eliminated and mechanisms put in place to prevent and/ or immediately resolve any kind of inter-community conflict; and organized crime, terrorism (a major hindrance to peace and development) and other forms of criminal networks, such as piracy fully controlled. Africa will be a drugs-free continent, with no human trafficking. Diversity (ethnic, religious, economic, cultural, etc.) will be a source of wealth and accelerated economic growth rather than a source of conflict.

A prosperous, integrated and united Africa, and an Africa based on good governance, democracy, and respect for human rights, justice and the rule of law are the necessary pre-conditions for a peaceful and conflict-free continent.

A peaceful and secure Africa will be achieved through ensuring that by 2063, Africa will have in place:

- Entrenched culture of peace;
- Security and safety for all citizens; and
- Appropriate majority contributions in defending the continent's security and interest.

By 2020 all guns will be silenced. By 2063, all conflicts emanating from ethnic, religious, cultural diversity and all forms of social exclusion will have been eliminated. National and other mechanisms for peaceful resolution of conflicts will be in place and a culture of peace will be nurtured in Africa's children through integration of peace education in all school curricula.

Africa will have well-built mechanisms for conflict resolution, conflict de-escalation and threat minimization. The norms of alternative dispute resolution mechanisms for inter/intra and cross border conflict arbitration/negotiation schemes will be in place by 2020.

Africa will have in place cooperative mechanisms for dealing with transnational criminal activities such as drug trafficking, money laundering,

cybercrimes, terrorism and related activities through simplification of legal measures, including the putting in place of an African Arrest Warrant System by 2020 and a system for exchange of information.

The continent will have witnessed improved human security with sharp reductions in per capita violent crimes. For Africa's citizenry improved security will be the norm with safe and peaceful spaces for individuals, families and communities.

There will be complete and full civilian control of the uniformed services. Capable, professional and dedicated security services will be the norm and in place across the entire continent.

By 2063, Africa will have the necessary capacity to secure its interests by ensuring a peaceful and a militarily strong continent. Africa will possess strong security with a continental defence and security policy and strategy, so that the continent is capable of defending itself.

African land, air and sea forces for peace and conflict resolution under the appropriate United Africa authority will be established and fully operational. At the same time, national peace structures and mechanisms with standing capacities for conflict prevention and mediation, as well as the enhancement of the African Union capacities in peacekeeping, post conflict activities and peace building will be in place. An African Naval Command will be place to ensure that Africa's maritime interests are secure. Cyber security will be embedded in Africa's security framework, so that protection and defence capability is comprehensive and inclusive.

The present AU peace and security arrangements, their underlying philosophy, operational institutions as well as the partnerships that underpin them will be fully in tune with the realities on the ground and respond to the needs of ending conflicts and securing enduring peace. The African Peace and Security Architecture will be fully operational and supported principally by African resources.

...

Aspiration # 7: Africa as a strong, united, resilient and influential global player and partner

Africa will emerge as a strong, united, resilient and influential global player and partner with a bigger role in world affairs.

By 2063, Africa will:

- Be a major partner in global affairs and peaceful co-existence; and
- Take full responsibility to finance her growth and transformation; and will not be donor dependent.

Africa as major partner in global affairs and peaceful co-existence

The African continent will assume its rightful place in assuring global peace and security through its permanent seats on the UN Security Council with all the privileges of permanent membership category, and with a deepened south-south cooperation based on a Common African Foreign Policy. There will be a strengthened African presence in other multilateral fora such as the IMF and World Bank, as well as on those relating to global and regional security.

There will be a self-re-empowerment of Africa; Africa determining its own future, leading its agenda and developing effective partnership frameworks with its external partners.

The new strategic role and place of Africa in the global arena will be based on mutually beneficial partnerships with the outside world. A United Africa will strengthen its capacity and role in global negotiations in the global economic, environment, security and social negotiations, as well as on the reforms of the multilateral institutions including the UN Security Council based on the African common position enshrined in the Ezulweni consensus and the Sirte Declaration.

