

COMPENDIUM OF DOCUMENTS RELATING TO REGIONAL AND SUB-REGIONAL PEACE AND SECURITY IN AFRICA

SECOND EDITION (2021)

SVICEVIC (EDITOR)

OAU Charter · Convention for the Elimination of Mercenarism in Africa · Treaty Establishing the African Economic Community · African Nuclear-Weapon-Free Zone Treaty (Pelindaba Treaty) · Convention on Prevention and Combatting Terrorism · Resolutions adopted by the First Conference of Independent Heads of State and Government · OAU Resolutions on Apartheid, Racial Discrimination in Southern Rhodesia, Portuguese Domination, Denuclearization and Other Related Matters · Resolution on the Denuclearization of Africa by the OAU Council of Ministers · Declaration on the Political and Socio-Economic Situation in Africa and the Fundamental Changes Taking Place in the World · Cairo Declaration · Declaration on the Establishment within the OAU of a Mechanism for Conflict Prevention, Management and Resolution · Declaration on the Framework for an OAU Response to Unconstitutional Changes of Government (Lomé Declaration) · Bamako Declaration on Small Arms and Light Weapons · Constitutive Act of the African Union · Protocol Relating to the Establishment of the Peace and Security Council of the AU · Protocol on Amendments to the

Compendium of documents relating to regional and sub-regional peace and security in Africa

Second edition (2021)

Edited by

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Foreword

Fifteen years have passed since the 2006 edition of the *Compendium of Key Documents Relating to Peace and Security in Africa*. The 2021 edition appears at the time when the African Union's aim of 'silencing the guns' on the continent by 2020 has turned out illusionary and so are peace and security for populations in many countries where armed conflicts and other security threats still seem incapable of a solution after many years of death and destruction.

As the 2021 edition again demonstrates, African continental and regional efforts at adopting treaty-based and other frameworks and mechanisms for ensuring peace and security in a part of the world where it is desperately needed, are multi-faceted and multi-leveled. The 2021 update and re-structuring of the contents around new thematic topics are therefore not only timeous but highly commendable. As a research tool the 2021 *Compendium* is indispensable for scholars, researchers and regional policy makers who toil in peace and security matters. However, what should not be overlooked is the contribution the *Compendium* makes in bringing into the open a rule-based framework against which the conduct of African governments and decision-makers in matters of peace and security can be judged.

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My deepest gratitude also goes to Prof Christof Heyns – who oversaw the publication process from its inception. His thorough advice and kindness in ensuring both an optimal and practical publication contributed immensely to its overall output.

I am thankful to Dr Thomas Probert (Freedom from Violence Unit of the Centre for Human Rights) who provided a platform for engagement with this contribution. I am grateful also to Ms Susanna Anbu (University of Pretoria), for her help and resourcefulness with translations of some of the French texts.

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Dedication

In memoriam

Professor Christof Heyns

(10 January 1959 – 28 March 2021)

On 28 March 2021, the news of the passing of Professor Christof Heyns reached the Centre for Human Rights and the Pretoria University Law Press (PULP). Described as the ‘initiator-in-chief’ Prof Heyns was the driving force behind many of the Centre’s accomplishments. At the University of Pretoria (UP), he was a founding father of the Centre and founding Co-Director of the Institute for International and Comparative Law in Africa. Prof Heyns was also the Director of the Centre from 1999 to 2006 and the Dean of the Faculty of Law at UP from 2007 to 2010.

Internationally, Prof Heyns was instrumental in the field of human rights and international law. He was the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions from 2010 to 2016. In 2016, Prof Heyns chaired the UN Independent Investigation on Burundi. He was also a member of the United Nations Human Rights Committee from 2017 to 2020 where he led the drafting of *General Comment No. 37 on the right of peaceful assembly* – widely praised as an excellent and timely contribution to human rights.

At the Centre and at PULP, Prof Heyns was a great editor and mentor. He was ever cognisant of making academic material and inaccessible documents more broadly available. It was also his passion to see others publish and he was involved in the founding of two such endeavours. Firstly, he was the (co)founding editor of the *African Human Rights Law Journal*, which has been published since 2001. Secondly, together with Faculty colleagues, he forged PULP into existence. PULP had towards the beginning of 2021 just published a landmark publication edited by him, Professor Philip Alston, Sarah Knuckey, and Thomas Probert, titled *Alston and Heyns on Unlawful Killings: A Compendium of the Jurisprudence of the United Nations Special Rapporteurs on extrajudicial, summary or arbitrary executions from 2004-2016*.

At a time when the African regional human rights system was largely unknown, Prof Heyns collected and published numerous volumes of texts and commentaries. In this way, he breathed life into an almost

non-existent field of academic study. The collection Heyns and Killander (eds) *Compendium of key human rights documents of the African Union* (PULP, various editions) has served – and will continue to serve – as a source of reference to generations of students of African human rights law. As with every other edition of the *Compendium* series, of which Prof Heyns was the series editor, he was deeply and continuously involved with this edition, always ensuring the highest quality of output while also undertaking practical considerations.

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Chapter 1

Introduction

1 Background

Political instability, challenges to democratisation, unprecedented poverty and ongoing armed conflicts dictate that the African continent remains fraught with challenges to peace and security. While the emergence of non-state actors, most notably terrorist organisations across North and Central Africa, has contributed significantly to destabilising regions, states remain the primary actors across the continent. The establishment of the African Union (AU) following the Sirte Declaration was a turning point in addressing challenges to peace and security. Among these, focus was particularly placed on the promotion of democracy, good governance and the maintenance of continental peace and security.

Nevertheless, some issues seem to be a recurring problem. Most notably are the challenges faced toward transitional democracies and democratic elections by, among others, authoritarian regimes, coups and other unconstitutional changes of government. The subversion of democracy, in turn, has contributed towards direct conflict situations such as insurgencies, armed conflicts and civil wars, and indirectly to the emergence of terrorist organisations and situations that have destabilised entire regions.

At the same time, Africa has become a central focus of the United Nations Security Council (UN Security Council). Since the end of the Cold War and in contrast to earlier years, the number of UN Security Council resolutions concerning Africa have increased dramatically. The significance thereof, where Africa was the focus of merely two resolutions in 1959 to 22 in 1980, 32 in 1995 and 46 in 2006, is that the majority of these resolutions predominantly concern interstate and intrastate conflict on the continent. In 2017, the UN Security Council adopted 27 resolutions focusing on specific situations in Africa, and in 2018 this number stood at 28 resolutions. In 2019, the UN Security Council adopted a further 27 resolutions, the most prominent being on the situation in the Central African Republic, the situation in Sudan and South Sudan, the situation in the Democratic Republic of the Congo (DRC) and the situation in Somalia. UN Security Council practice in this regard has increasingly directed a great deal of attention to conflict situations in Africa (at least over the past three decades), a trend in itself evident from the numerous

resolutions adopted.

Not unexpectedly, peace and security on the African continent is always viewed as the highest of priorities; both among States and regional organisations alike. To this end, both the AU, its Regional Economic Communities (RECs), as well as a plethora of other sub-regional organisations and institutions have devoted a tremendous amount of time and effort in establishing and operationalising mechanisms of conflict prevention, management and resolution. Nowhere is this more evident than in the numerous and extensive treaties, declarations and other policy frameworks spread across every region on the continent. It is these peace and security instruments which form the core of this contribution.

2 Purpose of this book

This book attempts to consolidate the vast and often entangled legal instruments relating broadly to peace and security on the African continent. More specifically, it aims to consolidate a number of legal instruments both on the regional and sub-regional level; treaties and decisions of regional organisations pertaining to conflict prevention, management and resolution in the African regional and sub-regional context. For this reason, documents included in this contribution focus on the AU and its eight RECs: the Arab Maghreb Union (AMU), the Common Market for Eastern and Southern Africa (COMESA), the Community of Sahel-Saharan States (CEN-SAD), the East African Community (EAC), the Economic Community of Central African States (ECCAS), the Economic Community of West African States (ECOWAS), the Intergovernmental Authority on Development (IGAD), and the Southern African Development Community (SADC).

Several legal instruments relating to the AU's predecessor, the Organisation of African Unity (OAU), are also included. Additionally, in line with the AU's Peace and Security Architecture framework, documents of the Eastern African Standby Force are also included. Finally, agreements and understandings on regional and sub-regional peace and security include structures beyond the AU and its RECs.

This contribution is also an updated and expanded version of the 2006 "Compendium of Key Documents Related to Peace and Security in Africa" edited by Dr Monica Juma. The 2006 compendium was part of an evolving series on peace and conflict in Africa published by the Africa Programme of the United Nations-affiliated University for Peace (UPEACE). It was also the first compendium of its kind to consolidate the numerous peace and security documents of African regional and sub-regional organisations.

This contribution builds on the 2006 compendium with updated legal instruments. In addition, beyond reproducing these documents, it also introduces and details a number of military and peacekeeping missions conducted by the relevant organisations in question, as well outlining key decisions on a topical basis.

3 Structure of this book

This book is divided into ten chapters – each chapter focusing on a specific regional or sub-regional organisation’s peace and security instruments. Each chapter is composed of the following: an introduction to the organisation in question which details its establishment, key organs and institutions and its peace and security architecture; a consolidated set of primary and principally binding legal instruments (treaties) either reproduced in full or in part; a secondary set of consolidated instruments which include declarations, institutional frameworks, policies and other agreements, which also either appear in their entirety, by reference or by excerpts; a set of listed additional documents relevant to the organisation in question; and finally, selected (listed) communiqués, decisions and resolutions of the respective organisation’s organs or institutions relevant to peace and security.

Chapter two outlines the largest and most comprehensive of these organisations – the AU, as well as its predecessor, the OAU. Chapters three to eight detail the AU’s RECs as follows: chapter three deals with ECOWAS, chapter four with SADC, chapter five with IGAD, chapter six with the EAC, and chapter seven with ECCAS. Chapter eight deals with a consolidation of three RECs, all of which, although including peace and security in their respective legal instruments, do not necessarily dedicate specific nor central organs on the matter. These include the AMU, CEN-SAD and COMESA. Chapter nine deals with the International Conference on the Great Lakes Region (ICGLR) – an intergovernmental organisation dedicated entirely to security issues in that sub-region. Finally, chapter ten deals with several ancillary organisations; those not necessarily recognised by the AU as RECs. Legal instruments included in chapter ten include those from the Great Lakes Region and Horn of Africa Conference on the Proliferation of Small Arms and Light Weapons, the Gulf of Guinea Commission, the Central African Economic and Monetary Community, the Eastern Africa Standby Force, the G5 Sahel, the Indian Ocean Commission, and the Mano River Union.

Finally, the appendices include a list of peace and ceasefire agreements across Africa (listed by country), charts of ratification, a list of useful websites, and a selected bibliography.

Chapter 2

From the Organisation of African Unity to the African Union

1 The Organisation of African Unity

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

OAU interventions

The OAU intervention in Chad (1981)

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

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

1.1 Treaties

OAU Charter (1963/1963)

Full title: Charter of the Organisation of African Unity

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

Entered into force (EIF): 13 September 1963

EIF provision: Article XXV

Authentic texts: Arabic, English, French, Portuguese

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

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

Excerpts

...

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

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

...

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

...

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

Establishment

Article I

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

Article II: Purposes

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

Article III: Principles

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

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

Article XIX: Commission of Mediation, Conciliation and Arbitration

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

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

Article XX: Specialised Commission

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

...

3. Defence Commission.

Article XXI

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

...

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

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

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

Entered into force (EIF): 22 April 1985

EIF provision: Article 13(3)

Authentic texts: Arabic, English, French

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

Preamble

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

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

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

Convinced that total solidarity and co-operation between Member

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

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

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

Have agreed as follows:

Article 1: Definition

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

Article 2: Aggravating Circumstances

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

Article 3: Status of Mercenaries

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

Article 4: Scope of Criminal Responsibility

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

Article 5: General Responsibility of States and their Representatives

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

Article 6: Obligations of States

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

To this end, each contracting State shall undertake to:

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

Article 7: Penalties

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

Article 8: Jurisdiction

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

Article 9: Extradition

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

Article 10: Mutual Assistance

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

Article 11: Judicial Guarantee

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

Article 12: Settlement of Disputes

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

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

...

Treaty Establishing the African Economic Community (1991/1994)

Full title: Treaty Establishing the African Economic Community

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

Entered into force (EIF): 12 May 1994

EIF provision: Article 101

Authentic texts: Arabic, English, French, Portuguese

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

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

Excerpts

Preamble

...

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

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

...

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

...

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

Article 2: Establishment of the Community

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

Article 3: Principles

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

...

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

...

Article 4: Objectives

1. The objectives of the Community shall be:

...

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

...

Article 5: General Undertakings

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

...

Chapter VI: Customs Union and Liberalisation of Trade

Article 35: Exceptions and Safeguard Clause

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

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

...

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

...

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

Full title: African Nuclear-Weapon-Free Zone Treaty

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

Entered into force (EIF):) 15 July 2009

EIF provision: Article 18(2)

Authentic texts: Arabic, English, French, Portuguese

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

Excerpts

The Parties to this Treaty

...

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

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

Aware that regional disarmament measures contribute to global disarmament efforts,

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

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

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

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

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

Determined to keep Africa free of environmental pollution by radioactive

wastes and other radioactive matter,

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

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

Article 1: Definition / Usage of terms

For the purpose of this Treaty and its Protocols:

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

Article 2: Application of the Treaty

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

Article 3: Renunciation of nuclear explosive devices

Each Party undertakes:

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

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

Article 4: Prevention of stationing of nuclear explosive devices

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

Article 5: Prohibition of testing of nuclear explosive devices

Each Party undertakes:

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

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

Each Party undertakes:

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

Article 7: Prohibition of dumping of radioactive wastes

Each Party undertakes:

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

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

Article 8: Peaceful nuclear activities

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

Article 9: Verification of peaceful uses

Each Party undertakes:

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

Article 10: Physical protection of nuclear materials and facilities

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

Article 11: Prohibition of armed attack on nuclear installations

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

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

Article 12: Mechanism for compliance

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

Article 13: Report and exchanges of information

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

Article 14: Conference of Parties

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

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

...

Article 22: Status of the annexes

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

Annex II

Safeguards of the International Atomic Energy Agency

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

Annex III

African Commission on Nuclear Energy

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

Annex IV

Complaints procedure and settlement of disputes

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

complaint to the Commission.

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

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

Protocol I

The Parties to this Protocol

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

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

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

Have agreed as follows:

Article 1

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

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

Article 2

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

Article 3

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

Article 4

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

Article 5

This Protocol shall be subject to ratification.

Article 6

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

Article 7

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

Protocol II

The Parties to this Protocol

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

...

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

Have agreed as follows

Article 1

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

nuclear-weapon-free zone.

Article 2

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

Article 3

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

Article 4

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

...

Protocol III

...

Have agreed as follows:

Article 1

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

Article 2

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

Article 3

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

Article 4

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

...

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

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

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

Entered into force (EIF): 6 December 2002

EIF provision: Article 20(1)

Authentic texts: Arabic, English, French, Portuguese

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

The Member States of the Organization of African Unity:

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

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

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

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

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

Desirous of strengthening cooperation among Member States in order to

forestall and combat terrorism;

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

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

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

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

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

Determined to eliminate terrorism in all its forms and manifestations;

Have agreed as follows:

Part I: Scope of Application

Article 1

For the purposes of this Convention:

...

3. "Terrorist act" means:

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

Article 2

States Parties undertake to:

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

Article 3

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

Part II: Areas of Cooperation

Article 4

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

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

Article 5

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

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

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

Part III: State Jurisdiction

Article 6

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

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

Article 7

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

Part IV: Extradition

Article 8

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

Article 9

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

Article 10

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

Article 11

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

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

Article 12

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

Article 13

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

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

Article 14

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

Article 15

A commission rogatoire may be refused:

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

Article 16

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

Article 17

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

Article 18

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

...

1.2 Declarations, frameworks and policies

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

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

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

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

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

Excerpts

Agenda Item II: Decolonization

...

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

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

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

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

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

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

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

...

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

...

Agenda Item II: Apartheid and Racial Discrimination

...

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

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

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

...

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

...

Agenda Item III: General Disarmament

...

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

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

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

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

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

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

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

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

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

*Excerpts***Apartheid in South Africa**

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

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

Having examined the Report of the Liberation Committee,

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

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

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

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

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

Apartheid and Racial Discrimination

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

...

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

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

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

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

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

Decides:

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

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

Report of the Liberation Committee

...

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

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

...

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

...

Southern Rhodesia

...

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

Requests:

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

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

Territories under Portuguese Domination

...

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

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

...

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

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

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

Denuclearization of Africa

...

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

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

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

...

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

...

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

The Territorial Integrity of Basutoland, Bechuanaland and Swaziland

...

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

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

Border Disputes Among African States

...

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

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

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

...

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

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

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

Financing of the United Nations Peace Operations

...

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

...

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

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

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

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

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

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

...

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

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

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

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

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

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

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

Cairo Declaration (1993)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Excerpts

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

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

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

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

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

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

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

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

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

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

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

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

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

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

...

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

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

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

We have also decided that:

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

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

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

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

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

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

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

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

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

Bamako Declaration on Small Arms and Light Weapons (2000)

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

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

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

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

...

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

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

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

1. **We express grave concern** that the problem of the illicit proliferation, circulation and trafficking of small arms and light weapons continues to have devastating consequences for stability and development in Africa. We recognize that this problem:
 - (i) sustains conflicts, exacerbates violence, contributes to the displacement of innocent populations and threatens international humanitarian law, as well as fuels crime and encourages terrorism;
 - (ii) promotes a culture of violence and destabilizes societies by creating a propitious environment for criminal and contraband activities, in particular, the looting of precious minerals and the illicit trafficking in and abuse of, narcotic drugs and psychotropic substances and endangered species;
 - (iii) has adverse effects on security and development, especially on women, refugees and other vulnerable groups, as well as on infrastructure and property;
 - (iv) also has devastating consequences on children, a number of whom are victims of armed conflict, while others are forced to become child soldiers;
 - (v) undermines good governance, peace efforts and negotiations, jeopardizes the respect for fundamental human rights, and hinders economic development;
 - (vi) relates to the combating and the eradication of the illicit proliferation, circulation and trafficking of small arms and light weapons, and control of their proliferation;
 - (vii) is both one of supply and demand, transcends borders and calls for cooperation at all levels: local, national, regional, continental and international.

2. **We therefore agree** that, in order to promote peace, security, stability and sustainable development on the continent, it is vital to address the problem of the illicit proliferation, circulation and trafficking of small arms and light weapons in a comprehensive, integrated, sustainable and efficient manner through:
 - (i) ensuring that the behaviour and conduct of Member States and suppliers are not only transparent but also go beyond narrow national interests;
 - (ii) the promotion of measures aimed at restoring peace, security and confidence among and between Member States with a view to reducing the resort to arms;
 - (iii) the promotion of structures and processes to strengthen democracy, the observance of human rights, the rule of law and good governance, as well as economic recovery and growth;
 - (iv) the promotion of conflict prevention measures and the pursuit of negotiated solutions to conflicts;
 - (v) the promotion of comprehensive solutions to the problem of the illicit proliferation circulation and trafficking of small arms and light weapons that:
 - include both control and reduction, as well as supply and demand aspects;

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

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

A. At the National Level

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

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

B. At the Regional Level

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

transfers by manufacturers, suppliers, traders, brokers, shipping and transit agents;

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

...

7. **We undertake** to promote and defend this African common position on the illicit proliferation, circulation and trafficking of small arms and light weapons during the 2001 UN Conference on the Illicit Trade in Small Arms and Light Weapons in all its aspects.

...

2 The African Union

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

The AU's Peace and Security Structures and Mechanisms

(a) *The Assembly*

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

(b) *The Executive Council*

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

(c) *The Permanent Representatives Committee*

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

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

(d) The Peace and Security Council

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

(e) The Pan African Parliament

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

(f) The African Peer Review Mechanism

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

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

(g) *The African Standby Force*

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

(h) *The Regional Economic Communities*

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

(i) *The African Capacity for Immediate Response to Crises*

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

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

AU Military Interventions and Peacekeeping Missions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2.1 Treaties

Constitutive Act of the African Union (2000/2001)

Full title: Constitutive Act of the African Union

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

Entered into force (EIF):) 26 May 2001

EIF provision: Article 28

Authentic texts: Arabic, English, French, Portuguese

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

Excerpts

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

...

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

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

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

...

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

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

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

...

Have agreed as follows:

...

Article 2: Establishment

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

Article 3: Objectives

The objectives of the Union shall be to:

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

Article 4: Principles

The Union shall function in accordance with the following principles:

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

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

Article 5: Organs of the Union

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

Article 6: The Assembly

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

consultations among the Member States.

Article 7: Decisions of the Assembly

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

Article 8: Rules of Procedure of the Assembly

The Assembly shall adopt its own Rules of Procedure.

Article 9: Powers and Functions of the Assembly

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

Article 10: The Executive Council

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

Article 11: Decisions of the Executive Council

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

Article 12: Rules of Procedure of the Executive Council

The Executive Council shall adopt its own Rules of Procedure.

Article 13: Functions of the Executive Council

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

Article 14: The Specialised Technical Committees

Establishment and Composition

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

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

Article 15: Functions of the Specialised Technical Committees

Each Committee shall within its field of competence:

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

Article 16: Meetings

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

...

Article 23: Imposition of Sanctions

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

...

Article 30: Suspension

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

...

Article 33: Transitional Arrangements and Final Provisions

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

...

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

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

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

Entered into force (EIF): 26 December 2003

EIF provision: Article 22(5)

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

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

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

Excerpts

...

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

...

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

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

...

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

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

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

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

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

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

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

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

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

Hereby agree on the following:

Article 1: Definitions

For the purpose of this Protocol:

...

- (b) “**Cairo Declaration**” shall mean the Declaration on the Establishment, within the OAU, of the Mechanism for Conflict Prevention, Management and Resolution;
- (c) “**Lomé Declaration**” shall mean the Declaration on the Framework for an OAU Response to Unconstitutional Changes of Government;

...

Article 2: Establishment, Nature and Structure

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

Article 3: Objectives

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

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

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

Article 4: Principles

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

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

Article 5: Composition

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

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

Article 6: Functions

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

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

Article 7: Powers

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

and Security Council shall:

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

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

Article 8: Procedure

Organisation and Meetings

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

Subsidiary Bodies and Sub-Committees

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

Chairmanship

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

Agenda

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

Quorum

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

Conduct of Business

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

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

Voting

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

Rules of Procedure

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

Article 9: Entry Points and Modalities for Action

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

Article 10: The Role of the Chairperson of the Commission

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

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

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

Article 11: Panel of the Wise

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

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

Article 12: Continental Early Warning System

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

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

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

Article 13: African Standby Force

Composition

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

Mandate

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

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

Chain of Command

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

Military Staff Committee

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

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

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

Training

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

Role of Member States

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

Article 14: Peace Building

Institutional Capacity for Peace-building

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

Peace-building during Hostilities

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

Peace-building at the End of Hostilities

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

Article 15: Humanitarian Action

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

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

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

Security Council and the Chairperson of the Commission, shall:

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

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

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

Article 18: Relationship with the Pan African Parliament

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

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

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

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

Article 20: Relationship with Civil Society Organisations

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

Article 21: Funding

Peace Fund

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

Assessment of Cost of Operations and Pre-Financing

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

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

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

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

Entry into force (EIF): Not yet in force

EIF provision: Article 13

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

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

Excerpts

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

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

...

Article 2: Preamble

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

Article 3: Objectives

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

The objectives of the Union shall be to:

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

Article 4: Principles

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

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

Article 5: Organs of the Union

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

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

Article 6: The Assembly

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

...

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

...

Article 9: Peace and Security Council

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

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

Article 10: The Permanent Representatives Committee

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

...

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

...

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

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

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

Entry into force (EIF): 14 December 2003

EIF provision: Article 22

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

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

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

Excerpts

Preamble

...

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

Article 2: Establishment of the Pan-African Parliament

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

...

Article 3: Objectives

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

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

Article 4: Composition

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

...

Article 11: Functions and Powers

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

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

...

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

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

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

EIF provision: Article 19

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

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

Excerpts

...

Article 2: Objectives

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

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

Article 7: Functions

As an advisory organ, ECOSOCC shall:

...

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

...

Article 11: Sectoral Cluster Committees

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

...

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

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

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

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

Entry into Force (EIF): 26 February 2014

EIF provision: Article 10

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

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

Excerpts

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

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

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

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

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

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

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

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

...

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

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

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

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

Hereby agree as follows:

Article 1: Definitions

...

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

...

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

Article 2: Purpose

1. This Protocol is adopted pursuant to Article 21 of the Convention as a supplement to the Convention.

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

Article 3: Commitments by States Parties

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

Article 4: Mechanism for Implementation

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

- (a) establish operating procedures for information gathering,

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

Article 5: The Role of the Commission

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

Article 6: The Role of Regional Mechanisms

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

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

Article 7: Settlement of Disputes

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

...

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

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

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

Entered into force (EIF): 18 December 2009

EIF provision: Article 19

Authentic texts: Arabic English, French, Portuguese

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

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

Excerpts

Preamble

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

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

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

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

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

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

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

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

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

Having agreed as follows:

Article 1: Definitions

In this Pact:

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

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

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

Article 2: Objectives

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

Article 3: Obligations

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

Article 4

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

Article 5

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

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

Article 6

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

Article 7

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

Article 8

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

Article 9: Implementation Mechanisms

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

Article 10

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

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

Article 11

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

Article 12: The African Peace Academy

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

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

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

Article 14: The African Union Commission on International Law

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

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

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

Article 15

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

Article 16: Interpretation

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

Article 17

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

...

Article 21

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

...

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

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

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

Entered into force (EIF): 15 February 2012

EIF provision: Article 48

Authentic texts: Arabic, English, French, Portuguese

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

Excerpts

Preamble

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

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

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

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

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

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

Cognizant of the historical and cultural conditions in Africa;

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

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

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

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

...

Have agreed as follows:

...

Chapter 2: Objectives

Article 2

The objectives of this Charter are to:

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

Chapter 3: Principles

Article 3

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

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

Chapter 4: Democracy, Rule of Law and Human Rights

Article 4

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

Article 5

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

...

Chapter 5: The Culture of Democracy and Peace

Article 11

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

Article 12

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

consolidate a culture of democracy and peace.

To this end, State Parties shall:

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

...

Article 13

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

Chapter 6: Democratic Institutions

Article 14

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

Article 15

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

Article 16

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

Chapter 7: Democratic Elections

Article 17

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

To this end, State Parties shall:

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

Article 18

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

Article 19

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

Article 20

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

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

Article 21

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

Article 22

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

Chapter 8: Sanctions in Cases of Unconstitutional Changes of Government

Article 23

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

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

Article 24

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

Article 25

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

Article 26

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

Chapter 9: Political, Economic and Social Governance

...

Article 32

State Parties shall strive to institutionalize good political governance through:

...

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

...

Article 36

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

Article 37

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

Article 38

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

Article 39

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

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

...

Chapter 10: Mechanisms for Application

Article 44

To give effect to the commitments contained in this Charter:

1. Individual State Party Level

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

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

2. Commission Level

A. At Continental Level

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

B. At Regional Level

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

Communities (RECs) to:

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

Article 45

The Commission shall:

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

...

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

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

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

EIF provision: Article 33

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

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

Excerpts

Preamble

...

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

...

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

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

...

Now therefore it is hereby agreed as follows:

Chapter 1: Preliminary Provisions

...

Article 2: Scope of Application

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

Article 3: Objectives

The objectives of this Protocol are to:

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

...

Article 4: General Undertakings

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

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

...

Article 5: Specific Undertakings

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

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

Chapter 2: Institutional Framework

Article 6: Establishment of Institutional Organs

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

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

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

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

...

Article 9: The Committee of Secretariat Officials Composition and Functions

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

...

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

Chapter 8: General and Final Provisions

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

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

...

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

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

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

Entered into force (EIF): 6 December 2012

EIF provision: Article 17(1)

Authentic texts: Arabic, English, French, Portuguese

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

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

Revised African Maritime Transport Charter (2010/)

Full title: Revised African Maritime Transport Charter

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

Entered into force (EIF): Not yet in force

EIF provision: Article 51(1)

Authentic texts: Arabic, English, French, Portuguese

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

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

Excerpts

Preamble

...

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

...

Chapter II: Objectives and Principles of Cooperation

Article 3: Objectives

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

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

Article 4: Principles

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

Chapter V: Cooperation in Maritime and Inland Waterways Transport

Article 12: General Cooperation

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

Chapter VIII: Enhancing Maritime Safety and Security

...

Article 24: Sharing of information and Mutual Assistance

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

...

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

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

...

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

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

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

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

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

Excerpts

...

II: Threats and Vulnerabilities

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

...

IV: Strategic Objectives

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

...

XII: Framework for Strategic Actions

...

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

...

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

...

(c) Regional Maritime Operational Centers

...

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

...

(h) Disaster Risk Management

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

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

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

...

(k) Maritime Governance

...

(iii) Money Laundering, Illegal Arms and Drug Trafficking

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

(iv) Environmental Crimes

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

...

(ix) Piracy and Armed Robbery at Sea

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

(x) Maritime Terrorism

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

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

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

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

(xii) Strategic Communications Systems

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

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

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

Annex B: Definitions

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

...

(iv) Maritime Safety

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

(v) Maritime Security

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

...

(x) Security

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

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

...

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

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

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

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

EIF provision: Article 15

Authentic texts: Arabic, English, French, Portuguese

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

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

Excerpts

Preamble

...

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

Convinced that a legal framework for cross-border cooperation would

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

...

Have agreed as follows:

Article 2: Objectives

The objectives of the present Convention are to:

...

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

Article 3: Areas of Cooperation

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

...

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

Article 4: Facilitation of Cross-Border Cooperation

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

Article 5: Sharing of Information and Intelligence

...

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

...

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

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

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

Entered into force (EIF): Not yet in force

EIF provision: Article 23

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

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

Excerpts

...

Article 3: Objectives of the Pan African Parliament

The objectives of the Pan African Parliament shall be to:

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

...

Article 8: Functions and Powers

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

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

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

...

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

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

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

Entered into force (EIF): Not yet in force

EIF provision: Article 11(1)

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

Excerpts

Article 28A: International Criminal Jurisdiction of the Court

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

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

Article 28B: Genocide

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

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

Article 28C: Crimes Against Humanity

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

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

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

Article 28D: War Crimes

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

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

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

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

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

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

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

Article 28E: The Crime of Unconstitutional Change of Government

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

Article 28F: Piracy

Piracy consists of any of the following acts:

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

Article 28G Terrorism

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

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

Article 28H Mercenarism

For the purposes of this Statute:

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

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

...

Article 28M Crime of Aggression

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

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

...

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

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

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

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Excerpts

Preamble

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

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

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

...

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

...

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

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

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

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

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

...

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

...

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

Hereby agree as follows:

Chapter I: General Provisions

Article 1: Definitions

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

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

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

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

...

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

...

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

...

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

(i) Illegal fishing means activities:

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

(ii) Unreported fishing means fishing activities:

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

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

(iii) Unregulated fishing means fishing activities:

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

...

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

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

...

“Piracy” means:

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

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

...

“Terrorist acts” refers to terrorist:

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

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

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

...

Article 2: Principles

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

principles:

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

Article 3: Objectives

The objectives of the present Charter shall be to:

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

Article 4: Scope

The present Charter shall cover:

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

Chapter II: Measures to Prevent and Combat Crimes at Sea

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

Each State Party shall endeavour to:

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

Article 6: States Parties Responsibility

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

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

Article 7: National Coordinating Structures

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

Article 8: Harmonizing of National Legislation

Each State Party shall, where appropriate:

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

personnel within the justice system.

Article 9: Resources to Guarantee Maritime Security and Safety

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

Article 10: Financial Obligations of Flag States and Coastal States

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

Article 11: Maritime Security and Safety Fund

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

Chapter III: Maritime Governance

...

Article 14: Protection of Maritime Territories

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

...

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

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

Article 17: Drug Trafficking

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

...

Chapter IV: Development of the Blue/Ocean Economy

...

Article 25: Measures to Mitigate Climate Change and Environmental Threats

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

...

Article 29: Maritime Disaster Risk Management

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

...

Article 32: Cooperation in Combating Crimes at Sea

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

Article 33: Maritime Information Sharing

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

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

...

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

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

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

Entered into force (EIF): 30 January 2017

EIF provision: Article 29(1)

Authentic texts: Arabic, English, French, Portuguese

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

2.2 Declarations, frameworks and policies

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

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

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

Available online at: www.au.int

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

I. Introduction

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

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

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

...

Africa and the global revolution

...

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

III: The New Political Will of African Leaders

...

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

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

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

...

49. To achieve these objectives, African leaders will take joint responsibility for the following:
- Strengthening mechanisms for conflict prevention, management and resolution at the regional and continental levels, and to ensure that these mechanisms are used to restore and maintain peace;
 - Promoting and protecting democracy and human rights in their respective countries and regions, by developing clear standards of accountability, transparency and participatory governance at the national and sub-national levels;

...

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

...

A. Conditions for Sustainable Development

The Peace, Security, Democracy, and Political Governance Initiative

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

(i) Peace and Security Initiative

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

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

(ii) Democracy and Political Governance Initiative

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

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

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

...

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

<p>Full title: New Partnership for Africa’s Development (NEPAD) Declaration on Democracy, Political, Economic and Corporate Governance</p>
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<p>Date/place of adoption/conclusion: 18 June 2002, Durban, South Africa</p>
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<p>Available online at: https://bit.ly/2DqaOVF</p>

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

Preamble

...

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

...

5. Africa faces grave challenges and the most urgent of these are the eradication of poverty and the fostering of socio-economic development, in particular, through democracy and good governance. It is to the achievement of these twin objectives that the NEPAD process is principally directed.

