
African Convention on the Conservation of Nature and Natural Resources (Revised) (2003/)

In September 1968, the OAU adopted the Convention on the Conservation of Nature and Natural Resources which entered into force in June 1969. On 11 July 2003 in Maputo, Mozambique, the AU adopted an amended version of the Convention. The amended Convention, reprinted here, sets out a framework for the protection of the environment and the sustainable use of natural resources. Article 3(1) of the Convention echoes article 24 of the African Charter dealing with environmental rights. As of August 2016 the revised Convention had not entered into force. On the protection of the environment, see also the Bamako Convention on the Ban of Import into Africa and the Control of Transboundary Movement and Management of Hazardous Waste within Africa adopted in January 1991 and entered into force in April 1998. Full text available at www.au.int

Excerpts

Preamble

We, the Heads of State and Government of the member states of the African Union (AU),

Conscious that the natural environment of Africa and the natural resources with which Africa is endowed are an irreplaceable part of the African heritage and constitute a capital of vital importance to the continent and humankind as a whole,

Confirming, as we accepted upon declaring our adherence to the Charter of the Organization of African Unity, that it is our duty 'to harness the natural and human resources of our continent for the total advancement of our peoples in all spheres of human endeavour',

...

Re-affirming that states have, in accordance with the Charter of the United Nations and the principles of international law, a sovereign right to exploit their own resources pursuant to their environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other states or of areas beyond the limits of national jurisdiction,

Re-affirming further that states are responsible for protecting and conserving their environment and natural resources and for using them in a sustainable manner with the aim to satisfy human needs according to the carrying capacity of the environment,

...

Desirous of undertaking individual and joint action for the conservation, utilisation and development of these assets by establishing and maintaining their sustainable use,

Recalling the Lagos Plan of Action for the Economic Development of Africa and the Final Act of Lagos as well as the African Charter on Human and Peoples' Rights,

Taking note of the Charter of Economic Rights and Duties of States and of the World Charter for Nature adopted by the General Assembly of the United Nations,

...

HAVE AGREED as follows:

...

Article 2: Objectives

The objectives of this Convention are:

1. to enhance environmental protection;
2. to foster the conservation and sustainable use of natural resources; and
3. to harmonise and co-ordinate policies in these fields with a view to achieving ecologically rational, economically sound and socially acceptable development policies and programmes.

Article 3: Principles

In taking action to achieve the objectives of this Convention and implement its provisions, the parties shall be guided by the following:

1. the right of all peoples to a satisfactory environment favourable to their development;
2. the duty of states, individually and collectively to ensure the enjoyment of the right to development;
3. the duty of states to ensure that developmental and environmental needs are met in a sustainable, fair and equitable manner.

Article 4: Fundamental obligation

The parties shall adopt and implement all measures necessary to achieve the objectives of this Convention, in particular through preventive measures and the application of the precautionary principle, and with due regard to ethical and traditional values as well as scientific knowledge in the interest of present and future generations.

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Article 6: Land and soil

1. The parties shall take effective measures to prevent land degradation, and to that effect shall develop long-term integrated strategies for the conservation and sustainable management of land resources, including soil, vegetation and related hydrological processes.

...

4. Parties shall develop and implement land tenure policies able to facilitate the above measures, *inter alia* by taking into account the rights of local communities.

Article 7: Water

1. The parties shall manage their water resources so as to maintain them at the highest possible quantitative and qualitative levels. They shall, to that effect, take measures designed to:

- (a) maintain water-based essential ecological processes as well as to protect human health against pollutants and water-borne diseases;
- (b) prevent damage that could affect human health or natural resource in another state by the discharge of pollutants; and
- (c) prevent excessive abstraction, to the benefit of downstream communities and states.

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Article 8: Vegetation cover

1. The parties shall take all necessary measures for the protection, conservation, sustainable use and rehabilitation of vegetation cover.

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Article 9. Species and genetic diversity

1. The parties shall maintain and enhance species and genetic diversity of plants and animals whether terrestrial, fresh-water or marine. They shall, for that purpose, establish and implement policies for the conservation and sustainable use of such resources; particular attention shall be paid to socially, economically and ecologically valuable species, which are threatened and species which are only represented in areas under the jurisdiction of one party.

2. The parties shall ensure the conservation of species and their habitats within the framework of land-use planning and of sustainable development.

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Article 14: Sustainable development and natural resources

1. The parties shall ensure that:

- (a) conservation and management of natural resources are treated as an integral part of national and/or local development plans;
- (b) in the formulation of all development plans, full consideration is given to ecological, as well as to economic, cultural and social factors in order to promote sustainable development.

...

Article 16: Procedural rights

1. The parties shall adopt legislative and regulatory measures necessary to ensure timely and appropriate:

- (a) dissemination of environmental information;
- (b) access of the public to environmental information;
- (c) participation of the public in decision-making with a potentially significant environmental impact; and
- (d) access to justice in matters related to protection of environment and natural resources.

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Article 17: Traditional rights of local communities and indigenous knowledge

1. The parties shall take legislative and other measures to ensure that traditional rights and intellectual property rights of local communities including farmers' rights are respected in accordance with the provisions of this Convention.

2. The parties shall require that access to indigenous knowledge and its use be subject to the prior informed consent of the concerned communities and to specific regulations recognising their rights to, and appropriate economic value of, such knowledge.

3. The parties shall take the measures necessary to enable active participation by the local communities in the process of planning and management of natural resources upon which such communities depend with a view to creating local incentives for the conservation and sustainable use of such resources.

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