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Chapter 3: Africa the Last Fifty Years and the Present: Progress, Challenges and Implications for Agenda 2063

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This chapter analyses in four parts the progress, challenges and opportunities facing the continent in the context of attaining the vision for Africa in 2063.

...

Part II takes stock of where the continent stands today; the progress and the challenges. The stocktaking is based on the seven aspirations outlined in chapter two, covering, social, political and economic development, as well as democracy and governance, peace and security, women and youth issues, culture, as well as Africa's place in the global context.

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The African Union

Some of the main challenges faced by the OAU, particularly in the political field, were a combination of its strict adherence to the principle of non-interference in Member States, its subordination to the interests of Member States and persistent financial difficulties. The Sirte Declaration of 1999 was a major effort to reform the organization.

The Constitutive Act of the African Union incorporates the objectives of both the OAU and AEC's and brought in new elements, under its

principles. These included more participation of the African citizens in the activities of the Union; the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, such as war crimes, genocide and crimes against humanity. These were in addition to “the right of Member States to request intervention from the Union in order to restore peace and security; peaceful co-existence of Member States and their right to live in peace and security; and promotion of self-reliance within the framework of the Union”. All this enabled the AU to perform better.

The AU has been able to put in place many important organs, such as, the Pan-African Parliament; the African Court of Justice; the Commission on Human and Peoples Rights; the Peace and Security Council; the Economic, Social, and Cultural Council. It has enhanced not only the involvement of people, including the Africans in the diaspora, but also its relations with Regional Economic Communities (RECs). Above all, Member States have agreed on the AU vision of “an integrated, prosperous and peaceful Africa, driven by its own citizens and representing a dynamic force in the international arena”.

...

3.2.4. A peaceful and secure Africa

Under this aspiration, Africa is envisaged to emerge as a conflict-free continent with harmony among communities at the grassroots level and inter-state and intra-state wars eliminated and mechanisms put in place to prevent and/ resolve conflicts. Diversity (ethnic, religious, economic, cultural, etc.) would be a source of wealth and accelerated economic growth rather than a source of conflict.

The importance of ensuring peace, security and stability of the continent was recognized by the OAU from the very beginning of its existence. It established the Commission of Mediation, Conciliation and Arbitration as well as the Defence Commission and later the Central Organ and its Mechanism for Conflict Prevention, Management and Resolution. Thus peace and security have been at the heart of concerns of Africa’s leadership from the very start.

For many decades, many African countries struggled with the challenges of deficits in governance, in the form of weak institutions, constricted political spaces and non-inclusive processes. These, alongside other factors, such as ethnicity, combined with exogenous factors, particularly the Cold War, made Africa’s peace and security landscape particularly volatile. The continent was the theatre of numerous inter-state conflicts, which were only overtaken both in frequency and intensity by intra-state conflicts after the end of the Cold War.

Many of the armed conflicts in the early decades after independence were fuelled by external interests and had their roots in economic factors. For example, mineral - rich areas were encouraged to secede with support of external forces to facilitate their easy access to these resources (e.g. Shaba in DRC in the 1960s)⁵³. These conflicts left behind a legacy of failed and ungovernable states, insecurity and lack of development, the effects of which are still being felt today.

A deplorable effect of conflict and insecurity in Africa is the forced displacement of millions of people, particularly women and children, coupled with the use of sexual violence as a weapon of war and the phenomenon of child soldiers. These displacements predated the colonial times and continue today. Today, there are nearly 3.4 million refugees and 5.4 million internally displaced persons, and this combined with stateless people brings the total number of the forcibly displaced to 11million in Africa in 2014.

Africa's conflicts also led to the diversion of resources away from critical development imperatives. For example, in some countries, there were prolonged periods of conflicts lasting over 20 years (Angola, Mozambique, Sudan), during which a great proportion of the country's resources were directed to the war efforts. Africa's regional and sub-regional organizations, the OAU/AU and the regional economic communities (RECs), dedicated much of their efforts on peace and security issues at the expense of pursuing their primary mandates of accelerating the continent's economic development and integration. Similarly, Africa's engagement with the rest of the world was generally dominated by calls for the international community to underwrite the cost of the continent's conflicts, as well as to pressure its leadership to get its governance right.

