

# Chapter 7

## The Economic Community of Central African States

### 1 Introduction

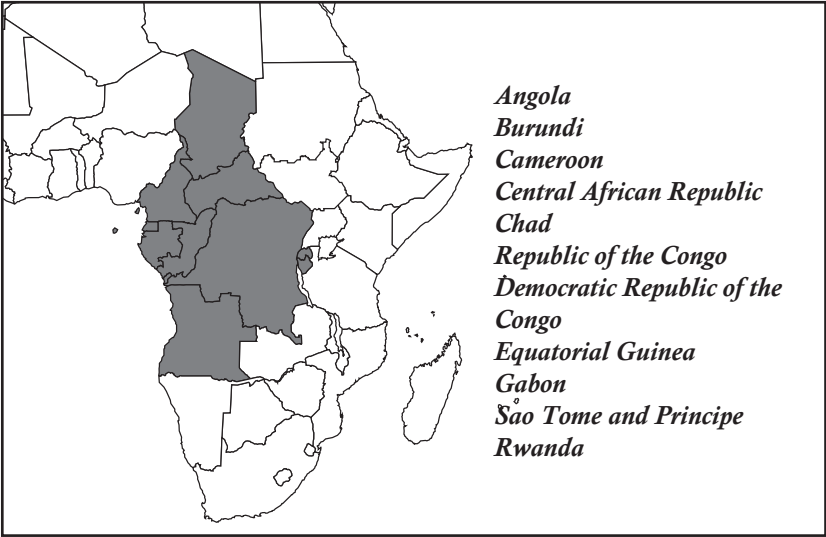
In December 1981, leaders of the Customs and Economic Union of Central Africa (*Union Douanière et Économique de l'Afrique Centrale (UDEAC)*) decided on a wider regional economic integration strategy. On 18 October 1983 in an attempt to realise their efforts and together with the Economic Community of the Great Lakes Region, the Economic Community of Central African States (ECCAS) was established. Owing to regional conflicts particularly in the Great Lakes Region combined with a lack of financial commitment by member states, a period of inactivity dawned upon ECCAS. The organisation was subsequently “resurrected” in 1998 when the Heads of State and Government at the Second Extra-Ordinary Summit of ECCAS committed to re-establish cooperation and revive the organisation. Since then, the organisation has taken several measures at regional integration as well as enhanced its efforts at stabilising peace and security within the region.

ECCAS is composed of five principal organs: the Conference of Heads of State and Government, the supreme organ of ECCAS; the Council of Ministers, responsible for the functioning and development of the organisation; the Court of Justice; the General Secretariat; and the Consultative Commission. In February of 1999, ECCAS adopted the Protocol Relating to the Peace and Security Council of Central Africa (COPAX). COPAX in turn established the ECCWAS Peace and Security Council as the central organ responsible for regional stability. COPAX is composed of three entities: the Commission for Defence and Security (CDS), the Central African Early Warning System (MARAC), and the Central African Multinational Force (FOMAC). At the organisation's Tenth Ordinary Summit of Heads of State and Government in 2002, ECCAS adopted the Protocol Establishing the Network of Parliamentarians of the Economic Community of Central African States (REPAC). The establishment of REPAC was in part due to the organisation's aims at fostering a renewed interest in human rights particularly under its peace and security objectives. REPAC therefore serves as a forum which may by its own initiative examine and give opinions on objectives relating to the ECCAS Treaty, including issues relating to respect for human rights

and basic freedoms, social integration, revision of the ECCAS Treaty, women's emancipation, recognition of minority rights, and community health policies. During the 2002 Summit, ECCAS also adopted standing orders for the CDS, MARAC and FOMAC. Additionally, ECCAS has also adopted a non-aggression pact and a mutual assistance pact among its member states.

The ECCAS membership involves member states part of three other organisations, most notably, six member states part of the Economic and Monetary Community of Central Africa, the successor to UDEAC, Angola and the Democratic Republic of the Congo which are also members of the Southern African Development Community, and Rwanda, which is part of the Eastern African Community.

**Member States**



## 2 Treaties

### **Treaty Establishing the Economic Community of Central African States (1983)**

Full title: Treaty Establishing the Economic Community of Central African States

Date/place of adoption/conclusion: 18 October 1983, Libreville, Gabon

Entered into force (EIF): 18 December 1984

EIF provision: Article 93

Authentic texts: English, French, Portuguese, Spanish

Available online at: <https://bit.ly/3268CNr>

#### *Excerpts*

...

**Bearing in mind** the principles of international law governing relationships between States, in particular the principles of sovereignty, equality and independence of all States, non-interference in their internal affairs and the principle of the rule of law in their mutual relations;

...

Hereby agree as follows:

#### **Chapter II: Establishment, Principles, Aims, General Undertaking and Procedures**

##### *Article 2: Establishment of the Community*

By this Treaty, the HIGH CONTRACTING PARTIES establish between themselves an Economic Community of Central African States (ECCAS) hereinafter referred to as “the Community”.

##### *Article 3: Principles*

By this Treaty, the HIGH CONTRACTIVE PARTIES undertake to observe the principles of international law governing relations between States, in particular the principles of sovereignty, equality and independence of all States, good neighbourliness, non-interference in their internal affairs, non-use of force to settle disputes and the respect of the rule of law in their mutual relations.

***Article 4: Aims of the Community***

1. It shall be the aim of the Community to promote and strengthen harmonious cooperation and balanced and self-sustained development in all fields of economic and social activity, particularly in the fields of industry, transport and communications, energy agriculture, natural resources, trade, customs, monetary and financial matters, human resources, tourism, education, further training, culture, science and technology and the movement of persons, in order to achieve collective self-reliance, raise the standard of living of its peoples, increase and maintain economic stability, foster close and peaceful relations between Member States and contribute to the progress and development of the African continent,

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**Non-Aggression Pact (1996)**

Full title: Non-Aggression Pact between States Members of the United Nations Standing Advisory Committee on Security Questions in Central Africa (French : Pacte de non-agression entre les Etats membres du comité consultatif permanent des Nations Unies sur les questions de sécurité en Afrique Centrale)

Date/place of adoption/conclusion: 8 July 1996, Yaoundé, Cameroon

EIF provision: Article VI

Authentic texts: English, French

Available online at: <https://bit.ly/38ENSNS>

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## **Mutual Assistance Pact Between Member States of ECCAS (2000)**

Full title: Mutual Assistance Pact Between Member States of ECCAS  
(French: Pacte D'Assistance Mutuelle entre Les Etats Membres de la CEEAC)

Date/place of adoption/conclusion: 24 February 2000, Malabo, Equatorial Guinea

Authentic texts: English, French, Portuguese, Spanish

Available online at: <https://bit.ly/2W3I9fk>

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## **Protocol Relating to the Council for Peace and Security in Central Africa (COPAX) (2000/2004)**

Full title: Protocol Relating to the Council for Peace and Security in Central Africa (COPAX) / (French: Protocole relatif au Conseil de paix et de sécurité de l'Afrique centrale (COPAX))

Date/place of adoption/conclusion: 24 February 2000,

Entered into force (EIF): January 2004

EIF provision: Article 30

Authentic texts: English, French, Portuguese, Spanish

Available online at: <https://bit.ly/38ENU8s>

\* Excerpts taken from the French translated version in 'Compendium of African Sub-Regional Human Rights Documents' edited by Solomon Eboobrah and Armand Tanoh (2010, Pretoria University Law Press).

### *Excerpts*

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### **Section II: Principles and Objectives of COPAX**

...

#### *Article 3: Principles*

The Member States reaffirm their attachment to the principles sanctioned

by the Charters of the United Nations (UN) and the Organization of African Unity (OAU), by the Universal Declaration of Human Rights and the Treaty Establishing the Economic Community of Central African States, in particular:

- (a) the sovereign equality of member States;
- (b) non-interference in the internal affairs of other States;
- (c) non-use of force to settle disagreements;
- (d) respect for the sovereignty, territorial integrity and national unity of States;
- (e) respect for the supremacy of law in mutual relations;
- (f) inviolability of the borders inherited from colonization;
- (g) protection of fundamental human rights and freedoms;
- (h) promotion and consolidation of the democratic institutions and constitutional legality of every State;
- (i) commitment to strive for the creation of a climate of good neighbourliness between States and to seek in all circumstances measures required to improve fraternal relations;
- (j) intent to establish the pertinent provisions of the present Protocol as the essential political reference to which every member State promises to have recourse so as to prevent or put an end to crises and conflicts in the subregion.

#### **Article 4: Objectives**

Without prejudice to the competence of the UN Security Council and that of the Central Organ of the OAU responsible for the prevention, management and settlement of conflicts in Africa, COPAX has as objectives:

- (a) to prevent, manage and settle conflicts;
- (b) to undertake actions to promote, maintain and consolidate peace and security in the subregion;
- (c) to strive to reinforce subregional peace and security;
- (d) to reduce sources of tension and prevent the outbreak of armed conflicts;
- (e) to develop measures of trust among member States;
- (f) to promote policies for the peaceful settlement of disagreements;
- (g) to implement pertinent provisions concerning nonaggression and mutual assistance in matters of defence;
- (h) to develop and strengthen subregional cooperation in matters of defence and security;
- (i) to facilitate mediation efforts when crises and conflicts occur within and between member States of the subregion or with another State;
- (j) to define the main guidelines in the domains of establishing, maintaining and consolidating peace at subregional level;
- (k) to coordinate the actions of member countries in their struggle against illegal immigration;
- (l) to ensure collective management of the problem of displaced persons, ex-combatants and refugees, in accordance with the

- (m) provisions of the international legal instruments in force;  
to propose measures that take into account the organization and coordination of humanitarian assistance and to establish consequent instruments.

### *Article 5*

For the purposes mentioned above, COPAX:

- (a) may constitute and deploy civilian and military observation and verification missions of appropriate size and duration, to maintain or restore peace in the subregion, whenever it is deemed necessary;
- (b) may also enter into any civilian or military action to prevent, manage and settle conflicts;
- (c) constantly ensures measures are taken to maintain, consolidate and promote peace and security within the Community or on its borders;
- (d) develops the culture of peace.

### *Article 6*

In this capacity, COPAX:

- (a) seeks to strengthening cooperation in the sectors of conflict prevention, early warning, peacekeeping operations, the struggle against cross-border crimes, international terrorism, the anarchic proliferation of and illicit dealing in arms, munitions, explosives and all other related elements;
- (b) encourages member States to ratify all Conventions regarding peace and security;
- (c) encourages member States to ratify any convention on the banning of the improvement, manufacture, storage and use of antipersonnel mines and chemical weapons and on their destruction, and ensures that the pertinent provisions are respected;
- (d) encourages the development of a coordinated policy to fight against the illicit trafficking of narcotics and psychotropic drugs.

## **Chapter II: Organisations and Competence**

### *Article 7*

In order to implement the present Protocol, the authorities of COPAX are the following:

- the Conference of Heads of State such as provided for in the Treaty and complemented by the present Protocol;
- the Council of Ministers;
- the Defence and Security Commission;
- the General Secretariat;
- any other instance that may be created by the Conference.

## Section I: The Conference

### *Article 8*

- (a) The Conference is the supreme authority of COPAX.
- (b) It has full competence with regard to keeping, consolidating, promoting and restoring peace and security in Central Africa; in which capacity, it:
  - (i) decides on appropriate measures to prevent, manage and settle conflicts, and in particular decides when military action is appropriate;
  - (ii) decides on the constitution of a subregional peacekeeping force called the Multinational Force of Central Africa (FOMAC) consisting of civilian units and military and/or police units from the national armies that can be mobilized whenever necessary;
  - (iii) ensures the smooth functioning of the Early Warning Mechanism of Central Africa (MARAC);
  - (iv) appoints the Special Representative for every operation and determines his mandate;
  - (v) appoints the Commander of the Force, his Deputy and the Chief of Staff for a particular mission and duration;
  - (vi) decides on measures of humanitarian assistance in the event of a crisis or open conflicts.
- ...

