

Chapter 8

The Arab Maghreb Union, the Common Market for Eastern and Southern Africa and the Community of Sahel-Saharan States

1 Introduction

In addition to those regional and sub-regional organisations detailed in preceding chapters, the African Union recognises among its Regional Economic Communities three additional such entities. These include the Arab Maghreb Union (AMU), the Common Market for Eastern and Southern Africa (COMESA) and the Community of Sahel-Saharan States (CEN-SAD). While the preceding organisations outlined have more specific and elaborate peace and security frameworks, the following organisations examined do not necessarily have such specific nor central functions. The AMU and COMESA, for example, have no legal instruments dedicated in their entirety to peace and security in their respective regions. CEN-SAD remains an exception, having concluded three regional security instruments. Nonetheless, these organisations have in their founding instruments incorporated several provisions relating directly to regional peace and security; most notably commitments against aggression, mutual assistance on defence, and cooperation on conflict issues.

2 The Arab Maghreb Union

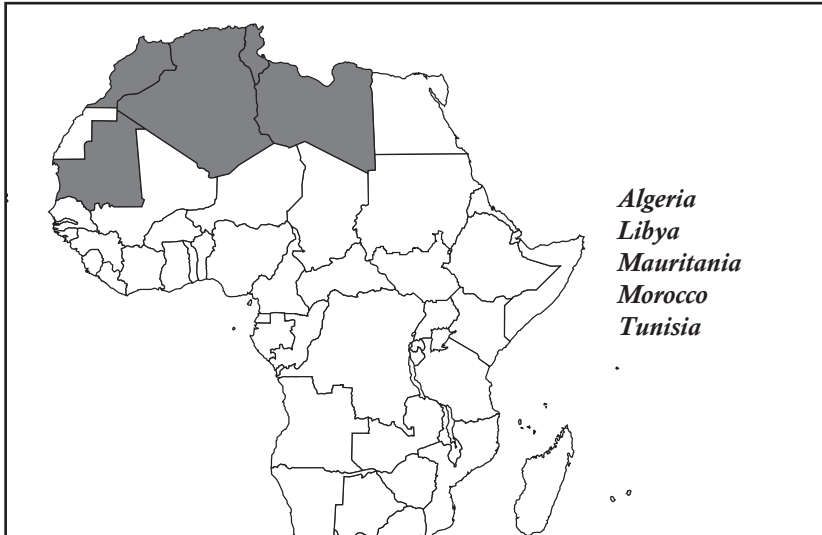
2.1 Introduction

During the first conference of Maghreb Economic Ministers meeting in Tunis in 1964, the *Conseil Permanent Consultatif de Maghreb* (Maghreb Permanent Consultative Council) was established between the states of Algeria, Libya, Morocco and Tunisia. This establishment was meant to integrate regional interests between the respective states and harmonise intra-regional trade and relations with the European Union. The proposed coordination was however never realised and only after some two decades did the respective member states launch a renewed initiative at regional integration. In June 1988, the first Maghreb Summit of the five Heads of

State was held in Zeralda, Algeria. The result of this meeting was a joint decision to establish, among others, a Maghreb High Commission. On 17 February 1989, these five member states (Algeria, Libya, Mauritania, Morocco and Tunisia) adopted the Treaty Instituting the AMU.

The AMU has four principal aims: to strengthen ties between member states; achieve progress and prosperity of their societies while defending their rights; contribute towards peace in the sub-region; and enhance the free movement of persons and transfer of goods and services. While the AMU has no dedicated nor central authority on peace and security matters, the AMU treaty provides for inter-state cooperation on defence and security matters, emphasises collective defence among member states, and prohibits the use of a member state's territory for subversion against another member state. The AMU is composed of five principal organs: a Presidential Council comprising of the Heads of State of each member (owing to disputes between member states on the status of Western Sahara, the Presidential Council has not met at the level of Heads of State since April 1994); the Council of Foreign Ministers, which is to prepare for the Presidential Council and look into points submitted by the follow-up Committee and specialised ministerial Committees (a follow-up Committee consists of members of each member state and regularly follows the implementation of resolutions adopted by the Presidential Council, and the Presidential Ministerial Committees are set up by the Presidential Council, which determines their tasks); a General Secretariat, composed of one representative of each member state (the seat of the General Secretariat is Rabat, Morocco); a Consultative Council, comprising of ten representatives of each member state meant to advise on draft decisions handed to it by the Presidential Council; and a Judicial Organ (Court of Justice), composed of two judges from each member state.