Over the last decades however, there has also been a remarkable overall decline in the number of conflicts on the continent, despite the intractable character of several old conflicts and the emergence of new ones, in places such as South Sudan, Central African Republic and Eastern Democratic Republic of Congo. These positive changes have been bolstered by the sustained economic growth in a number of countries, the increasing trends towards electoral democracy as opposed to unconstitutional changes of government, and the progress made in combating corruption in many countries.

Significantly also, although Africa continues to solicit the support of the international community in the management of its conflicts, the continent has, in the past decade and half, through the African Union, successfully put in place an elaborate peace and security architecture (APSA) intended to address the entire gamut of Africa's peace and security challenges, from

prevention, through conflict management to post-conflict reconstruction and development.

The APSA complements the African Governance Architecture (AGA) and together, they hold great promise in the entrenchment of well-governed, secure and peaceful African states, which would facilitate the emergence of the Africa envisioned in Agenda 2063.

Yet, despite these significant achievements, the continent still faces tremendous challenges, particularly evidenced by recent increases in conflict since 2010, as well as violence and civil protests with potentials to degenerate into civil wars⁵⁴. Incompatibility of positions, competition over scarce resources, behavioural characteristics and mutually opposed goals are some of the factors driving conflicts. Thus the need to build conflict resolution, conflict de-escalation and threat minimization mechanisms, as well as alternative dispute resolution mechanisms for intra/inter and cross border conflicts.

There are also increasing threats posed by emerging transnational crimes such as terrorism and violent extremism, drug trafficking, piracy, illicit arms proliferation, human trafficking and smuggling, and money laundering. Other threats include: the rise in urbanization, social exclusion and unemployment; conflicts over trans boundary resources (e.g. water, oil, gas and minerals); and the impact of climate change and other factors (e.g. population growth) is triggering new conflicts over resources.

AU instruments and decisions pertaining to peace, security and governance provide a solid framework to address the current challenges to peace and security. However, there is a serious lack of a culture of implementation of these instruments and decisions. In this respect, there is a crucial need for a scrupulous and systematic implementation of instruments and decisions adopted by AU and RECs policy organs.

The organization in response to the persistent problem of forced displaced developed landmark instruments as such as: (i) The 1969 OAU Convention Governing Specific Aspects of Refugee Problems in Africa; and (ii) the 2009 AU Convention for the Protection and Assistance of Internally Displaced Persons in Africa, considered the first such legal instrument of its kind. Nonetheless, issues of forced displacement including many protracted refugee situation continue to plague many parts of the continent and urgent measures are needed to tackle the root causes as well as find durable solutions for those affected.

The importance of good governance and functional democracy in preventing and effectively managing conflicts cannot be overstressed. Most of the conflicts in Africa occurred due to deficiencies in ensuring

accountable, transparent and inclusive governance systems, as well as inadequate efforts to address the challenges of poverty and inequality. It is clear that addressing poverty and deficits in governance will go a long way in reducing conflicts and strengthening peace and security of persons, communities and nations and contribute significantly to the socio-economic transformation of the continent envisaged under Agenda 2063.

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3.2.7 Africa as a strong, united, resilient and influential global player and partner

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Global governance

Global governance matters a great deal for Africa as decisions made in global institutions and forums have a direct impact on the wellbeing of Africans and their continent. Yet Africa has to date been a marginal player in the governance of global institutions. This is particularly so with respect to international peace and security, economics, environment, and trade issues, and in other areas.

- International peace and security: will remain for Africa a key priority for the foreseeable future. In particular, the decisions of the UNSC have direct consequences on peace and security on the continent. For example, more than half the resolutions passed by the UNSC in 2011 were directed at Africa. Yet the continent is not among the Permanent Members, and African members of the Council have no veto power. For Africa, the reform of the UNSC is therefore an urgent priority.