## Section II: The Multinational Force of Central Africa (FOMAC)

### *Article 23*

FOMAC is a force made up of national contingents of joint armed forces and police and of civilian modules of the member States of the Community with a view to carrying out missions of peace, security and humanitarian assistance.

### *Article 24*

FOMAC is responsible for the following missions, among others:

- (a) observation and surveillance;
- (b) keeping and restoring peace;
- (c) humanitarian intervention and support in a humanitarian disaster;
- (d) application of sanctions provided for by the texts in force;
- (e) deployment as a preventive measure;
- (f) development of peace, disarmament and demobilization;
- (g) activities for maintaining order, including the struggle against fraud and organized crime;
- (h) policing activities, including the struggle against fraud and criminality;
- (i) all other operations that may form the subject of a mandate from



the Conference.

## Chapter IV: Implementation of the Force

### *Article 25: Field of application*

FOMAC is implemented in each of the following circumstances:

- (a) in the event of aggression or conflict in any member State or threat of the latter;
  - (b) in the event of conflict between two or more member States;
  - (c) in the event of internal conflict:
    - (i) which threatens to provoke a humanitarian disaster;
    - (ii) constituting a serious threat to peace and security in the subregion;
  - (d) in the event of overturning or attempt to overturn the constitutional institutions of a member state;
  - (e) any other situation regarded by the Conference to be of concern.
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### **Kinshasa Convention (2010/2017)**

Full title: Central African Convention for the Control of Small Arms and Light Weapons, Their Ammunition and All Parts and Components that can be Used for Their Manufacture, Repair and Assembly

Date/place of adoption/conclusion: 30 April 2010, Kinshasa, Democratic Republic of the Congo

Entered into force (EIF): 8 March 2017

EIF provision: Article 36

Authentic texts: English, French, Spanish

Available online at: <https://bit.ly/38FJKgr>

### *Excerpts*

#### **Preamble**

We, Heads of State and Government of the States members of the Economic Community of Central African States (ECCAS) and the Republic of Rwanda, and States members of the United Nations Standing Advisory Committee on Security Questions in Central Africa (“the Committee”);

**Recalling** the principles of the Charter of the United Nations, especially those concerning disarmament and arms control and those inherent in the right of States of individual or collective self-defence, non-intervention and non-interference in the internal affairs of another State, and prohibition of the use or threat to use force;

...

**Reaffirming also** the importance of Security Council resolution 1612 (2005) and subsequent resolutions on children and armed conflict and condemning the recruitment of children in armed forces and their participation in armed conflicts;

**Recalling also** the relevant provisions of the Constitutive Act of the African Union and the Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons;

**Aware** of the harmful effects on development of the chaotic proliferation and uncontrolled circulation of small arms and light weapons, and the fact that poverty and the lack of prospects for a better future create conditions conducive to the misuse of such arms, especially by youth;

**Taking account** also of the actions taken under the Brazzaville Programme of Priority Activities for the implementation in Central Africa of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects;

**Taking account** also of the importance of instruments for the implementation of confidence-building measures among Central African States, such as the Non Aggression Pact, the Mutual Assistance Pact and the Protocol relating to the Council for Peace and Security in Central Africa (COPAX).

**Considering** that the illicit trade and trafficking in small arms and light weapons poses a threat to the stability of States and to the security of their populations by, inter alia, promoting armed violence, prolonging armed conflict and encouraging the illicit exploitation of natural resources;

**Mindful** of the need to ensure that peace and security remain one of the major goals of relations among Central African States;

**Taking into account** the porous nature of borders between our States and how difficult it is for States to stop the illicit trade and trafficking in small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly;

**Recalling** that bladed weapons are tools that can be used for violent and criminal purposes;

Anxious to fight the phenomenon of roadblockers, cross-border insecurity and organized crime;

**Recognizing** the important contribution of civil society organizations in the fight against the illicit trade and trafficking in small arms and light weapons;

**Taking into account** that certain members of the Committee have signed the Protocol on the Control of Firearms, Ammunition and Other Related Materials in the Southern African Development Community Region and the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa, and considering that this Convention is fully consistent with the efforts being made by the Central African States to combat illicit weapons at the subregional, continental and global level;

**Bearing in mind** the adoption on 18 May 2007, of the Sao Tome Initiative whereby the States that are members of the Committee decided, *inter alia*” to draw up a legal instrument on the control of small arms and light weapons in Central Africa;

Have agreed as follows:

## **Chapter I: Purpose and Definitions**

### *Article 1: Purpose*

The purpose of this Convention is to:

1. Prevent, combat and eradicate, in Central Africa, the illicit trade and trafficking in small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly;
2. Strengthen the control, in Central Africa, of the manufacture, trade, movement, transfer, possession and use of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly;
3. Combat armed violence and ease the human suffering caused in Central Africa by the illicit trade and trafficking in small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly;
4. Foster cooperation and confidence among States Parties and cooperation and dialogue among Governments and civil society organizations.

...

## **Chapter II: Transfers**

### *Article 3: Authorisation of Transfers to States*

1. States Parties shall authorize the transfer of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly to, through and from other States.

2. The only grounds for authorizing the transfers are that they are necessary in order to:
  - (a) Maintain law and order, or for defence or national security purposes;
  - (b) Participate in peacekeeping operations conducted under the aegis of the United Nations, the African Union, the Economic Community of Central African States or other regional or subregional organizations of which the State Party concerned is a member.

***Article 4: Prohibition of Transfers to Non-State Groups***

States Parties shall prohibit any transfer of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly to, through and from their respective territories to non-State armed groups.

***Article 5: Procedure and Conditions for the Issuance of Transfer Authorisations***

1. States Parties shall set up, and maintain at the national level, a system for authorizing the transfer of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly to, through and from their respective territories.
2. States Parties shall each designate a national body to be responsible for handling issues relating to the issuance of transfer authorizations both to public institutions and to qualified private actors, in accordance with the national laws and regulations in force.

...

**Chapter III: Prohibition by Civilians**

***Article 7: Prohibition of the Possession of Small Arms by Civilians***

1. The States Parties shall enact provisions, in accordance with the laws and regulations in force, to prohibit the possession, carrying, use and trade of small arms by civilians within their respective territories.
2. The States Parties shall enact national laws and regulations to penalize the possession of small arms by civilians.

***Article 8: Authorisation of the Possession of Light Weapons by Civilians***

1. The States Parties shall determine, in accordance with the laws and regulations in force, the conditions for authorization of the possession, carrying, use and trade by civilians of light weapons, except for those manufactured to military specifications, such as sub-machine guns, assault rifles and light machine guns.

2. The States Parties shall define the administrative procedures governing requests for and issuance of licences for the possession, carrying, use and trade of light weapons by civilians. A licence shall be issued for each light weapon in the possession of a civilian.
3. The States Parties shall issue licences only to civilians who meet, at a minimum, the following conditions:
  - (a) Are of legal age, as defined by the national legislation;
  - (b) Have no criminal record and have undergone a good conduct investigation;
  - (c) Are not involved in any criminal proceedings and do not belong to a gang or a group of bandits;
  - (d) Provide a valid reason for the need to possess, carry, use and trade in light weapons;
  - (e) Prove that they are familiar with the laws governing light weapons;
  - (f) Provide proof that the light weapon will be stored in a safe place and separately from its ammunition;
  - (g) Have no record of domestic violence or any psychiatric history;
  - (h) Provide a complete and up-to-date physical address.
4. The States Parties shall impose a limit on the number of light weapons that may be possessed by the same individual.
5. The States Parties shall establish a minimum period of 30 days and any additional time they deem appropriate before a licence is issued in order to enable the competent authorities to do all the necessary checking.
6. Licences granted to civilians for the possession of light weapons must include an expiration date not to exceed five years. At the expiration of each licence, requests for renewal shall be subject to a complete review of the conditions cited in paragraph 3 of this article.
7. Persons wishing to turn in their weapons must voluntarily deposit them, against receipt, either at the powder magazine of the competent administration or at the police station or gendarmerie nearest to their domicile. Weapons thus turned in voluntarily shall become the property of the State and shall be transferred, if necessary, to the powder magazine for their destruction.
8. The States Parties shall enact laws and regulations for the strict prohibition of the carrying of light weapons by civilians in public places.

***Article 9: Measure for the Control of the Possession of Light Weapons  
by Civilians***

1. The States Parties shall determine by law or by regulation the national administrative procedures and measures for the granting or withdrawal of licences for the possession of light weapons.
2. The States Parties shall revise, update and harmonize national administrative procedures and measures for the granting and

withdrawal of authorizations for the possession of light weapons.

3. The States Parties shall establish norms and standards for the proper management of stocks of weapons and ammunition possessed by civilians, particularly manufacturers and dealers.
4. The States Parties shall define by law or regulation the penalties, including civil and criminal penalties, for violations with respect to the possession of light weapons by civilians.
5. The States Parties shall keep a register of owners and dealers of light weapons in their respective territories and shall maintain an electronic database pertaining thereto.
6. The States Parties shall set up a subregional common system for verification of the validity of licences granted at the national level for the possession of, carrying, use and trade in light weapons by civilians. They shall establish for that purpose an electronic database of licences accessible to the competent services of each of the States Parties.

#### *Article 10: Visitor's Certificate*

1. The States Parties shall require that civilians without authorization for the possession of light weapons valid in the State in question who wish to import or ship in transit, through their respective territories light weapons and their ammunition in their possession must obtain a visitor's certificate authorizing temporary import for the length of their stay or temporary transit.
2. The States Parties shall designate the competent national body responsible for dealing with matters connected with the issuance of visitors' certificates.
3. The States Parties stipulate that the visitors' certificates must include, as a minimum, all the following information: number of weapons, proof of ownership of the weapons, as well as their technical specifications, including the marking components, in order to establish their legality under national laws and the provisions of this Convention.
4. The States Parties shall set the maximum number of light weapons eligible for a visitor's certificate and the maximum duration of temporary import. They shall determine the duration of validity and number of certificates that may be granted to each visitor per year.
5. Every weapon in the possession of a visitor must have its own certificate. All weapons must be marked in accordance with the provisions of this Convention.
6. The States Parties undertake to harmonize the procedures for obtaining visitors' certificates and to prepare and publish an annual report on the visitors' certificates issued and denied.

## Chapter IV: Manufacture, Distribution and Repair

### *Article 11: Authorisation for Manufacture, Distribution and Repair*

1. The industrial manufacture and home production of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly shall be subject to the granting of a licence and to strict control by the States Parties in the territories in which these activities are carried out.
2. The States Parties shall define by law or regulation the rules and procedures governing the industrial manufacture and home production as well as the distribution of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly. They undertake to adopt policies and strategies for the reduction and/or limitation of the local manufacture of small arms and light weapons and their ammunition.
3. The States Parties stipulate that activities with respect to the manufacture, distribution and repair of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly which are carried out without a licence are illicit and make their authors liable to penalties, including criminal penalties.
4. The States Parties undertake to define in their respective national legislation the conditions for granting a licence for the manufacture, distribution and repair of small arms and light weapons for legal entities.
5. The States Parties shall issue licences for manufacture, distribution and repair only to individuals who meet, at a minimum, the following conditions:
  - (a) Are of legal age, as defined by the national legislation in force;
  - (b) Have no criminal record and have undergone a good conduct investigation;
  - (c) Prove that they are familiar with the laws governing small arms and light weapons;
  - (d) Provide proof that the weapons and ammunition have been manufactured, distributed or repaired in conformity with the appropriate safety and security norms and procedures established by the laws and regulations in force;
  - (e) Have no history of domestic violence, no psychiatric history and no conviction for a crime using a small arm or a light weapon or violation of the legal provisions relating to the carrying of light weapons by civilians.
6. The States Parties shall ensure that licences are issued for a specific period not to exceed five years, after which every licence-holder must submit a request for renewal to the competent national authorities.