Member States



Treaty Instituting the Arab Maghreb Union (Marrakesh Treaty) (1989/1989)

Full title: Treaty Instituting the Arab Maghreb Union

Date/place of adoption/conclusion: 17 February 1989, Marrakesh, Morocco

Entered into force (EIF): 1 July 1989

EIF provision: Article 19

Authentic texts: Arabic

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

* Entered into force on 1 July 1989 as agreed to by the parties on 30 June 1989, Rabat, Morocco.

** Treaty text as registered in English with the United Nations Treaty Series (Registration number: 26844, Volume Number: 1546 (p.151)).

*** Includes the relevant extracts of the Declaration of the Institution of the Arab Maghreb Union (see below).

Excerpts

...

Article 2

The Union aims at:

- Strengthening the ties of brotherhood which link the member States and their peoples to one another;
- Achieving progress and prosperity of their societies and defending their rights; Contributing to the preservation of peace based on justice and equity;
- Pursuing a common policy in different domains; and
- Working gradually towards achieving free movement of persons and transfer of services, goods and capital among them.

Article 3

The common policy referred to in the previous Article aims at reaching the following goals:

- In the international field: to achieve concord among the member States and establish between them a close diplomatic cooperation based on dialogue;
- In the field of defence: to preserve the independence of each of the member States;

...

Article 14

Any aggression directed against one of the member States shall be considered as an aggression against the other member States.

Article 15

Member States pledge not to permit on their territory any activity or organization liable to threaten the security, the territorial integrity or the political system of any of them.

They also pledge to abstain from joining any alliance or military or political bloc directed against the political independence or territorial integrity of the other member States.

...

Declaration of the Institution of the Arab Maghreb Union

...

Taking into account the fact that our union will make of our region an area of security and a haven of peace, which will permit it to contribute to

the consolidation of international cooperation and peace,

...

Being convinced that the advent of a unified Arab Maghreb will consolidate the struggle of the Palestinian Arab People for liberation and the recovery of their inalienable national rights,

...

Considering that the building up of international cooperation and the upholding of world peace necessitate the setting up of regional unions for firmer and more secure foundations,

...

17 February 1989, Marrakesh, Morocco

3 The Common Market for Eastern and Southern Africa

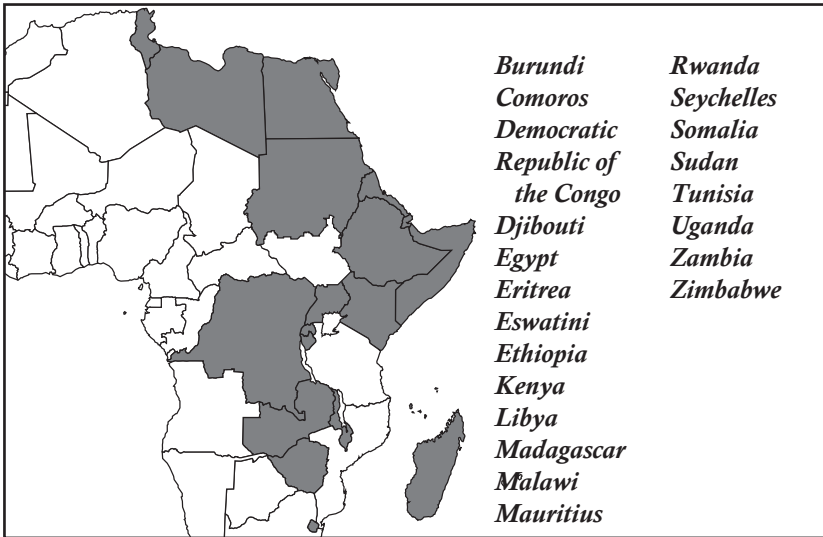
3.1 Introduction

COMESA was established in 1994 as a free trade area between member states and replaced the former Preferential Trade Area from the 1980s. COMESA's primary objectives therefore remain economic and in particular concern: trade liberalisation and customs co-operation; co-operation in the fields of transport, communications, energy, agriculture, monetary affairs and finances; and economic and social development. Seven principal organs make up COMESA and include: the Authority, composed of the Heads of State and Government of each member state; the Council of Ministers, composed of ministers designated by each member state, the Court of Justice; the Committee of Governors of Central Banks; the Intergovernmental Committee; the Technical Committees; the Consultative Committee and the Secretariat.

Although COMESA has no designated organ responsible for peace and security, it has enshrined in its founding treaty several key measures aimed at a regional stability. Among these include the objective of cooperation in the promotion of peace, security and stability among member states; the principles of non-aggression between member states; the peaceful settlement of disputes; and the maintenance of regional peace and security through the promotion of good neighbourliness. Additionally, the founding treaty recognises member states' commitment to peace and security as prerequisites to social and economic development vital to achieving the organisation's regional economic integration objectives.

COMESA currently consists of 22 member states, of which some members also form part of the East African Community and the Southern African Development Community.