6. Accordingly, we the participating Heads of State and Government of the member states of the African Union have agreed to work together in policy and action in pursuit of the following objectives:-

- Democracy and Good Political Governance
- Economic and Corporate Governance
- Socio-Economic Development

- African Peer Review Mechanism

Democracy and Good Political Governance

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

development in all our countries.

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

13. In support of democracy and the democratic process

We will:

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

14. In support of Good Governance

We have agreed to:

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

15. To promote and protect human rights

We have agreed to:

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

Economic and Corporate Governance

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

...

African Peer Review Mechanism

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Memorandum of Understanding on the African Peer Review Mechanism (2003)

Full title: Memorandum of Understanding on the African Peer Review Mechanism

Date/place of adoption/conclusion: 9 March 2003

Authentic texts: Arabic, English, French, Portuguese

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

Statute of the African Peer Review Mechanism (APRM) (2016/2016)

Full title: Statute of the African Peer Review Mechanism (APRM)

Date/place of adoption/conclusion: 26 August 2016, Nairobi, Kenya

Entered into force (EIF): 26 August 2016 (provisionally)

EIF provision: Article 24

Authentic texts: Arabic, English, French, Portuguese

Available online at: <https://bit.ly/3iLYO0U>

* Adopted at the Twenty-Fifth Summit of the APRM Forum of Heads of State and Government, 26 August 2016, Nairobi, Kenya.

Excerpts

Preamble

The Member States of the African Union,

Reiterating our commitment to the fundamental principles and objectives of the African Union, as enshrined in the Constitutive Act, the founding instrument of the African Union and comprising, inter alia, the promotion of democratic principles and institutions, popular participation, good governance, human and peoples' rights; the promotion of peace, security and stability on the continent; and the acceleration of the political and socio-economic integration of Africa;

Cognisant that the principles and objectives of the African Peer Review Mechanism [APRM], are themselves intrinsic to the afore-mentioned principles and objectives of the African Union;

...

Inspired by the vision of the APRM as an African-owned and African-led platform for self-assessment, peer-learning, and experience-sharing in the pursuit of the highest possible standards of good political, economic and corporate governance as well as broad-based and sustainable socioeconomic development;

Recognising that the primary purpose of the APRM is to foster the adoption of policies, standards and practices leading to political stability, high economic growth, sustainable development and accelerated regional and continental economic integration;

Recalling that the mandate of the APRM is to encourage Participating States in ensuring that their policies and practices conform to the agreed political, economic and corporate governance values, codes and standards, and to achieve mutually agreed objectives in socio-economic development contained in the Declaration on Democracy, Political, Economic and

Corporate Governance;

Reaffirming our commitment to the APRM Base Document AHG/235 (XXXVIII) Annex II of July 2002 in which the APRM is described as an instrument voluntarily acceded to by Member States of the African Union and as an African self-monitoring mechanism; and convinced of the imperative need for the APRM to consolidate itself as the authoritative institution on Governance within the African Union;

Reaffirming our commitment to the African Charter on Democracy, Elections, and Governance of January 2007, and particularly its principal objective to promote adherence to the universal values and principles of democracy and respect for human rights, thus building on the core principles of the Declaration on Democracy, Political, Economic and Corporate Governance;

Recalling that the African Charter on Democracy, Elections and Governance stipulates that the States Parties shall promote and deepen democratic governance by implementing, inter alia, the principles and core values of the APRM;

...

Reiterating that Regional Economic Communities remain the critical building blocks for Africa's economic integration;

Mindful of the critical role that the APRM is expected to play in the monitoring of Agenda 2063, the African Union's overarching framework for the continent's development, as well as in following up on the implementation of the UN Sustainable Development Goals, based substantially as they are on the Common African Position;

Mindful also of the fact that the APRM is required to be a lead player in the implementation of other major frameworks of the AU such as the African Governance Architecture and the African Peace and Security Architecture; and

Recalling the General Convention on Privileges and Immunities of the Organization of African Unity [OAU], adopted by the Heads of State and Government of the OAU;

Have agreed as follows:

...

Chapter 2

Article 2: Establishment of the African Peer Review Mechanism

1. APRM is hereby established as a Specialised Agency within the AU.
2. The structure, objectives and functions of the APRM shall be defined in this Statute.

Article 3: Scope and Purpose of this Statute

1. This Statute, as supplemented by the respective Rules of Procedure of the APR Forum, APR Focal Points Committee, and APR Panel, supersedes the APRM Operating Procedures adopted by the APR Forum in 2012; as well as consolidates the Malabo Decision on the Integration of the APRM into the AU, as adopted by the Assembly in 2012;
2. This Statute accordingly:
 - (a) determines the respective roles, powers, responsibilities and lines of accountability of the various structures of the APRM; and
 - (b) defines the relations between the APRM and other AU institutions external to the APRM in the context of the integration of the APRM into the AU system.
 - (c) defines relations between the APRM and other international organisations.

Chapter 3

Article 4: Mandate

1. The APRM has the mandate to promote and facilitate self-monitoring by the Participating States, and to ensure that their policies and practices conform to the agreed political, economic, corporate governance and socio-economic values, codes and standards contained in the Declaration on Democracy, Political, Economic and Corporate Governance; and the African Charter on Democracy, Elections and Governance, as well as other relevant treaties, conventions and instruments adopted by Participating States whether through the African Union or through other international platforms.
2. In the implementation of its mandate, the APRM has the primary purpose of fostering the adoption of policies, standards and practices that lead to political stability, high economic growth, sustainable and inclusive development, as well as accelerated regional and continental economic integration, through sharing of experiences and reinforcement of successful and best practices.

Chapter 4

Article 5: Principles of the APRM

The APRM shall be guided by the following principles:

1. The APRM shall remain a self-monitoring mechanism based on an African agenda and ownership;
2. The APRM shall deliver its mandate in a technically and culturally competent manner, as well as in a credible fashion free of political

- manipulation;
3. The APRM process shall be founded on the principles of good political, economic, social and corporate governance; democracy; the rule of law, respect for human rights, and peaceful resolution of conflicts; and
 4. The APRM process shall ensure the full participation of all stakeholders in society.

Chapter 5

Article 6: Participation in the African Peer Review Process

The APRM shall be guided by the following principles:

1. Participation in the African Peer Review process is open to all AU Member States
2. Membership of the APRM shall comprise and be limited to AU Member States that have voluntarily acceded to it.
3. Any Member State of the African Union wishing to participate in the APRM after the entry into in force of the present Statute, shall notify the Chairperson of the APR Forum of its intention to accede to this Statute and be admitted as a Member of the APRM.
4. Any Member State of the African Union wishing to participate in the APRM shall give an undertaking to submit to and facilitate periodic peer reviews, and to implement the recommendations relating thereto.

Chapter 6

Article 7: Status of the APRM within the African Union System

1. The APRM is an instrument voluntarily acceded to by AU Member States.
2. The APRM is an autonomous institution body within the AU system with the legal personality of a specialized agency.
3. The APRM exercises political, administrative, budgetary and financial autonomy in relation to other organs and institutions of the AU.
4. The day-to-day management of the APRM in the administrative, human resource and financial domains shall be based on the standard rules, practices and procedures of the African Union system.
5. The APRM shall be autonomous of the Commission and its departments, with which it shall work closely.

Chapter 7

Article 8: Continental Structure

1. At the continental level, the APRM shall comprise:
 - (a) an APR Forum composed of the Heads of State and Government of Participating States;
 - (b) an APRM Focal Points Committee composed of the national Focal Points of Participating States;
 - (c) an APR Panel of Eminent Persons composed of a minimum of five and a maximum of nine Africans appointed by the APR Forum; and
 - (d) an APRM Continental Secretariat led by a Chief Executive Officer (CEO) appointed by the APR Forum.
2. The continental governing bodies of the APRM provided in paragraph (1) above shall operate independently of, but in close collaboration with, AU organs, institutions, bodies and structures.

...

Article 14: APRM National Structures

1. Without prejudice to the inherent right of each Member State to organize its APRM national structures as it deems appropriate, Member States shall endeavour to organise their national structures in accordance with the guidelines provided in this article.
2. National APRM structures shall comprise:
 - (a) the APRM National Focal Point;
 - (b) the APRM National Governing Council or Commission [NGC];
 - (c) the APRM National Secretariat; and d. the Technical Research Institutions.

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Chapter 10

Article 21: Relations between APRM Continental Structures and Strategic Partner And Other International Organisations

1. The APRM shall work closely with Strategic Partners which are external to the AU.
2. The APR Forum shall decide on which international institutions outside the AU shall be accorded the status of Strategic Partners.
3. The APRM shall establish relationships with other international organisations as agreed to by the APR Forum

Chapter 11

Article 22: Funding of the APRM

1. The APRM shall be funded from APR Member States' contributions, as determined from time to time by the APR Forum. Member States shall also endeavour, where possible, to make special contributions on a voluntary basis to the APRM, beyond their regular annual contributions.
2. The APRM may receive financial contributions from the African Union.
3. The APRM may also receive donations, including from African and international institutions and the private sector, on criteria to be adopted by the APR Forum, provided that such support shall not compromise the autonomy, independence, integrity and African ownership of the APRM and all its processes.

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Policy Framework for the Establishment of the African Standby Force and the Military Staff Committee (2003)

Full title: Policy Framework for the Establishment of the African Standby Force and the Military Staff Committee (Part 1)

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* Adopted by the Third Meeting of the African Chiefs of Defence Staff, 14 May 2003, Addis Ababa, Ethiopia.

Chapter 1: Introduction

- 1.1. African Member States, in transforming the OAU to the African Union (AU), have created a Protocol to enhance peace and security on the Continent. Central to this is the Peace and Security Council (PSC).
- 1.2. In establishing the PSC, AU Member States have clearly indicated that they are willing to take additional concrete steps for peace and security in Africa. In particular, they have signalled their intention to expand their willingness to take risks for peace, and again indicated they are ready to accept their share of responsibility for ensuring durable development of the Continent, particularly in the area of

peace and security.

- 1.3. The protocol establishing the PSC sought to create a number of structures, including the African Standby Force (ASF) and the Military Staff Committee (MSC). To advance consideration of these issues the AU has embarked on a process to prepare a Policy Framework. The Policy Framework was considered, improved and revised by the AU Regional Economic Communities and other African and External Partners at Addis Ababa on 14-15 April 2003, and subsequently by a meeting of Government Experts in Addis Ababa from 12-14 May 2003.

ACDS Recommendations

- 1.4. The Meeting noted that the African Chiefs of Defence Staff made a number of substantive recommendations in their Second Meeting, held in Harare, in 1997 (See Annex A). In particular, these included the following important recommendations relevant to this Policy Framework:
 - (a) All Peace Support Operations in Africa should be conducted in a manner consistent with both the UN and the OAU Charters and the Cairo Declaration. This will enable the OAU to mobilize for action and to acquire UN support for the initiative.
 - (b) The conflict situation should guide the level at which the OAU considers involvement. In an emergency situation, the OAU should undertake preliminary preventive action while preparing for more comprehensive action which may include the UN involvement. The emphasis here is for speed of action and deployment. As a principle, the OAU should take the first initiative in approaching the UN to deploy a peace operation in response to an emergency in the continent. If the UN is unresponsive, the OAU must take preliminary action whilst continuing its efforts to elicit a positive response from the world body.
 - (c) Where the OAU deploys a peace operation, this should be an all-African force.
 - (d) Operational procedures for the planning and conduct of Peace Support Operations exist and are well documented at the level of the UN. The OAU should use these references and adapt them to unique continental and organizational factors.
 - (e) The OAU could earmark a brigade-sized contribution to standby arrangements from each of the five African sub-regions as a starting point, which could then be adjusted upwards or downwards according to evolving circumstances.
 - (f) The OAU should identify about 500 trained military and civilian observers (100 from each sub-region) as an appropriate starting point for standby capacity.
 - (g) The OAU should devise a standard structure for battalions, brigades, and perhaps even a division for future OAU deployments.
 - (h) Training should be conducted according to UN doctrine and

standards, and should draw on the available training materials, training aids and courses available through the UN system. UN training manuals should be complemented by Africa specificity.

- (i) Centers of expertise for Peace Support Operations training should be established, which are capable of conducting research into training; formulating guidelines for training; producing common training syllabi; and conducting control and evaluation functions.
- (j) The Secretariat be tasked to establish a stand-by system to be based on Member States' indication of peace support capabilities. These would include information on size and types of forces on stand-by and their general standards of training, equipment and state of readiness.

Development of African Peace and Security Initiatives

1.5. The ACDS recommendations should be taken in the wider context of overall developments in African peace and security. The Meeting also noted that for some time now, in particular over the last decade, commencing with the Cairo Declaration of 1993, African Member States and Regions have increasingly addressed peace and security on the Continent, and developed the capacity to participate in peace operations at the continental and regional level. An outline of the history of this development, the existing operational capability, and a number of critical limitations to the conduct of peace operations are at Annex B.

Conflict and Mission Scenarios

- 1.6. A number of typical conflict scenarios, outlined below were used to develop the proposals in this document:
- (a) **Scenario 1.** AU/Regional Military advice to a Political mission.
 - (b) **Scenario 2.** AU/Regional observer mission co-deployed with UN mission.
 - (c) **Scenario 3.** Stand alone AU/Regional observer mission.
 - (d) **Scenario 4.** AU/Regional peacekeeping force (PKF) for Chapter VI and preventive deployment missions.
 - (e) **Scenario 5.** AU PKF for complex multidimensional PK mission-low level spoilers (a feature of many current conflicts).
 - (f) **Scenario 6.** AU intervention – e.g. genocide situations where international community does not act promptly.

Chapter 2: Requirements, Issues and Options for the Conceptual Framework of the ASF

Generic Components of a Peace Operations Capability

- 2.1. The generic components of a valid multidimensional peace support operations capability comprise the following:
- (a) A legitimate political capacity to mandate a mission under the UN Charter.

- (b) A multidimensional strategic level management capability.
- (c) A mission HQ level multidimensional management capability.
- (d) Mission components for multidimensional peace operations.

Mandating Authority

- 2.2. As noted in the Chapter 3 of this Policy Framework dealing with African Goals, and particularly with regard to the provisions of the Protocol establishing the PSC, the AU PSC is a legitimate mandating authority under Chapter VIII of the UN Charter. This view is consistent with the endorsed recommendations of the Second African Chiefs of Defence Staff (ACDS) (of the Central Organ) Meeting, Harare 1997. However, due regard needs to be taken of the provisions of the UN Charter (Chapter VII Article 51) on the inherent right of individual or collective self-defence, subject to such measures being reported to the UN Security Council, as well as the provisions of Chapter VIII on enforcement action by Regional Arrangements, in particular subject to authorisation by the Security Council, which shall also be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies (Articles 53- 54). In this context, it is to be expected that while the AU will seek UN Security Council authorisation of its enforcements actions, African Regions similarly will seek AU authorisation of their interventions.

Multidimensional Strategic Level Management Capability

- 2.3. Based on UN advice, instructive experiences of the OAU Mechanism for Conflict Prevention Management and Resolution, the Meeting recommends a series of strategic level HQ structures for the AU needed to manage operations for each of the Scenarios. These are provided at Annex C to this Report. These structures could be adapted by a Region, if it were authorised to manage an operation.

Mission HQ Level Multidimensional Management Capability

- 2.4. Given the goal contained in the Protocol establishing the PSC to involve the UN in the conduct of missions in Africa, any mission HQ level structure should be able to be handed over to, or incorporated into, a UN PSO with relative ease. UN structures are subject to rigorous consideration within the Secretariat and in various UN legislative and budgetary bodies. For this reason the Meeting has based its advice on structures used in UN Missions. This approach is consistent with the endorsed recommendations of the Second ACDS Meeting. With the exception of Scenario 6 (intervention) the structures are shown at Annex D.
- 2.5 Based on the level of coherence required at the field HQ level for an

intervention mission, particularly those involving an opposed early deployment, such operations are best conducted by a coalition under a lead nation. The initial entry may best be undertaken by the lead nation with rapid follow-up by the other nations in the coalition. This would mean that the lead nation HQ would need to deploy “as is”, with limited change to its existing structure to cater for multinational representation. For this reason a proposed structure for a mission HQ for Scenario 6 (intervention) is not shown. As a long term goal, the ASF should be capable of conducting such interventions without reliance on lead nations. This would require a standing AU multinational military HQ at above brigade level, plus the capability to assemble and deploy rapidly well prepared and capable military contingents.

Mission Components

- 2.6. **Military.** The Meeting endorses the recognition, contained in the recommendations of the Second ACDS Meeting, of the importance of the brigade level as the basis for a viable peace operations capability. The brigade is the first level of military command where multiple arms and services are grouped under one HQ. It is also the first level that is genuinely self-contained and capable of sustained independent operations. In addition, the number of manoeuvre units can be easily adjusted depending on the situation. It is a sound building block for the military component of Scenarios 4 and 5 [traditional and complex AU/Regional peacekeeping forces (PKFs)]. A reduced version of a brigade HQ can also provide the HQ for Scenarios 2 and 3 (co-deployed and standalone observer missions). Structures for the military component for each Scenario are shown at Annex D together with indicative strengths. The military component of Scenario 4 (AU/Regional PKF) is a model structure for a brigade deployed in the field.
- 2.7. **Other Components.** Scenario 5 (complex PKF) involves components other than the military. The UN is the most experienced Organisation in these types of activities. Examples of typical UN mission structures for police, human rights, governance, DDR, and reconstruction components are shown at Annex D.

Goals, Priorities and Deployment Timelines

- 2.8. The speed with which forces will be required to deploy has particular implications for standby force structures and arrangements. Linked to this is the type of conflict into which they will deploy. Given the fluid and uncertain nature of conflict, particularly in Africa, coherence on deployment will be critical. This demands that units and HQ staff will have trained together prior to deployment.

Significant implications of varying readiness levels are:

- (a) At 14 days readiness collective training involving field exercises with all units is essential prior to activation. At this level of readiness there is also a clear requirement for a standing fully staffed brigade HQ and HQ support. There is also a requirement for an established and fully stocked logistics system capable of sustaining the entire brigade. Apart from large military alliances such as NATO, individual Member States may be best placed to provide this capability.
- (b) At 30 days readiness collective training at least involving HQ command post exercises must occur prior to activation. At this level of readiness there is also a clear requirement for at least a standing nucleus of a brigade HQ with its attendant HQ support as well as an established and fully stocked logistics system capable of sustaining the entire brigade. SHIRBRIG provides a good example of the HQ structure. In its system, contingents deploy fully self-sustained for 60 days. This is not normally the case with African contingents. In the African context ASF owned logistics bases will be required.
- (c) At 90 days readiness there may be time available to conduct collective training to develop a level of coherence prior to deployment. There is also time to establish a HQ and logistics stocks. A requirement does exist, however, for a small full time staff to manage the standby system, and to standardise procedures and doctrine.

2.9. Bearing this in mind, the Meeting recommends the following long-term deployment targets for the ASF (all timings are from an AU mandate resolution):

- (a) Scenario 1-4 should be able to deploy in 30 days (possible only if pre-mandate actions have been taken).
- (b) Scenario 5 should complete deployment in 90 days, with the military component being able to deploy in 30 days (possible only if premandate actions have been undertaken; and
- (c) Due to the nature of situations demanding intervention operations, Scenario 6, it will be important the AU can deploy a robust military force in 14 days.

2.10. The AU possesses a limited capability of deploying in Scenarios 1 and 2. The UN would normally be able to deploy in Scenarios 3 and 4 and Scenario 6 requires a capable nation that is prepared to assume leadership. Given this, development of the ASF should concentrate on Scenario 5, in particular the military component of this Scenario. The building block of this capability is robust coherence at brigade group level.

2.11. The Meeting emphasised that the issue of resource constraints was a key considerations in the achievement of the long-term deployment targets listed in paragraph 2.9.

Doctrine

- 2.12. To be effective, a multinational peace operations capability requires standardised doctrine. As in other areas of African capability, the Meeting endorses the recommendation of the Second ACDS Meeting that peacekeeping doctrine used by the ASF should be consistent with doctrine produced and used by the UN, and complemented by African specificity. In this respect, the Meeting notes that the UN has almost completed a Multidimensional Peacekeeping Handbook, with publication slated for August 2003 at the latest, which will serve as the base document for all UN peacekeeping doctrine. Doctrine for the ASF should be based on this UN document when it enters into circulation and use. The Meeting also notes that peace operations SOPs have already been drafted by the AU, as well as by ECOWAS. In this sense, the two Organisations are ahead of the UN. The UN has indicated that it will comment on the AU SOPs and the outcome of this Report will affect the scope and content of the draft SOP. It is logical to suggest that draft Regional SOPs will have to be harmonised with that of the AU.
- 2.13. In the UN context, production of detailed doctrine for how units will complete normal military tasks, e.g. conduct of a reconnaissance patrol, is a national responsibility. The UN has produced policy for subjects that are common in a multinational peacekeeping environment, such as civil-military co-ordination. These should be adopted by the AU. Doctrine for what could be termed multinational war fighting tasks is not available from the UN. Production of this type of publication is a major task for military alliances such as NATO, where there is a significant standardisation structure in NATO HQ. In the case of intervention, the AU may wish to seek NATO and European advice.

Training

- 2.14. Training for peace operations has a number of elements, both military and civilian. As far as peace operations are concerned, a basis for the military component is sound capability in the full range of normal military tasks. While this cannot be over stressed, training in these tasks is a national responsibility. Even in large military alliances, there is limited standardisation of this type of training, as a result of differing national doctrines, tactics, techniques and procedures. It may be impractical to try to develop standardised training at this level in the African context.
- 2.15. On the other hand, there is some degree of standardisation on issues specific to peace operations. In addition to doctrine, Africa should use UN training standards and material, modified as necessary, for Africa. The UN has made significant effort in recent months in this

direction, particularly as part of its Standardised Generic Training Modules Project. Because African Member States have been, and will continue to be involved, this Project will be useful and should inform African peace operations training.

- 2.16. The relevant AU and regional training framework should provide for some amount of co-ordination of AU, Regional and national training, as well as for the establishment and designation of centres of excellence for peacekeeping training at the tactical, operational and strategic levels. An example of this is that, within ECOWAS, broad thinking is to designate the Zambakro PKTC (Côte d'Ivoire) as a tactical institution; the Kofi Annan International Peacekeeping Training Centre (Ghana) as an operational level centre; the National War College (Nigeria) as the strategic level institution. Other regions have their own training centres and institutions, both nationally and regionally, including the SADC Regional Peacekeeping Training Centre in Zimbabwe, the PSTC Kenya and the Cairo International PK Training Centre. Regionally the establishment, through the Training for Peace project of an African Chapter of African peacekeeping training centres may be useful in the pursuit of doctrinal harmonization and sharing of lessons learnt.
- 2.17. While this arrangement does not seek to micro-manage issues of standardisation of doctrine and training, it provides a practical framework for standardisation based on UN doctrine and training standards, and the promotion of cohesion.
- 2.18. It is also to be recalled that national military training frameworks provide for training cycles normally incorporating progressive training activities. AU and sub-regional training should therefore be designed on the basis of a cycle that dovetails into these national arrangements. In this respect, there will be the need for some degree of harmonisation among Member States signing up to the standby arrangements. Such harmonised training cycles, if synchronised with UN and other external initiatives such as ACRI (as well as Operation Focus Relief and African Crisis Operations and Training Assistance - ACOTA), RECAMP, BPST, the Norwegian funded Training for Peace program, etc., should help to harness support for AU training for PSO by channelling external assistance towards quality support at the centres of excellence. This will enhance African peacekeeping capacities, as well as provide a framework for joint tactical and operational field training exercises (FTX), command post exercises (CPX) and telephone battles to practice common doctrine and techniques and test readiness. It will be particularly useful if training is focused towards structures established as part of the ASF.
- 2.19. Troops that participate in peace support operations are placed under particular scrutiny regarding their adherence to the highest

standards of international humanitarian law/Law of armed conflict. This subject should be covered in national training as well as by any regional peacekeeping training institutions. Reference could here be made to bulletin issued by the UNSG in 1999 on international humanitarian law.

Brahimi Issues

2.20. The recommendations of the Brahimi Panel have made collaboration with the UN System even more fundamental. It is instructive to call to attention the Brahimi Panel's view:

“There are many tasks which United Nations peacekeeping forces should not be asked to undertake and many places they should not go. But when the United Nations does send its forces to uphold the peace, they must be prepared to confront the lingering forces of war and violence, with the ability and determination to defeat them.”

2.21. The Brahimi Panel's Report and Recommendations raise serious challenges that have far-reaching implications for AU and Regional peace support efforts, especially in the areas of organisation, equipment, training, operational doctrine, and capacities for mandate accomplishment, including demobilisation, disarmament and reintegration (DDR), as well as for Quick Impact Projects (QIP). In operationalizing the ASF, the AU should borrow extensively from the relevant lessons drawn in the Brahimi Report and give serious consideration to those issues relating to mission-capable forces within the UN Standby Arrangements System (UNSAS) for regional training, standardisation and organic logistical support. The rationale for this view is that the relevant recommendations impose a higher premium on standards and capacities that, if met, will facilitate the full participation of African countries in UN peace operations.

Issue of AU/Regional Consultations and Co-ordination

2.22. The need for consultations, harmonisation and co-ordination of the security mechanisms of the AU and Regions is predicated on the framework of the CAAU and relevant decisions of the Durban Summit (July 2002). Within the framework of the PSC Protocol, Regional security mechanisms should be envisioned as a crucial part of the regional security architecture.

2.23. Another pertinent reason for closer AU-Regional collaboration stems from the fact that there is a limit to the burden that sub-regions can bear for their own security, and the lack of sub-regional capacity may tend to prolong conflicts. The AU has provided diplomatic support for sub-regional interventions, but its financial and logistical contributions to such Regional efforts has been limited.

2.24. The lack of fully co-ordinated and harmonised regional security

mechanisms and intervention efforts has also created competition among and between African regional organisations for external assistance, to the detriment of concerted efforts at building African and regional capabilities.

- 2.25. In reality, the more ambitious objectives of the PSC Protocol and the ACDS recommendations which envisage sub-regional components of the ASF demand the full participation of the Regions. Their respective security mechanisms need to be harmonised with that of the AU, in order to synergise African security efforts.
- 2.26. To achieve effective consultations between the AU and Regions on these subjects, as well as with external Partners, there is the need for clearly designated focal points at all levels.

Issue of Collaboration with the International Community

- 2.27. AU co-operation with the international community occurs in the areas of diplomatic, political and economic activities, in addition to resource (financial and material) mobilisation in support of its peace and security agenda. In the context of building African capacity for peacekeeping, the AU is expected to continue to be the recipient and beneficiary of external support programmes, such as support for the establishment of the Conflict Management Centre (CMC), and financial support for the establishment and sustainment of peace operations. In addition, the Union and Regions have benefited from other financial and material assistance programmes such as the ACRI (US), RECAP (France), as well as support from the British (BPST), Norwegian, Canadian, Danish and other Nordic countries. These have helped to enhance skills, further doctrinal standardisation, and improve the logistics capacity for African peacekeeping.
- 2.28. Nevertheless, while external initiatives have helped to improve some African peace support capacities, the level of external assistance has been lower than expected, and has not always focused on key African concerns. In particular, the OAU/AU has not been fully involved in determining the nature and scope of the initiatives.

Sustainability and Logistical Support Requirements

- 2.29. In order to develop advice regarding sustainability, logistic support and funding, the Meeting adopted assumptions regarding rapid deployment, periods of self-sustainability and methods of providing logistic support. These are that:
 - (a) Scenarios 1 to 3 will deploy with self sustainability for 30 days.
 - (b) Scenarios 4 to 6 should ideally involve contingents deploying with self sustainability for 90 days.
- 2.30. The identification of broad sustainability, logistical support, and funding requirements are key components for the deployment of any

peace operations. The UN has developed a number of documents which are used to establish these requirements. Examples are shown at Annex F. Past experience has indicated that the rates used by the UN may be too high for adoption by the AU. It is therefore recommended that the AU use the information in these documents as a guide and build on this information, making changes as appropriate in the scales of reimbursement, the consumption rates, etc., to fit the African environment. The resulting documents, formatted to fit AU parameters, will provide valuable planning tools to determine the sustainability, logistical support and funding requirements needed for peace operations. This will also assist a smooth transition to UN operations, if necessary.

AU Logistical Infrastructure for PSO

- 2.31. Considering that poor equipment and logistics have often undermined effectiveness of African PSOs, the AU should initiate an investigation into an appropriate concept for logistical infrastructure and resupply system, including ASF Military Logistical Depots (AMLDD), for Phase 2. During Phase 1 Member States should focus on national readiness (own reserves and stocks) while an appropriate and cost-effective concept for Phase 2 is investigated. In general, when involved in peace support operations, force projection and sustainment should be executed by outsourcing strategic lift capabilities from the international environment.

Equipment Standardisation

- 2.32. While standardisation of doctrine and procedures are both desirable and possible, it should be clear that due to different development processes of Member State defence forces, equipment standardisation will not be possible across the whole spectrum of ASF military equipment. However, the clear identification of key areas where interoperability is essential, such as inter-unit communications, is urgent. The issue of standardisation policy and the development of suitable technical solutions, where necessary, should be centrally managed at the AU. Apart from the possible impact that this could have on national government procurement practices, interoperability is also an issue to be taken on board by the various external capacity building initiatives listed elsewhere in this document.

Funding and Reimbursement

- 2.33. The parameters for financing the peace operations of the ASF and other operational activities related to peace and security (Article 21) provide for the establishment of the AU Peace Fund, subject to relevant AU Financial Rules and Regulations. The Peace Fund also

receives additional contributions from African and international partners. Excepting the regular budgetary appropriations that could be guaranteed, the AU has no guaranteed control over the other sources. The PSC therefore needs to be aware of the responsibility of making available such financial resources as are requisite for ASF mission accomplishment. In this regard, however, it is recalled that the Second Meeting of the ACDS made the following recommendations on funding:

- (a) Initiating an annual fund raising week.
 - (b) Increasing contributions of Member States to the Regular Budget; increasing the percentage of the budget dedicated to the Peace Fund, that is, from six (6) to ten (10) percent.
 - (c) Soliciting for individual donations in cash or kind, and involving insurance corporations.
- 2.34. The issue of reimbursement for troop commitments, movements and airlifts, and logistical, as well as other operational costs incurred by Member States, is one that needs careful consideration. Except for some coalition interventions, particularly in West, Central and Southern Africa, lack of central funding and reimbursement for peacekeeping costs have severely inhibited the full participation of less endowed Member States. This situation has undermined multinational efforts of Regions and engendered sub-regional polarisation.
- 2.35. An appropriate policy decision is required on reimbursement rates for Member State commitments to the ASF. In addition to reimbursement of Member States, the contribution of the Region itself needs to be considered when formulating a system of reimbursement.

Command, Control and Communication Considerations

- 2.36. Multinational brigades raise legal as well as technical command and control issues that need to be resolved prior to deployment. This could be achieved through appropriate AU command and control policies, Letters of Exchange (LOEs), Letters of Intent (LIs) or MOUs. In general, the command of the brigades will need to reflect the multinational nature of the formation, and be combined with a system of rotation of staff appointments, having regard to the capacities, contributions, and professional competence levels in the respective defence forces of Member State.
- 2.37. **Skeleton Rapid Deployment Headquarters.** For rapid deployment of a multinational force, UN, African and other experience clearly indicate the need for an effective mission HQ to be functioning very early. As mentioned above for readiness at 30 days or less, experience indicates that this can only be achieved by the core of such a HQ already existing full time which is trained and competent in the appropriate command procedures. Standby procedures similar to

the SHIRBRIG concept and the UNSAS “on call” HQ described in Annex E will assist development of such a capacity.

- 2.38. **Status of Affiliation of Contingents.** It is likely that not all the units contributed to the ASF will be self-sufficient, and that some will lack adequate operational resources. Such units will have to be regrouped with much stronger contingents of the ASF. This may engender some amount of political and legal implications in placing units under command of foreign officers and practical issues at the tactical level that will need close attention.
- 2.39. **Communications.** The Meeting pointed out that deployed missions and operational activities require effective communications. This is one area requiring close examination to achieve a required level of standardization and interoperability. While the use of satellite communications may be convenient in limited observer missions and between missions and the Commission/Secretariats, they are expensive and are not ideal for communications internal to peacekeeping force operations. Careful consideration therefore needs to be given to the types and mix of communications proposed for the respective mission scenarios

Chapter 3: Africa Standby Force: A Suggested Action Plan

- 3.1. By the provisions of Article 13 of the PSC Protocol, the ASF will be composed of standby multidisciplinary contingents, with civilian and military components located in their countries of origin and ready for rapid deployment at appropriate notice. It further states that the ASF shall, inter alia, perform functions in the following areas:
- (a) Observation and monitoring missions.
 - (b) Other types of peace support missions.
 - (c) Intervention in a Member State in respect of grave circumstances or at the request of a Member State in order to restore peace and security, in accordance with Article 4(h) and (j) of the Constitutive Act of the African Union (CAAU).
 - (d) Preventive deployment.
 - (e) Peacebuilding, including post-conflict disarmament and demobilisation.
 - (f) Humanitarian assistance to alleviate the suffering of civilian population in conflict areas and support efforts to address major natural disasters; and
 - (g) Any other functions as may be mandated by the PSC or the Assembly.
- 3.2. As an approach, the development of the concept of the ASF must be informed by the dynamics of relevant conflict and mission scenarios, the instructive experiences of the existing Mechanism, as well as by the experience of the UN System in peace operations, and by other

models evolved outside of Africa. As far as possible, the ASF will use UN doctrine, guidelines, training and standards. The concept will also need to be validated against pragmatic conflict scenarios.