***Article 12: Measures for the Control of Manufacture, Distribution,  
Repair and Enforcement***

1. The States Parties stipulate that manufacturers, distributors and repairers shall provide the competent authorities with information concerning compliance with the rules and procedures in force with respect to the registration, storage and management of weapons and ammunition.
2. The States Parties stipulate that each small arm and light weapon, as well as all ammunition, must be marked at the time of manufacture, In accordance with the provisions of this Convention.
3. The States Parties shall establish norms and standards for the proper management of stocks of weapons and ammunition which have been. manufactured and distributed so as to ensure their safety and security, and shall monitor compliance by authorized manufacturers, distributors and repairers.
4. The States Parties undertake to monitor and inspect manufacturers, distributors and repairers so as to ensure compliance with the laws and regulations in force.
5. The States Parties shall exercise the appropriate enforcement powers under their national laws, as well as their international obligations, in order to ensure that those who do not abide by the laws and regulations governing the activities of manufacturers, distributors and repairers of small arms and light weapons and their ammunition are subject to penalties, including the revocation of their licences and/or the confiscation of stocks.
6. The States Parties shall ensure that every entity holding a licence for manufacture, distribution or repair maintains an electronic database and a register in paper form to enable the competent authorities to monitor its activities.

**Chapter V: Operational Procedures**

***Article 13: Brokering***

1. The States Parties shall register private individuals and companies established or operating in their respective national territories as brokers of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly, regardless of their nationality.
2. The States Parties also stipulate that brokers are required to register in their country of origin and in their country of residence.
3. The States Parties undertake to enact laws and regulations limiting the maximum number of weapons brokers or brokering companies established or operating in their respective territories,



4. Without prejudice to the provisions of paragraph 1 of this article, financial and shipping agents of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly, which are established and operating within or outside the territory of each State Party shall also be subject to registration.
5. The States Parties stipulate that financial and shipping agents of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly must make financial transactions for the relevant operations through bank accounts that are traceable by the competent national authorities.
6. Brokers, including financial and shipping agents, who do not register with the competent national authorities, shall be considered illegal.
7. The States Parties shall require that all brokers, including financial and shipping agents duly registered with the competent national authorities, shall obtain a license in their country of origin or in their country of residence for each individual transaction in which they are involved, regardless of where the arrangements concerning the transaction are to be made.
8. The States Parties shall adopt legislative and regulatory measures to punish and establish as a criminal offence the illicit brokering of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.

#### *Article 14: Marking and Tracing*

1. The States Parties shall enact the necessary legislative and regulatory provisions to ensure that all small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly that are found in their respective territories bear a unique and specific marking applied upon manufacture or import.
2. All small arms and light weapons and all ammunition which is not marked in accordance with this Convention shall be considered illicit. Unless marked for use under the conditions defined by national laws and regulations and this Convention, such weapons and ammunition must be duly recorded and destroyed.
3. Marking shall be in alphanumeric script and must be legible. It shall be applied to as many parts of weapons as possible, but must appear on the barrel, the frame and especially, the breachblock.
4. Marking on ammunition must appear first of all on the case containing the powder or liquid used in the ammunition or the explosive.

5. The marking of weapons under this Convention shall include, at a minimum, the following elements:
  - (a) The unique serial number of the weapon;
  - (b) Identification of the manufacturer;
  - (c) Identification, of the country of manufacture;
  - (d) Identification of the year of manufacture;
  - (e) Calibre;
  - (f) The ministerial department or State body under whose responsibility the weapon falls.
6. Importing countries must mark weapons and provide the year of import.
7. Without prejudice to the provisions of paragraph 2 of this article, and in order to increase the effectiveness of the marking and tracing of manufactured and/or imported weapons, a security marking shall also be applied. It shall be made on parts which are hard to access after manufacture so as to enable identification of the weapon in the event that the classic marking is obliterated or falsified.
8. The security marking shall include the elements described in paragraph 5 of this article.
9. For ammunition, the marking shall include:
  - (a) A unique batch number;
  - (b) Identification of the manufacturer;
  - (c) Identification of the country and year of manufacture;
  - (d) Identification of the purchaser, the ammunition and the country of destination if this information is known at the time of manufacture.
10. The States Parties shall adopt a tracing procedure and may submit a tracing request to the Secretary-General of ECCAS, to any other organization to which they belong, or to another State, in respect of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly found within their respective territorial jurisdictions and deemed illicit.
11. The States Parties shall ensure that the national Interpol offices are fully operational, and are able to request assistance from the headquarters of Interpol in the tracing of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.

### ***Article 15: Registration, Collection and Destruction***

1. The States Parties shall conduct semi-annual inspections to evaluate and inventory stockpiles and the conditions under which small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly in the possession of the armed and security forces and other authorized bodies are stored.

2. The States Parties shall collect, seize and register small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly that are surplus, obsolete or illicit.
3. The States Parties shall systematically destroy small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly that are surplus, obsolete or illicit and shall transmit the relevant information to the subregional database established by the Secretary-General of ECCAS.
4. The States Parties shall keep information concerning the destruction of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly that are surplus, obsolete or illicit, in national electronic databases for a minimum of 30 years.
5. The States Parties shall adopt the most effective techniques for destruction, in accordance with the international norms in force.
6. The States Parties shall conduct joint operations to locate, seize and destroy illicit caches of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.

***Article 16: Management and Security of Stockpiles***

1. The States Parties shall maintain the security of depots and ensure the proper management of stockpiles of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly at all times. For that purpose, they shall define and harmonize the necessary administrative measures and procedures for stockpile management, security and storage.
2. The administrative measures and procedures referred to in paragraph of this article shall take into account, inter alia, determination of appropriate storage sites, establishment of physical security measures, definition of procedures for inventory management and recordkeeping, staff training and the identification of measures to ensure security during manufacture and transport.
3. The States Parties shall establish national inventories of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly that are in the possession of the armed and security forces and any other competent State body.
4. The States Parties shall adopt the necessary administrative measures and procedures to strengthen the capacity to manage and secure stores of small arms and light weapons, their ammunition and all

parts and components that can be used for their manufacture, repair and assembly belonging to the armed and security forces and any other competent State body.

***Article 17: Border Control***

1. The States Parties undertake to adopt appropriate legislative and regulatory measures to strengthen border control in order to put an end in Central Africa to the illicit traffic in small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.
2. The States Parties shall establish fully operational customs administrations which shall cooperate with the international customs organization and Interpol, including in requesting their assistance to ensure effective control of small arms and light weapons and their ammunition at border entry points.
3. The States Parties agree to submit small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly to the border controls and taxation in force at the national level.
4. The States Parties undertake to develop and strengthen their cooperation at borders and specifically to organize joint and mixed transborder operations and patrols so as better to control the circulation of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.
5. The States Parties undertake to strengthen border controls by inter alia setting up mobile border posts equipped with non-intrusive technical facilities and by establishing a mechanism for cooperation and a system for the exchange of information among the border countries, in accordance with the provisions of this Convention.

***Article 18: Points of Entry of Small Arms and Light Weapons***

1. Without prejudice to their other border control measures, the States Parties shall determine and secure in their respective territories the mode of transport for export and import, as well as a precise and limited number of points of entry for small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.
2. The States Parties shall determine the order of precedence of the competent services over border controls with respect to small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.
3. The States Parties shall designate other competent bodies which may support the customs services in controlling small arms and light

weapons and their ammunition at the border entry points.

4. The States Parties stipulate that small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly that do not pass through the official entry points are illicit.
5. The States Parties shall take the measures necessary for regular controls at official entry points, as determined by the competent authorities, over all of their respective territories.

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#### *Article 24: Confidence-Building*

1. In order to strengthen confidence, the States Parties shall establish a system of judicial cooperation and shall share and exchange information through the customs, police, water and forest services, the gendarmerie, the border guards or any other competent State body.
2. The information exchanged may concern criminal groups and networks of illicit trafficking in small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.
3. The States Parties shall also exchange information on sources and supply routes, consignee States, means of transport and any financial support available to the groups indicated in paragraph 2 of this article.
4. Each State Party shall inform the others of the convictions of individuals or legal entities involved in manufacture, trade or illicit trafficking decided by its courts. The information shall also cover any seizure and destruction operations.
5. Without prejudice to other actions they might take, the States Parties shall also exchange data relating to:
  - (a) Manufacture (marking system and techniques, authorized manufacturers);
  - (b) Transfers (exports to and/or imports from any other State, transit, available information concerning national legislation, existing practices and controls, authorized dealers and brokers);
  - (c) Existing stockpiles (security, destruction, losses, thefts, illicit seizures).
6. The cooperation mechanism and the system for the exchange of information must make it possible, inter alia, to improve the capacity of the security forces and other intelligence services including through training sessions on investigative procedures and law enforcement techniques in relation to the implementation of this Convention.
7. In order to promote transparency, the States Parties shall prepare an annual national report on requests for transfer authorizations and end-user certificates that have been accepted or denied by the

- competent national authorities.
8. The annual report of each State Party must include at a minimum, for each transfer authorization that has been denied or accepted, the following information:
    - (a) The type and number of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly;
    - (b) The name and complete and up-to-date address of the applicant;
    - (c) The number and reasons for denial or acceptance of the transfer;
    - (d) The measures taken to respect the relevant provisions of this Convention, including the enacting of specific laws.
  9. The States Parties shall submit their annual report on transfers to the United Nations Register of Conventional Arms and to the subregional electronic database on small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly, maintained by ECCAS.
  10. The States Parties stipulate that requests for assistance in tracing small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly, shall contain detailed information, including, inter alia:
    - (a) Information describing the illicit nature of the small arm or light weapon, including the legal justification therefor and the circumstances under which the weapon in question was found;
    - (b) Detailed identification of the weapon, including the markings, type, calibre, serial number, country of import or manufacture and other relevant information;
    - (c) Intended use of the information requested;
    - (d) A specific listing of the information to be provided by the State receiving the tracing request.
  11. The State Party receiving the tracing request shall acknowledge receipt of this request within one month and shall duly examine it. It shall respond formally to the request made by the other State within a maximum period of three months from the date of receipt.
  12. In responding to a tracing request, the requested State Party shall provide the requesting State with all available and relevant information.
  13. The States Parties shall record in their respective national databases and shall exchange information on industrial and home-based manufacturers of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.

## Chapter VII: Harmonisation of National Laws

### *Article 25: Adoption and Harmonisation of Legislative Provisions*

1. The States Parties undertake to revise, update and harmonize their respective national legislation to bring it in line with the relevant provisions of this Convention.
2. The States Parties shall adopt legislative and regulatory measures at the domestic level to penalize the following practices:
  - (a) Illicit trafficking in small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly;
  - (b) The illicit manufacture of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly;
  - (c) The illicit possession and use of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly;
  - (d) The falsification or obliteration, illicit removal or alteration of the markings of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly, as required by the present Convention;
  - (e) Any other activity carried out in violation of the provisions of this Convention;
  - (f) Any activity carried out in violation of an embargo on small arms and light weapons imposed by the United Nations, the African Union, ECCAS or any other relevant organization.
3. The States Parties stipulate that the Secretary-General of ECCAS shall prepare within a reasonable time, a guide for the harmonization of legislative provisions.

### *Article 26: Campaign Against Corruption and Other Forms of Criminality*

The States Parties shall adopt appropriate measures to establish or strengthen cooperation between the administrative departments concerned and the security forces in order to prevent and combat corruption, money laundering, terrorism and drug trafficking associated with the illicit manufacturing of, trafficking in, trade, possession and use of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.

## Chapter VIII: Institutional Arrangements and Implementation

### *Article 27: National Focal Points*

Each State Party shall appoint a national focal point on small arms



and light weapons who shall also serve as the permanent secretary or chairperson of its national commission. The national focal points shall be the first points of contact for, inter alia, the facilitation of exchanges with the internal and external partners of the States Parties.

***Article 28: National Commissions***

1. Each State Party shall establish a national commission to serve as a coordinating body for the action taken by the State to combat illicit trade and trafficking in small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.
2. The national commissions shall be established in accordance with existing international standards.
3. The States Parties undertake, on the basis of their annual budgets, to provide the national commissions with adequate human, material and financial resources in order to ensure that they function effectively and efficiently. They shall create a specific budget line allocated to the national commissions.
4. The States Parties stipulate that the Secretary-General of ECCAS shall support the strengthening of the financial, technical, institutional and operational capacities of the national commissions.