Member States



3.2 Treaties

Treaty Establishing COMESA (1993/1994)

Full title: Treaty Establishing the Common Market for Eastern and Southern Africa (COMESA)

Date/place of adoption/conclusion: 5 November 1993, Kampala, Uganda

Entered into force (EIF): 8 December 1994

EIF provision: Article 194

Authentic texts: English, French, Portuguese

Available online at: <https://bit.ly/31X12XK>

* Amended in 2009.

Excerpts

Preamble

...

Having regard to the principles of international law governing relations between sovereign states, and the principles of liberty, fundamental freedoms and the rule of law; and

...

Have agreed as follows:

Chapter 3: Aims and Objectives

Article 3: Aims and Objectives of the Common Market

The aims and objectives of the Common Market shall be:

...

- (d) to co-operate in the promotion of peace, security and stability among the Member States in order to enhance economic development in the region;

...

Article 6: Fundamental Principles

The Member States, in pursuit of the aims and objectives stated in Article 3 of this Treaty, and in conformity with the Treaty for the Establishment of the African Economic Community signed at Abuja, Nigeria on 3rd June, 1991, agree to adhere to the following principles:

...

- (d) non-aggression between the Member States;

...

- (g) the recognition and observance of the rule of law;
- (h) the promotion and sustenance of a democratic system of governance in each Member State;
- (i) the maintenance of regional peace and stability through the promotion and strengthening of good neighbourliness; and
- (j) the peaceful settlement of disputes among the Member States, the active co-operation between neighbouring countries and the promotion of a peaceful environment as a pre-requisite for their economic development.

...

Chapter 6: Co-operation in Trade Liberalisation and Development

Article 50: Security and Other Restrictions to Trade

1. A Member State may, after having given notice to the Secretary-General of its intention to do so, introduce or continue or execute

restrictions or prohibitions affecting:

- (a) the application of security laws and regulations;
- (b) the control of arms, ammunition and other war equipment and military items;
- (c) the protection of human, animal or plant health or life, or the protection of public morality;
- ...
- (f) the maintenance of food security in the event of war and famine.
- ...

Chapter 14: Co-operation in Health Matters

Article 110: Scope of Co-operation

1. The Member States agree to undertake concerted measures to co-operate in health through:
 - (a) the control of pandemics or epidemics, communicable and vector borne diseases that might endanger the health and welfare of citizens of the Common Market;
 - ...
 - (c) joint action in the prevention of drug trafficking;
 - ...

Article 111: Illicit Drug Trafficking and Use of Banned Ingredients

The Member States agree to develop a common approach through the education of the general public and in collaboration with their law enforcement agencies in controlling and eradicating illicit drug trafficking and the use of harmful or banned ingredients in drugs.

...

Article 125: Prevention of Illegal International Trade in Toxic and Hazardous Wastes

1. The Member States undertake to co-operate and adopt common positions against illegal dumping of toxic and undesirable wastes within the Common Market from either a Member State or third country.
2. The Member States undertake to co-operate in sharing technological know-how on clean technologies and low-waste production systems for the energy and productive sectors.
3. The Member States undertake to accede to international environmental Conventions that are designed to improve the environmental policies and management. To this end, the Member States agree to accede to the Montreal Protocol on the Environment.

...

Chapter 27: Regional Peace and Security*Article 163: Scope of Co-operation*

1. The Member States agree that regional peace and security are pre-requisites to social and economic development and vital to the achievement of regional economic integration objectives of the Common Market. In this regard, the Member States agree to foster and maintain an atmosphere that is conducive to peace and security through co-operation and consultations on issues pertaining to peace and security of the Member States with a view to preventing, better managing and resolving inter-State or intra-State conflicts.
2. The Member States undertake to promote and maintain good neighbourliness as a basis for promoting regional peace and security within the Common Market.

...

Chapter 31: Sanctions*Article 171: Sanctions*

1. The Member States agree that for the attainment of the objectives of the Common Market, full commitment of each Member State to the fulfillment of the obligations contained in this Treaty shall be required. To this end, the Member States agree that specific sanctions may be imposed by the Authority to secure fulfillment by the Member States of their obligations under this Treaty.
2. For the purposes of paragraph 1 of this Article, the Authority may impose sanctions on a Member State:
 - (a) which defaults in performing an obligation under this Treaty; or
 - (b) whose conduct, in the opinion of the Authority, is prejudicial to the existence or the attainment of the objectives of the Common Market.
3. The Authority may in any of the events stipulated in paragraph 2 of this Article, impose any one or more of the sanctions set out below:
 - (a) suspend the exercise by such a Member State of any of the rights and privileges of membership to the Common Market;
 - (b) impose a financial penalty on such Member State;
 - (c) suspend from the Common Market a Member State on such conditions and for such period as the Authority may consider appropriate; or
 - (d) expel a Member State.