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3.3. Lessons from Responses to Africa's Development Challenges at National, Regional and Continental Levels

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Continental level priorities

The AU Constitutive Act, which identifies priority areas, form the basis for the development of continental frameworks such as the PIDA, CAADP, the African Mining Vision, the African Governance Architecture and the African Water Vision amongst others. A review of these frameworks identifies the following priority areas at the continental level:

...

- Peace and security: standby force; alternative mechanisms for conflict resolution.

Conclusions and lessons for Agenda 2063

From the review undertaken, a number of conclusions and lessons emerge.

- (a) At national level, there is strong convergence on some of the

key priorities that are addressed by plans of member states. The priorities reflected in most Member States plans include: inclusive economic growth/wealth creation; human capital development; employment; governance/public sector reform; and Gender, women and youth/social protection.

- (b) However, there are areas unique to some Member States, reflecting their national circumstances and interests. For example, member states coming out of civil wars / national strife, tend to place greater emphasis on peace and stability and post conflict reconstruction; island countries focus on issues related to the blue economy; while landlocked countries pursue issues related to regional integration in transport infrastructure.

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Chapter 4: Agenda 2063: Goals, Priority Areas, Targets and Indicative Strategies

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4.4. The Agenda 2063 Flagship Programmes

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The Key Agenda 2063 Flagship programmes agreed to by Africa's political leadership are the following:

...

(vii) Silencing the Guns by 2020: aims to fulfil the pledge of the AU Heads of State and Government meeting on the occasion of the Golden Jubilee Anniversary of the founding of the OAU, "not to bequeath the burden of conflicts to the next generation of Africans, "to end all wars in Africa by 2020" and "make peace a reality for all African people and rid the continent free of wars, end inter- and intra-community conflicts, violations of human rights, humanitarian disasters and violent conflicts, and prevent genocide."

...

Chapter 5: Critical Factors for Success, Potential Risks and Mitigation Strategies

...

5.2. Risks, Threats and Mitigation Strategies

Existing and new threats faced by the continent, include scrambles for its resources in the face of changing global demands and demographics; undue external influence in the affairs of the continent; Africa's disproportionate burden of the impact of climate change; and the huge scale of illicit outflows of African resources and capital.

More specifically, the key risks/ threats are:

- (a) **Conflict, instability and insecurity:** in the past 50 years, many African countries have experienced varying degrees of conflict and insecurity caused by, among others,: (i) lack of sound governance and democracy; (ii) poor management of diversities – ethnic, religious; (iii) severe competition over scarce resources (land, minerals, water, timber, etc.); (iv) poor economic management; and (v) natural and man-made disasters. Although many African countries are stable and much stronger today compared to the immediate post-independence years, the threat of state fragility lingers on with potential to spill over to neighbouring countries. The new trend in politics associated with the “street” can have a destabilizing effect if not properly managed.
- ...
- (c) **Organized crime, drugs trade and illicit financial flows:** in the past decade, international drug cartels have used West Africa as a major transit route to Europe. The United Nations Office for Drugs and Crime has estimated that at least 50 tons of cocaine worth some US\$2billion from Latin America transits through West Africa every year. The trade has corrupted government officials and the military in some countries. The proliferation of maritime piracy in Africa has also been closely related to state fragility. Today maritime piracy is staged mainly from two regions of Africa: the Horn and the Gulf of Guinea. Similar to drug trafficking, piracy also distorts regional economies. For example, Kenya’s tourist industry was seriously affected by the activities of the pirates and the government was forced to take extraordinary measures. Illicit financial flows divert much needed finance away from development of Africa to elsewhere in the world.
- (d) **Poor management of diversities; religious extremism, ethnicism and corruption:** since the creation of the OAU, Africa has been successful in forging solidarity and building upon shared values and history while taking full cognizance of her diversity (economic wealth, stage of development and culture). However, religious extremism, ethnicism and corruption have compounded the challenges of managing diversity because of sharp economic and social rifts they create among groups.
- ...
- (f) **Escalation of Africa’s disease burden:** A combination of several factors including inadequate investments in public health system, its geographic location, i.e., largely tropical location, poverty, poor nutrition and sanitation have exposed Africa to disproportionately heavy disease burden compared to other developing countries. New viruses and diseases may also emerge in the future.
- (g) **Climate risks and natural disasters:** Climate change will continue to adversely impact Africa’s development for many years to come.