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***Article 30: National Action Plans***

1. The States Parties undertake to prepare national action plans on small arms and light weapons, which shall be implemented by the national commissions. The national action plans shall be prepared using a data collection process involving all relevant national stakeholders, including civil society organizations, particularly associations of women and youth, who are considered to be the most vulnerable to the dangers posed by small arms and light weapons.
2. The national action plans shall take due account of the findings of studies on the impact of small arms and light weapons on populations and States which the relevant authorities carry out in each State Party.

***Article 31: Subregional Action Plan***

1. The Secretary-General of ECCAS shall prepare an action plan describing all the measures and actions to be taken at the subregional level in order to ensure the implementation of this Convention.
2. The subregional action plan must also layout the strategy to be carried out by the Secretary-General of ECCAS to promote the signing and ratification of this Convention by the States, as well as its entry into force.



### ***Article 32: Financial Support***

The States Parties undertake to contribute financially towards the implementation of this Convention. They also undertake to support the establishment, by the Secretary-General of ECCAS, of a group of experts responsible for follow-up and appraisal of the implementation of activities.

### ***Article 33: Assistance and Cooperation***

1. The States Parties undertake to promote cooperation among States and among various competent government bodies in the implementation of this Convention.
2. The States Parties request the Secretary-General of ECCAS to provide them all necessary assistance to enable them to benefit from the multifaceted support of technical and financial partners, particularly as regards capacity building for the armed and security forces, the border-control services and all other services involved in combating illicit trade and trafficking in small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.

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## **3 Declarations, frameworks and policies**

### **Bata Declaration for the Promotion of Lasting Democracy, Peace and Development in Central Africa (1998)**

Full title: Bata Declaration for the Promotion of Lasting Democracy, Peace and Development in Central Africa

Date/place of adoption: 21 May 1998, Bata, Equatorial Guinea

Available online at: <https://bit.ly/3gFy7sF>

\* Adopted by the Subregional Conference on Democratic Institutions and Peace in Central Africa, 21 May 1998, Banta, Equatorial Guinea.

1. Participants in the Subregional Conference on Democratic Institutions and Peace in Central Africa, bringing together members of government, representatives of opposition parties, senior officers of the armed forces and security forces, parliamentarians and representatives of civil society from the Central African countries,

met in Bata, Equatorial Guinea, from 18 to 21 May 1998, under the auspices of the United Nations Standing Advisory Committee on Security Questions in Central Africa, to consider issues related to the democratic process and peace in Central Africa.

2. Participants expressed their deep concern at the persistence of crises and conflicts in Central Africa, which had caused such loss of life, destruction and suffering in the subregion. They saw that precarious situation as a threat to the democratic process and to development in what was potentially a rich subregion.
3. They emphasized the historic opportunity offered by the Conference, which was being held during a period of major changes in Africa, characterized by the still difficult transition from an era of single political parties to one of pluralist democracy.
4. Participants noted that the Conference had made it possible for different social and political sectors to work together in the search for ways and means of strengthening peace and democracy within States and throughout the Central African subregion. In that regard, they warmly thanked the Secretary-General of the United Nations for his firm support and for the material assistance which the Organization had provided to the Committee to permit the holding of that important Conference. Participants expressed the hope that more such meetings would be held.
5. They also thanked the Secretary-General for providing constant support and encouragement to the United Nations Standing Advisory Committee on Security Questions in Central Africa, a key political mechanism for building confidence and enhancing cooperation for peace and stability in a turbulent subregion.
6. Participants recognized unanimously that, as the Secretary-General of the United Nations had stressed in his report to the General Assembly and the Security Council on the causes of conflict and the promotion of durable peace and sustainable development in Africa, democratic government helped to guarantee political rights, protect economic freedoms and foster an environment where peace and development could flourish.
7. Accordingly, and convinced of the need to establish in their subregion open political systems which permitted the full participation of all social and political forces, they reiterated their firm commitment to promoting democracy in their own States and to contributing to the stability of the Central African subregion as a whole.
8. They reaffirmed the sovereign right of each State to establish a political, social and economic system appropriate to its own culture and to determine the rate at which its institutions would be democratized, while respecting universal principles, particularly those set forth in regional and international instruments such as the

Charter of the United Nations, the Charter of the Organization of African Unity, the African Charter of Human and Peoples' Rights and the Universal Declaration of Human Rights.

9. They recognized that the establishment of solid democratic foundations in each member State, and in the subregion as a whole, would help to increase stability, strengthen the bases for conflict prevention and promote sustainable socio-economic development in Central Africa.
10. They emphasized that, despite all the pitfalls, it was necessary to persevere on the road to democratization, which was not an isolated event but a continuing process, in order to create the ideal conditions for the prosperity of the States and peoples of the entire subregion.
11. While reaffirming the sovereign right of each nation to determine the nature and rate of democratization of its institutions, they recognized unanimously that that process must inevitably lead to the development of a dynamic political system capable of allowing the full expression of the people's will and based on the following principles:
  - respect for the rule of law;
  - efforts to combat impunity;
  - political pluralism;
  - the organization of free, transparent and honest elections;
  - freedom of the press;
  - independence of the judiciary;
  - respect for human rights and human dignity;
  - promotion of a genuine, essentially non-violent democratic culture; and
  - the practice of dialogue and tolerance.

### **Recommendations**

12. In order to provide a sustainable basis for the democratization process and to strengthen peace in the Central African subregion, participants adopted the following measures and recommended the creation of the following mechanisms at the inter-State and internal levels:

#### **At the inter-State level**

- (a) In response to a proposal by His Excellency Mr. Teodoro Obiang Nguema Mbasogo, Head of State of Equatorial Guinea, the Conference recommended that a subregional parliament should be established in Central Africa as soon as possible. That parliament, which would be responsible for dealing with issues of common interest designed to strengthen confidence-building measures and peace in the subregion, would be composed of parliamentarians elected in pluralist, democratic elections in their respective countries and appointed by their national parliaments.

The subregional parliament would serve as a key mechanism for cooperation and for the promotion of democratic values and the democratic experiment in Central Africa and would meet in the member countries on a rotating basis.

- (b) Convinced that the democratization process involved not only politicians but also peoples, and in order to give the subregional parliament all the support that it deserved, participants recommended that representatives of civil society, particularly organizations for the protection and promotion of human rights, organizations for enhancing the status of women and youth movements, should be given permanent observer status in the parliament.
- (c) Participants instructed the Government of Equatorial Guinea, in consultation with the current President of the Bureau of the United Nations Standing Advisory Committee on Security Questions in Central Africa, to notify the Secretary-General of the United Nations and the international community as a whole in order to facilitate the early establishment of the subregional parliament.
- (d) Participants reiterated that it was urgently necessary for all States of the Central African subregion to sign and scrupulously observe the Non-Aggression Pact jointly negotiated, adopted and signed by them in order to avoid resorting to the use of force in their reciprocal relations. They again called upon Angola and Rwanda to sign the Pact and invited signatory States to ratify it.
- (e) Aware of the vital importance of establishing and ensuring the effectiveness of democratic institutions in the subregion, participants appealed to the international community to help train competent national personnel, particularly in the areas of election organization and the proper functioning of democratic institutions.
- (f) In order to give the peoples of the subregion a better understanding of the ideals of peace and a democratic culture in Central Africa, the Conference requested the Secretary-General of the United Nations to facilitate the publication and wide dissemination of the results of the historic Bata Conference.

#### **At the internal level**

- (a) Stressing the need for scrupulous respect for the rule of law, participants unequivocally condemned the use of armed force as a means of winning and retaining political power.
- (b) Participants recalled that the role of the armed forces was to guarantee republican institutions, due respect for the law and the stability of the State governed by the rule of law.
- (c) Convinced that good governance and transparent management of public affairs would promote public well-being and improved economic performance in the subregion as a whole, participants stressed the need to combat corruption and impunity.
- (d) Participants reaffirmed that respect for the civil and political rights of individuals, human rights and the rule of law as a guarantor of equity and social justice was the best safeguard against threats to

the peace and internal security of States and to the strengthening of democracy.

13. Participants recommended that there should be more frequent contacts between politicians and civil society both within and among the various member countries of the Committee, in order to build public confidence in State institutions and to make elected officials accountable once more to the State and the general public.

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### **Decision Relating to the Creation of a Mechanism to Promote, Maintain and Consolidate Peace and Security in Central Africa (1999)**

Full title: Decision No Y/FEV/25.1999 relating to the creation of a mechanism to promote, maintain and consolidate peace and security in Central Africa

Date/place of adoption: 25 February 1999, Yaoundé, Cameroon

\* Adopted by the Summit Conference of Heads of State and Government of the Central African countries, 25 February 1999, Yaoundé, Cameroon.

The Summit Conference of Heads of State and Government of the Central African countries,

**Concerned** by the multiplication and intensification of conflicts in the sub-region,

**Reaffirming** their commitment to peace and security, as guarantees of stability and prosperity,

**Recalling** the Non-Aggression Pact signed at Yaoundé on 8 July 1996,

**Bearing in mind** the need for all the States in the subregion of Central Africa to sign and ratify this Non-Aggression Pact in order to create the conditions for peaceful coexistence and confidence,

**Bearing in mind** also all the decisions taken and commitments made in the framework of the United Nations Standing Advisory Committee on Security Questions in Central Africa,

**Reaffirming** their commitment to the principle of the peaceful settlement of disputes established in the Charter of the United Nations and of the Organization of African Unity,

**Wishing** to further strengthen the ties of cooperation between the States of Central Africa, which are confronted by critical situations and risks of instability,

Decides:

**Article 1**

To create a mechanism for the promotion, maintenance and consolidation of peace and security in Central Africa, to be known as the Council for Peace and Security in Central Africa (COPAX).

**Article 2**

The aim of COPAX is the prevention, management and settlement of conflicts in Central Africa, together with other activities to promote, maintain and consolidate peace and security in the subregion.

**Article 3**

The Ministers for Foreign Affairs and of Defence/Armed Forces will meet in Yaoundé as soon as possible in order to draw up the draft terms of reference for the mechanism referred to in article 1 and propose them to the heads of State and Government of Central Africa during the summit meeting of the Economic Community of Central African States (ECCAS) to be held in Equatorial Guinea in April 1999. Cameroon will convene this ministerial meeting.

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**Yaoundé Declaration on Peace, Security and Stability in  
Central Africa (1999)**

Full title: Yaoundé Declaration on Peace, Security and Stability in Central Africa

Date/place of adoption: 25 February 1999, Yaoundé, Cameroon

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

\* Adopted by the Summit Conference of Heads of State and Government of the Central African countries, 25 February 1999, Yaoundé, Cameroon.

1. At the invitation of His Excellency Mr. Paul Biya, President of the Republic of Cameroon and current Chairman of the United Nations Standing Advisory Committee on Security Questions in Central Africa, the heads of State and Government of Central Africa met in Yaoundé from 25 to 26 February 1999 to review the social and political situation in the subregion.
2. They reaffirmed their commitment to the fundamental principles set forth in the Charters of the United Nations and the Organization of African Unity, in particular:

- the sovereign equality of all States;
  - non-interference in the internal affairs of States;
  - respect for the sovereignty and territorial integrity of each State;
  - the inviolability of boundaries inherited from the colonial period;
  - the right to peace and security;
  - respect for human rights, democracy and the rule of law.
3. They engaged in an in-depth exchange of views on the situation in the subregion. In that regard, they expressed deep concern over the persistence of and increase in tensions and in internal and inter-State armed conflicts which result in loss of human lives, displacement of populations, destruction of infrastructure and institutions, thereby impeding development efforts in Central Africa.
  4. They also took note of the threats to stability and security posed by cross-border crime and by the trafficking in and illicit circulation and proliferation of weapons of war.
  5. They explored ways and means of contributing to the prevention, containment and settlement of disputes and to the maintenance of peace, security and stability in Central Africa.
  6. They reaffirmed their willingness to engage in dialogue and consultations and to show understanding and tolerance in order to settle disputes between peoples and to create a stable and safe environment that is conducive to development.
  7. They charged the Committee's Bureau with the task of approaching the United Nations with a view to finalizing the agreement for the funding of military exercises and peacekeeping operations proposed for Central Africa by the Committee at its tenth special meeting.
  8. They issued an urgent appeal to the States of the subregion to establish as a matter of urgency national follow-up committees as had been reiterated at the Committee's tenth ministerial meeting.
  9. They also appealed to States to take all necessary measures to ensure that their parliaments enacted legislation to combat the proliferation of private armed militias.
  10. They agreed to take joint action to establish and preserve peace and security, which was a prerequisite for the economic integration and development of the States of the subregion.
  11. They also reaffirmed their commitment to the strengthening of security in the subregion by combating acts of destabilization against any member State.
  12. They also stressed the urgent necessity for the Governments of the subregion to do everything in their power to reduce and if possible eliminate the causes of conflict within their societies in order to promote unity, peace, security and stability.
  13. They expressed satisfaction at the framework for consultations which the United Nations Standing Advisory Committee on Security Questions in Central Africa afforded. They also expressed satisfaction



at the work which had been accomplished within this framework and which had resulted in the signing of the Non-Aggression Pact currently in the process of being ratified, together with the design of a draft mutual assistance pact and a draft agreement on the terms of reference of the Council for Peace and Security in Central Africa (COPAX), as well as in discussions aimed at the establishment of other institutions for the promotion of peace and security.