- 3.3. There are clear, significant and fundamental gaps between the capabilities needed to realise the AU goals and current capacity. The main areas of concern being lack of political will and readiness; lack of financial resources; lack of equipment and logistical capacity; and in some areas, lack of training. For these reasons, the full development of the ASF will need to be viewed as a longer-term project.
- 3.4. Taking into account financial reality, previous ACDS guidance and experiences, in broad outline the Meeting recommends that the ASF be developed in phases to provide:
 - (a) A reasonable level of staffing to develop a strategic level HQ (PSOD) capacity, managing an on-call individual reinforcement system to gain mission level (ASF) HQ capacity, and specialist mission level civilian components, such as those dealing with human rights.
 - (b) In due course a system of sub-regionally managed standby brigade groups, eventually capable of deployment in 30 days, that maintains a small full time core planning staff (15) with individual on-call reinforcement of other brigade HQ staff positions, and a pool of units on standby in Member States that are supported by appropriate administrative, logistics and training infrastructures.
 - (c) An AU managed high readiness brigade capable of deployment in 30 days comprising a HQ, including a full time planning staff of 15, plus a pool of units able to be committed by Member States from all sub-regions, supported by appropriate administrative, logistics and training infrastructures.
 - (d) An AU-managed standby system of military observers and police capacity, preferably consisting of individuals nominated to on-call lists. Alternatively, if it is impracticable to provide names, Member States could also advise the numbers of appropriately trained and prepared military observers and police that they could provide.
- 3.5. The entire standby system would use as its basis for doctrine and training, concepts and material developed by the UN and SHIRBRIG and other organisations (as outlined in the Standby models described in Annex E). It should also be linked into the UNSAS.

Multidimensional Strategic Level Management Capability

- 3.6. While the AU should provide overall political direction to peace operations in Africa that are not commanded by the UN, it is clear that some missions could be managed at the strategic level by Regions, but with AU and UN sanction as appropriate. Indeed, such Regional-mandated missions should have the involvement of the AU and the UN, which should, to various degrees, provide not only diplomatic support, but also direct financial and logistical assistance

and assistance to mobilise material and financial support.

- 3.7. Financial constraints and a need to avoid duplication with the UN System dictate that, for the foreseeable future, full time strategic level HQ capacity in both the AU and Regions will be minimal. Besides ongoing efforts to enhance staffing levels within the relevant peace operations Directorates (this applies to the AU and ECOWAS, for instance), the AU and Regions should supplement their Commission/ Secretariat HQ capacity by using UN and On-Call Member State personnel. It is possible reinforcements may also be available from other sources, e.g., external Partners and initiatives, the SHIRBRIG, etc. The AU should therefore explore avenues for the formulation of MOUs with these entities to that end. As far as the UN is concerned, the possibility of such an MOU exists.
- 3.8. **Phases.** The Meeting recommends that strategic level AU HQ management capacity should be developed in two phases:

(a) Phase 1. (Up to 30 June 2005)

1. **AU Capability.** The AU should develop and maintain the full time capacity to manage Scenario 1 and 2 (military advice to political mission and co-deployed observer) missions, and establish a standby reinforcement system to manage Scenario 3 (stand alone observer) missions. The structure is at Annex C. Experience suggests that at this level, a senior officer of the rank of Brigadier will be required in the PSD to provide an appropriate level of strategic military advice. The AU should also commence to develop a high readiness brigade capability.
2. **Regional Capability.** Regions should within capacity develop their standby brigades within this phase. Where they can develop standby brigade groups, Regions should, by the end of this phase also develop the capacity to use a standby reinforcement system to manage Scenario 4 (AU/Regional PKF) missions.

(b) Phase 2. (1 July 2005 - 30 June 2010)

1. **AU Capability.** In this period, while maintaining its full time capacity to manage Scenario 1 and 2, the AU should develop the capacity to manage up to Scenario 5 (complex PKF) missions. The structure is at Annex C. Experience suggests that at this level, a senior officer of the rank of Major General will be required in the PSD to provide an appropriate level of strategic military advice.
2. **Regional Capability.** All Regions should try to develop capabilities up to that of a standby brigade in this period, and those with existing brigades should increase their rapid deployment capability.

Mission HQ Level Management Capability

- 3.9. Even though the Director PSD should exercise overall responsibility for the establishment of the ASF, it is argued that the peculiarities of the standby arrangements and the initial requirements for its effective management, training and possible deployment, strongly suggest the need to develop a skeleton mission headquarters in Addis, under a Chief of Staff (COS), of the rank of Major General; this rank is considered appropriate for missions involving brigades or contingents drawn from more than one sub-region.
- 3.10. The COS and his skeleton HQ should be embedded with the Planning Element of the AU high readiness brigade. With the benefit of his peacetime command, control, training and administration of the standby arrangements, the COS could be redesignated as FC/CMO to deploy rapidly with the skeleton HQ/Planning Element Staff to ensure that the impending mission is provided with effective operational management and guidance. Alternatively, the COS and his HQ could remain in the mission area for the first 3-6 months of an operation, to make for its gradual relief by a mission headquarters staffed by personnel recruited for that purpose.
- 3.11. The Meeting recommends that such capacity should be developed using an on-call system of individuals and standing logistics infrastructure as follows:

(a) Phase 1. (Up to 30 June 2005)

1. **AU Capability.** The AU should develop the capacity to deploy a mission HQ for Scenarios 1-3.
2. **Regional Capability.** Where they develop standby brigade groups, Regions should also develop the capacity to deploy a mission HQ for Scenario 4 (AU/Regional PKF).
3. **Lead Nations and Coalitions.** Especially in regions lagging behind with the establishment of peace and security protocols and mechanisms, the Meeting recommends that encouragement be given to potential lead nations to form coalitions of the willing as a stop-gap arrangement, pending the establishment of Regional standby forces arrangements. In addition, however, it is recommended that at the AU level, potential lead nations be identified for Scenario 6 (intervention) type operations. These lead nations would be those Member States with standing deployable HQ capacity of greater than brigade level, and with forces that are capable of seizing points of entry, ideally using airborne or airmobile assets.

(b) Phase 2. (1 July 2005 – 30 June 2010)

1. **AU Capability.** The AU should develop the capacity to deploy a mission HQ up to Scenario 5 (complex PKF).

2. **Regional Capability.** Regions should continue to maintain and improve on their capacity to deploy a mission HQ for Scenario 4 (AU/Regional PKF).

The staff structure is at Annex C and logistics guidelines are at Annex F.

Mission Components

3.12. **Military.** The Meeting recommends the following:

(a) Military Observers

1. The AU should centrally manage a standby roster of individual military observers in order to be able to establish up to two Scenario 3 (standalone observer) missions simultaneously. This would mean at least 300-500 officers in accordance with the ACDS recommendation. Those observers on the roster should be trained nationally and/or within regional Peacekeeping Training Centres (PKTC), to UN standards and be held in Member States at 14 days notice.
2. UN Guidelines for Military Observers should be used and modified as necessary for AU conditions. The Observers should be paid by their parent Member States, while the AU administers travel, mission subsistence, and other allowances in accordance with its established Administrative, Logistic and Financial Guidelines and SOPs.
3. AU observer missions should be supported from the AU logistical infrastructure, which should include equipment maintained centrally (AU MLD).

(b) Formed Units

1. Where capable, by 30 June 2005, the AU and Regions should establish standby brigade groups (in the case of the AU this should be a standby high readiness brigade) that would consist of:
 - (a) A small full time Planning Element (PLANELM) of 15 staff, who should have the requisite experience and skills. They should be nominated as an entity for Group 1 of the UNSAS On Call List, and should be paid by their Member States with a post allowance being paid by the Region on the basis of the cost of living in the relevant HQ location. Facilities, common costs and staff helpers for operation of the PLANELM should be provided by the Region.
 - (b) Selected PLANELM staff officers could undertake on-the-job experience with the Copenhagen-based SHIRBRIG. The UN should be approached to use the Trust Fund for Conflict Prevention and Peacekeeping in Africa to fund this. Selection should be a consultative process involving the UN, the AU, Regions and SHIRBRIG.
 - (c) The remainder of the brigade staff would be on call in Member States. These must be individuals who are identified by name and who possess the requisite experience and skills. All should be

- nominated as an entity for Group 2 of the UNSAS On Call List.
- (d) Identified brigade units would be on standby in Member States, but must be subject to verification visits by the PLANELM staff to identify standards and shortfalls. Units should be nominated for the UNSAS RDL. Where shortages of major items of equipment are identified, these should be addressed through the use of central Regional stocks (this is described below).
 - (e) The pool of units that are identified as part of the system should exceed that required for an operation. This redundancy will allow for Member State decisions not to deploy, as well as allow for rotations and possibly more than one simultaneous mission.
 - (f) Central AU/Regional logistics facilities. Regional MLDs should hold standard stocks to cover typical shortages for sustainment and key items of equipment. The stocking policy should cover a brigade level deployment for 180 days. The MLDs should be controlled through a joint AU/Regional mechanism, but operated by regional staff. Alternatively, they could be managed by a contractor. Stocks should only to be used for UN/AU mandated or authorised missions.
 - (g) A system that would link the issue of equipment from the MLD, with final collective training, and certification that brigades/units are operationally deployable. Staff to support this collective training could be drawn from regional centres of excellence and/or from Member States. Ideally, if funding were available, dedicated collective training institutions could be established.
 - (h) The AU should jointly agree on locations of logistics infrastructure (MLDs) and training facilities with Regions, in order to maximise efficiency and effectiveness.
2. Where a sub-region does not possess the capacity to establish a multinational brigade group organic to the Region, or where for whatever reason a Member State wishes to contribute outside the brigade group framework, two options should remain open:
 - (a) **Option 1.** A Member State may wish to offer to serve as a lead nation with an established brigade HQ. In this case other Member States could provide additional units on standby in a manner similar to that described above, with bilateral support to bring the unit up to RDL level as required.
 - (b) **Option 2.** The AU should manage a central high readiness brigade and standby system of units similar to SHIRBRIG and UNSAS. Units should be able to reach RDL level standards, if necessary through bilateral assistance. In particular, the units providing enabling capability for rapid deployment, should be included in this option.
 3. As regards employment, the Meeting noted that a brigade would not be restricted to undertaking missions in its own subregion. Where a Regional standby brigade is employed within its own region, the Meeting is of the view that the command, control and management of such a brigade will be a Regional responsibility.

4. Two or more brigades could be linked to establish a Scenario 5 (complex PKF) mission. Where such brigades are drawn from more than one Region, or where a number of single nation standby units are composed for an ASF mission, the AU should assume command, control and administrative responsibility for such missions.
5. Standby brigades could also be used as follow-on forces after the initial lead nation forced entry in a Scenario 6 (intervention) mission.
6. Solutions should cater for a multilingual environment. In this vein, the formation of brigade groups should not exacerbate linguistic division that can be exploited by external actors. Multilingual capacity should be developed in the staff of the Planning Elements, perhaps through in situ language training, and ideally with the non-permanent staff.
7. In some instances, Member States may offer specialised units that may be useful, but would not normally form part of a brigade group. To cater for this, the AU should include them in centralised arrangements managed at AU level.

3.13. **Police.** The Meeting recommends the following:

- (a) **Individual Police Officers.** By 30 June 2005, the AU should establish and centrally manage a standby roster of individual police officers in order to be able to establish the police component of up to two Scenario 5 (complex PKF) missions simultaneously. This would mean at least 240 officers, some whom would act as staff officers on the mission HQ. These individuals should be trained nationally to UN standards, or at regional and other centres of excellence, and be held in Member States at 14 days notice. UN Guidelines for Police Missions should be used and modified as necessary for AU conditions. Police Officers should be paid by their parent Member State, while the AU administers travel, mission subsistence and other allowances, in accordance with its Administrative, Logistic and Financial Guidelines and SOPs. Individual police standby arrangements should be linked to UNSAS.
- (b) **Formed Units.** Some Member States maintain formed units of police such as gendarmerie. By 30 June 2005 the AU should establish and centrally manage a standby system that would contain at least two company level units on 90 days notice, in order to be able to support two Scenario 5 (complex PKF) missions simultaneously. These would be managed in a similar fashion to the RDL arrangements with verification visits, and as required, use the central AU logistical infrastructure. In a manner similar to formed military units, Member States providing police units would be reimbursed under a system similar to the UN, subject to necessary variations to suit AU conditions. The AU should be linked to UNSAS.

3.14. **Civilian Components.** The Meeting recommends that by 30 June 2005 the AU should establish and centrally manage a roster of

mission administration, plus a roster of civilian experts to fill the human rights, humanitarian, governance, DDR and reconstruction component structure shown at Annex D. Qualifications should be similar to that required by the UN, while the AU roster should be linked to UN rosters. On deployment civilian experts should be paid by their parent Member States, while the AU administers mission subsistence and other allowances in accordance with its Administrative, Logistic and Financial Guidelines and SOPs. An alternative for some capabilities may be to establish partnerships with other organisations that have relevant expertise, e.g., UNDP, UNHCHR and World Bank, for reconstruction, governance, DDR, human rights, etc.

AU, Regional and Member State Responsibilities

3.15. While there is broad collective responsibility for the system, the establishment and maintenance of the ASF will involve specific responsibilities for the AU, Region and Member States as follows:

(a) AU

1. Sole African mandating authority for peace operations in situations consistent with the UN Charter and the CAAU.
2. Establishment and maintenance of a capacity for direct management of missions as required, with initial emphasis on Scenario 1-3 missions from 1 July 2005, and up to Scenario 5 (complex PKF) missions by 2010.
3. Overall supervision of the AU system of standby arrangements to ensure standardisation, currency of information and sound linkages with the UNSAS.
4. Establishment and detailed management of central standby arrangements for:
 - (a) AU HQ reinforcement staff, including an MOU with the UN and other willing Partners and agencies.
 - (b) Mission HQ staff and the Planning Element of an AU high readiness brigade.
 - (c) Single nation military units in sub-regions where no sub-regional organisation or lead nation state has established a standby brigade group.
 - (d) Specialised military units that would not normally form part of a brigade group.
 - (e) Individual civilian police.
 - (f) Formed police units.
 - (g) Individuals for civilian components of missions
5. Review of UN doctrine and training material as necessary to suit African conditions and then promulgate this to Member States, Regions and the UN.

6. Co-ordination of efforts to establish a logistical infrastructure consisting of a central and regional MLDs, as well as efforts to mobilise external assistance towards the establishment and stocking of the MLDs.
7. Co-ordination of efforts to mobilise, harmonise and focus external initiatives (ACRI, RECAMP, etc.) towards standardisation of doctrine and quality peacekeeping training for peace operations.

(b) Regions

1. If within capability, establishment and maintenance of a capacity for direct management of missions, with emphasis on Scenario 4 missions.
2. If within capability, establishment and maintenance of standby arrangements for:
 - (a) HQ reinforcement staff, including an MOU with the UN, under the auspices of the AU.
 - (b) Mission HQ staff for a Scenario 4 mission.
 - (c) A standby brigade group, including training at brigade level.
 - (d) Direct management of sub-regional logistical and training infrastructures.
 - (e) Elements nominated to the AU high readiness brigade.

(c) Member States

1. If within capability, provide individuals and units to AU high readiness and sub-regional standby arrangements, including permitting required verification visits by the AU, Regions and UN.
2. Train individuals and units in basic military tasks using national doctrine and procedures.
3. Train individuals and units in the particular tasks involved in peace operations, using UN standardised doctrine and training material, and where necessary, consistent with AU SOPs reflecting African situations.

(d) Priority of Effort

The Meeting recommends that, where required, the following factors be taken into consideration in determining the priority of effort in establishing the sub-regional standby brigades:

1. Regional volatility.
2. Regional political cohesion.
3. Existing security architecture and infrastructure.

Enhancing Co-operation with the UN

- 3.16. There are a number of areas where the ASF Concept and overall African peace and security agenda can be enhanced through co-operation with the UN. The Meeting recommends that:

- (a) **HQ Capacity.** In establishing high readiness and standby brigade groups, the AU and Regions should establish an MOU with the UN to reinforce strategic HQ capacity, using an on call UN Planning, Liaison, and Advisory Team. Additionally the UN should consider on request of the AU reinforcing the UNLO office in Addis with a peacekeeping specialist.
- (b) **Standby Information.** Where Member States approve, the AU should ensure African standby information is included in UN standby databases. The UN should share its detailed requirements for military, police and civilian standby with the AU.
- (c) **Doctrine and Training Material.** The AU should consult closely with the UN to gain access to the latest UN peace operations doctrine and training material and modify this as necessary to suit African conditions. Essentially, all African peacekeeping centres of excellence should have and use such material. The AU, Regions and Member States should actively participate in the activities of the DPKO Training and Evaluation Service Standardised Generic Training Module Project. To that end, the UN (DPKO) should be invited to participate in the planning and conduct of all forms of peacekeeping training and exercises, including those within the frameworks of external initiatives.
- (d) **On the Job Experience.** The AU and Regions should co-operate closely with the UN to gain experience at UN HQ, and with the Planning Element of the Copenhagen-based SHIRBRIG. The UN should be approached to fund this through the appropriate Trust Fund.
- (e) **Logistics Co-operation.** Given the AU goal of handing over an operation to the UN as soon as possible, the AU should approach the UN with a view to co-operation in logistics support.
- (f) **UN Consultations with TCCs.** In order to take advantage of this provision, the Meeting recommends that one or more ASF operational brigades should be organised in accordance with UN standards to be fielded in UN peacekeeping operations along the lines of SHIRBRIG. The strategy of task-organising special contingents for UN missions is currently being adopted by some national defence forces—India is a good example—which have, as a result, reaped enormous benefits, including operational expertise and financial resources, from participation in UN peace operations. The funding of regional operations could thus be “subsidised” with funds from ASF’s participation in UN missions. In addition to their being harmonised with commitments to the UNSAS, ASF databases will also benefit from that of the UNSAS and help provide a formal framework for bilateral MOU and/or LOEs between African TCCs and the AU Commission. This is consistent with the coherent brigade group concept contained in the Brahimi Report.

Command and Control Functions

3.17. Reiterating the assumption that the structures of the OAU Mechanism for Conflict Prevention, Management and Resolution are of relevance, the Meeting recommends the following command and control relationships and functions:

(a) Strategic Chain of Command and Functions.

1. In accordance with Articles 6 (Functions) and 7 (Powers) of the PSC Protocol, the PSC, as the decision-making institution, should be the sole authority for mandating and terminating AU peace missions and operations.
2. In accordance with Article 10 (The Role of the Chairperson of the Commission), political command and control of missions mandated by the PSC should be vested in the Chairperson, who should then submit periodic reports to the PSC on the progress of implementation of the relevant mandates of such operations and missions. The Reports of the Chairperson should include, but not be limited to the following matters:
 - (a) Introduction.
 - (b) Progress of implementation of the ceasefire and/or agreement.
 - (c) Status of the mission.
 - (d) Status of work of other commissions and agencies.
 - (e) Humanitarian developments.
 - (f) Human rights.
 - (g) Confidence-building measures, etc.
 - (h) Observations and recommendations.
3. The Chairperson should, however, delegate authority for the political direction and administrative control of AU peace operations and missions to the Commissioner for Peace and Security. As part of his functions, the Commissioner for Peace and Security, should exercise delegated authority for:
 - (a) Enhancing the rapid and effective response of the Commission to conflict situations.
 - (b) Providing the Commissioner with early warning information and timely, informed analysis of current and potential conflicts, to facilitate appropriate and effective decisions and actions by the Commissioner and the PSC.
 - (c) Providing facilities for collection, collation and dissemination of early warning data, and communication linkage with Member States, Regions, peace operations and missions.
 - (d) Providing analysis of conflict- and security-related information, and research into the root causes of conflicts, for the formulation of specific-, medium- and long-term policy options.
 - (e) Providing facilities for collection, collation and dissemination of early warning data, and communication linkage with Member States and field missions.

- (f) The detailed planning, preparation, conduct, direction and sustainment of AU peace operations and missions.
 - (g) Assisting Member States and Regions in any activity related to peace support missions, defence and security matters.
 - (h) Providing planning guidance for the implementation of post conflict reconstruction.
 - (i) Provide administrative and technical support for PSC meetings and dissemination of its decisions.
4. Similarly, the PSOD should be responsible for the routine execution of all decisions and issues relating to the planning, deployment and sustainment of missions.

3.18. Chain of ASF Command.

- (a) In Scenarios 2 and 3 missions, overall political control and overall direction, as well as the activities of the mission and consultations with other Organisations and agencies in the field, should normally be exercised and co-ordinated by an AU Special Representative (ASR) designated by the Chairperson. All heads of major components should report to him.
- (b) The Chairperson of the Commission will provide the ASR with legal and political advisers, and with a civilian administrative staff, as necessary.
- (c) Notwithstanding the designation of a Special Representative, command and control of the military components of an AU mission should be vested variously in an FC or CMO, who should be appointed by the Chairperson. He should be provided with appropriate HQ facilities based on the type of mission to be undertaken.
- (d) Military personnel of AU peace missions should be under the authority of the Chairperson of the AU, through the FC/CMO, and should be directly answerable to FC/CMO for the conduct and performance of their duties. Member States contributing contingents and other military and civilian staff components to AU missions shall allocate them under the command and control authority of the AU.
- (e) The outline chain of ASF command and control in a top-down mode should be:
 1. Commissioner, Peace and Security Department, supported by Director (PSD) and Head (PSOD).
 2. Head of Mission (AU Special Representative).
 3. FC/CMO.

This reporting channel should not preclude the Head of Mission, as and when appropriate, from direct access to the Chairperson of the Commission.

Communications

- 3.19. The Meeting recommends the following capacity for communications:

(a) AU responsibility for providing communications will be focused at supporting the following:

1. An HF digital encryption-capable communication systems linking the AU Commission with Regional Secretariats, Regional Offices and ASF Missions (administration and operations), combined with land/GSM telephones and faxes, as well as broadband and Internet facilities.
2. ASF HF digital encryption-capable communication systems (administration/ operations) with rear link to the AU Commission, Regions and Regional Office(s).
3. Sector/contingent/detachment (combat net radio), communications, rear link to ASF HQ.
4. Broadband and cc-mail presence which should be provided by the ASF.

(b) Contingent responsibility for providing communications should be focussed at supporting the following:

1. Forward communications capable of maintaining the required command and control, security, and logistics nets required to support operations within the units' areas of responsibility.
2. Separate contingent rear link to home country.

(c) These links include telephone, VHF/UHF FM and HF communications available and meeting mission requirements.

3.20. **Force Integrity.** The Meeting recommends the following in order to ensure force integrity and morale:

- (a) **Multinational Balance.** As much as possible, staff appointments at ASF mission HQs should reflect the multinational nature of the force, and should be characterised by the same principle of geographical distribution, subject to technical aspects of levels of command, the size and attributes of contingents, and the rank structure of their staff. Appointments should also be rotated periodically (12 months) to ensure balanced national exposure and to forestall tendencies that excessive familiarity with particular appointments could breed.
- (b) **Consultations with Senior National Officers.** Senior national officers within the mission should be consulted on issues pertaining to the operations of his/her contingent.

Enhancing Co-operation with Regions

3.21. In general, the Meeting recommends that in order to enhance AURegional co-operation, consultative meetings between the PSC and Regional security organs should be formalised. Additionally, the appropriate sub-regional Departments responsible for security should be involved in ASF mission planning.

Enhancing Co-operation with the International Community

3.22. It is in the interest of the AU to maintain co-operation with its traditional Partners in accordance with the provisions of the Protocol on the PSC. Such cooperation should however be reviewed to allow for increased joint AU ownership of the relevant external initiatives and assistance. Towards this end, the Meeting recommends that:

- (a) The AU should negotiate with its Partners to share in the planning, objectives and conduct of external support initiatives; the objectives of training exercises should accord with requirements of the AU,
- (b) The AU should encourage its Partners and donors to meet UN equipment standards in their assistance and initiatives.
- (c) The AU should negotiate with the Partners and donors to have equipment donations through multilateral arrangements towards stocking, maintaining and managing MLDs.
- (d) Explore through MOU, the possibility of strategic airlift of ASF equipment and personnel to and from mission areas, from external Partners.

3.23. In general, the harmonisation of security mechanisms and collaborative multilateral regional and sub-regional security with the UN and international community will facilitate global African strategies for peace support and peacebuilding efforts. In terms of external assistance and initiatives, it may facilitate a shift or change in the competing nature of external initiatives, and a move away from bilateral arrangements towards multilateral regional assistance arrangements. The G8 approach emphasising multilateral regional arrangements with African ownership underscores this point.

Other Suggested Actions

3.24. The Meeting is of the view that the following additional actions need to be considered:

(a) Mandates

Ceasefire or peace agreements negotiated by the AU, to be implemented by the ASF, should meet threshold conditions, such as consistency with international human rights standards and practicability of specified tasks and timelines.

(b) Entry-Exit Strategies and Mandates

1. There is the need to highlight the requirement for a framework of entry and exit strategies informed by realistic criteria addressing the legal, political and moral dilemmas of intervention. The Fund for Peace (FFP) Seminar⁷ suggested that AU and Regional operations should be designed with the view to eventually handing over mandates and responsibilities to the UN, with or without the subsuming of regional forces. Where intervention takes place before

appropriate authorisation, ex post facto, the approval of the AU and/or the UN should be sought. The PSC must be clear in its entry and exit strategies for each of the scenarios for which the ASF is being designed.

2. For intervention, the level of coherence and capability required is such that a phased concept of deployment is required, involving a lead or single nation to seize a point of entry(s) to stabilise the situation, followed by standby brigade group(s) deployment.

(c) Staffing

1. **Best Practices Capability.** Although not included in currently approved structures (PSOD), similar to DPKO, the PSD should develop a Best Practices capability, possibly using serving as well as retired officers.
2. **AU Military Advisory Staff.** Considering the enormity of the military aspects of AU-UN consultations and the implications of AU/Regional peace operations, the Meeting is of the view that serious consideration needs to be given to the inclusion of a military liaison and advisory officer of appropriate rank on the staff of the AU Permanent Mission to UN HQ in New York, to facilitate appropriate military staff actions on issues relating to peace and security.

(d) IT

IT needs to be considered as a vital tool for ASF command, control and communications. Ongoing improvements in IT resources and facilities at the AU Commission and some Regional Secretariats should therefore be extended to the ASF. The ASF must also be provided with appropriate reliable and effective multiple link communications, including Internet access and mission Intranet facilities. In this sense, consideration should be given to the need to establish a small IT/EDP cell at the Commission (within the PSD), Regional Secretariats and within the rapidly deployable ASF HQ, which resources could then be expanded during deployment.

(e) Quick Impact Projects

Even though the ASF will not be expected to undertake serious humanitarian projects, it should be endowed with appropriate resources and capacity in specialised units, to undertake QIP and limited post-conflict reconstruction. This accords with the recommendations of the Brahimi Panel for UN peace operations.

(f) Reimbursement

The meeting recommended that the AU should reimburse contributors. Indications are that some Member States would be unable to contribute to operations without adequate reimbursement. If reimbursement is

determined, using the relevant UN scales of reimbursement as a guide, the AU, in consultation with Regions, should determine its own scales based on its capacity to fund the reimbursement regime. A sample of the UN scales of reimbursement is at Annex F. The meeting recommended that the AU establish a working group, comprising at least of one nominated member from each sub-region, to provide options for ASF re-imbursement, guided by the following considerations:

1. Re-imbursement for personnel and equipment are considered separately.
2. Reimbursement follows the format of the UN.
3. The scale of reimbursement is determined for sub-region actions, and AU mandated actions based on sub-regional and AU respective expert considerations
4. A mission may be initiated at sub-regional level, later receive AU mandate and thereafter UN – mandate and thus would move through three levels of re-imbursement process.
5. Preferably AU – mandated missions do not involve different scales for personnel and equipment within one mission.
6. Bi-lateral funding and/ or resource allocations towards a sub-regional/ or AU mission is accommodated, not reimbursed but accounted for as per bi-lateral arrangement.

(g) AU Logistical Infrastructure for PSO

Any AU logistics support strategy should aim to enable rapid and effective deployment, on the one hand, and mission sustainability on the other. To this end, it is suggested that the AMLD should be incorporated into a system of sub-regional MLDs. In future, external logistical facilities in the region should be negotiated to support these MLDs. Alternatively, the AMLD could be centralised like the UNLB (Brindisi); this has the advantage of maximising the management and maintenance resources of the facility, even though it will also entail higher costs in strategic air and sea lifts.

(h) Equipment Standardisation

This will probably involve various technical working groups in areas such as communications and IT, as well as key areas of logistics. Because of its very well developed system in this regard, NATO should be approached for advice on the systems they use.

(i) Funding

To ensure availability of funds for the implementation of the Protocol, the Meeting suggests that consideration be given to additional means being considered by some Regions, such as the levying of a peace tax. Additionally, assessed supplementary quotas could be made to meet the

cost of specific PKOs. Furthermore, to stretch the value and application of available funds, and strengthen the confidence of external supporters, stringent measures for probity, accountability and transparency, need to be maintained. Stringent inspection and verification regimes at all levels of missions, and by appropriate AU Departments and Offices, will help to ensure this.

Chapter 4: Military Staff Committee

Establishment

- 4.1. The Military Staff Committee (MSC) is to be established pursuant to Article 13 of the PSC Protocol. In this respect, it should be established as a standing advisory military committee to the PSC.

Composition and Membership

- 4.2. According to the relevant Article, the MSC shall be composed of Senior Military Officers of the Member of the PSC. It also provides that any Member State not represented on the MSC may be invited by the Committee to participate in its deliberations when it is so required for the efficient discharge of the Committee's responsibilities.
- 4.3. **Regional Representation.** Given that operational capacity of the ASF is largely based on sub-regional groupings, the views of the sub-regions should be represented in the MSC. This creates a responsibility for Member States to consult with their sub-region, in order to accurately reflect the sub-regional position, and to periodically invite Regional representatives as observers to MSC meetings.
- 4.4. **MSC Membership.** Membership of the MSC should accord with those of the PSC. Members will serve the terms of their elected Member States serving on the PSC. In the event that an elected Member State of the PSC is not permanently represented by a sufficiently Senior Military Advisor in Addis Ababa, that Member State may authorize/designate another Member State which is not a Member of the PSC, to serve on its behalf on the MSC.

Functions

- 4.5. Having due regard to Article 13 of the PSC Protocol and informed by the functions of the MSC of the UN Security Council (Article 47), as well as similar provisions of NATO, the EU and the SHIRBRIG, the Meeting proposes the following military advisory functions for the MSC:
- (a) To advise and assist the PSC in all questions relating to military and security requirements for the promotion and maintenance of peace and security in Africa.
 - (b) Similarly, to keep the Chiefs of Defence Staff (CDS) of Member

States serving on the PSC and MSC well informed of all decisions of the PSC, and their implications on peace and security in Africa, in order to facilitate their deliberations and decisions during MSC meetings at the level of ACDS.

- (c) To ensure that policies and actions in the fields of conflict prevention, management and resolution are consistent with sub-regional mechanisms.
- (d) To enhance co-operation in the fields of early warning, conflict prevention, peacemaking, peacekeeping and post-conflict peacebuilding through consultations with the PSD (PSOD).
- (e) Prior to submission of plans to the Chairperson, co-ordinate with the PSOD.
- (f) Subject to the decision and authorization of the PSC, participate in or undertake visits to ASF missions, and other peacemaking and peacebuilding functions for the resolution of conflicts.
- (g) Carry out any other functions, which the PSC may entrust to it.

Chairperson

- 4.6. The modalities of the Chairperson of the MSC should be guided by those of the PSC. Thus, the Member State holding the Chair of the PSC should also provide the Chair of the MSC.
- 4.7. In accordance with the Provisions of the PSC Protocol, the Chairperson of the PSC should take appropriate measures for convening meetings of the MSC at the level of the CDS. In all other cases, the Chair of the MSC will convene meetings and take appropriate follow-up measures.

Rules of Procedure

- 4.8. **Agenda.** The Meeting recommends that the MSC should derive the agenda of its meetings from two sources:
 - (a) Members of the MSC should be given notification of all PSC meetings at the same time that members of the PSC are being notified, in order to facilitate their own deliberations, consultations, and provision of advice, prior to meetings of the PSC.
 - (b) As and when it is necessary to convene on its own accord, the MSC should develop its own agenda. The provisional agenda of such MSC meetings should be determined by its Chairperson on the basis of items proposed by its Members, or advised/suggested by the PSD. The inclusion of any item in the provisional agenda may not be opposed by a Member.
 - (c) In general, the draft agenda may include the following items:
 1. Adoption of the agenda.
 2. Reading and adoption of the minutes of the previous meeting.
 3. Chairperson's remarks and information.
 4. Mission/Security Information briefing.
 5. Substantive points (to be presented by nominating Member).
 6. Date and draft agenda of next meeting.

7. Any other business.

4.9. **Meetings.** The Meeting proposes that:

- (a) The MSC should be in permanent sessions and should meet at the level of Senior Military Officers and CDS. It should convene as often as required, prior to all meetings of the PSC at the level of the Senior Military Officers, but at least once a month, prior to meetings of the PSC, which they should also attend to offer any necessary clarifications and advice when invited to do so. The MSC should also convene normally once per year at the level of the CDS, and include Regional representatives, to discuss questions relating to the military and security requirements for the promotion and maintenance of peace and security in Africa, and to review the activities of the MSC.
- (b) Upon notification of PSC meetings, the MSC should meet to deliberate on the military security implications of all issues coming before the PSC, and formulate common understanding and position on such issues.
- (c) If and when necessary/possible, it should arrange consultative meetings with the PSD in order to seek further clarifications on issues, or to acquaint the PSD with the perspectives and/or position of the MSC on issues.
- (d) The MSC should prepare briefs detailing the perspectives and/or position of the MSC regarding issues coming before the PSC, in order to facilitate the deliberations and decisions of the PSC.