In 2007, the Inter-Governmental Panel on Climate Change (IPCC) declared Africa as one of the most vulnerable continents to climate change and climate variability, a situation aggravated by the interaction of multiple stresses at various levels and the continent's low adaptive capacity. Africa has also limited capacity for disaster preparedness and prevention, and every natural disaster leaves a trail of human and material destruction. There are also substantial risks of land grabs and privatization of the commons, which would accentuate vulnerability to climate risks.

...

5.3. Global Mega Trends and Forces

...

Climate change and the low carbon economy

Climate change impacts on Africa are expected to be severe, pervasive, cross-sectoral, long-term, and in several cases, irreversible. IPCC estimates median temperature increases of 3°C to 4°C for Africa, one-and-a-half times greater than the global mean increase of 2.0°C and 4.5°C by the end of the century, which, among other things, will force Africa's fish to migrate to European waters. It will also threaten Africa's fragile peace and security through worsening environmental stress, inducing population displacement, spontaneous large-scale migration, land encroachment, and creating refugees.

Sea level rise and erosion of coastal areas are predicted to severely impact major African cities: Abidjan, Accra, Alexandria, Algiers, Cape Town, Casablanca, Dakar, Dar es Salaam, Djibouti, Durban, Freetown, Lagos, Libreville, Lome, Luanda, Maputo, Mombasa, Port Louis, and Tunis. Small Islands are also particularly vulnerable.

Over all, the prevalence and severity of extreme events such as heat and cold waves, dust storms, severe winds, floods, droughts, greater rainfall variability and patterns are expected to distort traditional crop cycles, and diminish agricultural and industrial raw materials productivity as well as export earnings, and increase plant and animal pests and diseases.

Natural resource depletion and demand shifts

Deforestation results in significantly environmental degradation, diminished earnings with negative social and environmental consequences, including: deterioration of ecological systems with resulting negative impacts on soil fertility, water availability and biological resources and acute shortages of fuel wood and construction material in many parts of the continent.

While managing natural resource scarcities and abundance has the

potential to define Africa's development, peace and security agenda, Africa's challenges and opportunities include:

- Water scarcity: which can trigger conflicts and crisis;
- The scramble for Africa's vast arable land resources;
- Mineral processing technologies - improving efficiency of resource exploitation (yield rate); and developing applications for lower grade ore; and
- Blue/ocean economy, including deep sea mining and reclaiming Africa's maritime heritage.

...

African Peace and Security Architecture (APSA) Roadmap 2016-2020 (2015)

Full title: African Peace and Security Architecture (APSA) Roadmap 2016-2020

Date/place of adoption/conclusion: December 2015

Available online at: <https://bit.ly/2ZQyA4B>

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Full title: Master Roadmap of Practical Steps to Silence the Guns in Africa by Year 2020

Date/place of adoption/conclusion: 9 November 2016, Lusaka, Zambia

Available online at: <https://bit.ly/3iH3xAS>

* Developed by the Peace and Security Council during its Retreat on Practical Steps to Silence the Guns in Africa by 2020, 7-9 November 2016, Lusaka, Zambia

** Endorsed by the Twenty-Eighth Ordinary Session of the Assembly of the African Union, 30-31 January 2017, Addis Ababa, Ethiopia, Decision: Assembly/AU/Dec.629 (XXVIII) and Decision: Assembly/AU/Dec.630 (XXVIII).

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