14. They recognized that the achievement of lasting peace and development in Central Africa required the solidarity and full cooperation of all the countries of the subregion. To that end, they have decided to establish a body for the promotion, maintenance and consolidation of peace and security in Central Africa to be known as the Council for Peace and Security in Central Africa (COPAX).
15. They have instructed their Ministers for Foreign Affairs and of Defence/Armed Forces, the Interior and Security to meet as soon as possible to finalize the draft terms of reference of this new subregional institution. These terms of reference will be submitted for the approval of the heads of State and Government at the next summit meeting of the Economic Community of Central African States (ECCAS) to be held in Malabo in April 1999.
16. They endorsed the conclusions of the earlier ministerial meetings of the United Nations Standing Advisory Committee on Security Questions in Central Africa, including the meetings held in Libreville, Bata and Yaoundé in 1998, and requested that these conclusions should be taken into account in future meetings.
17. Deeply concerned at the persistence of tensions, conflicts and crises in Central Africa, they expressed their determination to promote respect for human rights and freedoms and for the establishment of the rule of law and of democratic political systems that permit the full participation without exclusion of all sectors of society in the political life of each country.
18. Convinced that peace and development are inextricably linked, they stressed the need for the States of the subregion to pool all of their resources and efforts to improve the living conditions of their peoples and, in particular, of the most disadvantaged sectors of their societies. They also recognized that the debt burden borne by their countries was such that it impeded their efforts to achieve development. To this end, they appealed to their bilateral and multilateral partners so that an appropriate solution could be found to this intractable problem.
19. They declared that efforts to eliminate poverty must be one of the principal areas of concern of their countries if they are to achieve lasting peace. They strongly emphasized that the difficult economic situation of the countries of Central Africa was a factor of instability which threatened international peace and security and called upon



- the international community and, in particular, the international financial institutions to provide increased support for their economic recovery efforts.
20. They stressed the need for closer cooperation and exchanges of many kinds between their countries, in particular through the revitalization of regional economic integration programmes, in order to encourage more interaction among their peoples and to instil into their values a genuine culture of peace and dialogue.
  21. They expressed deep concern over the continuing conflict in the Democratic Republic of the Congo which carries grave risks of destabilizing the entire subregion.
  22. They further welcomed the progress made by the Government of the Democratic Republic of the Congo in seeking dialogue with all the political forces and in opening up the political arena in order to completely defuse existing tensions.
  23. Recalling the Declaration issued by the Central African heads of State and Government at the conclusion of their meeting in Libreville on 24 September 1998, together with those from other international meetings such as the France-Africa summit meeting held in Paris, the Victoria Falls II regional summit meeting, the summit meeting of the Central Organ of the Organization of African Unity Mechanisms for Conflict Prevention, Management and Resolution held in Ougadougou, the Windhoek summit meeting and the Lusaka meetings, they appealed for a ceasefire in the Democratic Republic of the Congo, the immediate and unconditional withdrawal of hostile foreign forces, respect for sovereignty and the democratization process and the institution of dialogue between all the political forces.
  24. They commended Chad for sending a military contingent to the Democratic Republic of the Congo and expressed their full support for that country.
  25. Bearing in mind the spirit of the Libreville Declaration of 24 September 1998, and expressing their grave concern at the deteriorating situation in Angola and at the stalling of the peace process in that country, they called on the National Union for the Total Independence of Angola (UNITA) to comply with the peace agreements, the Lusaka Protocol and the relevant Security Council resolutions.
  26. They appealed urgently to all the parties to demonstrate a firm commitment to the peace process and to national reconstruction, bringing an end to the ongoing and appalling suffering of the Angolan people, particularly those who have been displaced.
  27. Concerned about the worrying situation in Angola, they appealed urgently to the countries of the subregion and to the international

- community to provide all the necessary support to ensure the success of the peace process in that country.
28. They paid tribute to the memory of Alioune Blondin Beye, to the members of his team and to all the United Nations staff members that had died tragically in Angola for their invaluable contribution to the quest for peace in that country.
  29. They acknowledged that the full implementation of the Bangui Agreements and the National Reconciliation Pact was vital to peace and national reconciliation in the Central African Republic. They welcomed the significant progress that had been made by the Government of the Central African Republic in implementing the Bangui Agreements and introducing major political and economic reforms.
  30. They welcomed with satisfaction the Security Council's decision to include support for the holding of legislative elections on 22 November and 13 December 1998 in the mandate of the United Nations Mission in the Central African Republic (MINURCA).
  31. Recalling the importance of the role of MINURCA in maintaining a climate of security and stability favourable to the strengthening of the national reconciliation process in the Central African Republic, they stressed that the activities of MINURCA should cease only when the electoral processes had been completed and sufficient progress had been made in effecting national reconciliation. They urged friendly countries to participate in that international force.
  32. Stressing the need for constructive dialogue between all segments of the Burundian population, they welcomed the debate that was taking place inside the country and the current dialogue at Arusha between Burundians inside and outside the country.
  33. Recalling the various appeals that had been made for the lifting of the embargo against Burundi, they warmly welcomed the decision that was taken on 23 January 1999 to suspend the embargo.
  34. They expressed their concern at the ongoing border, land and maritime dispute between Cameroon and Nigeria. They reiterated the need for both countries to refrain from taking any action that could exacerbate the tension between them. They expressed support for efforts to secure a peaceful solution to the dispute through legal channels. They invited both parties to be bound by the protective measures laid down in the court ruling of 15 March 1996 and by the imminent decision of the International Court of Justice concerning the substance of the case. Lastly, they appealed to the international community to help keep the peace between Cameroon and Nigeria, before, during and after the verdict of the International Court of Justice in The Hague, which currently had the matter of the border dispute before it.

35. They expressed their grave concern at the renewed outbreak of hostilities in the Congo following the perpetration of acts of destabilization by armed groups, causing huge losses of life and material damage and hindering the implementation of commitments undertaken by the authorities to take measures to promote national reconciliation, rebuild the country and relaunch the democratic process. They expressed their willingness to contribute to the establishment of real peace in the Congo, allowing the Congolese people to devote all their efforts to the realization of social and economic development.
36. They called on the current Chairman of the United Nations Standing Advisory Committee on Security Questions in Central Africa to take and oversee any initiative that might provide support for the re-establishment or consolidation of peace and for sustainable national reconciliation and reconstruction in the conflict-torn countries of the subregion.
37. They recognized that unusual and massive movements of populations, particularly in the aftermath of armed conflict in certain countries of the subregion, constituted a grave threat to domestic peace, and urged each Government to manage migratory flows more effectively and efficiently and to better control their borders.
38. They called on the United Nations High Commissioner for Refugees to take swift action, following the practice in other regions of the world, to support States faced with the problems of massive migrations as a result of armed conflict in Central Africa.
39. They appealed to the United Nations and the international community to assist in implementing the action programme of the United Nations Standing Advisory Committee on Security Questions in Central Africa.
40. They welcomed the fact that the current summit meeting was being held just as the United Nations had completed its celebrations of the fiftieth anniversary of the Universal Declaration of Human Rights and of peacekeeping operations. They further reiterated their deep attachment to the promotion of human rights, democracy, the rule of law and prosperity in Central Africa.
41. Lastly, they reaffirmed their support for the United Nations and its Secretary-General, and urged that the ceaseless efforts of the Organization to promote, maintain and consolidate peace and security in Africa in general and in the subregion of Central Africa in particular should be intensified and based on increased consensus-building with the countries and regional bodies concerned.
42. They expressed their gratitude to President Paul Biya of the Republic of Cameroon, and to the Cameroonian Government and people for their warm reception and outstanding hospitality.

## **Standing Orders of the Defence and Security Commission (2002)**

Full title: Standing Orders of the Defence and Security Commission

Date/place of adoption/conclusion: 17 June 2002, Malabo, Equatorial Guinea

Available online at: <https://bit.ly/3iKY8Je>

\* Adopted at the Tenth Ordinary Session of Heads of State and Government of ECCAS, 17 June 2002, Malabo, Equatorial Guinea.

### **Section 1: Organisation and Powers of the Defence and Security Commission**

#### *Article 1*

In accordance with the provisions of article 13 of the Protocol Relating to the Establishment of a Mutual Security Pact in Central Africa (COPAX), the Defence and Security Commission is an advisory organ consisting of:

- Chiefs of Staff of Armed Forces or their representatives;
- Chiefs of Police or their representatives;
- Experts from Ministries of Foreign Affairs/External Relations;
- Experts from Ministries of Defence/Armed Forces;
- Experts from Ministries of the Interior/Security;
- Experts from other Ministries invited in view of the agendas of the Commission.

#### *Article 2*

The organisation and powers of the Defence and Security Commission are provided for in articles 14 to 18 of the Protocol relating to COPAX.

### **Section 2: Mode of Operation of the Defence and Security Commission**

#### *Article 3*

The meetings of the Defence and Security Commission shall be convened by the serving Chairman of the Conference of Heads of State and Government or, if need be, by serving Chairman of the Council of Ministers. The meetings of

the Defence and the Security Commission shall be held in the State which ensures the serving chairmanship or in any other member State, if circumstances so require.

#### *Article 4*

Without prejudice to the provisions of article 17 of the Protocol relating to the Central African Council of Peace and Security, the Commission shall meet in ordinary sessions twice a year, and in extraordinary session if circumstances so require. Written notifications to attend shall be sent by the COPAX Secretariat thirty days before the opening of any ordinary session. In the case of extraordinary sessions, such notifications shall be sent to the States in accordance with the emergency diplomatic procedures, by the serving Chairman of the Conference of Heads of State and Government or the serving Chairman of the Council of Ministers, if possible within seven days.

#### *Article 5*

The secretarial services of the Commission's sessions shall be provided by the COPAX Secretariat in accordance to article 19(2) of the Protocol relating to COPAX. The Commission may sit within the framework of technical committees set up for that purpose.

#### *Article 6*

During sessions, the Commission may if need be have recourse to expertise from partners outside the sub-region, in the context of the duties assigned to it under article 14 of the Protocol relating to the Central African Council of Peace and Security. Foreign partners may send written messages to the Commission, with the consent of the General Secretariat.

#### *Article 7*

Each Member State's delegation taking part in the work of the Defence and Security Commission must have credentials. Both credentials and full credentials shall be transmitted to the Secretariat before the opening of sessions.

#### *Article 8*

A commission on credentials shall examine credentials, full credentials, letters or other documents referred to in article 7 and shall report to the COPAX Secretariat.

#### *Article 9*

The provisional agenda of each ordinary session shall be set by the serving Chairman of the Conference of Heads of State and Government and appended to the notification to the transmitted in accordance with article 4(2).

### *Article 10*

The Bureau of the Defence and Security Commission shall comprise:

- one Chairman;
- one Vice-Chairman;
- two Rapporteurs.