4.10. **Quorum.** The number of Members required to constitute a quorum should be two-thirds of the total membership of the MSC, that is, 10 out of the 15 Members.

4.11. **Conduct of Business.**

- (a) In line with the PSC, the MSC should hold closed meetings, during which any Member who is party to a conflict or a situation under consideration by the MSC should not participate, either in the discussion or in the decision-making process relating to that conflict or situation. Such a Member should be invited only to present its case to the MSC as appropriate, and should, thereafter, withdraw from the proceedings.
- (b) When the MSC decides to hold open meetings:
 - 1. Any Member which is not a Member of the MSC, if it is party to a conflict or a situation under consideration by the MSC, should be invited to present its case as appropriate, without the right to vote, in the discussion.
 - 2. Any Member which is not a Member of the MSC may be invited to participate, without the right to vote, in the discussion of any question brought before the MSC whenever that Member considers that its interests are especially affected.
 - 3. Any Regional Mechanism, international organization or civil society organization involved and/or interested to participate, without the right to vote, in the discussion of relating to that conflict or situation, may be invited.

- (c) In appropriate ways and with appropriate institutions, the MSC may hold informal consultations with parties concerned with or interested in a conflict or a situation under its consideration, as well as with Regional Mechanisms, international organizations and civil society organizations as may be needed for the discharge of its responsibilities.
- (d) The MSC may also establish such working or working groups as it deems necessary for the performance of its functions.

4.12. **Decisions and Voting.**

- (a) Each Member of the MSC should have one vote.
- (b) Decisions of the MSC should generally be guided by the principle of consensus. In situations where consensus cannot be reached, the MSC should adopt its decisions on procedural matters by a simple majority, while decisions on all other matters should be made by a two-thirds majority vote of its Members voting.

4.13. **Other Rules of Business.** Within the foregoing framework, the MSC should evolve and submit its own rules for the conduct of business, records of meetings and any other relevant aspect of its work, for due consideration and approval by the PSC. The Chairperson of the MSC may avail him/herself of the services of the PSC Secretariat for the production of the records of meetings and any other relevant aspects of the work of the MSC. The MSC will further be guided by the relevant traditions of the PSC.

Accountability

4.14. The MSC should be an advisory Committee accountable to the PSC, even though it may consult with other institutions as explained in these provisions. It should have no executive powers of its own except as and when assigned by the PSC.

Chapter 5: Recommendations and Way Forward

The African Standby Force

1. The Basics of the Force

- 5.1. It is recommended that an ASF be established in two phases, with Phase 1 to 30 June 2005, and Phase 2 to 30 June 2010. The Meeting confirmed the importance of the brigade level as the basis for a viable peace operations capability. Taking into account financial reality, previous ACDS guidance and experiences, in broad outline the Meeting further recommends that the ASF be developed in phases to provide:
 - (a) A reasonable level of staffing to develop a strategic level HQ capacity, managing an on-call individual reinforcement system to gain mission level (ASF) HQ capacity, and specialist mission level civilian components.

- (b) System of Regionally managed standby brigade, eventually capable of deployment in 30 days and a pool of units on standby in Member States that are supported by appropriate administrative, logistics and training infrastructures.
- (c) An AU Strategic HQ located at the AU Commission capable of managing, planning and conducting all necessary arrangements for employment of the Standby Force. The Strategic HQ must be supported by necessary systems capable of rendering appropriate support for its operations and functions.
- (d) An AU-managed standby system of military observers, civilian and police capacity.

2. Goals, Priorities and Deployment Timelines

5.2. The Meeting recommends the following long-term deployment targets for the ASF from an AU mandate resolution:

- (a) Simpler missions (scenarios 1-4) should be able to deploy in 30 days;
- (b) Complex missions (scenario 5) should complete deployment in 90 days, with the military component being able to deploy in 30 days; and
- (c) Due to the nature of situations demanding intervention operations, (scenario 6), it will be important the AU can eventually deploy a robust military force in 14 days.

3. Multidimensional Strategic Level Management Capability

5.3. The Meeting recommends that strategic level HQ management capacity should be developed in two phases:

(a) Phase 1 (Up to 30 June 2005).

1. AU Capability

The AU should develop and maintain the full time capacity to manage Scenario 1 and 2 (AU/Regional military advice to political mission and co-deployed observer) missions, and establish a standby reinforcement system to manage Scenario 3 (stand alone observer) missions. The AU should also develop a system of communication with the Regions.

2. Regional Capability

Regions should within capacity develop/evolve their standby brigades within this phase. Where they can develop standby brigade groups, Regions should by the end of this phase also develop the capacity to use a standby reinforcement system to manage Scenario 4 (AU/Regional PKF) missions.

(b) Phase 2 (1 July 2005 - 30 June 2010)

1. AU Capability

In this period, while maintaining its full time capacity to manage Scenario 1 and 2, the AU should develop the capacity to manage up to Scenario 5 (complex PKF) missions.

2. Regional Capability

All Regions should try to develop a standby brigade in this period, and those with existing brigades should increase their rapid deployment capability.

4. Mission HQ Level Management Capability

5.4. Although the Director PSD should exercise overall responsibility for the establishment of the ASF, it is recommended that a skeleton mission headquarters be developed in Addis Ababa.

5. Mission Components

5.5. The Meeting recommends the following:

(a) Military Observers

The AU should centrally manage a standby roster of individual military observers, consisting of at least 300-500 officers at 14 days notice.

(b) Formed Units

Where capable, by 30 June 2005, the AU and Regions should establish standby brigades that would consist of:

1. A small full time Planning Element (PLANELM).
2. Selected PLANELM staff officers could undertake on the-job experience with the Copenhagen-based SHIRBRIG. The UN should be approached to use the Trust Fund for Conflict Prevention and Peacekeeping in Africa to fund this.
3. Identified brigade units would be on standby in Member States, but must be subject to verification visits by the PLANELM staff to identify standards and shortfalls.
4. The pool of units that are identified as part of the system should exceed that required for an operation. This will allow for Member State decisions not to deploy, as well as allow for rotations.
5. Regional MLDs should hold standard stocks to cover typical shortages for sustainment and key items of equipment. The stocking policy should cover a brigade level deployment for 180 days.
6. The AU should jointly agree on locations of logistics infrastructure (MLDs) and training facilities with Regions, in order to maximise efficiency and effectiveness.

(c) Police

The Meeting recommends that by 30 June 2005, the AU should establish and centrally manage a standby roster of at least 240 police officers in order to be able to establish the police component of complex PKF missions. These individuals should be trained nationally to UN standards, or at regional and other centres of excellence, and be held in Member States at 14 days notice. By 30 June 2005 the AU should also establish and centrally manage a standby system that would contain at least two company level formed police units on 90 days notice, in order to be able to support complex PKF missions.

(d) Civilian Components

The Meeting recommends that the AU should establish and centrally manage a roster of mission administration, plus a roster of civilian experts to fill the human rights, humanitarian, governance, DDR and reconstruction components of a complex PKF mission. Qualifications should be similar to that required by the UN, while the AU roster should be linked to UN rosters.

6. Doctrine

5.6. The Meeting endorses the recommendation of the Second ACDS Meeting that peacekeeping doctrine used by the ASF should be consistent with doctrine produced and used by the UN, and complemented by African specificity.

7. Training

5.7. The Meeting endorses the recommendation of the ACDS that Africa should use UN training standards and material, modified as necessary. This training shall include International Humanitarian Law. The UN has made significant effort in recent months in this direction, particularly as part of its Standardised Generic Training Modules Project.

5.8. The AU and regional training framework should provide for some amount of co-ordination of AU, Regional and national training, as well as for the establishment and utilisation of existent centres of excellence for peacekeeping training.

8. Equipment Interoperability

5.9. The Meeting noted that clear identification of key areas where interoperability is essential. It is therefore recommended that the issue of standardisation policy and the development of suitable technical solutions, where necessary, should be centrally managed at the AU.

9. Enhancing Co-operation with the UN

(a) HQ Capacity

In establishing high readiness and standby brigade groups, the AU and Regions should establish an MOU with the UN to reinforce strategic HQ capacity, using an on call UN Planning, Liaison, and Advisory Team. Additionally the UN should consider on request of the AU reinforcing the UNLO office in Addis with a peacekeeping specialist.

(b) Standby Information

Where Member States approve, the AU should ensure African standby information is included in UN standby databases.

(c) Doctrine and Training Material

The AU should consult closely with the UN to gain access to the latest UN peace operations doctrine and training material and modify this as necessary to suit African conditions. The UN should also be invited to participate in the planning and conduct of all forms of peacekeeping training and exercises.

(d) On the Job Experience

The AU and the Regions should co-operate closely with the UN to gain experience at UN HQ, and with the Planning Element of SHIRBRIG. The UN should be approached to fund this through the appropriate Trust Fund.

(e) Logistics Co-operation

Given the AU goal of handing over an operation to the UN as soon as possible, the AU should approach the UN with a view to cooperation in logistics support.

(f) UN Consultations with TCCs

The Meeting recommends that ASF operational brigades should be organised in accordance with UN standards along the lines of SHIRBRIG.

(g) AU Military Advisory Staff

Serious consideration needs to be given to the inclusion of a military liaison and advisory officer of appropriate rank on the staff of the AU Permanent Mission to UN HQ in New York.

10. Command and Control Functions

5.10. The Meeting noted that an agreed AU command and Control policy needed to be developed based on the existing UN command and control guidance, and including the following relationships and

functions:

- (a) Overall political control and overall direction, as well as the activities of the mission and consultations with other Organisations and agencies in the field, should normally be exercised and co-ordinated by an AU Special Representative (ASR) designated by the Chairperson. All heads of major components should report to him.
- (b) Command and control of the military components of an AU mission should be vested variously in an FC or CMO, who should be appointed by the Chairperson.
- (c) Military personnel of AU peace missions should be under the authority of the Chairperson of the AU, through the FC/CMO, and should be directly answerable to FC/CMO for the conduct and performance of their duties.

11. Enhancing Co-operation with Regions

- 5.11. The Meeting recommends that in order to enhance AU/Regional cooperation, consultative meetings between the PSC and regional security organs should be formalised.

12. Enhancing Co-operation with the International Community

- 5.12. The Meeting recommends that:

- (a) The AU should negotiate with its Partners to share in the planning, objectives and conduct of external support initiatives in accordance with requirements of the AU.
- (b) The AU should encourage its Partners and donors to meet UN equipment standards in their assistance and initiatives.
- (c) The AU should negotiate with the Partners and donors to have equipment donations through multilateral arrangements towards stocking, maintaining and managing AU/Regional MLDs.

13. Reimbursement, Logistics and Funding

(a) Reimbursement

- 5.13. Past experience has indicated that the reimbursement rates used by the UN may be too high for adoption by the AU. The AU should make appropriate changes to the UN scales of reimbursement, the consumption rates, to fit the African environment. The Meeting recommends that the AU establish a working group, comprising at least of one nominated member from each Region, to provide options for ASF re-imbursement, guided by but not limited to the following considerations:

- (a) Reimbursement follows the format of the UN. Re-imbursement for personnel and equipment are to be considered separately, and take into account the capacity of the AU
- (b) The AU should determine the standard scales of reimbursement for troops and equipment.

- (c) A mission may be initiated at Regional level, later receives AU mandate and thereafter UN mandate and thus would move through three levels of re-imburement process.
- (d) Preferably AU mandated missions do not involve different scales for personnel and equipment within one mission.
- (e) Bi-lateral funding and or resource allocations towards a Regional or AU mission is accommodated, not reimbursed but accounted for as per bi-lateral arrangement.

(b) AU Logistical Infrastructure for PSO

5.14. Any AU logistics support strategy should aim to enable rapid and effective deployment and mission sustainability. To this end, it is suggested that the AMLD should be incorporated into a system of regional MLDs. During Phase 1 Member States should focus on national readiness (own reserves and stocks) while an appropriate and cost-effective concept for Phase 2 is investigated. In general, when involved in peace support operations, force projection and sustainment should be executed by outsourcing strategic lift capabilities from the international environment.

(c) Funding

5.15. Excepting the regular budgetary appropriations that could be guaranteed, the AU has no guaranteed control over the other sources. The PSC should therefore be aware of the responsibility of making available such financial resources as are requisite for ASF mission accomplishment. In this regard it is recalled that the Second Meeting of the ACDS recommended increasing contributions of Member States to the Regular Budget; increasing the percentage of the budget dedicated to the Peace Fund from six (6) to ten (10) percent. To ensure availability of funds for the implementation of the Protocol, the Meeting suggests that consideration be given to additional means being considered by some Regions, such as the levying of a peace tax. Additionally, assessed supplementary quotas could be made to meet the cost of specific PKOs.

Military Staff Committee

- 5.16. The Military Staff Committee should be established as a standing advisory military committee to the PSC. It should have no executive powers of its own except as and when assigned by the PSC.
- 5.17. The MSC shall be composed of Senior Military Officers of the members of the PSC. Members will serve the terms of their elected Member States serving on the PSC.
- 5.18. The following military advisory functions are proposed for the MSC:
 - (a) to advise and assist the PSC in all questions relating to military and security requirements for the promotion and maintenance of peace

- and security in Africa;
 - (b) to keep the Chiefs of Defence Staff (CDS) of Member States serving on the PSC and MSC well informed of all decisions of the PSC;
 - (c) to ensure that policies and actions in the fields of conflict prevention, management and resolution are consistent with regional mechanisms;
 - (d) to enhance co-operation in the fields of early warning, conflict prevention, peacemaking, peacekeeping and post-conflict peace building through consultations with the PSD (PSOD);
 - (e) prior to submission of plans to the Chairperson, co-ordinate with the PSOD;
 - (f) subject to the decision and authorization of the PSC, participate in or undertake visits to ASF missions, and other peacemaking and peacebuilding functions for the resolution of conflicts.
- 5.19. The modalities of the Chairmanship of the MSC should be guided by those of the PSC. Thus, the Member State holding the chair of the PSC should also provide the chair of the MSC.
- 5.20. The MSC should derive the agenda of its meetings from two sources:
- (a) members of the MSC should be given notification of all PSC meetings at the same time that members of the PSC are being notified, in order to facilitate their own deliberations, consultations, and provision of advice, prior to meetings of the PSC;
 - (b) as and when it is necessary to convene on its own accord, the MSC should develop its own agenda.

Follow-Up

- 5.21. By August 2003, the Chiefs of Defence Staff in the five regions should meet on a regional basis to set in motion regional processes.
- 5.22. Workgroups should be established in the regions to identify standby forces; rapid reaction elements; centres of excellence for peace support operations training; list of military and civilian observers; regional logistics support required; location of early warning (situation rooms for region); and communication/IT capabilities.
- 5.23. At the same time, Member States/Regions should nominate members to the AU to determine feasibility and/or options regarding the following:
- (a) SOPs and doctrine for PSOs (drafts to be finalized)
 - (b) Communications and IT
 - (c) Early Warning (situation room) and its links to Regional Early Warning (situation room)
 - (d) Reimbursement policy and SOPs
 - (e) Financial management systems
 - (f) Logistic support during AU missions
 - (g) Command and control for AU missions
- 5.24. Regional work groups must conclude their work by December 2003, including draft doctrine SOPs, list of terminologies etc.

- 5.25. Preferably by January/February 2004, the 4th meeting of the ACDS should be convened.

Solemn Declaration on a Common African Defence and Security Policy (2004)

Full title: Solemn Declaration on a Common African Defence and Security Policy

Date/place of adoption/conclusion: 28 February 2004, Sirte, Libya

Available online at: <https://bit.ly/3iUzu94>

* Adopted at the Second Ordinary Session of the Assembly of Heads of State and Government of the African Union, 27-28 February 2004, Sirte, Libya.

Preamble

We, the Heads of State and Government of Member States of the African Union, meeting in our Second Extraordinary Session, in Sirte, Great Libyan Arab Jamahiriya, on 28 February, 2004,

1. **Guided** by the principles enshrined in the Constitutive Act of the African Union and in the United Nations Charter, and our common vision of a united and strong Africa based on the scrupulous respect for human rights, peaceful coexistence, non-aggression, non-interference in the internal matters of Member States, mutual respect for national sovereignty and territorial integrity of each State;
2. **Motivated** by a common political will to strengthen our collective efforts to contribute to peace, security, stability, justice and development in Africa, as well as to intensify cooperation and integration in our continent in the best interest of our peoples;
3. **Convinced** that in order to safeguard and preserve the hard-won liberties of our peoples, the sovereignty and territorial integrity of our countries, our cultures, history and common values, as well as to guarantee peace, security, stability, and socio-economic development of our continent, it is imperative for us to undertake mutually reinforcing actions in the areas of defence and security;
4. **Reaffirming** our commitments under Article 4(d) of the Constitutive Act, and Article 3(e) of the Protocol Relating to the establishment of the Peace and Security Council of the African Union, which call for the establishment of a common defence policy for the African

- continent;
5. **Recalling** decision ASS/AU/Dec. 5(I), which we took during the inaugural session of the Assembly of our Union held in Durban, South Africa, in July 2002, in which we stressed the need for a Common African Defence and Security Policy in the context of the Constitutive Act of the African Union;
 6. **Reaffirming** our determination to endow the Union with the requisite capacity for decision-making in order to ensure effective political-military crisis management aimed at preserving peace and strengthening the security of the African continent in all aspects, including the elimination of conflicts;
 7. **Convinced** that these commitments will provide our union with a more enhanced and cost-effective means of maintaining peace and security on the continent;
 8. **Recalling** the Solemn Declaration on the Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA), and particularly its interactive approach, as an invaluable tool for the Union to pursue and strengthen its agenda in the new millennium, in the areas of security, stability, development and cooperation in Africa;
 9. **Stressing** the importance of the various decisions and instruments we have already adopted, with respect to the issues of peace, security and defence at the continental level, which can form the building blocks of the Common African Defence and Security Policy;
 10. **Emphasizing** the need for a common understanding of defence and security as terms embracing both civilian and military aspects;
 11. **Conscious** of the indivisibility of security in Africa, and particularly the fact that the defence and security of one African country is directly linked to that of other African countries, and Desirous to harmonize Member States activities in these areas;
 12. **Undertake** to consult among ourselves and to adopt a common position on matters relating to defence that affect or constitute a potential threat to the collective security of our continent
 13. **Hereby solemnly** adopt the Common African Defence and Security Policy and **declare** our commitment to uphold and give practical expression to the provisions of the Declaration;
 14. **Request** the Chairperson of the Commission to submit proposals relating to the different aspects of this Declaration in order to give effect to its implementation.

Introduction

1. During the inaugural Summit of the African Union held in Durban, South Africa, in July 2002, the Assembly stressed the need for a Common African Defence and Security Policy in the context of

the Constitutive Act of the African Union. The Assembly further requested its Chairman to establish a group of experts to examine all aspects related to the establishment of such a Common African Defence and Security Policy and submit their recommendations thereon, for the consideration of its next ordinary session.

2. The need for a Common African Defence and Security Policy is inherent in the objectives of the Constitutive Act, particularly in Article 3(a) to (h) as well as in Article 4(d) of the Act, which provides for the “establishment of a Common Defence Policy for the African Continent”.
3. Article 3 of the Protocol relating to the establishment of the Peace and Security Council of the African Union also provides that the objectives for which the Peace and Security Council was established shall include “the development of a Common Defence Policy for the Union, in accordance with Article 4(d) of the Constitutive Act”. It also provides in Article 7, that one of the powers of the PSC shall be to “implement the Common Defence Policy of the Union”.

I. Definitions and Scope

4. The adoption of a Common Defence and Security Policy for Africa is premised on a common African perception of what is required to be done collectively by African States to ensure that Africa’s common defence and security interests and goals, especially as set out in Articles 3 and 4 of the Constitutive Act of the African Union, are safeguarded in the face of common threats to the continent as a whole

Defence

5. Ensuring the common defence of Africa involves working on the basis of a definition of defence which encompasses both the traditional, military and state-centric notion of the use of the armed forces of the state to protect its national sovereignty and territorial integrity, as well as the less traditional, non-military aspects which relate to the protection of the people’s political, cultural, social and economic values and ways of life. In terms of the linkage between defence at the national level and that at the regional and continental levels, it is understood, also, that each African country’s defence is inextricably linked to that of other African countries, as well as that of other regions and, by the same token, that of the African continent as a whole

Security

6. Similarly, ensuring the common security of Africa involves working on the basis of a definition which encompasses both the traditional,

state-centric, notion of the survival of the state and its protection by military means from external aggression, as well as the non-military notion which is informed by the new international environment and the high incidence of intra-state conflict. The causes of intra-state conflict necessitate a new emphasis on human security, based not only on political values but on social and economic imperatives as well. This newer, multi-dimensional notion of security thus embraces such issues as human rights; the right to participate fully in the process of governance; the right to equal development as well as the right to have access to resources and the basic necessities of life; the right to protection against poverty; the right to conducive education and health conditions; the right to protection against marginalization on the basis of gender; protection against natural disasters, as well as ecological and environmental degradation. At the national level, the aim would be to safeguard the security of individuals, families, communities, and the state/national life, in the economic, political and social dimensions. This applies at the various regional levels also; and at the continental level, the principle would be underscored that the “security of each African country is inseparably linked to that of other African countries and the African continent as a whole.”

Common Security Threats

7. Common Security Threats may be deemed to pose a danger to the common defence and security interests of the continent, as defined above, when such threats confront all, some, or one of the countries or regions of the continent. Such common security threats which thus undermine the maintenance and promotion of peace, security and stability on the continent, may be internal or external.
8. Common internal threats to Africa may include inter-state conflicts/tensions, intra-state conflicts/tensions; unstable post-conflict situations; grave humanitarian situations, as well as other circumstances:

(i) Inter-State Conflicts/Tensions:

- (a) Situations which undermine the sovereignty, territorial integrity and independence of Member States of the AU;
- (b) Incidents involving the actual use of force or the threat of use of force between and among Member States of the AU;
- (c) Lack of respect for the principle of non-interference by one Member State in the internal affairs of another;
- (d) Aggression or threat of aggression from a country or a coalition of countries, in violation of AU Principles and the provisions of the UN Charter.

(ii) Intra-State Conflicts/Tensions:

- (e) The existence of grave circumstances, namely war crimes, genocide and crimes against humanity;
- (f) Lack of respect for the sanctity of human life, impunity, political assassination, acts of terrorism and subversive activities;
- (g) Coup d'états and unconstitutional changes of government; and situations which prevent and undermine the promotion of democratic institutions and structures, including the absence of the rule of law, equitable social order, popular participation and good governance;
- (h) Improper conduct of electoral processes;
- (i) Lack of commitment by the parties to abide by the elections conducted in line with the laws of the country.
- (j) Absence of the promotion and protection of human and peoples' rights, individual and collective freedoms, equality of opportunity for all, including women, children and ethnic minorities;
- (k) Poverty and inequitable distribution of natural resources; and corruption;
- (l) Political, religious and ethnic extremism, as well as racism.

(iii) Unstable Post-Conflict Situations:

- (m) Failure to consolidate peace in the post-conflict period as a result of the absence of effective and complete post-conflict demobilization, disarmament, and re-integration and lack of sustained post-conflict rehabilitation and reconstruction processes.

(iv) Other Factors that Engender Insecurity:

- (n) Plight of refugees and internally displaced persons and the insecurity caused by their presence;
 - (o) Use of landmines and unexploded ordinance;
 - (p) Illicit proliferation, circulations and trafficking in small arms and light weapons;
 - (q) Pandemic diseases such as HIV/AIDS, tuberculosis, malaria;
 - (r) Environmental degradation;
 - (s) Violent and other crimes, including organized and cross border crimes;
 - (t) Human trafficking
 - (u) Drug trafficking.
 - (v) Money laundering
9. Common external threats refer to external challenges to Africa's continental security, which may endanger or have the potential, either directly or indirectly, to constrain individual and collective efforts to achieve continental security goals. Common external threats to continental security in Africa may include:
- (a) External aggression, including the invasion of an African country;
 - (b) International conflicts and crises with adverse effects on African regional security;

- (c) Mercenarism;
- (d) International terrorism and terrorist activities;
- (e) The adverse effect of globalization and unfair international political and economic policies, practices and regimes;
- (f) The accumulation, stockpiling, proliferation and manufacturing of weapons of mass destruction, particularly nuclear weapons, chemical and biological weapons, unconventional long-range and ballistic missiles;
- (g) Cross-border crimes such as drug and human trafficking (which may constitute a threat at the regional and national levels);
- (h) Unilateral policies aimed at isolating African countries;
- (i) Dumping of chemical and nuclear wastes in Africa.

Areas of Common African Defence and Security Policy

10. The types of common security threats facing Africa, dictate that the Common Defence and Security Policy addresses, among others, the following areas of activity: promotion of the spirit of collective defence and a culture of peace; small arms and light weapons; peace-building and peacekeeping as well as post-conflict rehabilitation and reconstruction, including demobilization, disarmament and reintegration; landmines; child soldiers; nuclear and other weapons of mass destruction; chemical weapons; HIV/AIDS, tuberculosis, malaria and other infectious diseases; terrorism; humanitarian issues; and environmental matters.

II. Principles and Values Underlying the Common African Defence and Security Policy

11. The principles and values informing the Common African Defence and Security Policy include, inter-alia, the principles contained in Article 4 of the Constitutive Act of the African Union. These are:
 - (a) sovereign equality and inter-dependence among Member States of the Union;
 - (b) respect of borders existing on achievement of independence;
 - (c) peaceful resolution of conflicts among Member States of the Union, through such appropriate means as may be decided upon by the Assembly;
 - (d) prohibition of the use of force, or threat of use of force, among Member States of the Union;
 - (e) non-interference by any Member State in the internal affairs of another;
 - (f) the right of the Union to intervene in a Member State pursuant to a decision of the Assembly, in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity, as well as a serious threat to legitimate order, in order to restore peace and stability to the Member States of the Union, upon the recommendation of the Peace and Security Council;
 - (g) peaceful co-existence of Member States and their right to live in

- peace and security;
 - (h) the right of Member States to request intervention from the Union in order to restore peace and security;
 - (i) promotion of self-reliance within the framework of the Union;
 - (j) respect for democratic principles, human rights, the rule of law and good governance;
 - (k) promotion of social justice to ensure balanced economic development;
 - (l) respect for the sanctity of human life, condemnation and rejection of impunity and political assassination, acts of terrorism and subversive activities;
 - (m) condemnation and rejection of Unconstitutional Changes of Governments;
 - (n) restraint by any Member State from entering into any treaty or alliance that is incompatible with the principles and objectives of the Union;
 - (o) prohibition of any Member State from allowing the use of its territory as a base for aggression and subversion against another Member State;
 - (p) promotion of gender equality.
12. Other principles and values forming the basis of the Common African Defence and Security Policy include the following:
- (i) The indivisibility of the security of African States: the security of one African country is inseparably linked to the security of other African countries, and the African continent as a whole. Accordingly, any threat or aggression on one African country is deemed to be a threat or aggression on the others, and the continent as a whole; that needs to be brought to the immediate attention of the Assembly of the Union or the Peace and Security Council for decision and action as appropriate, in conformity with the AU principles and objectives;
 - (ii) The traditional African principle and value of equal burden sharing and mutual assistance;
 - (iii) The fundamental link and symbiotic relationship that exists between security, stability, human security, development and cooperation, in a manner that allows each to reinforce the other;
 - (iv) African countries shall, subject to the generally accepted norms of free speech, not engage in, or allow non-state entities to engage in any actions, that incite or intend to incite individuals or groups in the territory of other African countries to violence, which actions amount to propaganda for war or advocate hatred based on race, ethnicity, gender or religion;
 - (v) The plight of African refugees and internally displaced persons shall be given due consideration;
 - (vi) A close working relationship between AU and RECs must be maintained to enable correct interpretation and follow-up activities and programmes envisaged in the Common Defence and Security Policy;
 - (vii) Collaborative efforts between Sub-Regional or Regional

- Organizations and the AU;
- (viii) The strengthening of links with the United Nations, whose Charter (Chapter 8), stipulates a role for regional organizations in the maintenance of international peace and security.

III: Objectives and Goals of the Common African Defence and Security Policy

13. Based on the fact that a Common Defence and Security Policy tends to be a common feature of advanced co-operative frameworks, or of regions where integration is highly advanced, and taking into account the common historical, political, economic and international experiences which bind AU Member States together, a Common African Defence Policy is established in pursuit of a number of objectives and goals including among others, the following:
- (a) ensure collective responses to both internal and external threats to Africa (as adumbrated above), in conformity with the principles enshrined in the Constitutive Act;
 - (b) enable the achievement of the objectives of the Constitutive Act, especially those relating to defence and security matters which are contained in Articles 3 and 4 therein;
 - (c) serve as a tool for the simultaneous enhancement of defence cooperation between and among African States, and the consolidation of national defence;
 - (d) eliminate suspicions and rivalry among African States, a factor that has traditionally engendered conflicts on the continent and hindered interstate cooperation and integration in Africa;
 - (e) promote mutual trust and confidence among African States;
 - (f) provide a framework for AU Member States to cooperate in defence matters, through training of military personnel; exchange of military intelligence and information (subject to restrictions imposed by national security); the development of military doctrine; and the building of collective capacity.
 - (g) provide for transparency and clarity on national defence and security policies; as well as cost effectiveness;
 - (h) allow for efficient re-allocation of resources to address the most threatening of the defence and security challenges, such as poverty and the adverse effects of globalization;
 - (i) advance the cause of integration in Africa and safeguard, not only common values, but also fundamental interests and the independence and integrity of individual states, regions and the continent, as well;
 - (j) enhance AU's capacity for and coordination of, early action for conflict prevention containment, management, resolution and elimination of conflicts, including the deployment and sustenance of peacekeeping missions and thus promote initiatives that will preserve and strengthen peace and development in Africa.
 - (k) promote a culture of peace and peaceful co-existence among AU Member States and within the regions. This will foster an emphasis

on the use of peaceful means of conflict resolution and the non-use of force, such as preventive diplomacy, negotiation, the use of good offices, persuasion, as well as mediation, conciliation and adjudication;

- (l) provide best practices and develop strategic capabilities through training and policy recommendations, to strengthen the defence and security sectors in Africa;
- (m) develop and enhance the collective defence and strategic capability as well as military preparedness of Member States of the AU and the Continent;
- (n) enable the formulation of policies to strengthen the defence and security sectors at the national and continental levels;
- (o) facilitate the harmonization of national legislation and executive actions on defence and security matters with the Common Defence and Security Policy;
- (p) enhance the capacity of the AU to develop and promote common policies in other areas such as foreign relations and trade, to ensure the security of the continent and the strengthening of its negotiating positions;
- (q) provide a framework to establish and operationalize the African Standby Force provided for in the Protocol Establishing the Peace and Security Council;
- (r) facilitate the establishment of a threat deterrence and containment capacity within the AU;
- (s) integrate and harmonize regional initiatives on defence and security issues;
- (t) encourage the conclusion and ratification of non-aggression pacts between and among African States and harmonize such agreements;
- (u) create a conducive environment for the implementation of the precepts of the African Charter on Human and People's Rights and promote the acceptance of standards of human rights;
- (v) provide a framework for humanitarian action to ensure that international humanitarian law is applied during conflicts between and among African States. It will, further, provide a framework for addressing the problems of refugees and internally displaced persons at the continental, regional and national levels;
- (w) provide a framework for the effective participation of women in conflict prevention, management and resolution activities; and provide a framework for delineating the legal parameters for African Civil Society to function with regard to conflict prevention, management and resolution;
- (x) provide a framework for post-conflict peace-building and reconstruction;
- (y) provide a framework for ensuring that international environmental standards are maintained including during periods of conflict.

IV: Implementing Organs of the Common African Defence and Security Policy

14. A number of defence and security frameworks existing in Africa at the continental, regional/sub-regional levels, will constitute the Actors or the Organs for implementing the Common Defence and Security Policy for the whole African continent. At the continental level, these include the Assembly of the African Union, the Peace and Security Council provided for under the Protocol relating to it, and the peace and security mechanisms of the regional economic groupings.

(a) The Assembly

15. The Assembly of the Union is the supreme Organ which deals with threats to Africa's collective defence and Security. Article 9 of the Constitutive Act, which relates to the "Powers and Functions of the Assembly", endows it with the power to monitor the implementation of policies and decisions of the Union, as well as the power to ensure compliance by all Member States. In addition, that Article provides for the delegation by the Assembly, of any of its powers and functions to any Organ of the Union. The Peace and Security Council is the appropriate Organ to which the Assembly will delegate its powers relating to defence and security.

(b) The Peace and Security Council

16. The Peace and Security Council is created by the Protocol relating to its establishment, adopted in Durban, South Africa, in July 2002. It is intended, (after the ratification of this Protocol) that it be a "standing decision-making organ for the prevention, management and resolution of conflict." It is also described by the Protocol as "a collective security and early-warning arrangement to facilitate timely and efficient response to conflict and crisis situations in Africa."

17. In addition, the Protocol constitutes an effort to incorporate into a single text, the provisions of certain defence and security instruments already in existence and forming part of the general body of "legislation" and principles on which the African Union, and the Peace and Security Council in particular will be able to base its actions in the field of defence and security. Similarly, the Council is required to ensure the implementation of the new genre of security instruments such as the OAU Convention on the Prevention and Combating of Terrorism and other relevant international, continental and regional instruments, adopted to combat international terrorism. Further, the Peace and Security Council has the function of promoting and encouraging the implementation of OAU/AU, UN and other relevant international conventions and treaties on arms control and

disarmament. These specific provisions of the Protocol could also be usefully incorporated into the proposed Common African Defence and Security Policy.