...

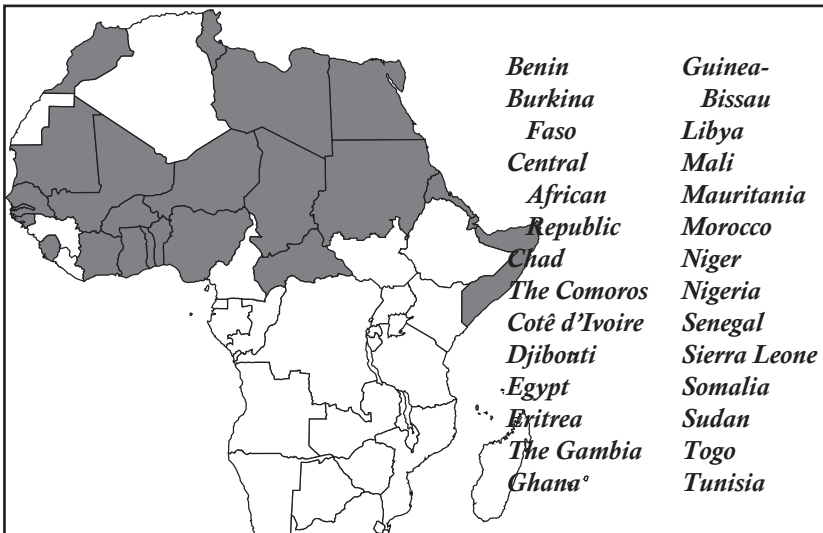
4 The Community of Sahel-Saharan States

4.1 Introduction

CEN-SAD was established on 4 February 1998 during the Conference of Leaders and Heads of State in Tripoli, Libya. Six states were involved in the founding of CEN-SAD: Burkina Faso, Chad, Libya, Mali, Niger and Sudan. CEN-SAD was established as an economic community aimed at regional integration and cooperation. It was formally recognised by the Organisation of African Unity (OAU) as a Regional Economic Community during the Thirty-Sixth Ordinary Session of the Conference of the Heads of State and Government of the OAU in 2000.

In 2013, member states of CEN-SAD revised its founding treaty. This revision in part paved the way for a greater outlook on matters of peace and security, establishing among others, a permanent Security Council. CEN-SAD is composed of the following organs: the Conference of Leaders and Heads of State, the highest decision making body; the Executive Council, responsible for implementing decisions of the Conference; the Permanent Peace and Security Council; the permanent Council in charge of Sustainable Development; the Committee of Ambassadors and Permanent Representatives; the General Secretariat; the Economic and Social Council; and the Sahel-Saharan Bank for Investment and Trade.

Member States



4.2 Treaties

Revised Treaty Establishing the Community of Sahel-Saharan States (2013/)

Full title: Revised Treaty Establishing the Community of Sahel-Saharan States

Date/place of adoption/conclusion: 16 February 2013, N'Djamena, Chad

Entered into force (EIF): Not yet in force

EIF provision: Article 52

Authentic texts: Arabic, English, French.

CEN-SAD Security Charter (2000)

Full title: CEN-SAD Security Charter (French: Charte de sécurité)

Date/place of adoption/conclusion: 5 February 2000, N'Djamena, Chad.

Protocol on the Mechanism for the Prevention, Management and Resolution of Conflicts (2004)

Full title: Protocol on the Mechanism for the Prevention, Management and Resolution of Conflicts (French : Protocole sur le mécanisme de prévention, de gestion et de règlement des conflits)

Date/place of adoption/conclusion: 15 May 2004, Bamako, Mali.

Convention on Cooperation on Security Issues (2004)

Full title: Convention on Cooperation on Security Issues (French: Convention de Coopération en matière de Sécurité)

Date/place of adoption/conclusion: 15 May 2004, Bamako, Mali.

4.3 Declarations, frameworks and policies

Niamey Declaration on Conflict Prevention and Peaceful Settlement of Disputes (2003)

Full title: Niamey Declaration on Conflict Prevention and Peaceful Settlement of Disputes (2003) (French : Déclaration de Niamey sur la prévention des conflits et le règlement pacifique des différends)

Date/place of adoption/conclusion: 15 March 2003, Niamey, Niger

* Adopted at the Fifth Summit of Heads of State and Government, 14-15 March 2003.

See also:

– Thirty Third Meeting of the COMESA Council of Ministers (8-9 December 2014, Lusaka, Zambia), Cyber Security Programme Implementation | available online at:

- Third Meeting of the COMESA Council of Ministers (15 October 2011, Lilongwe, Malawi), Policy on Cyber Security, Maritime Security.