### *Article 11*

1. Where the Chairman is absent from a session of the Commission, such session shall be presided over by the Vice-Chairman who shall deputise for him.
2. Where the Chairman is unable to fulfill his duties during the rest of the session, the Vice-Chairman shall become Chairman and a new Vice-Chairman shall be elected.

### *Article 12*

1. The titular or acting Chairman shall not take part in votes. Another member of his delegation shall vote on behalf of the delegation.
2. Where the Chairman is the only member of his delegation, he may vote but he shall be the last voter.

### *Article 13*

A quorum of seven Member States shall be needed for the plenary sessions of the Commission, in accordance with the Treaty of ECCAS.

### *Article 14*

The Chairman shall exercise the powers conferred on him under these Standing Orders, as well as he shall open and close session, direct discussions, give the floor, put issues to the vote and announce decisions. He shall rule on points of order and, subject to these Standing Orders, he shall settle deliberations and maintain order.

### *Article 15*

All delegations from Member States shall have the right to vote. Each of them shall have one vote, must not represent anyone but itself and must not vote unless for itself.

### *Article 16*

1. All decisions shall be taken by consensus, as far as possible.
2. Where there is no way to reach a consensus, the following decisions shall need a two-third majority of delegations of Member States which are present and taking part in the vote:
  - (i) Adoption of the standing orders or, when they are already adopted, the adoption of any amendment thereto;
  - (ii) Opinion of any technical committee, which examined an issue

on which the Defence and Security Commission made a decision under article 5(2) above.

3. 'Taking part in the vote' shall mean to express a positive or negative vote.

Deliberate abstentions or non-participation in votes shall not be taken into consideration.

### *Article 17*

Votes on any issue shall be by a show of hands, unless a delegation from a Member State, supported at least by another Member State's delegation, requests that a vote by call-over should take place. In such case, the vote shall be by call-over.

### *Article 18*

1. Where the Chairman of the session has announced the beginning of the vote, nobody shall interrupt it, unless he raised a point of procedure.
2. The Chairman may allow a delegation from a Member State to justify its vote or its abstention, either before or after the vote.

### *Article 19*

1. Any amending proposal shall be put to the vote before the vote of the text to which it relates is voted.
2. Where one or several amendment proposals relating to the same text are adopted, the text so amended shall be put to the vote.

### *Article 20*

In the event of a tie in the vote after a vote on an issue, which needs only a simple majority, the proposal shall be considered as rejected.

### *Article 21*

Oral interventions during sessions shall be in one of the official languages of ECCAS and their translation into other languages shall be ensured by the Secretariat.

## **Section 3: Sundry and Final Provisions**

### *Article 22*

The Commission's legal texts shall be kept by the General Secretariat of ECCAS.

### *Article 23*

These Standing Orders may be modified by the Conference at the request of any Member State. They shall take effect from their date of signature

and shall be published in the Official Journal of the Community in English, French, Portuguese and Spanish.

...

### **Standing Orders of the Central African Multinational Force (FOMAC) (2002)**

Full title: Standing Orders of the Central African Multinational Force (FOMAC)

Date/place of adoption/conclusion: 17 June 2002, Malabo, Equatorial Guinea

Available online at: <https://bit.ly/38FZqAi>

\* Adopted at the Tenth Ordinary Session of Heads of State and Government of ECCAS, 17 June 2002, Malabo, Equatorial Guinea.

\*\* FOMAC full name in French: Force Multinationale de l'Afrique Centrale.

## **Section 1: Definition, Mission and Objectives of the FOMAC**

### *Article 1*

The Central African Multinational Force (FOMAC) is a force composed of national interservice, police, gendarmerie contingents and of civilian modules from Member States of the ECCAS, with a view to carrying out peace, security and humanitarian assistance missions. The FOMAC may receive reinforcements from civilian units composed of non-governmental organisations (NGO) and associations authorised by the ECCAS General Secretariat.

### *Article 2*

FOMAC shall be entrusted, among other things, with the following missions:

- (a) Observation and monitoring;
- (b) Peacekeeping and restoration of peace;
- (c) Humanitarian intervention following a humanitarian disaster;
- (d) Enforcement of sanctions as provided for by the existing regulations;
- (e) Preventative deployment;
- (f) Peacebuilding, disarmament and demobilisation;
- (g) Policing activities, including the control of fraud and organised crime;
- (h) Any other operations as may be mandated by the Conference.



### ***Article 3***

The FOMAC shall be implemented in conformity with the provisions of articles 25 and 26 of the Protocol relating to the COPAX and in collaboration with the United Nations Organisation and the Organization of African Unity (OAU), without prejudice to the powers of the Central Organ of the OAU for Conflict Prevention, Management and resolution in Africa.

## **Section 2: Organisation of FOMAC**

### ***Article 4***

National modules for the FOMAC may include:

- Army;
- Land force units;
- Navy units;
- Gendarmerie units;
- Police units;
- Civilian modules.

### ***Article 5***

- (a) The FOMAC may comprise strengths of the size of:
- one major brigade at the lowest estimate;
  - two major brigades at the average estimate;
  - three major brigades at the highest estimate within each case adequate air and naval facilities.
- (b) However Member States shall set up the Force from a light brigade of up to two thousand (2,000) troops, varying according to the situation and depending on the hypothesis taken into consideration by the Conference, in conformity with Annex A to these Standing Orders.

### ***Article 6***

General Staffs engaging the FOMAC shall be multinational for each operation.

### ***Article 7***

Officers who form the General Staffs engaging the FOMAC shall be appointed by consensus by Member States.

### ***Article 8***

The COPAX may put contingents of the FORCE at the disposal of the United Nations Organisation (UNO) or the Organization of African Unity (OAU) at their request.

### **Section 3: Legal Status and Rules of Conduct of FOMAC**

#### ***Article 9***

For the accomplishment of their missions, the FOMAC personnel shall enjoy diplomatic status.

#### ***Article 10***

The FOMAC personnel shall enjoy the clauses of the Convention on Security of the United Nations staff and associate staff.

#### ***Article 11***

The FOMAC shall be deployed in conformity with the basic rules and principles contained in the conventions which codify the international Humanitarian Law including the Conventions of Vienna of 12 August 1949 and their additional Protocols.

#### ***Article 12***

Specific Codes of conduct shall be worked out on each engagement of the FOMAC.

#### ***Article 13***

In zones of operations, general discipline matters shall come within the competence of the heads of contingents. They shall draw on the existing regulations of their respective armies, gendarmerie and police. Duly noted cases of sheer indiscipline may be subject to sanctions pronounced by the Force Commander.

#### ***Article 14***

Common law infractions attributable to FOMAC staff in the accomplishment of their mission shall fall within the cognisance of their national courts of law. The presumed authors shall be sent back to their countries of origin.

#### ***Article 15***

*Ad hoc* courts shall be set up to take cognisance of infractions, which occur in the execution of FOMAC operations, which can be described as war crime or genocide. *Ad hoc* courts shall be set up at the request of the Chairman of the Conference.

...

#### ***Article 17***

For operational purposes, the FOMAC shall be exempted from customs duties and shall make use of port, airport, hospital and telecommunications

facilities of Member States. Specific arrangements may be concluded with the host State when necessary.

#### **Section 4: Functioning of FOMAC**

##### ***Article 18***

For the conditioning of FOMAC contingents, the COPAX shall be responsible for coordinating training programmes.

##### ***Article 19***

The duration of engagement initially estimated may be renewed by the Conference.

##### ***Article 20***

Any engagement may be interrupted at any moment upon instruction from the serving Chairman after consultation with the other members of the Conference.

##### ***Article 21***

Pending the engagement, each FOMAC national module shall be supported by its Army logistics.

##### ***Article 22***

1. The FOMAC logistic support shall be provided by the COPAX during the engagement period. However the FOMAC may receive logistic support from any other institution or donor State, subject to the consent of the Chairman of the Conference.
2. In the event of FOMAC engagement on behalf of the United Nations Organisation (UNO) or the Organization of African Unity (OAU) the logistics shall be provided by these organisations.

##### ***Article 23***

The operational procedure shall be in the working languages of the Community.

#### **Section 5: The Special Representative and the Commander of the FOMAC**

##### ***Article 24***

1. The Conference shall appoint a Special Representative for each operation.
2. The Special Representative shall be directly accountable to the Conference.

### ***Article 25 Role and functions of the Special Representative***

The role and functions of the Special Representative shall, among other things, include the following:

- (i) Acting as a chief of mission and being responsible for the political orientation of the mission;
- (ii) Directing peacekeeping activities and initiating political and diplomatic negotiations with parties, neighbouring States and other governments involved in the conflict;
- (iii) Briefing troop-contributing States and other States on the situation and operations of the mission;
- (iv) Coordinating the activities of subregional and international organisations, including NGOs involved in humanitarian relief and peace-building in the mission area.

The Special Representative shall keep in touch with the Secretary-General of ECCAS.

### ***Article 26***

A FOMAC Commander shall be appointed by the Conference in accordance with article 8 of the Protocol on COPAX.

### ***Article 27***

The missions of the FOMAC Commander shall include the following:

- (i) Preparing and being responsible for the efficiency of operational, administrative and logistic plans of the mission;
- (ii) Issuing instructions to the contingents commanders for all operational activities;
- (iii) Ensuring the security of the staff and equipment of humanitarian organisations in the mission area.

### ***Article 28***

- (a) The FOMAC Commander shall be accountable for his activities to the Conference through the Special Representative and shall inform the General Secretariat of ECCAS thereof.
- (b) All contingents Commanders shall report directly to the Force Commander.
- (c) All civilian units shall report directly to the Special Representative.

## **Section 6: Chain of Conduct**

### ***Article 29***

Hierarchy with regard to command for both officers and non-commissioned officers is specified in Annex B to these Standing Orders. Within this hierarchy, command shall be assumed by the senior officer in the highest rank.

### ***Article 30***

The duration of command and the stay of officers at the Force Multinational Interservice Staff shall be six months, renewable only once.

## **Section 7: FOMAC Remuneration System**

### ***Article 31***

At national level, the FOMAC personnel shall continue to be paid the whole of their wages and benefits provided for by the existing regulations.

### ***Article 32***

At multinational level, the FOMAC personnel shall receive a COPAX remuneration including:

- (a) A food allowance and an operation allowance for non-commissioned staff;
- (b) A food, housing and operation allowance for commissioned officers.

## **Section 8: Contributions to the Functioning of FOMAC**

### ***Article 33***

All COPAX Member States shall contribute to the financing of all operations. External partners may contribute to the financing of COPAX operations on the basis of arrangements to be concluded with the General Secretariat, subject to the consent of the serving Chairman of ECCAS.

### ***Article 34***

All Member States contributing troops shall prefinance the cost of military operations for the first three (3) months of their engagement. Beyond that period, COPAX shall take over. The prefinancing shall be refunded by the COPAX budget.

### ***Article 35***

The governments of host countries shall put at the disposal of the peace mission all necessary logistic facilities.

## **Section 9: Miscellaneous and Final Provisions**

### ***Article 36***

Any FOMAC staff on mission shall be considered as being in the field.

### ***Article 37***

FOMAC staff shall be granted a twelve-day leave every three (3) months to be spent in an area made secure.

*Article 38*

FOMAC staff may be granted the following awards:

- Special preferment to national title;
- COPAX decorations;
- Mention in ECCAS order;
- Expression of satisfaction;
- Congratulations.

*Article 39*

Troops that make up contingents shall be relieved periodically, depending on the planning of their respective States.

*Article 40*

FOMAC contingents may be visited or inspected by national relevant authorities.

*Article 41*

Adherence to the Protocol on Central African Council for Peace and Security (COPAX) shall entail the acceptance of these Standing Orders of the FOMAC.

*Article 42*

These Standing Orders may be amended by the Conference at the request of any Members State. They shall enter into force from their date of signature and shall be published in the Official Journal of the Community in English, French, Portuguese and Spanish.