18. In the Peace and Security Council Protocol, it is provided that there shall also be established, a Military Staff Committee to advise and assist the Peace and Security Council on all questions relating to military and security requirements, for the promotion and maintenance of peace and security in Africa. (The Military Staff Committee, composed of the members of the Peace and Security Council, may meet at the level of Chiefs of Defence Staff or at the level of senior military officers.) The African Standby Force should also be an implementing mechanism for the decisions of the Peace and Security Council.
19. The Protocol also addresses the fundamental problem of funding and logistics, a factor which has continued to constrain peace support operations deployed by both the OAU/AU and African regional organizations.
20. The Protocol reaffirms the need to establish a Continental Early Warning System to facilitate the anticipation and prevention of conflicts. It will consist of an observation and monitoring centre to be linked to the observation and monitoring units of the sub-regional mechanisms.
21. There is also provision in the Protocol for the establishment of a Panel of the Wise to advise the Peace and Security Council and the Chairperson of the Commission and to pronounce themselves on issues relating to the promotion and maintenance of peace and security on the continent, particularly in the area of conflict prevention.
22. The Protocol stipulates that the Peace and Security Council shall assist in the restoration of the rule of law, the establishment and development of democratic institutions, and the preparation, organization and supervision of elections in Member States. Further, in areas of relative peace, the Peace and Security Council shall accord priority to the implementation of policy aimed at reducing degradation of social and economic conditions arising from conflict. In the area of post-conflict peace-building, the Peace and Security Council shall work towards the consolidation of peace agreements that have been negotiated; the establishment of conditions for political, social and economic reconstruction of the society and government institutions; the implementation of disarmament, demobilization and reintegration programmes, including those relating to child soldiers; the settlement and reintegration of refugees and internally displaced persons; and the provision of assistance to vulnerable persons including children, the elderly, women, and other

traumatized groups in the society.

23. In an effort to enhance the AU's institutional capacity in the humanitarian field, the Peace and Security Council is required to develop its own capacity to coordinate and efficiently undertake humanitarian action.
24. The Protocol stipulates that the Peace and Security Council shall encourage non-governmental organizations, and community-based and other civil society organizations, particularly women's organizations, to participate actively in the efforts aimed at promoting peace, security and stability in Africa; and that when required, such organizations may be invited to address the Peace and Security Council.

(c) Commission of the African Union

25. The Commission will, among other tasks, deploy efforts and take all initiatives deemed appropriate to prevent, manage and resolve conflicts and support post-conflict and rehabilitation activities.

(d) Regional Economic Groups

26. At the regional level, the implementing organs include the conflict prevention, management and resolution mechanisms existing in the various regional economic organizations. These include those of ECOWAS, ECCAS, IGAD, SADC, the East African Community, CEN-SAD, the Arab Maghreb Union and COMESA.

(e) Coordination and Harmonization procedures for implementing the Common African Defence and Security Policy

(f) Coordination Between the Peace and Security Council and relevant Continental Mechanisms

27. It would be appropriate for the Peace and Security Council to be accorded the role of an umbrella organ coordinating the activities of the various other continental mechanisms, which as mentioned above, have mandates and/or strategies of their own, in the context of the Common African Defence and Security Policy. The nature of the procedures aimed at facilitating the Peace and Security Council's coordinating role is specified already in certain texts. Thus, for example, the Protocol establishing the Peace and Security Council stipulates that the Council shall seek close cooperation with the African Commission on Human and Peoples Rights in all matters relevant to its objectives and mandate; and, further, that the Commission on Human and Peoples Rights shall, for its part, bring to the attention of the Peace and Security Council, any information relevant to the objectives and mandate of the latter. This may be

included in the Common Defence and Security Policy. Where the procedures for facilitating such coordination are not specified, they can be developed in the context of the said Common African Defence and Security Policy. Regarding the continental mechanisms, in general, the CSSDCA provisions for Review Conferences every two years may be utilized to monitor the implementation of decisions.

(g) Coordination Between the Peace and Security Council and Regional Mechanisms

28. Various instruments, at the regional and continental levels, have called for the coordination and harmonization of the existing regional mechanisms with the AU Mechanism. In this regard, reference can be made, for example, to Section II (e) of the CSSDCA Memorandum of Understanding on Security, Stability, Development and Cooperation, which provides for a commitment to “establish a strong cooperation framework for security between the Regional Economic Communities (RECs), the AU and the United Nations”.
 - (a) Further expansion on the relationship between the RECs, regions, and regional defence arrangements and the AU Peace and Security Council, as defined by the relevant AU decisions at the meeting held in Maputo, Mozambique, and that the RECs and AU Regions be synchronized and harmonized.
 - (b) There should be a formalization and legitimization of the role of the Defence and Security Ministers in the implementation of the Common African Defence and Security Policy, in accordance with Article 14 (2) of the Constitutive Act of the African Union.
29. Article 16 of the AU Peace and Security Protocol has detailed provisions on the way and manner in which the relationship between the regional mechanisms and the Peace and Security Council can be structured. It articulates a basic vision in which the Regional Mechanisms are regarded as part of the “overall security structure” of the African Union, which has the primary responsibility for promoting peace, security and stability in Africa.
30. Accordingly, the Peace and Security Council, together with the Chairperson of the Commission, shall harmonize and coordinate the activities of the Regional Mechanisms and ensure that these activities are consistent with the objectives and principles of the Union; as well as work closely with the Regional Mechanisms to ensure effective partnership between them and the Peace and Security Council. It is stipulated that the modalities of such partnership shall be determined by the comparative advantage of each and the prevailing circumstances.
31. It is provided, further, that the Peace and Security Council shall promote initiatives aimed at anticipating and preventing conflicts as well as carrying out peace-making and peace-building functions,

in consultation with Regional Mechanisms. In undertaking these efforts, the Regional Mechanisms shall, through the Chairperson of the Commission, keep the Peace and Security Council fully and continuously informed of their activities and ensure that these activities are closely harmonized and coordinated with the activities of the Peace and Security Council. The Peace and Security Council shall also keep the Regional Mechanisms fully and continuously informed of its activities, through the Chairperson of the Commission.

32. Furthermore, the Chairperson shall convene periodic meetings at least, once a year, with the Chief Executives and/or the officials in charge of peace and security in the Regional Mechanisms, to ensure close harmonization and coordination and facilitate regular exchange of information; and the Regional Mechanisms shall be invited to participate in the discussion of any question brought before the Peace and Security Council, whenever a question that is being addressed by a Regional Mechanism is of special interest to that organization. Similarly, the Chairperson of the Commission shall be invited to participate in meetings and deliberations of Regional Mechanisms.
33. The Chairperson of the Commission shall also take the necessary measures to ensure the full involvement of Regional Mechanisms in the establishment and effective functioning of the Early Warning System and the African Standby Force; and the AU Commission shall establish liaison offices with the Regional Mechanism, which shall, in turn, be encouraged to establish their own liaison offices with the Commission.
34. A Memorandum of Understanding based on the above provisions, shall be concluded between the AU Commission and the Regional Mechanisms.
35. While the Common African Defence and Security Policy will reflect the substance of Article 16 of the Peace and Security Protocol, regarding the role that the AU as the continental body, would be required to play in efforts to coordinate and harmonize sub-regional mechanisms, there needs to be a commitment on the part of the sub-regional mechanisms themselves to coordinate and harmonize their defence and security activities with those of the AU.

Review Conferences

36. In the general context of enhancing the coordination function of the Peace and Security Council, it is suggested to convene regular conferences, every six months, between the Peace and Security Council and the conflict resolution mechanisms of the various regional organizations, in order to review the state of peace and

security on the whole continent. In addition, a yearly review conference involving all the conflict mechanisms of the regional mechanisms as well as the mechanisms established by the continental instruments, should be convened by the Chairperson of the Peace and Security Council.

V. Relations with the United Nations and Other International Organizations

37. Within the context of Chapter VIII of the UN Charter, there is a need to implement the framework for consultation, coordination and harmonization of policies as provided for in the Protocol establishing the Peace and Security Council.
38. In the fulfillment of its mandate for the promotion and maintenance of peace, security and stability in Africa, the Peace and Security Council shall cooperate and work closely with the United Nations Security Council, which has the primary responsibility for the maintenance of international peace and security. The Peace and Security Council shall also cooperate and work closely with other relevant UN Agencies in the promotion of peace, security and stability in Africa. Where necessary, recourse will be made to the United Nations to provide the necessary financial, logistical and military support for the African Union's activities in the promotion and maintenance of peace, security and stability in Africa, in keeping with the provisions of Chapter VIII of the UN Charter on the role of Regional Organizations in the maintenance of international peace and security.
39. The Peace and Security Council and the Chairperson of the Commission shall maintain close and continued interaction with the United Nations Security Council, its African members, as well as with the Secretary General, including holding periodic meetings and regular consultations on questions of peace, security and stability in Africa.
40. Similarly, the Peace and Security Council will also cooperate and work closely with other relevant African Institutions such as the African Academy for Peace and international organizations. Such organizations may be invited to address the Peace and Security Council on issues of common interest, if the latter considers that the efficient discharge of its responsibilities does so require

The Building Blocks of a Common African Defence and Security Policy

(A) Continental Instruments and Mechanisms

1. At the continental level, there are a number of existing

intergovernmental defence and security instruments, including treaties, charters, conventions, agreements, and declarations, which could inform on-going efforts to formulate and implement a Common African Defence and Security Policy. These include:

(i) The Constitutive Act of the AU

The Constitutive Act provides for the establishment of the AU and the relevant policy organs.

(ii) AU Peace and Security Council Protocol

The Protocol provides for the establishment of the Peace and Security Council as the “operational structure for the effective implementation of the decisions taken in the areas of conflict prevention, peacemaking, peace support operations and intervention, as well as peace-building and post-conflict reconstruction.”

(B) Regional Instruments and Mechanisms

25. Various efforts have been made at the sub-regional level in Africa by what are essentially economic-oriented organizations, to establish common policies on defence and security issues; and consequently, a number of instruments have been adopted and mechanisms established at the sub-regional level by these organizations to coordinate regional defence and security policies. These exist within ECOWAS, IGAD, SADC, UMA, ECCAS, the EAC, CEN-SAD and COMESA.

(xxvii) ECOWAS

26. Over a period of time, cooperation within ECOWAS on defence and security issues has evolved; and that body has adopted a range of policy texts, including:

- (a) The Non-Aggression Protocol, signed in Lagos, Nigeria in 1978;
- (b) The Protocol on Mutual Defence Assistance, signed in Freetown, Sierra Leone in 1981;
- (c) The Declaration of Political Principles of the Economic Community of West African States, (1991) and the Supplementary Protocol on Good Governance;
- (d) The Convention on Mutual Assistance in Criminal Matters (1992);
- (e) The ECOWAS policy instruments on peace and security also include:
 - Declaration of a Moratorium on the Importation, Exportation and Manufacture of Light Weapons in West Africa (1998);
 - Plan of Action for the Implementation of the Programme for Coordination and Assistance for Security and Development (PCASED (1998));
 - Code of Conduct for the Implementation of the Moratorium on the Importation, Exportation and Manufacture of Light Weapons in

- West Africa (1999);
 - Decision Establishing National Commissions for the Control of the Proliferation and Illicit Circulation of Light Weapons (1999).
- (f) The Declaration by ECOWAS Ministers of Foreign Affairs on Child Soldiers (1999);
 - (g) Protocol relating to the ECOWAS Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security, which provides for the establishment of institutions like the Authority of Heads of State, the Mediation and Security Council, the Executive Secretariat and other organs such as the Defence and Security Commission, the Council of Elders, ECOWAS Ceasefire Monitoring Group, (ECOMOG) and the Peace and Security Observation Early Warning System.
27. A special structure devoted to peace and security issues has been created within the Secretariat of ECOWAS. It has the function of initiating and supervising activities relating to the implementation of the ECOWAS Mechanism.
 28. In addition, an Early Warning System secretariat composed of an observation centre in 4 ECOWAS capitals has been established as part of the ECOWAS Secretariat structure.

(xxviii) ECCAS

29. A Summit meeting of the Heads of State and Government of ECCAS held in Yaounde on 25th February 1999, decided to create an Organ for the Prevention, and Consolidation of Peace and Security in Central Africa, under the general superintendence of a Council of Peace and Security of Central Africa (COPAX). COPAX is required to operate at the level of Heads of State and Government. In July 1999, the Heads of State of ECCAS decided to integrate COPAX into the structures of ECCAS, as a sub-regional mechanism for the settlement and prevention of conflicts in Central Africa.
30. COPAX makes provision for an early warning capability: the Central African early warning mechanism: (MARAC).
31. The Defence and Security Commission (CDS) is composed of Chiefs of Staff of national armies. It is meant to plan, organize and provide advice to the decision-making bodies of the community, in order to initiate military operations, if and when necessary. However, it is also composed of commanders-in-chief of police and gendarmerie forces from the different Member States.
32. The Central African Multinational Force (FOMAC), is the military arm of COPAX. It is a non-permanent force consisting of military contingents from member states, with the objective of carrying out missions of peace, security and humanitarian relief.
33. A Secretariat structure is also provided for in ECCAS, to oversee COPAX operations and to liaise with the political organs of ECCAS.

(xxix) IGAD

34. IGAD was established in 1986 and revitalized in 1996, to coordinate the efforts of its Member States. Article seven of the Charter of the revitalized IGAD sets as a priority objective of IGAD, the promotion of peace and stability, and the creation of mechanisms within the Region, for the prevention, management and resolution of inter and intra-state conflicts through dialogue. Further, the Charter enjoins Member States, in the context of preserving peace, security and stability, to establish effective mechanisms for consultation and cooperation for peaceful settlement of disputes.
35. At its 8th Meeting in Khartoum in November 2000, the IGAD Summit adopted a resolution, formalizing an arrangement in the form of a conflict early warning and response mechanism (CEWARN). A Protocol establishing the Mechanism, (CEWARN), was adopted in January 2002, in Khartoum, Sudan. CEWARN is based on a complementary set of national and regional structures. Policy is made at the levels of the Heads of State, the Council of Ministers, as well as the Committee of Ambassadors, while the secretariat performs administrative functions. The technical aspects are handled by the Secretariat's arm of CEWARN, as well as the national conflict early warning and response mechanisms. The optional inter-state structures and regional councils are expected to cooperate with CEWARN, while the coordinating functions are intended to be assumed by a Committee of Permanent Secretaries established under Article 9 of the protocol as well as by the Technical Committee on early warning.

(xxx) SADC

36. On 17 August 1992, the States of Southern African Region signed a Declaration and the Treaty establishing the Southern African Development Community (SADC) in Windhoek, the Republic of Namibia. The Declaration and the Treaty, *inter alia*, stressed the need for cooperation in the promotion of peace and security in the region.
37. In June 1996, at an Extraordinary Summit in Gaborone, the Republic of Botswana, SADC created the Organ on Politics, Defence and Security. This represented the establishment of a regional mechanism for conflict prevention, management and resolution. The Summit reaffirmed that the Organ constituted an appropriate institutional framework, by which SADC Member States would coordinate their policies, strategies and activities in the areas of politics, defence and security. Summit also agreed on the need for a Protocol on Politics, Defence and Security, which would constitute a legal regime in the political sphere.

38. In 1999, the Summit decided to undertake a review of the operations of the SADC institutions, including the Organ. In March 2001, in Windhoek, Namibia, Summit approved the Report on the review of the operations of SADC institutions and mandated that the Treaty be amended to conform to the provisions of the review report. In August 2001 Summit signed the Agreement amending the Treaty and the Protocol on Politics, Defence and Security Cooperation.
39. In the context of the amended Treaty and the Protocol the chairpersonship of the Organ rotates among Member States and is chaired by a Head of State or Government who reports to Summit. The main institutions of the Organ are the Chairperson of the Organ, the Troika, the Ministerial Committee, the Inter-State Defence and Security Committee (ISDSC) and the Inter-State Politics and Diplomacy Committee (ISPDC). The Troika comprises the sitting Chairperson, the Incoming and the Outgoing Chairpersons. This enables the organization to execute tasks in between regular meetings. The Treaty and the Protocol provide that the Organ may establish other institutions as and when the need arises.
40. The SADC relevant instruments include the following:
 - (i) The Treaty (as amended in 2001);
 - (ii) The Protocol on Politics, Defence, and Security Cooperation;
 - (iii) Mutual Defence Pact
 - (iv) The Protocol on Mutual Legal Assistance in Criminal Matters;
 - (v) The Protocol Against Corruption
 - (vi) The Protocol on Extradition;
 - (vii) The Protocol on Tribunal and Rules of Procedure
 - (viii) The Protocol on the Control of Firearms, Ammunition and Other Related Materials
 - (ix) Protocol on combating Illicit Drugs
 - (x) Protocol on Wildlife Conservation and Law Enforcement
 - (xi) Protocol on Legal Affairs

(xxxi) East African Community (EAC)

41. The EAC has a Memorandum of Understanding on Cooperation in Defence, signed by the three Heads of State of Tanzania, Kenya and Uganda, in November, 2001. It builds on the already established tradition of undertaking joint maneuvers and military exercises among the three countries, by providing for cooperation in military training, joint operations, technical assistance, visits, and information exchange. The EAC Memorandum of Understanding also makes provision for institutional arrangements for its implementation, including a Council on Cooperation in Defence Affairs; a Consultative Committee on Cooperation in Defence Affairs; a Sectoral Committee on Cooperation in Defence Affairs; and Defence Experts Working Groups. Provision is, further, made

for financial arrangements relating to expenses arising from all joint training, operational and technical cooperation.

42. In addition, while recognizing the security implications of the major challenge of forced migration, the EAC States are moving towards the harmonization of refugee and migration policies.
43. The EAC also has a memorandum of understanding on foreign policy.

(xxxii) CEN-SAD

44. The Community of Sahelo-Saharan States (CEN-SAD), which comprises 18 States, has included peace and security among its priorities. To this end, it has equipped itself with a “security charter” and has put in place a “High Community Mediator”. In the same vein, CEN-SAD is in the process of providing itself with a mechanism for conflict prevention, management and resolution within CEN-SAD space. This mechanism, whose principle of establishment was adopted by the leaders and Heads of State, is underpinned by two protocols, namely:

- an additional protocol of cooperation and assistance in the area of defence/security;
- an additional protocol on the Mechanism for Conflict Prevention, Management and Resolution.

(xxxiii) The Arab-Maghreb Union

45. The objectives of the UMA treaty, signed in February 1989, are, as in the case of the constitutive instruments establishing its counterpart subregional organizations, primarily economic. Yet, in spite of its overriding economic orientation, UMA, like most of the other regional groups has incorporated peace and security concerns into its activities. Indeed, common defence and non-interference in the domestic affairs of partner states are central to the UMA Treaty. UMA has established some peace and security structures. In 1991, it set up an informal body called the Council of Common Defence (CCD). The Maghreb States had envisaged UMA as a viable forum for negotiating peace, enhancing security and cooperation, and resolving existing conflicts and tensions among them.

(xxxiv) COMESA

46. Since 1999, COMESA has developed a programme on peace and security, with an emphasis on conflict prevention through preventive diplomacy. This programme focuses especially on building the capacity of civil society, NGOs, the private sector and parliament. Included within the general structures of COMESA is a special structure that deals with peace and security matters, starting with the Authority which heads that structure. The Ministers of Foreign

Affairs meet once a year to consider matters relating to peace and security. There is also a committee of officials, which meets at the technical level.

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The Common African Position on the Proposed Reform of the United Nations: The Ezulwini Consensus (2005)

Full title: The Common African Position on the Proposed Reform of the United Nations: The Ezulwini Consensus

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* Adopted by the Seventh Extraordinary Session of the Executive Council of the African Union, 7-8 March 2005, Addis Ababa, Ethiopia, Decision Ext/EX.CL/2 (VII).

The African Union, having deliberated at length on the Report of the High-level Panel on Threats, Challenges and Change, adopted a Common African Position, known as “The Ezulwini Consensus”, which contains the following elements:

A. Collective Security and the Challenge of Prevention

(i) Poverty, infectious diseases and environmental degradation

- The recommendations of the High-level Panel should be consistent with the Declarations and Decisions of the African Union on the matter. The AU supports their implementation within the framework of multilateralism, as a tool for eradicating poverty, boosting economic growth, promoting sustainable development, alleviating the debt problem, enhancing Africa’s participation in WTO negotiations and combating HIV/AIDS and other infectious diseases.

HIV/AIDS

- It is important to underscore that HIV/AIDS is not only a security threat but has far reaching economic and social consequences that are of primary concern to Africa. Further, affordable access to treatment is fundamental to the fight against HIV/AIDS. It is equally important that more resources are provided for prevention, research

and medication that would combat and eradicate HIV/AIDS. The relevant scientific knowledge must be supported to ensure vaccine development and medicine that can alleviate the disease.

- Building national and regional health systems is vital. The fight against disease in Africa has to be broadened to cover an integrated health system for each country. Accessibility to urgent care and community services is vital in the fight against HIV/AIDS.
- Since the resources required in the prevention and treatment of HIV/AIDS are grossly inadequate, it is important that the international conference scheduled for Stockholm in March 2005 aimed at addressing additional funding to alleviate the constraints on national budget, should be supported by African countries.

Poverty

Africa is of the view that the Report did not sufficiently stress the critical linkage between development and poverty as root causes of insecurity. Indeed, focus on poverty alleviation is the most effective tool for conflict prevention.

- It is important that a balance is maintained between the consideration of security and development issues at all levels. The special needs of Africa, as recognized in the Millennium Declaration, also ought to be taken into account in this context. In addressing poverty, it is important to welcome the innovative idea of a timetable for fulfilling the commitment of 0.7% of GDP as Overseas Development Assistance (ODA) and to take into consideration the recommendations on ODA within the larger framework of the Millennium Declaration's focus on Africa's Special Needs.
- In addressing this issue, the Secretary-General, in the preparation of his report, should take into account the recommendations of the Report by the World Commission on the Social Dimension of Globalization, entitled: "A Fair Globalization: Creating Opportunities for All", as it provides a crucial base for addressing poverty and other systemic issues that impede Africa's development.

Debt

- It is important to raise the serious issue of debt and request the United Nations to support the present efforts made by the Commission of the African Union for its thorough review. In this regard, it is appropriate to ask for the debt cancellation of the highly indebted poor countries as well as the debt reduction and cancellation for middle income indebted countries, where appropriate.

Environmental Degradation

- It is important to stress that environmental protection would be difficult

to achieve without concrete steps to address poverty. Desertification, land degradation, biodiversity and deforestation are critical issues for African countries and constitute major threats to security and stability in Africa. x Developed countries should take urgent actions to address this problem, including ratifying or acceding to the Kyoto Protocol, in view of the fact that they are still responsible for global warming.

WTO Negotiations Process

- Enhance Africa's effective participation in the WTO trade negotiations and in the world trading system as a whole.
- In this regard, the capacity of delegations from developing countries to participate meaningfully in WTO processes must be strengthened through capacity-building and technical cooperation programmes. The WTO Secretariat should increase funding for such programmes and to implement the relevant programmes agreed on in Doha.

(ii) Inter-State and Internal Conflicts

- The UN should set up a Commission to study the recommendation on developing norms governing management of natural resources for countries emerging from or at risk of conflict.
- The UN and its Member States should also give particular consideration to all the other recommendations, especially recommendation 14 regarding development of frameworks for minority rights and the protection of democratically elected governments from unconstitutional changes. Member States should also undertake to negotiate an international instrument on this subject. The African Union and the United Nations should collaborate closely to implement the Lomé and Algiers Declarations on Unconstitutional Changes of Governments.
- Africa accepts recommendation 20 on the preventive deployment of peacekeepers and strongly urges that regional organizations apply the same strategy in their respective regions. However, the UN should not abdicate its responsibility for the maintenance of international peace and security.

(iii) Conventional Weapons

- The illicit transfer, manufacture and circulation of Small Arms and Light Weapons (SALW) and their excessive accumulation and uncontrolled spread as well as the utilization of child soldiers in many regions of the world, particularly Africa, should be prohibited. Africa will collaborate with other regions for the negotiation of an international instrument on the identification and tracing of small arms and light weapons. The prohibition of anti-personnel land mines should also be stressed.

(iv) Nuclear, radio-active, chemical and biological weapons

- The recommendations of the Panel in this area do not fully address the concerns of the African Union. The notion of “proliferation” should be defined in the context of the “horizontal” and vertical proliferation of nuclear weapons. Further, the development of new types of nuclear weapons is in contravention of the assurances provided by the Nuclear-Weapon-States at the conclusion of negotiation of the Comprehensive Nuclear-Test-Ban Treaty (CTBT).
- There is need for an international conference, at the earliest possible date, with the objective of reaching an agreement on a phased programme for the complete elimination of nuclear weapons within a specified timeframe to eliminate all nuclear weapons, to prohibit their development, production, acquisition, testing, stockpiling, transfer, use or threat of use, and to provide for their destruction.
- Africa will collaborate with other regions, within the framework of multilateralism, to address the problem of disarmament and the non-proliferation of nuclear weapons, provided for under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), including the implementation of the African Nuclear Weapon Free Zone Treaty (The Treaty of Pelindaba).
- There is need to respect the inalienable rights of developing countries, including African countries, to engage in research, production and use of nuclear energy for peaceful purposes without discrimination in conformity with the provisions of NPT. Further, the choices and decisions of each country in the field of peaceful uses of nuclear energy should be respected without jeopardizing its policies or international cooperation agreements and arrangements for peaceful uses of nuclear energy. In this context, Africa commits itself to expedite the process of ensuring early entry into force of the Treaty of Pelindaba which contains very useful provisions for peaceful uses of nuclear energy.
- There is need to ensure that any action by the Security Council does not undermine existing international treaty regimes on weapons of mass destruction and conventional weapons and of international organizations established in this regard, such as the International Atomic Energy Agency (IAEA) and the Organization for the Prohibition of Chemical Weapons (OPCW), as well as the role of the United Nations General Assembly.
- There is need to maintain the important role of the First Committee as a subsidiary body of the General Assembly and other multilateral disarmament machinery, in particular, the United Nations Disarmament Commission (UNDC) and the Conference on Disarmament (CD), in dealing with questions of disarmament and other related international security questions.

(v) Terrorism

- It is important for all Member States to sign, ratify or accede to the various international and regional instruments relating to the prevention and combating of terrorism. Member States that have not yet done so should be encouraged to sign, ratify or accede to, these instruments as the case may be.
- It is also important that Member States of the United Nations enhance their cooperation in the prevention and combating of terrorism, and to implement scrupulously continental and international instruments.
- Terrorism, in line with the Algiers Convention on Terrorism, cannot be justified under any circumstances. Political, philosophical, ideological, racial, ethnic, religious or other motives cannot be a justifiable defence against a terrorist act. However, there is a difference between terrorism and legitimate struggle waged by peoples for their liberation or self-determination in accordance with the principles of international law.
- The recommendation pertaining to the establishment of “A Special Capacity-Building Trust Fund” is pertinent and should be supported, as it will enhance the capacity of the United Nations to provide technical assistance to Member States in their national efforts to prevent and combat terrorism. It should be stressed that the rules governing the fund should be democratic enough to help strengthen the regional counter-terrorism mechanisms, especially the operationalization of the AU Convention on Terrorism and the Algiers based African Centre for Study and Research on Terrorism.
- There is particular value in achieving a consensus definition of terrorism within the General Assembly, given its unique legitimacy in normative terms. The Assembly should rapidly complete negotiation on a comprehensive convention on terrorism. The legal definition of terrorism should be the subject of a treaty concluded by the General Assembly and is not a matter to be determined and imposed by the other organs of the United Nations. The appropriate definition must also address the root causes and conditions that impel people towards terrorist acts.

(vi) Trans-National Organized Crime

- The recommendation aimed at preventing, suppressing and punishing human trafficking, especially regarding women and children, is pertinent. Member States should ratify or accede to the related Protocol to ensure its effective implementation.
- It is necessary for African countries to ensure that measures be taken to combat the use of mercenaries to overthrow democratically elected legitimate African governments.
- Special attention should be given to issues such as Money-laundering, and fiscal paradises, as well as modern slavery and all forms of human

exploitation.

The Role of Sanctions

- The recommendations on sanctions and related provisions are pertinent and it is necessary to appoint a Senior Official on the matter.
- The power of the Security Council to impose sanctions should be exercised in accordance with the United Nations Charter and international law. Sanctions should be considered only after all means of peaceful settlement of disputes under Chapter VI of the United Nations Charter have been exhausted and a thorough consideration undertaken of the short-term and long-term effects of such sanctions. Further, sanctions should be imposed for a specified time-frame and be based on tenable legal grounds and should be lifted as soon as the objectives are achieved. Sanctions should also be smart and targeted to mitigate their humanitarian effects. In this regard, there is need for the UN to define the objectives and guidelines for the imposition of sanctions.

B. Collective Security and the Use of Force

(i) The Responsibility to Protect

- Authorization for the use of force by the Security Council should be in line with the conditions and criteria proposed by the Panel, but this condition should not undermine the responsibility of the international community to protect.
- Since the General Assembly and the Security Council are often far from the scenes of conflicts and may not be in a position to undertake effectively a proper appreciation of the nature and development of conflict situations, it is imperative that Regional Organisations, in areas of proximity to conflicts, are empowered to take actions in this regard. The African Union agrees with the Panel that the intervention of Regional Organisations should be with the approval of the Security Council; although in certain situations, such approval could be granted “after the fact” in circumstances requiring urgent action. In such cases, the UN should assume responsibility for financing such operations.
- It is important to reiterate the obligation of states to protect their citizens, but this should not be used as a pretext to undermine the sovereignty, independence and territorial integrity of states.

(ii) The Question of Legality

- With regard to the use of force, it is important to comply scrupulously with the provisions of Article 51 of the UN Charter, which authorise the use of force only in cases of legitimate self-defence. In addition, the

Constitutive Act of the African Union, in its Article 4 (h), authorises intervention in grave circumstances such as genocide, war crimes and crimes against humanity. Consequently, any recourse to force outside the framework of Article 51 of the UN Charter and Article 4 (h) of the AU Constitutive Act, should be prohibited. Furthermore, it is important to define the notion of “collective danger” which would justify collective action.

(iii) Peace Enforcement and Peacekeeping Capacity

- The present rules of the UN relating to the peacekeeping budget should be amended in order to give the UN the latitude to finance operations carried out by Regional Organisations on the basis of contributions to be recovered.
- It is necessary to maintain sustained interaction between the UN and the Regional Organisations in order to build particularly the operational capacities of the organisations. To this end, the UN, the developed countries and the other regional groupings, should continue to give logistic and financial support to the speeding up of the establishment of an African Standby Force for it to become operational as soon as possible, but not later than 2010. Any other initiative to build regional peacekeeping capacities should supplement the African Standby Force.

(iv) Post Conflict Peacebuilding

- It is important to speed up the proposed establishment of a Peacebuilding Commission. It is also necessary to consider thoroughly its mandate and structure. The said Commission should not be placed under the authority of the Security Council as it is important for it to benefit from the contributions of all the major organs, particularly, the General Assembly, the Security Council and ECOSOC. In this regard, a Trust Fund should be established to ensure its sustainability. The focus on peacebuilding must also stress the element of conflict prevention.
- There is need to promote closer cooperation and coordination between the General Assembly, the Security Council, ECOSOC, the major Funds and Programmes, the UN Specialised Agencies, the Bretton Woods Institutions, the Member States and the Regional Organisations throughout the cycle of the conflict. This would guarantee an harmonious transition from conflict management to long-term reconstruction until the danger of instability or the threat of resumption of the conflict has diminished. As part of the support of the international community to peacebuilding in post-conflict countries in Africa, there is need for the Bretton Woods institutions, in particular, to show sensitivity in demanding macro-economic

reforms that have a potential for social upheaval. This underlines the necessity for the Bretton Woods institutions, which are part of the United Nations system, to become more accountable, democratic and transparent in their structure so that their operation will enjoy the full confidence of the entire world community.

- It is important to lay down clear rules for the deployment of UN peacekeeping operations to avoid arbitrary use of the right of veto that may delay or obstruct such deployment when the need for deploying peacekeeping forces arises.

C. Institutional Reform

(a) General Assembly

- The Report of the High-level Panel did not sufficiently address the role of the General Assembly. The General Assembly should be strengthened for it to play its proper role as the most representative and democratic body within the UN System and as the parliament of the world. The inter-governmental nature of the General Assembly should be preserved to ensure that it remains essentially a forum for intergovernmental dialogue.
- Measures must also be taken to enhance the effectiveness of the General Assembly, including its role in maintaining international peace and security, and to ensure the implementation of its decisions.
- There is also a need to improve on the balance of competence or relationship between the General Assembly and the Security Council.

(b) The Secretariat

- Africa strongly supports the call for a more professional and well-trained Secretariat whose skills and experiences are adapted to the tasks at hand, especially recommendation 96(e) on the provision that the General Secretariat should be provided with Sixty (60) new posts, or any other number required in critical areas, for the purpose of improving efficiency. Africa expects that a significant proportion of Africans would be recruited via this process, at middle and high managerial levels, especially in the peacekeeping and political affairs departments.
- Africa perceives the idea of having a second Deputy Secretary-General as one that may create a new layer of bureaucracy.

(c) The Economic and Social Council

- There is need to strengthen the role of the ECOSOC. It should not limit itself to policy coherence, research and coordination, but should also be engaged in finding ways of linking development and security and play a key role in economic development.

- ECOSOC should be the central mechanism for coordination of the activities of the UN system and its specialised agencies as well as supervision of subsidiary bodies in the economic, social and related fields to enable it play a pivotal role in furthering the achievement of the Millennium Development Goals (MDGs).

(d) The Commission on Human Rights

- The proposal to universalise the membership of the Commission on Human Rights (CHR) is not tenable, especially since it reports to ECOSOC which has limited membership. It may also impact on its efficiency. A universalised CHR could also duplicate the work of an already universal Third Committee which also deals with human rights.
- The status quo on the composition and location of the CHR should be maintained.
- The annual report of the Commissioner for Human Rights should be referred to the General Assembly and should not be to the Security Council, except where so requested or in cases of genocide, war crimes and crimes against humanity.
- Efforts should be made to address the selective nature of the funding of the CHR programmes to ensure effectiveness. Measures should be taken to address the selective nature and politicisation of the agenda of the CHR.
- The Commission must pay equal attention to economic, social and cultural rights as, it does to civil and political rights.

(e) The Security Council

On the Security Council, the African Union:

Recalling that, in 1945, when the UN was being formed, most of Africa was not represented and that in 1963, when the first reform took place, Africa was represented but was not in a particularly strong position;

Convinced that Africa is now in a position to influence the proposed UN reforms by maintaining her unity of purpose;

Conscious of the fact that the Harare Declaration has made significant impact on the world community and has thus been fairly reflected in the proposed UN Security Council Reforms, adopted the following position:

1. Africa's goal is to be fully represented in all the decision-making organs of the UN, particularly in the Security Council, which is the principal decision-making organ of the UN in matters relating to international peace and security.
2. Full representation of Africa in the Security Council means:
 - (i) not less than two permanent seats with all the prerogatives and privileges of permanent membership including the right of veto;
 - (ii) five non-permanent seats.

3. In that regard, even though Africa is opposed in principle to the veto, it is of the view that so long as it exists, and as a matter of common justice, it should be made available to all permanent members of the Security Council.
4. The African Union should be responsible for the selection of Africa's representatives in the Security Council.
5. The question of the criteria for the selection of African members of the Security Council should be a matter for the AU to determine, taking into consideration the representative nature and capacity of those chosen.

**Algiers Declaration: Brainstorming Retreat Between the
AU and the Regional Mechanisms for Conflict Prevention,
Management and Resolution (2008)**

Full title: Brainstorming Retreat Between the African Union and the Regional Mechanisms for Conflict Prevention, Management and Resolution

Date/place of adoption/conclusion: 6 January 2008, Algiers, Algeria

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

We,

- the Commissioner for Peace and Security of the Commission of the African Union (AU),
- the President of the Commission of the Economic Community of West African States (ECOWAS),
- the Secretaries General/Executive Secretaries of the Economic Community of Central African States (ECCAS), the Community of Sahel-Saharan States (CENSAD) and the Inter-Governmental Authority on Development (IGAD),
- other representatives of the East African Community (EAC), the Southern Africa Development Community (SADC) and the Common Market for East and Southern Africa (COMESA),
- the Director of the Coordinating Mechanism of the Regional Standby Brigade of East Africa (EASBRICOM) and the representative of the North Africa Regional Capability (NARC),
- met in Algiers on 5 and 6 January 2008, within the framework of a Brainstorming Retreat, to consider the state of our cooperation and agree on ways and means of strengthening and deepening our

partnership in order to promote peace, security and stability in our continent, in conformity with the relevant provisions of the Peace and Security Council (PSC) Protocol.

This Retreat was also attended by the representatives of Cameroon, Chair of the PSC for the month of January 2008, and of Ghana, Current Chair of the AU. The opening session was graced by the presence of the Algerian Minister for Maghreb and African Affairs.

On the establishment of the African Peace and Security Architecture

Our Retreat afforded us an opportunity to take stock of the progress made in the establishment of the African Peace and Security Architecture, as spelt out in the AU PSC Protocol.

In this regard, we noted with satisfaction the remarkable progress made in the establishment of the Continental Early Warning System (CEWS), both at the level of the AU and the Regional Mechanisms, in conformity with the relevant provisions of the PSC Protocol and the roadmap adopted by the Meeting of Government Experts on Early Warning and Conflict Prevention, held in Kempton Park, South Africa, in December 2006. The operationalization of the CEWS is all the more important in view of the fact that conflict prevention is at the core of the mandates of our respective organizations.

We also welcome the progress made towards the establishment of the African Standby Force (ASF), in application of the relevant provisions of the PSC Protocol and the Framework Document on the Establishment of the ASF. Although they are at different stages in their efforts, all the regions of the continent have taken the necessary measures for the establishment of the regional standby brigades provided for within the framework of the ASF. In addition, the basic documents relating to the different aspects of the ASF have been elaborated during workshops jointly organized by the AU and the regions. We underscore the urgent need for the holding of the proposed meeting of African Ministers of Defence and Security, which should validate these documents and adopt the roadmap for the second phase of the establishment of the ASF with a view to its operationalization by 2010, including the development of a rapid deployment capability, which should be taken into consideration in the different ASF scenarios.

At the same time, we recognize that there is still a lot to be done to render the African Peace and Security Architecture fully operational, particularly the CEWS and the ASF, including:

- the strengthening of coordination and harmonization between the continental and the regional levels, in order for all ongoing and future efforts to be fully in line with the arrangements agreed on in this respect;

- the rationalization, as much as possible, of the ongoing efforts, in particular by finding appropriate solutions to the problems linked to the fact that some Member States belong to more than one Regional Mechanism, the objective being to avoid duplication and make optimal use of available resources;
- the intensification, with the support of the AU and other regions, of efforts aimed at accelerating progress in all the Mechanisms concerned;
- the strengthening of the role of the AU, which should fully assume its responsibilities in steering, coordinating and harmonizing efforts aimed at establishing the African Peace and Security Architecture; and
- the provision by African States of the human, financial and institutional means required for the establishment and operationalization of the different components of the African Peace and Security Architecture.

Status of Peace and Security in Africa

Our Retreat reviewed the state of peace and security in the different regions of the continent. We welcome the significant progress made in many countries and regions as a result of the collective, resolute, action of the AU and the Regional Mechanisms, with the support of our partners in the international community. This progress should be consolidated through the implementation of post-conflict reconstruction and development programmes on the basis of the Policy Framework adopted in this respect by the AU Executive Council in Banjul, in June 2006. We undertake to double and better coordinate our efforts to ensure more effective monitoring of this Policy Framework and the implementation of the directives contained therein, including dispatching joint assessment missions to evaluate the needs of countries emerging from conflicts and the implementation of coordinated activities to support post-conflict reconstruction, including rapid recovery of the countries concerned, advocacy for debt cancellation, reform of the security sector and the consolidation of state institutions.

Despite this progress, our continent unfortunately continues to face the scourge of conflicts and instability. In many regions, violence is still prevalent, affecting primarily civilian populations and undermining efforts towards socio-economic development and the promotion of the rule of law and good governance.

We are determined to intensify and better coordinate our efforts towards contributing to the rapid resolution of existing conflicts and strengthening our action in the area of prevention. In this respect, we stress the need to fully apply the principle of nonindifference enshrined in the AU Constitutive Act and the relevant instruments of Regional Mechanisms. It is incumbent upon Member States, in conformity with the PSC Protocol and relevant regional instruments, to lend their full and unconditional

support to conflict prevention and resolution efforts undertaken at continental and regional levels. More specifically, member States should, in conformity with the commitments they have made, provide the AU and the Regional Mechanisms with the necessary political and other support, including facilitating the effective exercise by these organizations of their responsibilities regarding the promotion of peace and security.

Similarly, we reaffirm the determination of our respective organizations to spare no effort to tackle terrorism, in conformity with the relevant AU instruments. We commend the action of the African Centre for the Study and Research on Terrorism and intend to take full advantage of the opportunities it provides.

We are deeply concerned by the magnitude of drug trafficking and organized transnational crime, as well as by the proliferation of small arms and light weapons, which contribute to the weakening of the State structures and perpetuation of insecurity.

Electoral Tensions and Disputes

Our Retreat noted, with concern, the emergence of new challenges linked to the tension which frequently characterizes electoral processes in Africa. This situation has not only the potential of endangering stability, but also that of undermining the democratic processes initiated in the continent in accordance with relevant OAU/AU instruments.

Accordingly, we acknowledge that there is an urgent need to initiate a collective reflection on these developments in order to agree on a common strategy aimed at avoiding election-related disputes and violence, and preventing the election period in Africa from becoming synonymous with tension. There is a need, *inter alia*, to:

- improve monitoring of political developments in the countries concerned during the pre-election phase, including through early warning systems;
- strengthen election observation by deploying missions with adequate strength ahead of the election, with a view to having a more comprehensive view of the situation and making, if need be, recommendations to the stakeholders to guarantee the transparency of the electoral process;
- effectively combine the resources of the AU and the competent regional organizations, including the deployment of joint evaluation and electoral observation missions;
- undertake, whenever required, preventive deployments of peace support operations; and
- ensure that Africa, through the missions deployed on the ground, is in a position to speak with one voice, with the necessary authority and objectivity, on the transparency of electoral processes and

ensure that these processes are fully owned by Africa.

In order to delve further into this issue and submit recommendations to the competent AU organs, we agreed to organize, as soon as possible, a seminar on electoral related conflicts and the challenges they pose for peace and security in Africa. We have requested the AU Commission, in collaboration with COMESA and SADC Secretariats, to prepare a concept note to this effect.

Financing Peace and Security Efforts in Africa

In considering the constraints to our efforts, we noted that financing constitutes one of the greatest difficulties facing the AU and the Regional Mechanisms. Our organizations are almost exclusively dependent on the resources provided by our partners. Clearly, this is a deplorable situation: as much as it is important to mobilize the support of the international community towards the peace efforts made in the continent, it is equally crucial for Africa to endow itself with the means to successfully implement the ambitious agenda it has set for herself.

We reiterate our gratitude to our partners and urge them to continue to provide their assistance, and express our full support for the efforts invested by the AU towards the financing, through United Nations assessed contributions, of peace support operations undertaken by the AU or under its authority, with the consent of the Security Council, as well as the establishment of a facility that would complement the Africa Peace Facility established by the European Union (EU) at the request of the AU.

At the same time, we underscore the imperative need for African States to contribute more significantly to the financing of the activities undertaken by the AU and the Regional Mechanisms in the area of peace and security, through a system of assessed contributions or alternative sources of financing. In doing so, the objective is for Africa to further demonstrate its political will to rid the continent of the scourge of conflicts, effectively take ownership of efforts deployed in this respect, and ensure their sustainability.

Coordination of interaction with international partners

We recognize the need for better coordination between the AU and the Regional Mechanisms with regard to relations with the international partners, to ensure greater consistency, facilitate the achievement of our set objectives within the framework of the continental peace and security agenda, and maximize the impact of international assistance. In this regard, we commit to:

- agree on common modalities for interaction with partners;
- coordinate our actions in the relevant international organs, in order to effectively defend African interests and positions, as defined at

- continental level; and
- keep each other mutually informed of developments relating to our respective relations with our partners.

Adoption of the Draft Memorandum of Understanding

Having considered the draft Memorandum of Understanding (MoU) in the area of Peace and Security between the AU, the Regional Economic Communities and the Coordinating Mechanisms submitted by the meeting of experts held in Kampala, Uganda, from 31 August to 2 September 2007, we have agreed to sign this text, as reviewed and amended during our Retreat, on the margins of the forthcoming AU meetings in Addis Ababa at the end of January 2008. The signing of this MoU, elaborated in conformity with Article 16 of the PSC Protocol, will mark an important step in the implementation process of the African Peace and Security Architecture.

Final Remarks

We have agreed to submit this Declaration, for consideration, to the next AU Assembly.

We express our sincere thanks to the Government of Algeria for the facilities provided in order to ensure the success of this Retreat.

Memorandum of Understanding on Cooperation in the Area of Peace and Security between the AU, the RECs and the Coordinating Mechanisms of the Regional Standby Brigades of Eastern Africa and Northern Africa (2008)

Full title: Memorandum of Understanding on Cooperation in the Area of Peace and Security between the African Union, the Regional Economic Communities and the Coordinating Mechanisms of the Regional Standby Brigades of Eastern Africa and Northern Africa

Date/place of adoption/conclusion: 2008

EIF provision: Article XXVI

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

* See above the Algiers Declaration in which the AU, RECs and RMs first expressed their willingness to sign the draft Memorandum of Agreement.

Excerpts

Preamble

The African Union, the Regional Economic Communities, and the Coordinating Mechanisms of the Regional Standby Brigades of Eastern Africa and Northern Africa,

Considering the relevant provisions of the Constitutive Act of the African Union and of other similar instruments of the Regional Economic Communities and the Coordinating Mechanisms of the Regional Standby Brigades of Eastern Africa and Northern Africa, as well as all other continental and regional instruments relating to conflict prevention, management and resolution;

...

Reaffirming their commitment to the promotion of peace, security and stability on the continent, in conformity with the Charter of the United Nations and other relevant international instruments;

Bearing in mind that no single internal factor has contributed more to socio-economic decline on the continent and the suffering of the civilian population than the scourge of conflicts within and between African States;

Recognizing the need for closer collaboration between the African Union and the Regional Mechanisms for Conflict Prevention, Management and Resolution in order to address effectively the problems posed by the illicit proliferation, circulation and trafficking of small arms and light weapons, the scourge of landmines and the threat of terrorism and transnational organized crime, as well as the importance of promoting arms control and disarmament on the basis of relevant African and international instruments;

Aware of the fact that the development of strong democratic institutions and culture, the respect of human rights and the rule of law, the promotion of good governance and, more generally, of measures geared towards the structural prevention of conflicts, as well as the implementation of post-conflict reconstruction and development policies are essential for the promotion of collective security, durable peace and stability in the continent;

Acknowledging the contribution of the African Union and the Regional Mechanisms for Conflict Prevention, Management and Resolution to the promotion and maintenance of peace, security and stability in Africa and the increasing cooperation and collaboration between them in the implementation of the continent's peace and security agenda;

Desirous of strengthening and deepening their relations and enhancing their capacity to collectively address the scourge of conflicts and ensure the maintenance of peace, security and stability, through the conclusion of the present Memorandum of Understanding, in accordance with the authority conferred by the Protocol Relating to the Establishment of the

Peace and Security Council of the African Union;

Hereby agree as follows:

...

Article II: Scope

Pursuant to the PSC Protocol, the Memorandum is a binding legal instrument consisting of principles, rights and obligations to be applied in the relationship between the Union, the RECs and the Coordinating Mechanisms, in matters relating to the promotion and maintenance of peace, security and stability in Africa, subject to their respective competences.

Article III: Objectives

1. The Parties shall institutionalize and strengthen their cooperation and closely coordinate their activities towards their shared goal of ridding the continent of the scourge of conflicts and laying the foundation for sustainable peace, security and stability.
2. The objectives of the Memorandum shall be to:
 - (i) contribute to the full operationalization and effective functioning of the African Peace and Security Architecture;
 - (ii) ensure the regular exchange of information between the Parties on all their activities pertaining to the promotion and maintenance of peace, security and stability in Africa;
 - (iii) foster closer partnership between the Parties in the promotion and maintenance of peace, security and stability on the continent, as well as to enhance coordination between their activities;
 - (iv) develop and implement joint programmes and activities in the area of peace, security and stability in Africa;
 - (v) ensure that the activities of the RECs and the Coordinating Mechanisms are consistent with the objectives and principles of the Union;
 - (vi) facilitate coordination and enhance partnership between the Parties, on the one hand, and the United Nations and its agencies, as well as other relevant international organizations, on the other hand;
 - (vii) contribute to ensuring that any external initiative in the field of peace and security on the continent takes place within the framework of the objectives and principles of the Union; and
 - (viii) build and strengthen the capacity of the Parties in the areas covered by the Memorandum.

Article IV: Principles

The implementation of the Memorandum shall be guided by the following:

- (i) scrupulous observance of the principles and provisions of the Constitutive Act and the PSC Protocol, as well as other relevant

- instruments agreed to at continental level;
- (ii) recognition of, and respect for, the primary responsibility of the Union in the maintenance and promotion of peace, security and stability in Africa, in accordance with Article 16 of the PSC Protocol;
- (iii) acknowledgment of the role and responsibilities of the RECs and, where appropriate, of the Coordinating Mechanisms in their areas of jurisdiction, as well as the contribution they can make towards the promotion and maintenance of peace, security and stability in other regions of the continent; and
- (iv) adherence to the principles of subsidiarity, complementarity and comparative advantage, in order to optimise the partnership between the Union, the RECs and the Coordinating Mechanisms in the promotion and maintenance of peace, security and stability.

Article V: Areas of Cooperation

In order to achieve the objectives listed in Article III (2) of the Memorandum, the Parties shall cooperate in all areas relevant for the promotion and maintenance of peace, security and stability in Africa, including:

- (i) the operationalization and functioning of the African Peace and Security Architecture, as provided for by the PSC Protocol and other relevant instruments;
- (ii) the prevention, management and resolution of conflicts;
- (iii) humanitarian action and disaster response;
- (iv) post-conflict reconstruction and development;
- (v) arms control and disarmament;
- (vi) counter-terrorism and the prevention and combating of transnational organized crime;
- (vii) border management;
- (viii) capacity building, training and knowledge sharing;
- (ix) resource mobilization;
- (x) any other areas of shared priorities and common interest as may be agreed to by the Parties.

Article VI: Operationalization of the African Peace and Security Architecture

Subject to the provisions of Article IV (iii) and (iv) of this Memorandum:

1. The Parties shall work towards the full operationalization and effective functioning of the African Peace and Security Architecture.
2. The Parties shall work together to make the Continental Early Warning System, as provided for by Article 12 of the PSC Protocol, fully operational, on the basis of the Framework for the Operationalization of the Continental Early Warning System.
3. The Parties shall work together to make the African Standby Force, as provided for in Article 13 of the PSC Protocol, fully operational, on the basis of the Policy Framework on the Establishment of the

African Standby Force and Military Staff Committee, which, among other things, provides for the establishment of five regional brigades to constitute the African Standby Force.

4. The Parties shall, where appropriate and within the framework of their conflict prevention strategies, establish structures similar to the Panel of the Wise, as provided for by Article 11 of the PSC Protocol.

Article VII: Conflict Prevention, Management and Resolution

1. The Parties shall intensify their efforts towards the prevention of conflicts through, among other things, fostering policies aimed at promoting democratic principles and practices, good governance, the rule of law and the protection of human rights and fundamental freedoms, respect for the sanctity of human life and international humanitarian law.
2. The Parties shall work together and draw on each other's expertise to contribute to the implementation of regional and continental instruments relevant to the promotion and maintenance of peace, security and stability in Africa, including the Solemn Declaration on the Conference on Security, Stability, Development and Cooperation in Africa, the Solemn Declaration on the Common African Defence and Security Policy, the Convention Governing the Specific Aspects of Refugee Problems in Africa, the African Charter on Human and People's Rights and its Protocol on the Rights of Women, the African Charter on the Rights and Welfare of the Child, the Convention on the Prevention and Combating of Corruption, and the African Charter on Democracy, Elections and Governance.
3. The Parties shall cooperate to enhance their capacity to anticipate and prevent conflicts and actions that may lead to genocide and crimes against humanity.
4. Where conflicts have occurred, the Parties shall cooperate in peace-making and peace-building activities to resolve these conflicts and prevent their recurrence, including through good offices, mediation, conciliation, enquiry and deployment of peace support missions, as provided for in the PSC Protocol and other relevant regional instruments.

Article VIII: Humanitarian Action and Disaster Management

The Parties shall cooperate and support each other in humanitarian action and in addressing major disasters, in accordance with the relevant provisions of the PSC Protocol.

Article IX: Post-Conflict Reconstruction and Development

1. The Parties shall combine their efforts to support post-conflict reconstruction and development, with a view to consolidating peace,

promoting sustainable development and paving the way for growth and regeneration in countries and regions emerging from and/or affected by conflicts.

2. The Parties shall cooperate to facilitate the effective implementation of the Continental Policy on Post-Conflict Reconstruction and Development.

Article X: Arms Control and Disarmament

1. The Parties shall work together to promote and encourage the implementation of continental, regional and other relevant instruments pertaining to arms control and disarmament.
2. The Parties shall, through collaborative efforts, work to address effectively the scourge of landmines, the problem of the illicit proliferation, circulation and trafficking of small arms and light weapons, issues related to chemical weapons and denuclearization, based on the relevant regional, continental and international instruments.

Article XI: Counter-terrorism, Prevention and Combating of trans-national organized crime

1. The Parties shall promote closer cooperation in the prevention and combating of terrorism, based on the Union's Convention, Protocol, and Plan of Action on the Prevention and Combating of Terrorism, as well as on other relevant regional and international instruments.
2. The Parties shall promote closer cooperation in the prevention and combating of trans-national organized crime.

Article XII: Border Management

The Parties shall work together on issues relating to border management on the basis of the Declaration on the Union's Border Programme and its Implementation Modalities.

Article XIII: Capacity building, training and knowledge sharing

1. The Parties shall work together to develop and enhance their capacities in a mutually reinforcing way to facilitate the effective implementation of the Memorandum and the achievement of its objectives.
2. The Parties shall engage in staff exchange and secondment programmes, as well as sharing of best practices and lessons learnt.

Article XIV: Resource mobilization

1. The Parties shall cooperate in the mobilization of resources through a coherent and coordinated strategy to be elaborated under the auspices of the AU, including with respect to the relations with their

- partners within the international community.
2. Nothing in the Memorandum shall preclude the right of the Parties to seek individual assistance and resources in matters covered by the Memorandum, consistent with the strategy.

Article XV: Arrangements for cooperation

Arrangements for cooperation shall include:

- (i) Exchange of information;
- (ii) Meetings and other mechanisms for enhancing cooperation;
- (iii) Institutional presence; and
- (iv) Joint activities and field coordination.

...

Article XVII: Meetings and other mechanisms for enhancing cooperation

1. The Parties shall regularly consult each other, both at political and technical levels, on matters relating to the promotion and maintenance of peace, security and stability.
2. The RECs and the Coordinating Mechanisms shall be invited to the discussion of any question brought before Council whenever that question is being addressed by a REC or a Coordinating Mechanism or is of special interest to that REC or Coordinating Mechanism, in accordance with Article 16 (6) of the PSC Protocol.
3. The Chairperson of the Commission shall be invited to the meetings and deliberations of the RECs and the Coordinating Mechanisms, in accordance with Article 16(7) of the PSC Protocol.
4. The Parties shall invite each other to all other meetings relevant to their partnership for the promotion and maintenance of peace, security and stability, and shall share reports of those meetings.
5. A meeting between the Chairperson of the Commission and the Chief Executives of the RECs and the Coordinating Mechanisms shall be held at least once a year to discuss matters of peace and security and agree on a programme of work.

...

Article XX: Modalities for interaction

1. Without prejudice to the primary role of the Union in the promotion and maintenance of peace, security and stability in Africa, the RECs and, where appropriate, the Coordinating Mechanisms shall be encouraged to anticipate and prevent conflicts within and among their Member States and, where conflicts do occur, to undertake peace-making and peace-building efforts to resolve them, including through the deployment of peace support missions.
2. In undertaking these activities, the RECs and, where appropriate,

the Coordinating Mechanisms shall keep the Chairperson of the Commission and, through him, Council fully and continuously informed and ensure that their activities are in conformity with the objectives of the PSC Protocol.

3. The RECs managing regional brigades within the framework of the African Standby Force and the Coordinating Mechanisms shall, upon decision by Council, make available their assets and capabilities, including planning, to other RECs and Coordinating Mechanisms or the Union, in order to facilitate the deployment of peace support operations outside their areas of jurisdiction.
4. The RECs and the Coordinating Mechanisms shall, upon decision by Council, make their regional brigades available for deployment as part of a peace support operation undertaken outside their areas of jurisdiction.
5. Nothing in this Memorandum shall prevent the Union from taking measures necessary to maintain or restore peace and security anywhere in the continent.
6. Intervention as provided for by Article 4 (h) of the Constitutive Act shall be authorized by the Assembly upon recommendation by Council.
7. Intervention by the Union, at the request of Member States, as provided for by Article 4 (j) of the Constitutive Act, shall be authorized by the Assembly and the modalities therefore shall be approved by Council.

Article XXI: Relations with the United Nations and other International Actors

1. The Parties shall harmonize their views in relevant international forums, including the United Nations. The Union shall coordinate such efforts to ensure that African interests and positions as defined at continental level are effectively pursued.
2. The Parties shall work together to mobilize the support of the United Nations, other relevant actors and the international community, in pursuit of the objectives outlined in the Memorandum. The Union shall coordinate such efforts.
3. The Commission shall ensure that the United Nations Security Council is kept informed of the activities undertaken by the Union, the RECs and the Coordinating Mechanisms relating to the promotion and maintenance of peace, security and stability.

Article XXII: Relations with civil society and private sector

The parties commit themselves to harmonize and coordinate their efforts with respect to their interaction with civil society organizations and the private sector in furtherance of the continental peace and security agenda.

...

The African Model Anti-Terrorism Law (2011)

Full title: The African Model Anti-Terrorism Law

Date/place of adoption/conclusion: 1 July 2011, Malabo, Equatorial Guinea

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

* Endorsed by the Seventeenth Ordinary Session of the Assembly of the African Union, 30 June – 1 July 2011, Malabo, Equatorial Guinea.

Strategy on the Control of Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons (2011)

Full title: African Union Strategy on the Control of Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons

Date/place of adoption/conclusion: 29 September 2011, Lomé, Togo

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

* Adopted by the Meetings of Member States Experts, 26-29 September 2011, Lomé, Togo.

Preamble

We, the Executive Council of the African Union;

Bearing in mind the Principles enshrined in the Constitutive Act of the African Union; and the Protocol establishing Peace and Security Council,

...

Concerned that the illicit proliferation, circulation and trafficking of small arms and light weapons, as a global problem closely tied to terrorism and other forms of armed violence, the worldwide drug problem, transnational organized crime, mercenary activities,, the rise in social violence, promotion of corruption and other criminal behaviour constitute threats to peace, development, stability and post conflict reconstruction,

Aware that the problem of the illicit proliferation, circulation and

trafficking of small arms and light weapons can only be resolved holistically and in an integrated manner through improving cooperation and coordination and by reinforcing the capacity to regulate compliance with all aspects of the problem as expressed in existing international and regional instruments,

Bearing in mind the different situations, capacities and priorities regarding SALW in each region in Africa,

Taking into account the African Union Commission's decision in 2008 to create an ad hoc AU Regions Steering Committee on Small Arms and Light Weapons (hereinafter AU SALW Committee) to enhance the capacity and harmonize and coordinate the efforts of the AU, the RECs and Regional Bodies with a SALW mandate to implement their programmes and enhance cooperation and synergy across the regions in the implementation of agreed actions,

Hereby adopt the African Union Strategy on the Control of Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons to strengthen coordination and cooperation between and among all implementing regional bodies with the objective of improving implementation at national, regional and continental levels.

1. Objectives

The overall objective of this Strategy is to prevent, combat and eradicate the illicit proliferation, circulation and trafficking of small arms and light weapons in an integrated and holistic manner across all regions of Africa. The specific objectives of the Strategy are to:

- 1.1. Promote a culture of peace by carrying out education and public awareness programmes on the problems of the illicit proliferation, circulation and trafficking of small arms and light weapons;
- 1.2. Address comprehensively the problem of the illicit proliferation, circulation and trafficking of small arms and light weapons through mainstreaming SALW control as a cross-cutting and multidimensional issue in achieving peace, security, development, and stability in the Continent;
- 1.3. Strengthen the capacity of AU Member States, RECs and Regional Bodies, and the African Union Commission, to implement measures against the illicit proliferation, circulation and trafficking of SALW;
- 1.4. Promote cooperation, coordination and exchange of information between relevant stakeholders at national, regional, trans-regional and continental levels;
- 1.5. Enhance international cooperation and assistance in the fight against proliferation of small arms and light weapons at the national, regional and continental levels.

2. Principles

In order to realize the objectives of this Strategy, the following principles as applied in relevant AU policies and documents shall be borne in mind:

- 2.1. **African Leadership and Ownership:** This principle is critical to ensure that the priorities, implementation and oversight of this strategy remain the responsibility of African governments and that activities are aligned to local, national and regional needs and aspirations.
- 2.2. **Inclusiveness:** This principle promotes the participation of all stakeholders in addressing the issue of small arms and light weapons proliferation.
- 2.3. **Integrating Approaches:** This principle rests on the need to ensure cooperation and coherence among all relevant stakeholders of this Strategy to optimize the use of resources, increase effectiveness and efficiency, mutual accountability, transparency and sustainability of efforts across Africa, and between Africa and its international partners, in implementing this Strategy.
- 2.4. **Comprehensiveness:** This principle encompasses all aspects relating to the problem of the illicit proliferation; circulation and trafficking of small arms and light weapons.
- 2.5. **Shared Responsibility:** This principle rests on the need for shared responsibility of all actors connected with this problem, and the joint search for solutions in the regional, continental and international arenas.
- 2.6. **Respect for International Law:** This principle recognizes the need to fully respect the principles and rules of international law.

3. Strategic Orientation

To achieve the objectives of this strategy, the AU will pursue the following strategic orientations:

- 3.1. **Institutional context:** The AU to reinforce the existing ad hoc AU-Regions Steering Committee on SALW and ensure that the Committee gradually attains the status of a standing committee, to be called the AU-Regions Standing Committee on SALW (AU SALW Committee);
- 3.2. **Cooperation and coordination at regional and continental levels:**
 - 3.2.1. The AU to promote coordination among RECs in the implementation of regional and continental agreements on the control of small arms and light weapons.
 - 3.2.2. RECs to enhance inter-regional cooperation through, among others, exchange of information, and experiences, sharing of best practices.
- 3.3. **Gender dimension:** To promote and enhance the participation of all gender groupings especially women in the design and implementation of initiatives to fight proliferation of illicit small arms and light

weapons at all levels.

- 3.4. Partnerships: To institute appropriate measures to engage and enhance the capacity of civil society to effectively participate in the design and implementation of initiatives to fight proliferation of illicit small arms and light weapons at all levels.
- 3.5. Resource mobilization: The AU in collaboration with RECs and regional bodies with a small arms mandate to ensure availability of resources for the implementation of regional and continental agreements on SALW.

4. Implementation Mechanisms

While Member States, RECs and Regional Bodies with SALW mandate remain responsible for implementation at national and regional levels respectively the AUC, through the AU-Regions Steering Committee on SALW is responsible inter alia to:

- 4.1. coordinate and facilitate the implementation of continental agreements relating to the fight against the illicit proliferation, circulation and trafficking of SALW,
 - 4.2. promote exchange of experiences, and organize courses to enhance the capabilities of officials and other key stakeholders from the Member States, RECs, Regional Bodies and civil society
 - 4.3. promote exchange of information and cooperate in all matters relating to illicit proliferation, circulation and trafficking of small arms and light weapons,
 - 4.4. promote research and data collection on SALW in the regions, as well as engage in dialogue and cooperation between the governments, RECs, regional bodies and civil society,
 - 4.5. follow up on the AU Strategy on the illicit proliferation, circulation and trafficking of small arms and light weapons, and its action plan, here to attached as Annex A
 - 4.6. report annually to the relevant AU organs and Member States on progress achieved in implementation this Strategy in order to assess its impact.
-

Roadmap (III) for the Operationalisation of the African Standby Force (2012)

Full title: Roadmap (III) for the Operationalisation of the African Standby Force, 2011-2015

Date/place of adoption/conclusion: February 2012, Addis Ababa, Ethiopia

Available online at: <https://bit.ly/31YhbK3>

* Adopted by the Fifth Ordinary Meeting of the Specialized Technical Committee on Defence, Security and Safety, 26 October 2011, Addis Ababa, Ethiopia.

** Endorsed by the Twentieth Ordinary Session of the Executive Council, 23-27 January 2012, Addis Ababa, Ethiopia, Decision EX.CL/Dec.681 (XX).

*** Replaced Roadmap (I) of 23 March 2005 and Roadmap (II) of 15 May 2009.

Policy Framework on Security Sector Reform (2013/2013)

Full title: African Union Policy Framework on Security Sector Reform

Date/place of adoption/conclusion: 2013, Addis Ababa, Ethiopia

Entered into force (EIF): 28 January 2013

EIF provision: Section L

Authentic texts: Arabic, English, French, Portuguese

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

* Adopted during the Twentieth Ordinary Session of the Assembly of the African Union, 27-28 January 2013, Addis Ababa, Ethiopia, Decision: Assembly/AU/Dec.472 (XX).

Common African Position on the UN Review of Peace Operations (2015)

Full title: Common African Position on the UN Review of Peace Operations

Date/place of adoption/conclusion: 29 April 2015, Addis Ababa, Ethiopia

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

* Adopted during the Five Hundred and Second Meeting of the Peace and Security Council of the African Union, 29 April 2015, Addis Ababa, Ethiopia, Decision: PSC/PR/2(DII).

I. Towards a Shared Set of Principles as the Basis for AU-UN Partnership

1. Article 52(1), Chapter VIII, of the UN Charter provides for the “existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the purposes and principles of the United Nations.” The Charter encourages regional institutions to give priority to finding peaceful solutions to conflicts. However, the Charter reserves for the UN Security Council (UNSC) the right to authorize enforcement action. Article 53(1) states that “no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council...” Thus, all enforcement actions by regional organizations require the authorization of the UNSC, but even after such authorization, these organizations are obliged to keep the Council informed of their actions.
2. The challenge for the AU and the UN is how to apply the spirit of Chapter VIII without prejudice to the role of the UNSC, on one hand, and without undermining or otherwise curtailing the efforts of the AU to develop its own capacity to provide adequate responses to the peace and security challenges in Africa, on the other. What is the appropriate consultative decision-making framework, division of labor and burden-sharing that should be put in place, and how would these impact on peace operations, as undertaken by both the UN and the AU?
3. At the heart of Chapter VIII is the need to complement the international legitimacy and legality of the UN with the advantages embedded in regionalism. An innovative application of Chapter VIII would help to address the gaps in the international system that was crafted in the immediate post-1945 era, while taking into account the important changes seen since then.