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## **Standing Orders of the Central African Early Warning Mechanism (MARAC) (2002)**

Full title: Standing Orders of the Central African Early Warning Mechanism (MARAC)

Date/place of adoption/conclusion: 17 June 2002, Malabo, Equatorial Guinea

EIF provision: Article 14

Authentic texts: English, French, Portuguese, Spanish

Available online: <https://bit.ly/2DqODP9>

\* Adopted at the Tenth Ordinary Session of Heads of State and Government of ECCAS, 17 June 2002, Malabo, Equatorial Guinea.

\*\* MARAC full name in French: Mécanisme d'Alerte Rapide de l'Afrique Centrale.

### **Section 1: Definition and Mission of the Central Early Warning Mechanism (MARAC)**

#### *Article 1*

The Central African Early Warning Mechanism (MARAC) is a mechanism for the observation, monitoring and prevention of crises and conflicts, which shall work within the Economic Community of Central African States (ECCAS). It shall be responsible for data collection and analysis in order to prevent crises and conflicts.

### **Section 2: Organisation of MARAC**

#### *Article 2*

The Central African Early Warning Mechanism (MARAC) shall include:

- (a) A Central structure based at the ECCAS headquarters and consisting of:
  - (i) A Bureau in charge of permanent monitoring and collection of information on the security situation in the subregion, from national and international Networks, UNO, OAU and other public, private, national and international organisations and institutions.
  - (ii) A Bureau responsible for information analysis and evaluation, whose mission shall be to identify situations that may pose a threat to peace and security in a State or group of States in the subregion.
  - (iii) A Bureau responsible for the Central African data base, whose task shall be to store, to file, to keep and to disseminate information by way of any appropriate media, especially MARAC's written,

printed, photographic, video, hearing, optical, electronic, mechanical, magnetic and numerical aids.

- (b) Decentralised structures in each Member State of COPAX, made up of national networks called 'national bureaux.' Each National Bureau shall include both governmental and legislative organs, agencies of international organisations, NGOs, civil society, members of academic and research institutions. National Bureaux in charge of information collection and analysis shall constitute observation and monitoring zones.

### **Section 3: Appointment and Rules and Regulations of MARAC Staff**

#### *Article 3*

The MARAC central structure shall be conducted by a co-ordinator appointed by the ECCAS Secretary-General upon approval by the Council of Ministers, for a period of three years renewable once, and whose criteria of reference shall be defined by the Defence and Security Commission.

#### *Article 4*

This co-ordinator shall work in close co-operation with national networks, as well as UNO, AU and other agencies, which may assist him in accomplishing his missions.

#### *Article 5*

The Bureaux referred in article 2(a) shall be managed by Bureau Chiefs.

#### *Article 6*

Staff members appointed to work at the MARAC Central Structures shall be chosen among competent executives from Member States of ECCAS.

#### *Article 7*

- (a) Applications for the jobs to be filled shall be sent by States through diplomatic channels.
- (b) Staff members called to work at MARAC National Bureau shall be appointed by States.

#### *Article 8*

The staff working at the MARAC Central Bureau shall enjoy the same status as other ECCAS associate staff.



*Article 9*

Subject to the provisions of article 3 of these Standing Orders, the term of office of the Manager of the Central Bureau shall be three years renewable only once.

**Section 4: Functioning of MARAC**

*Article 10*

In the performance of its activities, MARAC shall collect and manage the data supplied spontaneously or at its request by Member States, international organisations, NGOs, independent experts, academic institutions and research institutes. MARAC shall be granted all facilities so as to have access to the sources of information available in Member States.

*Article 11*

National Bureaux shall collect data recorded on a daily statement of indicators, which have an impact on peace and security in each observation and monitoring zone, and in the sub-region.

*Article 12*

Under the supervision of the ECCAS Deputy Secretary-General in charge of Peace, Security and Stability Affairs, MARAC shall prepare and submit to the serving Chairman, monthly and detailed reports on the political, social, military, economic, health, and climatic situation which may have a direct or indirect impact on the stability of the Community.

**Section 5: Final and Sundry Provisions**

*Article 13*

These Standing Orders may be amended by the Conference at the proposal of the Council of Ministers.

*Article 14*

These Standing Orders, which shall enter into force from their date of signature, shall be published in the Official Journal of the Community in English, French, Portuguese and Spanish.

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### **Lomé Declaration on Peace, Security, Stability and the Fight Against Terrorism and Violent Extremism (2018)**

Full title: Joint Summit of ECOWAS and ECCAS Heads of State and Government Lomé Declaration on Peace, Security, Stability and the Fight Against Terrorism and Violent Extremism

Date/place of adoption/conclusion: 30 July 2018, Lomé, Togo

Authentic texts: English, French, Portuguese, Spanish

Available online at: <https://bit.ly/3fe6PJz>

We, the Heads of State and Government of the Economic Community of West African States (ECOWAS) and the Economic Community of Central African States (ECCAS), meeting in Lomé, Togolese Republic on 30th July 2018, on the occasion of the Joint Summit on peace, security, stability and the fight against terrorism and violent extremism within our common space;

**Mindful** of the Treaty establishing the Economic Community of Central African States signed in Libreville, Republic of Gabon, on 18th October 1983;

**Mindful** of the Treaty of Lagos of 1975 establishing the Economic Community of West African States (ECOWAS) and the Revised Treaty signed in Cotonou, Republic of Benin, on 24th July 1993 which reaffirmed the establishment of ECOWAS and broadened the scope of regional integration in West Africa;

**Referring** to Chapter 8 of the United Nations Charter on the role of regional arrangements in relation to the maintenance of international peace and security;

**Referring** also to the United Nations Security Council Resolution 1373 of 28th September 2001 on the fight against terrorism;

**Referring** also to UN Resolutions on terrorism and violent extremism, including Resolution 2178 of 24th September 2014, adopted at the United Nations Security Council meeting on threats to international peace and security arising from acts of terrorism, as well as Resolutions 2195 of 19th December 2014 and 2199 of 12th February 2015 of the United Nations Security Council, dedicated respectively to terrorism and transnational organised crime and condemnation of all forms of terrorism financing;

**Recalling** the UN Resolution 1325 of 31st October 2000 on Women, Peace and Security and the UN Resolution 2242 of 15th October 2015 on women, peace and security calling on Member States to take into consideration women, peace and security in the fight against terrorism and violent extremism, as well as UN Resolution 2419 of 6th June 2018 on the involvement of the youth in conflict resolution;

**Considering** the Organisation of African Unity (OAU) Convention on the Prevention and Fight against Terrorism, signed in Algiers, Algeria, on 14th July 1999 and its Supplementary Protocol, signed in Addis Ababa, Ethiopia

on 8th July 2004; the African Union Action Plan on the Prevention and Fight against Terrorism in Africa, adopted in Algiers, Algeria. on 14th September 2002;

**Considering** equally the Protocol relating to the establishment of the African Union (AU) Peace and Security Council adopted in Durban on 9th July 2002;

**Considering** also the relevant provisions of the African Union Charter on Maritime safety, security and development in Africa signed in Lome, Togolese Republic on 15th October 2016;

**Considering** the quadripartite agreement signed in Ndjamena on 31st May 2018 between Libya, Niger, Sudan and Chad to secure their common borders against terrorist threats and mercenary groups involved in all types of illicit trafficking;

...

**Considering** the relevant provisions of the Protocol on the Central Africa Peace and Security Council (COPAX) and the Mutual Assistance Pact between ECCAS Member States signed in Malabo on 24th February 2000 and of the Pact of Non-Aggression between Member States of the United Nations Standing Advisory Committee on Security Issues in Central Africa Signed in Yaounde, Republic of Cameroon on 8th July 1996;

**Considering** the relevant provisions of the Protocol on the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security signed in Lome, Republic of Togo on 10' December 1999; Supplementary Protocol on Democracy and Good Governance signed in Dakar, Republic of Senegal on 21st December 2001, Protocol on Non-Aggression signed in Lagos, Federal Republic of Nigeria, on 22nd August 1978; and Protocol on Mutual Assistance in Defence. signed in Freetown, Republic of Sierra Leone on 29th May 1981, the Convention on the Mutual Assistance in Criminal Matters of July 1992 as well as the 2003 Criminal Police Cooperation Agreement between ECOWAS Member States:

**Bearing in mind** the Supplementary Act adopting the ECOWAS Counter-terrorism Strategy and ECOWAS Political Statement and Common Position on the Fight against Terrorism, signed in Yamoussoukro, Republic of Cote d'Ivoire on 28 February 2013;

**Reaffirming** the urgent need to pursue the regional and inter-regional agenda on peace, stability and security while respecting the African Peace and Security Architecture (APSA);

**Considering** all measures taken by ECCAS and ECOWAS in order to promote and consolidate cooperation in the area of security among Member States of the Communities;

**Referring** to the Memorandum of Understanding on Cooperation in the area of Peace and Security between the African Union, the Regional Economic Communities (RECs) and the Coordinating Mechanisms of the Regional Standby Brigades of Eastern Africa and Northern Africa signed in Addis Ababa, Republic of Ethiopia, on 29th January 2008 which, among other things, encourages RECs to develop and implement joint activities in the area of Peace and Security;

**Highlighting** in this perspective that the Summit of Heads of State and Government of ECCAS and ECOWAS held in Yaounde, Republic of Cameroon on 25th June 2013, adopted the Declaration on Maritime Safety and Security in the Gulf of Guinea. The Declaration led to the launch of the “Yaounde Process” which provided the two Regional Economic Communities with an effective, inter-connected maritime security architecture coordinated by the inter-regional Coordination Centre based in Yaounde, Republic of Cameroon:

Conscious of the inter-regional and trans-regional nature of the numerous challenges to peace, security and stability in Central and West Africa;

**Determined** to create conditions for sustainable peace and a secure environment in the common area of the two regions, through the adoption of a shared vision of the threats and a common approach to the solutions to be proffered; and

**Committed** to strengthening collaboration and working jointly to define and implement a common approach on peace, security, stability and the fight against terrorism and violent extremism in our common space.

To this effect,

### **On the Promotion of Peace and Stability**

1. **We commit** to cooperate in conflict prevention and the promotion of peace and stability in our two Communities through, in particular:
  - (a) Setting up and strengthening at the national level, national early warning and rapid response mechanisms with the involvement of civil society, opinion leaders, women, the youth and state actors;
  - (b) Setting up at the regional level, crisis monitoring and rapid response mechanisms;
  - (c) Creating of a Joint Group of Elders comprising eminent persons from the two Communities. The group will be called upon to carry out activities in the areas of preventive diplomacy, crisis facilitation and mediation in our common space;
  - (d) Deepening of the rule of law, peace and human rights education, good governance and democracy, as well as the fight against corruption;
  - (e) Convergence of constitutional principles, including regular accession to power through open, fair and transparent elections, zero tolerance for obtaining and managing power through

unconstitutional means, zero tolerance for any act of violence seeking to destabilise Member States or undermine the principle of inviolability of borders, freedom of association, meeting and peaceful demonstration, promotion of pluralism in the information and media sector, neutrality of the defence and security forces and their submission to the national legally constituted civilian authority: and

- (f) Improve political participation, including the participation of women and young people in the political decision-making process and equitable distribution of resources.
2. **To that end, we instruct** the ECOWAS Commission President and the ECCAS Secretary General to submit for adoption at the next joint Summit, a regional framework on constitutional convergence principles within ECCAS and ECOWAS.
3. In a bid to strengthen our peace support operations capacities within the common space of the two Communities, **request** the African Union to expedite the operationalisation of the African Standby Force Continental Logistics Base in Douala, Republic of Cameroon, in conformity with the Host Country Agreement signed to that effect in 2015 between the African Union and the Government of Cameroon. **Instruct** the President of the ECOWAS Commission and the Secretary General of to expedite the operationalisation of the regional logistics Depots of the ECOWAS Standby Force in Lungi, Republic of Sierra Leone, and the Central African Multinational Force in Douala, Republic of Cameroon.
4. With regard to the Central African Republic, **express** our solidarity with the legitimate authorities and the Central African people, as well as our support for the initiative of peace and reconciliation in the country. **Request** that the African Union addresses the issue of sanctions against this country and carry out discussions with the United Nations with the aim of lifting the arms embargo against the government and people of CAR. Lifting the embargo will lead to the enhancement of the capacity of the national defence and security forces, condition sine qua non for the gradual return of the State's authority over the entire CAR territory and provide security for the people.
5. Regarding the Democratic Republic of Congo, the Heads of State and Government reaffirm their commitment and that of all stakeholders to the respect of the Agreement of 31 December 2016, the only consensual and inclusive framework capable of leading to the conduct of transparent and peaceful elections in the country. They laud the efforts of the government in the implementation of the electoral process in accordance with the timetable of the Independent National Electoral Commission.