4. For the African Union, relations with the United Nations in the area of peace and security should be viewed as a strategic partnership, based on: a) consultative decision-making; b) division of labor; and c) burden sharing.
5. Article 17(1) of the Protocol Relating to the Establishment of the Peace and Security Council [hereafter the PSC Protocol] cites Chapter VIII as the basis of its relationship with the UN. The PSC Protocol directs the PSC to cooperate with the UNSC, "...which has the primary responsibility for the maintenance of international peace and security." In a direct reference to burden-sharing, Article 17(2) of the PSC Protocol states that: "Where necessary, recourse will be made to the United Nations to provide the necessary financial, logistical and military support for the African Union's activities in the promotion and maintenance of peace, security and stability in Africa, in keeping with the provisions of Chapter VIII of the UN Charter".
6. The AU has identified a number of principles which it believes should underpin relations with the UN, to ensure that cooperation is not ad hoc but can proceed in a systematic, principled and predictable manner. These principles are:
 - (i) Collective security, in the context of Chapter VII of the UN Charter: Reaffirming the primacy of the United Nations Security Council in the maintenance of international security, the AU underscores that, when it intervenes in conflict and crisis situations on the continent, it is doing so on behalf of the UNSC and that, therefore, in the case of AU-led missions that are authorized by the UNSC, the UN has a duty to provide UN assessed contributions.
 - (ii) Support for African ownership and priority setting: In the spirit of mutual respect, it is critical to support and promote African ownership and priority setting on issues impinging on peace and security on the continent. Closer and consistent consultations between the decision-making organs of the two institutions, in particular the UNSC and the PSC, would contribute to ensuring that African ownership and priority setting is respected.
 - (iii) Partnership on the basis of i) consultative decision-making; ii) division of labor; and iii) burden sharing. The UN and AU should engage in a dialogue on all three elements to foster political coherence. Issues of legitimacy, division of labor and burden sharing will be clarified if this principle is accepted and applied in the relationship between the UN and AU. The same principle applies to the relationship between the AU and the Regional Economic Communities/Regional Mechanisms for Conflict Prevention, Management and Resolution (RECs/RMs). This is another important angle that should be factored into efforts to enhance the strategic partnership between the AU and UN. Efforts to achieve political coherence would be weakened if the role of the RECs/RMs is not properly situated in the partnership.

- (iv) Mutual respect and adherence to the principle of comparative advantage: Regional organizations have a strong comparative advantage in promoting peace and security in their neighborhoods. They are often better positioned to serve as first responders, given their proximity to conflict theatres. In light of this, two elements of this principle can be identified:
 - Political legitimacy: The political legitimacy of external actors is proving increasingly controversial as conflicts shift from inter-state to intra-state. External interventions are increasingly being viewed with reluctance by national actors for a range of reasons, including sovereignty, historical reasons and perceptions linked to impartiality.
 - Flexibility: Regional organizations have proven to be more flexible and adaptable in dealing with security challenges in their regions than other international organizations. In practical terms, these instruments provide the AU with the legal basis to respond to all forms of conflicts on the continent.
- (v) Division of labor underpinned by complementarity: The two institutions need to engage in dialogue to establish a mutually agreed division of labor to foster coherence and limit competition.

II. Institutionalizing the Strategic Partnership

7. The AU and UN are mutually dependent and have a shared strategic interest in establishing a close working partnership. Whilst this has been recognised by both organizations, at a practical level both the AU and the UN need to do more to systematize and institutionalise this partnership.
 - (i) The AU and UN should adopt as formal internal policy and practice the seeking out of each other's views and perspectives, as well as engaging in frank but constructive dialogue towards toward a common understanding on matters of common concern, genuinely seeking collaboration and cooperation in understanding the causes of, as well as the steps necessary towards preventing and addressing, conflict.
 - (ii) The Headquarters of both organizations should have regular high-level interaction among all relevant decision-making bodies. The UN has already taken significant steps in this direction, through the strengthening of the UN Office to the African Union (UNOAU). The AU will need to take the steps necessary to implement its decision, PSC XXX[September 2013] to strengthen the AU Permanent Observer Mission to the United Nations in New York.
 - (iii) Regular joint assessment missions, joint planning, joint evaluations and joint benchmarking exercises should be undertaken as a matter of course, and at all relevant levels, including by the Security Council and Peace and Security Council, as well as the AU Commission and UN Secretariat.
 - (iv) Joint policy documents should steer the overall relationship and specific policies or guidelines should be developed on aspects such

as conflict prevention, mediation, transitions from AU to UN peace operations, funding of UN Security Council endorsed African-lead peace operations, and post-conflict peacebuilding.

- (v) There should be better cooperation in the field, e.g. if both organizations have missions in the same theatre, they should exchange liaison officers; there should be joint operation or coordination centres wherever they would add value, and there should be an annual strategic coherence and alignment conference to agree on shared vision, medium-term plans and short-term priorities on specific conflict issues.

III. Shared Analytical Basis in Responding to Changing Conflict Dynamics

8. The conflict dynamics that the UN and African peace operations have to deal with continue to change rapidly and have become more complex and asymmetrical. Through the development of the African Peace and Security Architecture (APSA), in particular the Peace and Security Council (PSC) and the African Standby Force (ASF), the African Union and the RECs/RMs have become significant actors in international peace support operations. The AU and the RECs/RMs today are an important resource for the UN in the maintenance of international peace and security.
9. Guided by the UN Charter which underscores the principle of non-interference in the internal affairs of states as well as the primacy of the Security Council in the maintenance of international peace and security, and by the principles of impartiality, consent and the limited use of force in its peace operations, the UN is coming under pressure by the new forms of conflict it faces. The AU, which is a younger organization and has had to grapple with some of these issues, is in many ways better adapted to contemporary conflicts, as shown by example by its experiences in Somalia with the deployment of AMISOM. In order to better adapt to these changes in global relations, the AU, the RECs/RMs and the UN can work closer together through the establishment of effective mechanisms for the sharing of information and analyses on conflict situations, for instance by:
 - (i) Establishing a joint senior officials working group to map, track and analyse macro conflict and peace trends with a view to improving our understanding of how these trends emerge, develop and manifest, and the implications these changes may have for peace operations.
 - (ii) Establishing desk-to-desk joint working groups that can assess, map, track and analyse country specific vulnerabilities, including regional and external factors, so that the AU, the RECs/RMs and the UN will be in a better position to prevent outbreaks of violent conflict, and to take steps to help to build resilient states

and societies that can cope with these emerging challenges without lapsing into violent conflict.

- (iii) Ensuring that the regular meetings of AU and UN Special Envoys convened by the AU Commission have more focused, concrete and measurable outcomes.
- (iv) Consideration must be given to articulating complementary principles to the existing principles of impartiality, consent and limited use of force in peace operations, taking into account the changing nature of conflict. These new complementary principles should have as their starting point the protection of civilians, and the relationship between the peacekeeping operation and the political process, and the relationship with belligerent forces.
- (v) Extending the Joint UN-AU Framework for an Enhanced Partnership in Peace and Security, signed by the AU Department for Peace and Security and the UN Office to the African Union (UNOAU) in March 2014, which addresses the steps to be taken towards harmonization of views between the two organizations across the full conflict cycle, to the entire AU and UN systems working in the area of peace and security.

IV. Strategic Coherence

10. While the AU and the UN have taken many positive steps to improve cooperation and coherence, including at the political (PSC-UNSC) and strategic (Commissioner-USGs) levels, more needs to be done. Strategically, the most important relationship is that between the UNSC and the PSC. Strengthening this relationship would entail that there should be a shared long-term vision of the crisis/conflict under consideration, as well as the steps needed to address it effectively, and the benchmarks to be attained before effecting a transition from an African-led to a UN peace operation.
11. Another area where more needs to be done is at the mission or country level. When the AU and UN both have missions in the same country, which is likely to be almost always the case in African conflicts (regardless of who has a political and who has a peacekeeping mission in place), there is a need to ensure strategic coherence between the AU and UN missions, as well as with other key actors in that space, such as the host state, as well as the EU, World Bank, AfDB, etc. Some of the steps that can be taken include:
 - (i) Ensuring regular and systematic consultations between the Chair of the PSC and the President of the UNSC on the issues on their respective agendas, to ensure greater harmony, coordination, and strategic coherence. Also ensure that a platform exists for emergency communication/consultation between the two Councils on emerging crisis situation.
 - (ii) Implementation of the previous decisions of the two Councils to encourage joint assessment missions to conflict situations/areas of mutual concern.

- (iii) Ensuring regular and systematic consultations between the Chairperson of the Commission and the Secretary-General of the UN Secretariat on matters of mutual concern, with a view to promoting joint actions where possible.
- (iv) At the mission level, establishing a process to develop a joint strategic framework for the country in question, consisting of joint assessments, a joint strategic level plan and a joint monitoring process. This should be an iterative process that generates an annual joint strategic plan or framework.
- (v) Where agreed, the AU and UN can consider appointing a Joint Special Representative that provides overall strategic leadership and coherence to both the AU and UN missions, that will be headed respectively by their own heads of missions. (vi) Formalization of the current practice of AU-UN jointly-chaired International Contact Groups.

V. Learning Together

12. The AU and UN can jointly undertake Best Practice assessments of issues relevant to both organisations and African TCCs and PCCs that contribute peacekeepers to both the AU and UN operations. Such cooperation can also strengthen the AU's internal capacity to undertake best practices and lessons learned assessments at the end of mission. Current issues of mutual interest include:
 - (i) In many contemporary conflict zones terrorists, criminal gangs, traffickers and armed groups or militias deliberately choose to use violence to pursue their objectives. Civilian populations, aid workers and increasingly peacekeepers have been targeted as a result. Both the AU and UN have lost peacekeepers due to new asymmetric threats such as improvised explosive devices (IED), the use of modern technology to promote the radicalization of local populations, in particular the youth, the nexuses emerging between armed groups and criminal organizations in conflict situations, and the emergence of new threats such as disease and mass migration, in the context of state fragility. The AU and UN can embark on a joint study of how best to prevent and counter these new kinds of threats.
 - (ii) Both the AU and UN have to deal with unintended consequences and negative side effects of peace operations, such as sexual exploitation and abuse (SEA), corruption, and other forms of misconduct by peacekeepers. The AU and UN can work together to share lessons and best practice and to exchange experiences and personnel. They can also develop a joint database that will help them both to ensure that they do not deploy individuals that have been involved in misconduct in previous missions.
 - (iii) The AU and UN now have an established practice of re-hatting African troop contributing countries (TCCs) and police contributing countries (PCCs) when the UN takes over from AU missions. The 2014 desk-to-desk transitions lessons learned

initiative that focussed on Mali and the Central African Republic (CAR) can be institutionalised by forming a “best practice working group on transitions”, with the aim of generating guidelines for future transitions as well as a joint AU-UN policy or directive on transitions.

- (iv) The AU and the UN should undertake a comprehensive assessment of the lessons learned in Somalia, with the deployment of AMISOM, the use of assessed contributions to support critical aspects of the operation, experience in the use of trust funds, and the coordination between the AU, the UN, neighbouring states and other key stakeholders, eg. the EU and NATO.

VI. Conflict Prevention

13. Conflict prevention is a priority for both the AU and the UN. While progress has been made in implementing existing policies and instruments, a number of challenges remain, not least the possibility of gaining appropriate entry points into tense situations likely to evolve into violent conflict. The AU in particular has, over the past two decades, adopted several instruments, mechanisms and policy documents on direct or operational prevention, as well as on structural prevention.
14. The changing nature of African conflicts, linked in part to governance challenges, gives the AU and its Regional Mechanisms a comparative advantage in the area of conflict prevention. This is all the more so as non-African interventions in areas viewed as “internal affairs” by the countries concerned, and hence a question of sovereignty, have proved problematic.
15. Against this background, the following are recommended:
 - (i) Regular exchanges between the AU Commission and the UN Secretariat on potential crisis and conflict situations, with the view to identifying appropriate entry points and facilitating harmonized responses by the two organizations.
 - (ii) Recognition of AU’s comparative advantage in addressing governance-related conflicts and mobilization of adequate UN technical and political support to AU-led efforts.
 - (iii) The UN should be encouraged to view AU mechanisms for conflict prevention, such as the Panel of the Wise and similar mechanisms at the REC/RM level, as resources to be used in pursuit of common goals, much the same way as the ASF is being viewed with regard to the generation of peacekeepers.
 - (iv) Support to the AU’s efforts towards the structural prevention of conflicts, through the implementation of AU’s instruments, especially those related to governance, elections, democracy, arms control and disarmament, and other related issues.
 - (v) Inclusion of an agenda item on conflict prevention in Africa in the agenda of the annual Joint Consultative Meeting of the PSC and the UN Security Council.

VII. Mediation

16. Traditional peacekeeping was deployed after the signing of a peace agreement, in order to monitor its implementation and to assist in the process of peace- and confidencebuilding in states emerging from conflict. However, increasingly, peace operations are deployed in situations where there is no peace to keep, in order to stabilize the situation and support the mediation process that can lead to a negotiated settlement. However, there are a number of challenges facing mediation and mediators in conflict situations.
17. The Constitutive Act of the African Union and the established practice of African solutions to African problems places a priority on political responses to imminent crises and actually occurring armed conflicts. The absolute priority of the African Union and APSA is to ensure a rapid and effective political response. This is also where the comparative advantage of the AU lies, relative to all external actors. The AU remains fundamentally committed to the principle that political solutions are necessary and preferable and that the dispatch of an armed peace support operation is a last resort, to be undertaken solely and exclusively in support of a political process. To that end, the AU underlines the primacy of the political and will maintain, at all times, the supremacy of political guidance over military peace operations.
18. The African Union reaffirms its commitment to the principles enshrined in its Constitutive Act, including the refusal of unconstitutional change in government, the promotion of democracy and inclusiveness, and the responsibility of member states to intervene in grave circumstances.
19. Current mediation efforts face a host of challenges. These mean that the conventional established models of mediation are less appropriate and viable than in the past, and that mediators must learn new skills, and must be prepared to be far more patient and creative.
20. The first challenge is the lack of viable national interlocutors, in the context of fragile, failing or failed states. This is further compounded by a tendency of armed movements to fracture in the face of political agreements. In the context of weak states, often the mediator is negotiating with states which do not exercise actual authority over parts of their territory, or which lack legitimacy.
21. Secondly, there is the challenge of integrating the peace mission and the peace process. In almost all peace missions in Africa, there is no clear political strategy underpinning the peace mission, beyond the immediate stabilization of the country. Consequently the relationship between the peace mission and the peace process is weak and lacks institutional clarity.

22. Thirdly, the mediator often finds him or herself faced with the need often incompatible demands of negotiating a quick end to the immediate hostilities, while at the same time promoting a comprehensive agreement that can address the underlying causes of the conflict. This is compounded by the demands of “deadline diplomacy”, in which parties, and mediators, often at the instigation of donors who are footing the bill, are pressured to reach agreement within tight specified timeframes, leading in some cases to premature substantive agreements that have little chance of being implemented.
23. Fourthly, coordinating the roles and activities of various mediators, in particular the AU and the UN, but also the AU and the RECs/RMs, as well as other multilateral and bilateral partners is proving to be difficult. The demands of managing these relationships and the multiplicity of actual or putative mediation actors can divert political attention and resources from the mediation. In 2011, an attempt was made to codify the ways in which to ensure cooperation between the AU and the UN through the adoption of a “Joint Mediation Guidelines Handbook”. The AU has attempted to address the issue of coordination of mediation efforts through the establishment of International Contact Groups (ICGs) bringing together the different mediators to coordinate approaches and strategies. The establishment of ICGs has led to an improvement in cooperation between the AU, the UN, EU and the RECs/RMs, and this mechanism should be improved, adapted and implemented for all mediation efforts in Africa. Finally, the “new wars” pose a significant challenge to the very premise of mediation, as an effort to find common ground between belligerents in a conflict.
- (i) The AU and UN should revisit the AU-UN Mediation Guidelines, with a view to finalizing and adopting them.
 - (ii) The AU should systematize the practice of jointly-chaired International Contact Groups, and should enhance those already in existence, including through the establishment of joint secretariats to service them, as well as putting in place followup mechanisms. The experience of AU-UN cooperation in the mediation process and ICG in Central African Republic, through the G8-CAR, provides an instructive case study.
 - (iii) The question of comparative advantage and division of labour applies as much to mediation as to other aspects of peace operations, and the AU and UN should strive to reach a common understanding of what these are in each mediation context. The case of the African Union High-Level Implementation Panel on Sudan and South Sudan (AUHIP) provides an excellent example of seamless cooperation based on a shared understanding of the comparative advantage and division of labour between the AU, the UN and other interested parties towards the mediation process between Sudan and South Sudan.

- (iv) As the AU embarks on the development of a mediation roster, it should be able to draw on the UN's extensive experience in this regard.
- (v) The AU and UN, including the two Councils, should work together to reach agreement on how to deal with spoilers to peace processes.
- (vi) The AU and UN should consider the establishment of mechanisms and modalities to assess jointly compliance by Parties to a conflict with the agreement reached, as part of the mediation process.
- (vii) The AU and the UN should recognize that effective and successful mediation will need to be responsive to the changing dynamics of each conflict and mediation context, and two bodies should therefore seek to maintain a joint analysis and appraisal of the needs of the mediation as the process unfolds.

VIII. Financing of AU Peace Operations

24. The financing of African-led peace operations in a flexible, predictable and sustainable manner remains one of the most important strategic challenges facing the AU and UN, and more needs to be done to address this challenge directly. Ignoring it will only increase tension and undermine other aspects of the AU-UN strategic partnership. African peace operations represent local responses to global problems and effective African peace operations thus represent a significant contribution to the global common good. Moreover, Africa has become the largest single contributor to UN peace operations, contributing approximately 45 % of the UN's uniformed peacekeepers. Thus African capacities have become a critical resource for the success of the UN's own missions, and the failure to support the development of their capacity has deleterious effects for the UN. Moreover, as demonstrated by the AU and UN experiences in Mali and CAR, the failure to provide the AU with the necessary support to carry out the stabilisation mandate given to it by the UN Security Council, will result ultimately in the deployment of a UN mission into a situation that is not yet stabilized, and consequently that is not consonant with existing UN peacekeeping doctrine. The following recommendations address this key challenge:

- (i) The AU is committed to increase the proportion of the cost of AU peace operations covered by the AU and its Member States. It has launched an initiative to increase AU assessed contributions to AU peace operations, and also to seek alternative ways to finance the AU and its peace operations. To this effect, a number of decisions were taken during the most recent Summit in January 2015. In addition, AU Member States have in the past and are continuing to make significant contributions to peace operations by contributing troops and equipment and shouldering many of the hidden costs, such as the salaries, pensions and health care of the troops and police officers, including long-term health costs of those wounded;

the capital cost of new equipment, etc; and, most importantly, the lives of its peacekeepers. The AU, together with its partners, can assess the total actual contribution AU TCCs and PCCs are making and the alternative ways in which these contributions can be enhanced and resourced.

- (ii) At the same time, the international community, through the UN, has a duty to support AU operations. There are three ways in which the UN has supported AU operations in the past: through undertaking hybrid missions where the AU retains a political role in the management of the mission, but where the financial costs are fully funded by the UN through the normal process of assessed contributions (e.g. UNAMID); through deploying a UN support mission to indirectly support key elements, including logistics, of an AU mission (e.g. UNSOA), and by the UNSC authorising a UN Trust Fund that is dependent on voluntary contributions but that has the political backing of the UNSC. The AU, UN and key partners such as the EU and other major donors should assess these models and make recommendations regarding how they can be improved and adapted in the future.
- (iii) The AU's preferred model is the use of UN assessed contributions to support AU-led peace operations, premised on the conviction that the UNSC retains the primacy for the maintenance of international peace and security and that, in undertaking peace operations in the continent, the AU is responding to an international obligation and acting on behalf of the UN. The AU also fully shares the position articulated by the Report of the African Union-United Nations Panel on Modalities for Support to African Union Peacekeeping Operations (the "Prodi Report"), which stressed the need for equitable burden-sharing between the UN and the AU, and underlined the need for a shared strategic vision, if the two organizations are to be able to exercise their respective advantages.
- (iv) In addressing the funding issue, the two organizations should address also the doctrinal issues relating to interventions in situations where there is "no peace to keep." Such doctrinal differences between the AU and UN in deciding whether or not to deploy peace operations will have an impact on the use of UN assessed contributions.
- (v) The AU would also like to note that experience to date has shown that Trust Funds are neither reliable, predictable nor easily accessible, especially for high-tempo operations where troops on the ground are faced with well-resourced, determined and highly networked armed groups, the very types of operations that the AU has tended to deploy into, and which are not suited to UN peacekeeping doctrine.
- (vi) Even if it is not possible to have one preferred model, the AU and the UN can develop a predictable mechanism for addressing the financing of AU peace operations in future, i.e. a standing mechanism that can be activated when ever the need arises, and that can design a funding and support model that meet the needs

of the specific context at hand. The advantage of such a standing model is that those involved will build up institutional knowledge, best practices and avoid re-inventing the wheel.

IX. Supporting AU Peace Operations

25. The UN has provided some form of support to all the African missions to date. The AU has a very limited in-house capacity to support its own missions and will therefore have to rely on outsourcing and partnerships.
- (i) The AU and UN should jointly embark on a work study to design an appropriate support model for AU operations. Such a model should give guidance on what kind of in-house mission support capacity the AU should develop, what kind of partnerships the AU can rely on, and what kind of outsourcing arrangements the AU need to prepare for.
 - (ii) The UN should make some of its Department of Field Service capabilities available to the AU, including its Brindisi and Entebbe logistical depots. The UN can include the AU in some on-call procurement arrangements, for instance strategic airlift, etc. The AU and UN can undertake a joint study of which UN Department of Field Support (DFS) capabilities can be made available to the AU on a partnership basis, including through the use by AU missions of assets available in neighbouring UN missions on the ground, and what legal and other procedural steps would be necessary to manage such a partnership.
 - (iii) The issue of support needs also to address the issue of standards and their harmonization, bearing in mind the need to ensure both that AU operations meet all required international standards, while at the same time allowing for flexibility, it being understood that the different environments in which AU operations, especially peace enforcement operations, are deployed, entails a different set of standards from traditional peacekeeping operations.

X. Transitions from AU to UN Operations

26. The idea behind the notion of transitions is that they occur once certain benchmarks, related to stabilization, have been met. Lessons learned from recent transitions in Mali and CAR have exposed both challenges and opportunities for promoting a seamless transition from AU peace support operations to UN peacekeeping. In some cases, benchmarks for transition were neither properly nor jointly conducted, nor informed by improvements in the security conditions on the ground before the deployment of a UN peacekeeping mission. Drawing from experiences of recent transitions, from AU to UN missions as well as current interactions in going AU operations, the AU makes following recommendations:
- (i) There is an imperative for both the PSC and the UNSC to enhance early consultations well in advance of an adoption of a UNSC

resolution authorizing a transition from an AU peace support operation to a UN peacekeeping mission.

- (ii) At a technical level, it is important for both the AU Commission and the UN Secretariat to be aware that they are working towards a common vision and objective to promote sustainable peace in Africa. Accordingly, both organizations must develop a more institutionalized practice for early pre-mandate consultations and assessment, collectively develop strategy documents and agree on appropriate benchmarks for transition. This would prevent questions about possible discrepancies between AU and UN standards in the re-hatting of uniformed and civilian personnel and ensure that the transition process is informed primarily by the improvement of the security conditions on the ground.
- (iii) The UN needs to articulate clearly the *modus operandi* of its support regime to AU peace operations and should seek to adapt its support rules to suit the liquidation process of AU high intensity operations. The transition from AU to UN peacekeeping missions does not end with a transfer of authority ceremony. Rather, transition means that the AU will require continued support both in the liquidation of some of its assets as appropriate, including through enhanced collaboration between the UN and the AU after the re-hatting, usually through the establishment of a political office.
- (iv) Even after a mission has been re-hatted as a UN mission, the role of the AU remains relevant, especially as part of the political process and post-conflict reconstruction of the country.

XI. Sustainable Post-Conflict Reconstruction and Development

27. Ten years after the establishment of the UN's Peacebuilding Commission (PBC) and nine years after the adoption of the AU's policy on Post-Conflict Reconstruction and Development (PCRD), a number of challenges remain, as shown by the relapse of some post-conflict countries into violence. All the countries on the UN PBC country configuration agenda over the last decade have been from Africa. African countries have received approximately 80% of the UN Peacebuilding Fund's allocations over the 2007-2014 period, and approximately 70% of the UN's Special Political Missions have been in Africa. The AU, through its Post-Conflict Reconstruction and Development Framework (PCRD) and its African Solidarity Initiative (ASI) that encourages South-South cooperation, and the UN through its Peacebuilding Architecture (PBA) and Special Political Missions (SPMs) have much to learn from each other's approaches and experiences, and from seeking greater cooperation, collaboration and complementarity.

- (i) The UN Peace Operations Panel and the UN Advisory Group of Experts (AGE) that are undertaking a review of the UN's peacebuilding architecture should consider what needs to be done

- to ensure that the UN's peacebuilding work is well connected and complementary to the AU's PCRD and ASI work streams.
- (ii) The Panel and the AGE should consider how the UN PBC and PBF can enhance its complementarity and support to the AU, RECs/RMs and African civil society. The engagement between the PBC and the African Union's Peace and Security Council in 2014 should be institutionalised in an annual meeting on peacebuilding in Africa to seek greater coherence on strategic priorities between the PBC and PSC.
 - (iii) These high-level exchanges need to be underpinned by a desk-to-desk exchange between the UN's Peacebuilding Support Office, the relevant departments in the AU Commission, and relevant parts of the RECs/RMs.
 - (iv) The UN PBC should encourage the efforts of the African Solidarity Initiative to develop its database of support from African countries to others emerging from conflict, it being understood that resources and support extend beyond financial, to include experience and other "soft skills" that are appropriate to the needs of countries emerging from conflict. The PBC should also seek to use these types of skills in its own peace building efforts in African and non-African countries on the PBC's agenda.

XII. International Justice

28. Since the ratification of the Rome Statute in 1998 and the subsequent establishment of the International Criminal Court (ICC) in 2003, there has been a shift in understanding of the concept of "transitional justice." Originally "transitional justice entailed an understanding of how states manage their transitions from conflict through alternatives to prosecution, often rooted in historical cultural practices, precisely as a way to avoid appearances of impunity and to provide a form of justice appropriate to delicate and complex political transitions. Now, with the arrival of the ICC, the main approach to transitional justice privileges prosecutions as a normative response to certain offenses, even in contexts where prosecutions can pose a threat to stability in fragile transition situations.
- (i) The UN should support the AU in the latter's efforts to articulate more fully the intersection and prioritising of peace, justice and reconciliation as it obtains on the African Continent, and should view the AU's efforts as a contribution to the global search for principled responses to the challenges of the new conflicts the world faces.
 - (ii) The UN should support the AU's efforts to enhance its capacity to prosecute and adjudicate serious crimes.
 - (iii) The UNSC should treat with the seriousness they deserve the AU's decisions and requests to defer cases before the ICC in order to ensure that peace efforts are not undermined.

XIII. Women, Peace and Security

29. Conflicts today unfortunately involve the commission of mass atrocities targeted against civilians. Women and girls in particular have tended to be targets, through the use of rape, enforced pregnancy, and enslavement for sexual and non-sexual purposes. In addition to this, there have been numerous instances where peacekeepers have been accused of committing sexual abuse and exploitation of vulnerable women in displaced persons camps.
30. UN Security Council Resolution 1325 (2000) is the cornerstone resolution on women, peace and security, further reinforced by consequent resolutions on issues related to women participation to peace processes, protection of women from violence and respect of their rights. Together these resolutions create the Global framework for the agenda on Women, Peace and Security. The challenge facing us is how to ensure their concrete and effective implementation, in Africa and globally. In Africa, this framework is supplemented by the AU's own instruments, including the AU Solemn Declaration on Gender Equality in Africa (SDGEA), the Maputo Protocol, and the Africa Decade for Women. Based on the above, the AU makes the following recommendations:
 - (i) Determine a minimum threshold of the proportion of women to be included in peacekeeping operations, all the while ensuring that their basic and specific needs are understood and fulfilled, including the need to be protected from sexual harassment or any other forms of violence against women, and provide facilities to communicate with families on a regular basis.
 - (ii) Increase the proportion of the women in the police component of peace operations, and involve them from the beginning of missions, since experience on the ground has shown that women peacekeepers reassure communities and in particular women victims of the conflict in areas where violence against women has been used as a weapon of war.
 - (iii) Ensure that the terms of reference of mediation and peace building processes have a clear component of women participation, as the basis of their delivery and accountability towards the implementation of the women, peace and security agenda.
 - (iv) The UN and the AU should develop specific tools for the mediation, which can be provided to mediation teams to help increase their understanding and commitment on the issue of women's participation in peacemaking.
 - (v) Work proactively with security and armed forces in Member States hosting peace operations as well as TCCs, to make training programmes on women, peace and security a mandatory part of the curricula for their regular training and not only when they are being prepared for peace support operations. Individual and troops accountability should also be stressed during these trainings.

The AU has already begun to integrate such training into its ASF programme.

- (vi) Invest in conflict prevention and in women's prevention initiatives, particularly in environments that are prone to violence, such as during election periods, and strengthen the participation of women through initiatives such as Women's Situation Rooms, and platforms focused on disseminating information about violence against women in conflict and crisis situations.
- (vii) Ensure that perpetrators of violence against women are held accountable and hence effectively apply zero tolerance policies and act on ensuring accountability thus to end impunity for such crimes. In the case of sexual violence and abuse perpetrated by peacekeepers, the mandating authority (eg. the UN or the AU) should exercise accountability and justice, rather than the TCC, as has been the case to date.
- (viii) Seek to address the scourge of sexual and gender based violence more holistically, as an often deeply engrained societal phenomenon, which requires, among others, the promotion of attitudinal changes and engagement of young males in particular.

Agenda 2063 Framework Document (2015)

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Excerpts

Chapter 1: Introduction

...

Agenda 2063, the continent's shared strategic framework for inclusive growth and sustainable development, takes account of past achievements, challenges and opportunities at the national, continental and global levels to provide the basis and context in which the continent's transformation is being designed and implemented, including:

...

- **An African turning point**, with the end of the Cold War and the destruction of apartheid in Namibia and South Africa, reigniting Africa's determination to end wars and conflicts, to build shared prosperity, to integrate, to build responsive and pluralist democratic governance and to end the continent's marginalization and return to Africa's priorities through the adoption of the New Partnership for Africa's Development and the transformation of the OAU into the African Union. Thus over the last decade Africa has experienced sustained levels of growth, much greater peace and stability and positive movements on several human development indicators. Africa must sustain and consolidate this positive turnaround, using it as a springboard to ensure its transformation and renaissance.
- **The continuities and changes in the African development paradigm and dynamics**, reflected in post-independence state - and nation-building, industrialization and modernization efforts, the fight against disease, and poverty; the focus on deepening Africa's appreciation of its many, diverse assets and the push for integration, as captured in the OAU Charter, the Monrovia Declaration, the Lagos Plan of Action and NEPAD; the sectoral policy frameworks, strategies and architectures including agriculture, peace and security, infrastructure, science and technology, governance, industrialization, education, social policy, culture, sports and health and in normative frameworks around human and people's, children's and women's rights.

Chapter 2: The Vision and African Aspirations for 2063

2.1. African Aspirations for 2063 Africans of diverse social formations and in the Diaspora affirmed the AU Vision of "an integrated, prosperous and peaceful Africa, driven by its own citizens and representing a dynamic force in the international arena" as the overarching guide for the future of the African continent. Further, they reaffirmed the relevance and validity of the OAU/AU 50th Anniversary Solemn Declaration.

The converging voices of Africans of different backgrounds, including those in the Diaspora have painted a clear picture of what they desire for themselves and the continent in the future. From these converging voices, a common and a shared set of aspirations has emerged:

1. A prosperous Africa based on inclusive growth and sustainable development;
2. An integrated continent, politically united, based on the ideals of Pan Africanism and the vision of Africa's Renaissance;
3. An Africa of good governance, respect for human rights, justice and the rule of law;
4. A peaceful and secure Africa;

5. An Africa with a strong cultural identity, common heritage, values and ethics;
 6. An Africa whose development is people-driven, relying on the potential of African people, especially its women and youth, and caring for children; and
 7. Africa as a strong, united, resilient and influential global player and partner
- ...

Aspiration # 4: A peaceful and secure Africa

By 2063, Africa will emerge as a peaceful and secure continent, a conflict-free continent with harmony and understanding among communities at the grassroots level. Inter-state and intra-state wars will be fully eliminated and mechanisms put in place to prevent and/ or immediately resolve any kind of inter-community conflict; and organized crime, terrorism (a major hindrance to peace and development) and other forms of criminal networks, such as piracy fully controlled. Africa will be a drugs-free continent, with no human trafficking. Diversity (ethnic, religious, economic, cultural, etc.) will be a source of wealth and accelerated economic growth rather than a source of conflict.

A prosperous, integrated and united Africa, and an Africa based on good governance, democracy, and respect for human rights, justice and the rule of law are the necessary pre-conditions for a peaceful and conflict-free continent.

A peaceful and secure Africa will be achieved through ensuring that by 2063, Africa will have in place:

- Entrenched culture of peace;
- Security and safety for all citizens; and
- Appropriate majority contributions in defending the continent's security and interest.

By 2020 all guns will be silenced. By 2063, all conflicts emanating from ethnic, religious, cultural diversity and all forms of social exclusion will have been eliminated. National and other mechanisms for peaceful resolution of conflicts will be in place and a culture of peace will be nurtured in Africa's children through integration of peace education in all school curricula.

Africa will have well-built mechanisms for conflict resolution, conflict de-escalation and threat minimization. The norms of alternative dispute resolution mechanisms for inter/intra and cross border conflict arbitration/negotiation schemes will be in place by 2020.