### On Security

6. **We commit** to strengthen cooperation in the area of security, in order to effectively counter transnational organised crime, in drug trafficking through trans-Saharan networks, human trafficking, trafficking in children, illicit trafficking and proliferation of arms, cybercrime and also illicit maritime activities in the Gulf of Guinea.
7. **To that end, we undertake** to conclude and implement mutual assistance and judicial cooperation procedures and instruct the ECOWAS Commission President and the ECCAS Secretary General to promptly initiate negotiations among countries in this regard.
8. **Also instruct** the ECOWAS Commission President and the ECCAS Secretary General to facilitate the signing of a cooperation agreement in criminal police matters between countries of Central and West Africa by relevant Ministers before the end of 2018.
9. **Undertake** to strengthen already existing cooperation in the area of maritime safety and security and **reaffirm** our commitment to the “Yaounde Process” launched at our last joint Summit on Maritime Safety and Security in the Gulf of Guinea, held in Yaounde, Cameroon on 25th June 2013 and which included the establishment of the Inter-regional Coordination Centre (ICC).
10. **Commit** to provide the ICC with the necessary resources to function and **instruct** the ECOWAS Commission President and ECCAS Secretary General to convene within a period of one year, a donor conference to mobilise additional resources from development partners.
11. **Reaffirm** also, our determination to strengthen the management and security of our respective territories and common maritime and land borders through, inter alia:
  - (a) Capacity building for the national administrations involved in border management and control (police, gendarmerie, national guard, customs, etc.);
  - (b) Provision of equipment and materials for the proper management and surveillance of the sensitive border areas in the region; and
  - (c) Promotion of cross border cooperation through capacity building on border area management and local development initiatives for border communities.
  - (d) Introduction and popularisation of the biometric ID card to enhance the security aspect of free movement and facilitate border control.
12. **Agree** to strengthen the fight against the proliferation of small arms and light weapons and implementation of the Arms Trade Treaty (ATT) through, in particular:
  - (a) Accession to and national implementation of the Arms Trade Treaty of 24 December 2014;
  - (b) Scrupulous respect of the ban on arms transfer to non-state actors;

- (c) Adoption or revision of national legislative and regulatory texts governing the acquisition and possession of light weapons by civilians; and
  - (d) Improvement in the management and securing of physical stocks of arms and ammunitions.
13. **State our deep concern** at the escalating number and extent of violent conflicts between herders and farmers due to transhumance and strongly condemn the high number of fatalities as a result of these conflicts and the stigmatisation of specific groups of society.
  14. **Note** that the majority of pastoralist-related conflicts arise from the growing competition between herders and farmers on access to water and pasture due to the adverse effects of urbanisation, climate change, rural banditry and widespread availability of small arms and light weapons.
  15. **Underscore** the cross-border nature of transhumance and **commit** in this regard, to initiate common policies and joint programmes in the management of transhumance sustainable water resource management and the modernisation of agriculture and livestock farming.
  16. **Instruct** the Ministers for Agriculture, Livestock and Security, with the participation of farmer and herder organisations, to hold regular consultations, in order to identify measures for the prevention and peaceful management of conflicts.
  17. Concerning the Lake Chad basin in particular, **recognise** the close link between the drying up of the lake and the worsening security situation in the area, and **call for** accelerated action to raise the water level.

### **On the Prevention and Fight Against Terrorism and Violent Extremism**

18. **We condemn** in the strongest terms the attacks perpetrated by terrorist groups in the region against civilian populations, the defence and security forces, and regional and international forces, in particular the Multinational Joint Task Force (MNJTF) of the Lake Chad Basin Commission, G5 Sahel Joint Force ; UN Multidimensional Integrated Stabilisation Mission in Mali (MINUSMA), United Nations Organisation Stabilisation Mission in Democratic Republic of the Congo (MONUSCO), UN Multidimensional Integrated Stabilisation Mission in Central Africa (MINUSCA), as well as funding and any other forms of support to the terrorist groups.
19. **Condemn also** the financing and all other forms of support for terrorist groups.
20. **Welcome** the commitment of member countries of the Multinational



Joint Task Force of the Lake Chad Basin and G5 Sahel Joint Force to the fight against terrorism. To this end, **call on** all Member States of the two Communities to provide, in a spirit of inter-Community solidarity, material, financial and technical support to Member States' armed forces engaged in the fight against terrorism in the Lake Chad Basin and the Sahel. **Request** the UN Security Council to place the G5 Sahel Force under Chapter 7 of the United Nations Charter to provide it with sustainable and multilateral funding.

21. **Are deeply concerned** over the instability prevailing in Libya and its impact on the security situation in ECOWAS and ECCAS Member States and strongly condemn the activities and all types of illicit trafficking by terrorist groups and mercenaries operating in the Sahel from South Libya.
22. **Are equally concerned** over the adverse political, security, economic, financial, social and humanitarian consequences on these countries and the two Communities.
23. **Note** that ECOWAS and ECCAS countries are compelled to allocate significant resources originally intended for their economic and social development, to the prevention of terrorism and the fight against terrorist groups.
24. **Underline also** that the radicalisation in West and Central Africa presents obvious risks for peace, security and stability in both Communities.
25. **Condemn strongly** all kinds of illicit activities and trafficking from terrorist and mercenary groups operating in the Sahel from a neighbouring country of some ECOWAS and ECCAS Member States.
26. **Call for** increased synergy, complementarity, intelligence and information sharing and operational cooperation between MINUSMA, Barkhane Operation, the G5-Sahel Joint Force and the Multinational Joint Task Force of the Lake Chad Basin Commission.
27. **Pledge** to mutually reinforce the capabilities of our Defence and Security Forces in the areas of personnel training; equipment, intelligence and respect for international humanitarian law.
28. **Reaffirm** our determination to prevent and combat violent extremism and radicalisation through, inter alia:
  - (a) Development and implementation of measures likely to lead to the identification and containment of propaganda methods used by extremist groups, to attract and recruit young people and other vulnerable groups;
  - (b) Involvement of religious and community leaders, women, youth, educational stakeholders, and other relevant civil society groups in the development and implementation of de-radicalization, rehabilitation and reintegration as well as reconciliation programmes;



- (c) Promotion of the culture of tolerance and peace in religious teachings, interreligious and inter-community dialogue and reconciliation;
  - (d) Strengthening of national laws criminalising the membership, recruitment, propaganda, incitement, support, attack or conspiracy to participate in violent radical ideologies;
  - (e) Strengthening institutional and legal measures to curb the flow of illicit funds for terrorism and money laundering;
  - (f) Promotion of education for peace, citizenship and vocational training and employment; and
  - (g) Promotion and development of the capacity to combat the use of cyber space and internet by extremist groups for recruitment and radicalisation.
29. **Encourage** the appropriate security services of our respective countries to exchange relevant information and intelligence and **instruct** the Ministers responsible for Security of ECOWAS and ECCAS Member States to propose to the ECOWAS Commission President and ECCAS Secretary General, before our next Summit, the most suitable mechanisms and procedures for secured intelligence and information sharing among our countries.
30. **Encourage** the establishment of bilateral cooperation frameworks including platforms for judicial cooperation among ECOWAS and ECCAS Member States on one hand, and between these States and other States outside our common space on the other and the creation of specialised judicial centres in the fight against terrorism, violent extremism and transnational organized crime.
31. **Undertake** to implement national policies and programmes to develop regions affected by the activities of terrorist groups, the establishment of development and growth hubs with income generating activities for the youth and access basic education infrastructure. We also undertake to support public and private investment in all productive sectors for inclusive growth, in order to reduce poverty.
28. **Consider** expenditure on security as investment for development and **appeal** to the African Union to support Member States in the fight against terrorism to enable them have more resources to invest in security.

### **On Coordination and Monitoring of the Implementation of this Declaration**

29. **We establish** a Ministerial Monitoring Committee for the implementation of this Declaration, comprising the Ministers of Foreign Affairs and the Ministers in charge of Security assisted by the ECOWAS Commission President and ECCAS Secretary General. The Committee shall meet once a year and submit an annual report on the measures taken to implement the Declaration.

30. **Endorse** the Memorandum of Understanding on multisectoral cooperation between the Economic Community of West African States (ECOWAS) and the Economic Community of African States (ECCAS) signed on 30th June 2018 by the ECOWAS Commission President and the ECCAS Secretary General.
31. **Instruct** the ECOWAS Commission and ECCAS General Secretariat to adopt a common strategy aimed at enhancing resilience of the vulnerable populations through small-scale projects that would make immediate impact on the youth, women and displaced persons by taking into account the combined effects of terrorist attacks and climate change which intensify poverty and terrorism.
32. **Instruct also** the President of the ECOWAS Commission and the Secretary General of ECCAS to take the necessary steps to ensure effective coordination of our actions with the other actors intervening in the area of peace and security within the ECOWAS-ECCAS space, notably the Lake Chad Basin Commission, the G5 Sahel and CEN-SAD.
33. **Further Instruct** the ECOWAS Commission President and the ECCAS Secretary General to take necessary measures to:
  - (a) Initiate joint projects, programmes and other action plans for the implementation of the guidelines and decisions contained in this Declaration;
  - (b) Propose to the monitoring committee funding procedures by Member States for the programmes and projects consequent to this Declaration;
  - (c) Mobilise other necessary resources for implementation of guidelines and decisions contained in this Declaration, and
  - (d) Establish a joint Secretariat for regular discussions and monitoring between ECOWAS and ECCAS.
34. **Call on** Member States, African Union, United Nations, bilateral and multilateral partners and the international community, to provide support to the implementation of this Declaration.
35. **Decide** to maintain dialogue and cooperation between ECOWAS and ECCAS on all matters relating to peace, security, stability and the fight against terrorism and violent extremism and any other matters of common interest, notably the concerted management of migration flows and issues related to climate change.
36. **Decide**, in this regard, to meet every two years alternating between the two Communities, to review the implementation of commitments contained in the extant Declaration.
37. **Decide** to remain seized of the matter.

...

## See also:

- Agreement on Cooperation in Criminal Police Matters between the Central African States (1999)
- Convention between the Member States of the Central African Police Chiefs Committee on Combating Terrorism (2004)
- Convention on the Creation of a Specialized Criminal Investigation Training Centre in Africa (2008)

### **Selected declarations by ECCAS Heads of State and Government:**

- Declaration on Cross-Border Security in Central Africa  
French text: *Déclaration des Chefs d'Etat et de Gouvernement de la Communauté Economique des Etats de l'Afrique Centrale (CEEAC) sur la sécurité transfrontalière en Afrique Centrale*
- Declaration on Violence Against Children  
French text: *Déclaration des Chefs d'Etat et de Gouvernement de la Communauté Economique des Etats de l'Afrique Centrale (CEEAC) sur la violence à l'encontre des enfants*

### **Selected decisions of the ECCAS Heads of State and Government:**

- Decision on creation of a unit for coordinating the fight against trafficking in persons  
French text: *Décision relative à la création d'une Unité chargée de la coordination de la lutte contre la traite des personnes, en particulier des femmes et des enfants, en Afrique Centrale*
- Decision on a joint action plan by ECCAS and ECOWAS to combat trafficking in persons  
French text: *Décision portant adoption du Plan d'action conjoint CEEAC-CEDEAO de lutte contre la Traite des personnes, en particulier des femmes et des enfants, en Afrique de l'Ouest et du Centre*
- Decision on the creation of a regional fund to combat trafficking in persons  
French text: *Décision relative à la création d'un Fonds régional de lutte contre la Traite des personnes, en particulier des femmes et des enfants, en Afrique Centrale*