Africa will have in place cooperative mechanisms for dealing with transnational criminal activities such as drug trafficking, money laundering,

cybercrimes, terrorism and related activities through simplification of legal measures, including the putting in place of an African Arrest Warrant System by 2020 and a system for exchange of information.

The continent will have witnessed improved human security with sharp reductions in per capita violent crimes. For Africa's citizenry improved security will be the norm with safe and peaceful spaces for individuals, families and communities.

There will be complete and full civilian control of the uniformed services. Capable, professional and dedicated security services will be the norm and in place across the entire continent.

By 2063, Africa will have the necessary capacity to secure its interests by ensuring a peaceful and a militarily strong continent. Africa will possess strong security with a continental defence and security policy and strategy, so that the continent is capable of defending itself.

African land, air and sea forces for peace and conflict resolution under the appropriate United Africa authority will be established and fully operational. At the same time, national peace structures and mechanisms with standing capacities for conflict prevention and mediation, as well as the enhancement of the African Union capacities in peacekeeping, post conflict activities and peace building will be in place. An African Naval Command will be place to ensure that Africa's maritime interests are secure. Cyber security will be embedded in Africa's security framework, so that protection and defence capability is comprehensive and inclusive.

The present AU peace and security arrangements, their underlying philosophy, operational institutions as well as the partnerships that underpin them will be fully in tune with the realities on the ground and respond to the needs of ending conflicts and securing enduring peace. The African Peace and Security Architecture will be fully operational and supported principally by African resources.

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Aspiration # 7: Africa as a strong, united, resilient and influential global player and partner

Africa will emerge as a strong, united, resilient and influential global player and partner with a bigger role in world affairs.

By 2063, Africa will:

- Be a major partner in global affairs and peaceful co-existence; and
- Take full responsibility to finance her growth and transformation; and will not be donor dependent.

Africa as major partner in global affairs and peaceful co-existence

The African continent will assume its rightful place in assuring global peace and security through its permanent seats on the UN Security Council with all the privileges of permanent membership category, and with a deepened south-south cooperation based on a Common African Foreign Policy. There will be a strengthened African presence in other multilateral fora such as the IMF and World Bank, as well as on those relating to global and regional security.

There will be a self-re-empowerment of Africa; Africa determining its own future, leading its agenda and developing effective partnership frameworks with its external partners.

The new strategic role and place of Africa in the global arena will be based on mutually beneficial partnerships with the outside world. A United Africa will strengthen its capacity and role in global negotiations-in the global economic, environment, security and social negotiations, as well as on the reforms of the multilateral institutions including the UN Security Council based on the African common position enshrined in the Ezulweni consensus and the Sirte Declaration.

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Chapter 3: Africa the Last Fifty Years and the Present: Progress, Challenges and Implications for Agenda 2063

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This chapter analyses in four parts the progress, challenges and opportunities facing the continent in the context of attaining the vision for Africa in 2063.

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Part II takes stock of where the continent stands today; the progress and the challenges. The stocktaking is based on the seven aspirations outlined in chapter two, covering, social, political and economic development, as well as democracy and governance, peace and security, women and youth issues, culture, as well as Africa's place in the global context.

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The African Union

Some of the main challenges faced by the OAU, particularly in the political field, were a combination of its strict adherence to the principle of non-interference in Member States, its subordination to the interests of Member States and persistent financial difficulties. The Sirte Declaration of 1999 was a major effort to reform the organization.

The Constitutive Act of the African Union incorporates the objectives of both the OAU and AEC's and brought in new elements, under its

principles. These included more participation of the African citizens in the activities of the Union; the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, such as war crimes, genocide and crimes against humanity. These were in addition to “the right of Member States to request intervention from the Union in order to restore peace and security; peaceful co-existence of Member States and their right to live in peace and security; and promotion of self-reliance within the framework of the Union”. All this enabled the AU to perform better.

The AU has been able to put in place many important organs, such as, the Pan-African Parliament; the African Court of Justice; the Commission on Human and Peoples Rights; the Peace and Security Council; the Economic, Social, and Cultural Council. It has enhanced not only the involvement of people, including the Africans in the diaspora, but also its relations with Regional Economic Communities (RECs). Above all, Member States have agreed on the AU vision of “an integrated, prosperous and peaceful Africa, driven by its own citizens and representing a dynamic force in the international arena”.

...

3.2.4. A peaceful and secure Africa

Under this aspiration, Africa is envisaged to emerge as a conflict-free continent with harmony among communities at the grassroots level and inter-state and intra-state wars eliminated and mechanisms put in place to prevent and/ resolve conflicts. Diversity (ethnic, religious, economic, cultural, etc.) would be a source of wealth and accelerated economic growth rather than a source of conflict.

The importance of ensuring peace, security and stability of the continent was recognized by the OAU from the very beginning of its existence. It established the Commission of Mediation, Conciliation and Arbitration as well as the Defence Commission and later the Central Organ and its Mechanism for Conflict Prevention, Management and Resolution. Thus peace and security have been at the heart of concerns of Africa’s leadership from the very start.

For many decades, many African countries struggled with the challenges of deficits in governance, in the form of weak institutions, constricted political spaces and non-inclusive processes. These, alongside other factors, such as ethnicity, combined with exogenous factors, particularly the Cold War, made Africa’s peace and security landscape particularly volatile. The continent was the theatre of numerous inter-state conflicts, which were only overtaken both in frequency and intensity by intra-state conflicts after the end of the Cold War.

Many of the armed conflicts in the early decades after independence were fuelled by external interests and had their roots in economic factors. For example, mineral - rich areas were encouraged to secede with support of external forces to facilitate their easy access to these resources (e.g. Shaba in DRC in the 1960s)⁵³. These conflicts left behind a legacy of failed and ungovernable states, insecurity and lack of development, the effects of which are still being felt today.

A deplorable effect of conflict and insecurity in Africa is the forced displacement of millions of people, particularly women and children, coupled with the use of sexual violence as a weapon of war and the phenomenon of child soldiers. These displacements predated the colonial times and continue today. Today, there are nearly 3.4 million refugees and 5.4 million internally displaced persons, and this combined with stateless people brings the total number of the forcibly displaced to 11million in Africa in 2014.

Africa's conflicts also led to the diversion of resources away from critical development imperatives. For example, in some countries, there were prolonged periods of conflicts lasting over 20 years (Angola, Mozambique, Sudan), during which a great proportion of the country's resources were directed to the war efforts. Africa's regional and sub-regional organizations, the OAU/AU and the regional economic communities (RECs), dedicated much of their efforts on peace and security issues at the expense of pursuing their primary mandates of accelerating the continent's economic development and integration. Similarly, Africa's engagement with the rest of the world was generally dominated by calls for the international community to underwrite the cost of the continent's conflicts, as well as to pressure its leadership to get its governance right.

Over the last decades however, there has also been a remarkable overall decline in the number of conflicts on the continent, despite the intractable character of several old conflicts and the emergence of new ones, in places such as South Sudan, Central African Republic and Eastern Democratic Republic of Congo. These positive changes have been bolstered by the sustained economic growth in a number of countries, the increasing trends towards electoral democracy as opposed to unconstitutional changes of government, and the progress made in combating corruption in many countries.

Significantly also, although Africa continues to solicit the support of the international community in the management of its conflicts, the continent has, in the past decade and half, through the African Union, successfully put in place an elaborate peace and security architecture (APSA) intended to address the entire gamut of Africa's peace and security challenges, from

prevention, through conflict management to post-conflict reconstruction and development.

The APSA complements the African Governance Architecture (AGA) and together, they hold great promise in the entrenchment of well-governed, secure and peaceful African states, which would facilitate the emergence of the Africa envisioned in Agenda 2063.

Yet, despite these significant achievements, the continent still faces tremendous challenges, particularly evidenced by recent increases in conflict since 2010, as well as violence and civil protests with potentials to degenerate into civil wars⁵⁴. Incompatibility of positions, competition over scarce resources, behavioural characteristics and mutually opposed goals are some of the factors driving conflicts. Thus the need to build conflict resolution, conflict de-escalation and threat minimization mechanisms, as well as alternative dispute resolution mechanisms for intra/inter and cross border conflicts.

There are also increasing threats posed by emerging transnational crimes such as terrorism and violent extremism, drug trafficking, piracy, illicit arms proliferation, human trafficking and smuggling, and money laundering. Other threats include: the rise in urbanization, social exclusion and unemployment; conflicts over trans boundary resources (e.g. water, oil, gas and minerals); and the impact of climate change and other factors (e.g. population growth) is triggering new conflicts over resources.

AU instruments and decisions pertaining to peace, security and governance provide a solid framework to address the current challenges to peace and security. However, there is a serious lack of a culture of implementation of these instruments and decisions. In this respect, there is a crucial need for a scrupulous and systematic implementation of instruments and decisions adopted by AU and RECs policy organs.

The organization in response to the persistent problem of forced displaced developed landmark instruments as such as: (i) The 1969 OAU Convention Governing Specific Aspects of Refugee Problems in Africa; and (ii) the 2009 AU Convention for the Protection and Assistance of Internally Displaced Persons in Africa, considered the first such legal instrument of its kind. Nonetheless, issues of forced displacement including many protracted refugee situation continue to plague many parts of the continent and urgent measures are needed to tackle the root causes as well as find durable solutions for those affected.

The importance of good governance and functional democracy in preventing and effectively managing conflicts cannot be overstressed. Most of the conflicts in Africa occurred due to deficiencies in ensuring

accountable, transparent and inclusive governance systems, as well as inadequate efforts to address the challenges of poverty and inequality. It is clear that addressing poverty and deficits in governance will go a long way in reducing conflicts and strengthening peace and security of persons, communities and nations and contribute significantly to the socio-economic transformation of the continent envisaged under Agenda 2063.

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3.2.7 Africa as a strong, united, resilient and influential global player and partner

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Global governance

Global governance matters a great deal for Africa as decisions made in global institutions and forums have a direct impact on the wellbeing of Africans and their continent. Yet Africa has to date been a marginal player in the governance of global institutions. This is particularly so with respect to international peace and security, economics, environment, and trade issues, and in other areas.

- International peace and security: will remain for Africa a key priority for the foreseeable future. In particular, the decisions of the UNSC have direct consequences on peace and security on the continent. For example, more than half the resolutions passed by the UNSC in 2011 were directed at Africa. Yet the continent is not among the Permanent Members, and African members of the Council have no veto power. For Africa, the reform of the UNSC is therefore an urgent priority.

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3.3. Lessons from Responses to Africa's Development Challenges at National, Regional and Continental Levels

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Continental level priorities

The AU Constitutive Act, which identifies priority areas, form the basis for the development of continental frameworks such as the PIDA, CAADP, the African Mining Vision, the African Governance Architecture and the African Water Vision amongst others. A review of these frameworks identifies the following priority areas at the continental level:

...

- Peace and security: standby force; alternative mechanisms for conflict resolution.

Conclusions and lessons for Agenda 2063

From the review undertaken, a number of conclusions and lessons emerge.

- (a) At national level, there is strong convergence on some of the

key priorities that are addressed by plans of member states. The priorities reflected in most Member States plans include: inclusive economic growth/wealth creation; human capital development; employment; governance/public sector reform; and Gender, women and youth/social protection.

- (b) However, there are areas unique to some Member States, reflecting their national circumstances and interests. For example, member states coming out of civil wars / national strife, tend to place greater emphasis on peace and stability and post conflict reconstruction; island countries focus on issues related to the blue economy; while landlocked countries pursue issues related to regional integration in transport infrastructure.

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Chapter 4: Agenda 2063: Goals, Priority Areas, Targets and Indicative Strategies

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4.4. The Agenda 2063 Flagship Programmes

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The Key Agenda 2063 Flagship programmes agreed to by Africa's political leadership are the following:

...

(vii) Silencing the Guns by 2020: aims to fulfil the pledge of the AU Heads of State and Government meeting on the occasion of the Golden Jubilee Anniversary of the founding of the OAU, "not to bequeath the burden of conflicts to the next generation of Africans, "to end all wars in Africa by 2020" and "make peace a reality for all African people and rid the continent free of wars, end inter- and intra-community conflicts, violations of human rights, humanitarian disasters and violent conflicts, and prevent genocide."

...

Chapter 5: Critical Factors for Success, Potential Risks and Mitigation Strategies

...

5.2. Risks, Threats and Mitigation Strategies

Existing and new threats faced by the continent, include scrambles for its resources in the face of changing global demands and demographics; undue external influence in the affairs of the continent; Africa's disproportionate burden of the impact of climate change; and the huge scale of illicit outflows of African resources and capital.

More specifically, the key risks/ threats are:

- (a) **Conflict, instability and insecurity:** in the past 50 years, many African countries have experienced varying degrees of conflict and insecurity caused by, among others,: (i) lack of sound governance and democracy; (ii) poor management of diversities – ethnic, religious; (iii) severe competition over scarce resources (land, minerals, water, timber, etc.); (iv) poor economic management; and (v) natural and man-made disasters. Although many African countries are stable and much stronger today compared to the immediate post-independence years, the threat of state fragility lingers on with potential to spill over to neighbouring countries. The new trend in politics associated with the “street” can have a destabilizing effect if not properly managed.
- ...
- (c) **Organized crime, drugs trade and illicit financial flows:** in the past decade, international drug cartels have used West Africa as a major transit route to Europe. The United Nations Office for Drugs and Crime has estimated that at least 50 tons of cocaine worth some US\$2billion from Latin America transits through West Africa every year. The trade has corrupted government officials and the military in some countries. The proliferation of maritime piracy in Africa has also been closely related to state fragility. Today maritime piracy is staged mainly from two regions of Africa: the Horn and the Gulf of Guinea. Similar to drug trafficking, piracy also distorts regional economies. For example, Kenya’s tourist industry was seriously affected by the activities of the pirates and the government was forced to take extraordinary measures. Illicit financial flows divert much needed finance away from development of Africa to elsewhere in the world.
- (d) **Poor management of diversities; religious extremism, ethnicism and corruption:** since the creation of the OAU, Africa has been successful in forging solidarity and building upon shared values and history while taking full cognizance of her diversity (economic wealth, stage of development and culture). However, religious extremism, ethnicism and corruption have compounded the challenges of managing diversity because of sharp economic and social rifts they create among groups.
- ...
- (f) **Escalation of Africa’s disease burden:** A combination of several factors including inadequate investments in public health system, its geographic location, i.e., largely tropical location, poverty, poor nutrition and sanitation have exposed Africa to disproportionately heavy disease burden compared to other developing countries. New viruses and diseases may also emerge in the future.
- (g) **Climate risks and natural disasters:** Climate change will continue to adversely impact Africa’s development for many years to come.

In 2007, the Inter-Governmental Panel on Climate Change (IPCC) declared Africa as one of the most vulnerable continents to climate change and climate variability, a situation aggravated by the interaction of multiple stresses at various levels and the continent's low adaptive capacity. Africa has also limited capacity for disaster preparedness and prevention, and every natural disaster leaves a trail of human and material destruction. There are also substantial risks of land grabs and privatization of the commons, which would accentuate vulnerability to climate risks.

...

5.3. Global Mega Trends and Forces

...

Climate change and the low carbon economy

Climate change impacts on Africa are expected to be severe, pervasive, cross-sectoral, long-term, and in several cases, irreversible. IPCC estimates median temperature increases of 3°C to 4°C for Africa, one-and-a-half times greater than the global mean increase of 2.0°C and 4.5°C by the end of the century, which, among other things, will force Africa's fish to migrate to European waters. It will also threaten Africa's fragile peace and security through worsening environmental stress, inducing population displacement, spontaneous large-scale migration, land encroachment, and creating refugees.

Sea level rise and erosion of coastal areas are predicted to severely impact major African cities: Abidjan, Accra, Alexandria, Algiers, Cape Town, Casablanca, Dakar, Dar es Salaam, Djibouti, Durban, Freetown, Lagos, Libreville, Lome, Luanda, Maputo, Mombasa, Port Louis, and Tunis. Small Islands are also particularly vulnerable.

Over all, the prevalence and severity of extreme events such as heat and cold waves, dust storms, severe winds, floods, droughts, greater rainfall variability and patterns are expected to distort traditional crop cycles, and diminish agricultural and industrial raw materials productivity as well as export earnings, and increase plant and animal pests and diseases.

Natural resource depletion and demand shifts

Deforestation results in significantly environmental degradation, diminished earnings with negative social and environmental consequences, including: deterioration of ecological systems with resulting negative impacts on soil fertility, water availability and biological resources and acute shortages of fuel wood and construction material in many parts of the continent.

While managing natural resource scarcities and abundance has the

potential to define Africa's development, peace and security agenda, Africa's challenges and opportunities include:

- Water scarcity: which can trigger conflicts and crisis;
- The scramble for Africa's vast arable land resources;
- Mineral processing technologies - improving efficiency of resource exploitation (yield rate); and developing applications for lower grade ore; and
- Blue/ocean economy, including deep sea mining and reclaiming Africa's maritime heritage.

...

African Peace and Security Architecture (APSA) Roadmap 2016-2020 (2015)

Full title: African Peace and Security Architecture (APSA) Roadmap 2016-2020

Date/place of adoption/conclusion: December 2015

Available online at: <https://bit.ly/2ZQyA4B>

Master Roadmap of Practical Steps to Silence the Guns in Africa by Year 2020 (Lusaka Master Roadmap 2016) (2016)

Full title: Master Roadmap of Practical Steps to Silence the Guns in Africa by Year 2020

Date/place of adoption/conclusion: 9 November 2016, Lusaka, Zambia

Available online at: <https://bit.ly/3iH3xAS>

* Developed by the Peace and Security Council during its Retreat on Practical Steps to Silence the Guns in Africa by 2020, 7-9 November 2016, Lusaka, Zambia

** Endorsed by the Twenty-Eighth Ordinary Session of the Assembly of the African Union, 30-31 January 2017, Addis Ababa, Ethiopia, Decision: Assembly/AU/Dec.629 (XXVIII) and Decision: Assembly/AU/Dec.630 (XXVIII).

See also:

- Plan of Action on a Landmine Free Africa Adopted at the 1st Continental Conference of African Experts on Anti-Personnel Mines (17-19 May 1997, Kempton Park, South Africa, endorsed by the 66th Ordinary Session of the OAU Council of Ministers, 26 – 30 May 1997, Harare, Zimbabwe)
- Common African Position on Anti-Personnel Land Mines Adopted at the 2nd Continental Conference of African Experts on Landmines | Kempton Park – Seven Years After (17 September 2004, Addis Ababa, Ethiopia) available online: <https://bit.ly/2O5OSBj>
- Policy on Post-Conflict Reconstruction and Development (PCRD) (July 2006, Banjul, The Gambia) available online at: <https://bit.ly/2ZW10do>
- Declaration on the Union Border Programme and its Implementation Modalities (7 June 2007) available online at: <https://bit.ly/2Z9AWwe>
- AU Continental Early Warning System: The CEWS Handbook (2008) available online: <https://bit.ly/2Z9AY7k>
- Akosombo Declaration (Second Meeting of the Chief Executives of the African Union and the Regional Economic Communities (RECs)/ Regional Mechanisms for Conflict Prevention, Management and Resolution (RMs) (10 – 11 December 2009, Akosombo, Ghana) available online: <https://bit.ly/3ecpG6A>
- Zanzibar Declaration (Third Meeting of the Chief Executives of the African Union and the Regional Economic Communities (RECs)/ Regional Mechanisms for Conflict Prevention, Management and Resolution (RMs) (8 November 2010, Zanzibar, Tanzania) available online: <https://bit.ly/2ZLWP3W>
- Agreement between The Republic of Sudan and the Republic of South Sudan on the Demarcation of the Boundary (13 March 2012, Addis Ababa, Ethiopia) available online at: <https://bit.ly/3fjMRgU>
- African Union Common Position on an Arms Trade Treaty (2013) available online at: <https://bit.ly/3gKQ0Gv>
- Action Plan for the Implementation of the African Union Strategy on the Control of Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons (2013) available online at: <https://bit.ly/2W25YEr>
- Aide Mémoire for the Consideration of Issues Pertaining to the Protection of Civilians in Africa (December 2013) available online: <https://bit.ly/31Zx6rB>
- Silencing the Guns, Owning the Future: Realising a conflict-free Africa (Fifth High African Union High-Level Retreat on the Promotion of Peace, Security and Stability in Africa, 21-23 October 2014, Arusha,

- Tanzania) available online at: <https://bit.ly/3iMyIjR>
- Windhoek Declaration: ‘Silencing the Guns – Terrorism, Mediation and Armed Groups’ (10 November 2015, Addis Ababa, Ethiopia) available online at: <https://bit.ly/2Cm6LZH>
 - The African Union Mine Action and Explosive Remnants of War Strategic Framework (April 2014 – December 2017) available online at: <https://bit.ly/2O6w44D>
 - Instrument Relating to the African Union Peace Fund (January 2018) available online: <https://bit.ly/31WVzh6>
 - Bamako Declaration on Access to Natural Resources and Conflicts between Communities (29 November 2019, Bamako, Mali)
 - African Union Policy Guideline on the Role of the African Standby Force in Humanitarian Action and Natural Disaster Support (2019) available online: <https://bit.ly/2DiUJko>
 - 2019 African Regional Integration Report | Towards an Integrated, Prosperous and Peaceful Africa: Voices of the RECs (African Union Commission 2019) available online: <https://bit.ly/31ZCDhO>
 - The Africa Governance Report: Promoting African Union Shared Values (January 2019) available online at: <https://bit.ly/2ZQbxa9>
 - OpED: Peace and Security amidst COVID-19 by H.E Amb. Smail Chergui, AU Commissioner for Peace and Security (17 April 2020) available online at: <https://bit.ly/3e8j09v>

Disarmament, Demobilisation and Reintegration Capacity Program

- Reintegration Operational Guidelines (2014, African Union Commission, Addis Ababa, Ethiopia) available online at: <https://bit.ly/2BVDHIT>
- Operational Guidelines on DDR for Women (2014, African Union Commission, Addis Ababa, Ethiopia) available online: <https://bit.ly/3iLdKfG>
- DDR and Children (2014, African Union Commission, Addis Ababa, Ethiopia) available online at: <https://bit.ly/2CkTjoY>
- National DDR Frameworks | Operational Guidelines (2014, African Union Commission, Addis Ababa, Ethiopia) available online: <https://bit.ly/3gMmWyJ>
- AU Guidelines on Detention and DDR (2014, African Union Commission, Addis Ababa, Ethiopia) available online at: <https://bit.ly/2DjUDsJ>

Selected Communiques and reports of the PSC:

The invocation of Article 4(h) during the Burundi crisis of 2015

- Communique of the 565th PSC meeting (17 December 2015, PSC/PR/COMM.(DLXV) available online at: <https://bit.ly/3feFTJZ>

Novel and emerging threats in Africa

Public health threats, including Ebola, novel coronavirus (COVID-19); threat to peace and security potential

- Communique of the 450th PSC meeting, deployment of an AU-led Military and Civilian Humanitarian Mission (ASEOWA) (19 August 2014, PSC/PR/COMM. (CDL) available online at: <https://bit.ly/38FGmSK>
- Communique of the 464th PSC meeting (29 October 2014, PSC/PR/COMM. (CDLXIV) available online at: <https://bit.ly/2ZbuBA1>
- Communique of the 484th PSC meeting (29 January 2015, PSC/AHG/COMM.3 (CDLXXXIV) available online at: <https://bit.ly/3gMn4OJ>
- Communique of the 570th PSC meeting on the Ebola outbreak in Guinea, Liberia and Sierra Leone (21 December 2015, PSC/PR/COMM. (DLXX) available online at: <https://bit.ly/2VYJxA8>
- Press statement on 'Public Health Threats to Peace and Security in Africa' (PSC 742nd meeting, 11 January 2018, PSC/PR/BR.(DCCXLII) available online at: <https://bit.ly/2W3jUOm>
- Communique of the 862nd PSC meeting (23 July 2019, PSC/PR.COMM. (DCCCLXII) available online at: <https://bit.ly/3iUCrqa>
- Press statement on Ebola and Coronavirus outbreak (PSC 910th meeting, 13 February 2020, PSC/PR/BR.(CMX) available online at: <https://bit.ly/2Zc2wZX>
- Communique of the 915th PSC meeting (9 March 2020, PSC/PR/COMM. (CMXV) available online at: <https://bit.ly/2Z9PrQJ>

Climate change

- Press statement: 'The impact of El Nino on Peace, Security and Stability in Africa and the Humanitarian Consequences' (PSC 558th meeting, 19 November 2015, PSC/PR/1. (DLVIII) available online at: <https://bit.ly/38E42qK>
- Press statement: 'Climate change: State fragility, peace and security in Africa' (PSC 585th meeting, 30 March 2016, PSC/PR/BR (DLXXXV) available online at: <https://bit.ly/2DjVmtX>
- Press statement: "The link between climate change and conflicts in Africa and addressing the security implications' (PSC 774th meeting, 21 May 2018, PSC/PR/BR.(DCCLXXIV) available online at:

<https://bit.ly/3gFALib>

Cyber Security (threat of)

- Press statement: ‘The crucial role of cyber security in the promotion and maintenance of peace and security in Africa’ (PSC 627th meeting, 26 September 2016, PSC/PR/BR. (DCXXVII) available online at: <https://bit.ly/3ehnvP3>
- Communique of the 850th PSC meeting (20 May 2019, PSC/PR/COMM. (DCCCL) available online at: <https://bit.ly/2DsANff>

AU-led Regional Cooperative Initiative for the Elimination of the Lord’s Resistance Army (RCI-LRA)

- Communique of the 299th PSC meeting on the operationalisation of the RCI-LRA (22 November 2011, PSC/PR/COMM. (CCXCIX) available online at: <https://bit.ly/2OaNyNy>
- Press Release: The African Union – LED Regional Cooperative Initiative for the Elimination of the Lord’s Resistance Army enters its Operational Phase (27 March 2012) available online at: <https://bit.ly/2ZUqB6r>
- Communique of the 321st PSC meeting (22 May 2012, PSC/PR/COMM. (CCCXXI) available online at: <https://bit.ly/3iDNHH8>
- Communique of the 380th PSC meeting on the implementation of the RCI-LRA (17 June 2013, PSC/PR/COMM.2 (CCCLXXX) available online at: <https://bit.ly/3fdV06p>
- Communique of the 601st PSC meeting (30 May 2016, PSC/PR/COMM. (DCI) available online at: <https://bit.ly/2ZPNubf>
- Press release: ‘The Summit of the Regional Cooperation Initiative for the Elimination of the Lord’s Resistance Army’ (29 January 2017) available online at: <https://bit.ly/3iIb5mV>
- Communique of the 685th PSC meeting (12 May 2017, PSC/PR/COMM. (DCLXXXV) available online at: <https://bit.ly/3gH37sy>
- Communique of the 795th PSC meeting (20 September 2018, PSC/COMM. (DCXCV) available online at: <https://bit.ly/3edlJhZ>

Silencing the Guns in Africa by Year 2020

- Press release: ‘Silencing guns in Africa: Building a Roadmap to a Conflict-Free Continent’ (29 April 2014, Durban, South Africa) available online at: <https://bit.ly/3iEDTkJ>
- Communique of the 648th PSC meeting, 16 January 2017, PSC/PR/COMM. (DCXLVIII) available online at: <https://bit.ly/3edlm7c>
- Communique of the 776th PSC meeting, 24 May 2018, PSC/PR/COMM. (DCCLXXVI) available online at: <https://bit.ly/3egV6J4>
- Press statement (PSC 788th meeting, 7 August 2018, PSC/PR/BR. (DCCLXXXVIII) available online at: <https://bit.ly/2DqpXX1>

- Press statement (PSC 874th meeting, 5 September 2019, PSC/PR/BR. (DCCCLXXIV) available online at: <https://bit.ly/3gFKAN3>

Selected decisions of the Assembly:

- Decision on the Prevention and Combatting of Terrorism (15th Ordinary Session, 27 August 2010, Kampala, Uganda) Assembly/AU/Dec.311(XV) available online at: <https://bit.ly/31YX9Pn>
- Decision on the Prevention of Unconstitutional Changes of Government and Strengthening the Capacity of the African Union to Manage such Situations
- 14th Ordinary Session, 2 February 2010, Addis Ababa, Ethiopia: Assembly/AU/Dec.269 (XIV) Rev.1 | available online at: <https://bit.ly/2W0Z82a>
- 13th Ordinary Session, 3 July 2009, Sirte, Libya: Assembly/AU/Dec.253 (XIII) available online at: <https://bit.ly/3edRWpi>
- 12 August 2000, AHG/Dec. 150(XXXVI) available online at: <https://bit.ly/2ZLYFSo>
- 12 August 2000, AHG/Decl.5 (XXXVI) available online at: <https://bit.ly/2AHsnPU>
- Decision to Combat the Payment of Ransom to Terrorist Groups (13th Ordinary Session, 3 July 2009, Sirte, Libya) Assembly/AU/Dec.256(XVIII) available online at: <https://bit.ly/3fcTYHD>
- Decision on the Establishment of an African Defence Council (13th Ordinary Session, 3 July 2009, Sirte, Libya) available online at: <https://bit.ly/2ZdThbD>
- Decision on the Establishment of the African Agency for the Protection of Territorial and Economic Waters of African Countries (13th Ordinary Session, 3 July 2009, Sirte, Libya) available online at: <https://bit.ly/2Za8jPF>
- Decision on the Resurgence of the Scourge of Coups d'état in Africa (3 February 2009) Assembly/AU/Dec.220 (XII) available online at: <https://bit.ly/2OalB8w>
- Decision on the Draft African Union Non-Aggression and Common Defence Pact (31 January 2005) Assembly/AU/Dec.71(IV) available online at: <https://bit.ly/2ZcXNas>
- Decision on the African Standby Force (ASF) and the Military Staff Committee (MSC) (8 July 2004) Assembly/AU//Dec.35(III) Rev.1 | available online at: <https://bit.ly/38Hlcnt>
- Decision on the Operationalisation of the Protocol Relating to the Establishment of the Peace and Security Council of the African Union (8 July 2004) Assembly/AU/Dec.34(III) available online at: <https://bit.ly/2VVIINR>
- (12 July 2003) Assembly/AU/Dec.16(III) available online at: <https://bit.ly/3fdOEUI>

- Decision on the Conference on Security, Stability, Development and Cooperation (CSSDCA)
- (8 July 2002) AHG/Dec. 175(XXXVIII) available online at: <https://bit.ly/2BV8yFj>
- (12 July 2000) AHG/Decl.4 (XXXVI) available online at: <https://bit.ly/38Ewadm>
- Decision on the Lockerbie Case (8 August 2002) AHG/Dec. 174 (XXXVIII) available online at: <https://bit.ly/3gHAOKp>
- Decision on Chagos Archipelago (12 July 2000) AHG/Dec.159 (XXXVI) available online at: <https://bit.ly/2W0RQvj>
- Resolution on Israel Aggression Against Uganda (6 July 1976) AHG/Res.83(XIII) available online at: <https://bit.ly/2CfQWEa>
- Territories under Portuguese Domination
- (26 October 1965) AHG/Res.35(II) available online at: <https://bit.ly/3fjOtqY>
- (21 July 1964) AHG/Res.8(I) available online at: <https://bit.ly/2ZRi9Fd>
- Denuclearisation of Africa (21 July 1964) AHG/Res.11(I) available online at: <https://bit.ly/3edmBDh>

The Situation in Southern Africa: Apartheid South Africa, Namibia, and Rhodesia (Decisions by the Assembly and Council of Ministers)

- Resolution on the African Anti-Apartheid Committee (22 July 1989) CM/Res.1208(L) available online at: <https://bit.ly/3211e5M>
- Resolution Against Military and Nuclear Collaboration with Apartheid South Africa (25 February 1989) CM/Res.1179(XLIX) available online at: <https://bit.ly/31VPPnT>
- Declaration on Southern Africa (29 July 1987) AHG/Decl.2 (XXIII) available online at: <https://bit.ly/2ZUt150>
- Statement of Critical Situation in Southern Africa (30 July 1986) AHG/St.5 (XXII) available online at: <https://bit.ly/38EQFql>
- Decision on the Sensitization of the African Youth on the Question of Apartheid (30 July 1986) AHG/Decl.2(XXII) available online at: <https://bit.ly/2Zf3e8R>
- Declaration on Southern African made by the Assembly of Heads of State and Government of the OAU at the Twentieth Ordinary Session (15 November 1984) AHG/Decl.1(XX) available online at: <https://bit.ly/2Ce720V>
- Special Resolution on Sanctions Against the Smith Regime (22 July 1978) AHG/Res.89(XV) available online at: <https://bit.ly/2ZawFZq>
- Resolution on the Interference of the Internal Affairs of African States (5 August 1977) AHG/Res.85(XIV) available online at: <https://bit.ly/3ecgSOi>
- Resolution on the Security of Countries Nearest to the Southern

Africa Battlefield (6 July 1976) AHG/Res.80(XIII) available online at: <https://bit.ly/38H1c4m>

- Resolution on Namibia (23 June 1971) AHG/Res.65(VIII) available online at: <https://bit.ly/2O86YT5>
- Southern Rhodesia (26 October 1965) AHG/Res.25(II) available online at: <https://bit.ly/3fcG3S9>
- Apartheid and Racial Discrimination in the Republic of South Africa (26 October 1965) AHG/Res.34(II) available online at: <https://bit.ly/2DgiIAH>
- The Territorial Integrity of Basutoland, Bechuanaland and Swaziland (21 July 1964) AHG/Res.12(I) available online at: <https://bit.ly/2Cilx3W>
- Southern Rhodesia (21 July 1964) AHG.Res.8(I) available online at: <https://bit.ly/38I9Yik>
- Apartheid and Racial Discrimination (21 July 1964) AHG/Res.5(I) available online at: <https://bit.ly/2W2UfFD>
- Apartheid in South Africa (21 July 1964) AHG/Res.5(I) available online at: <https://bit.ly/2CmoFMg>

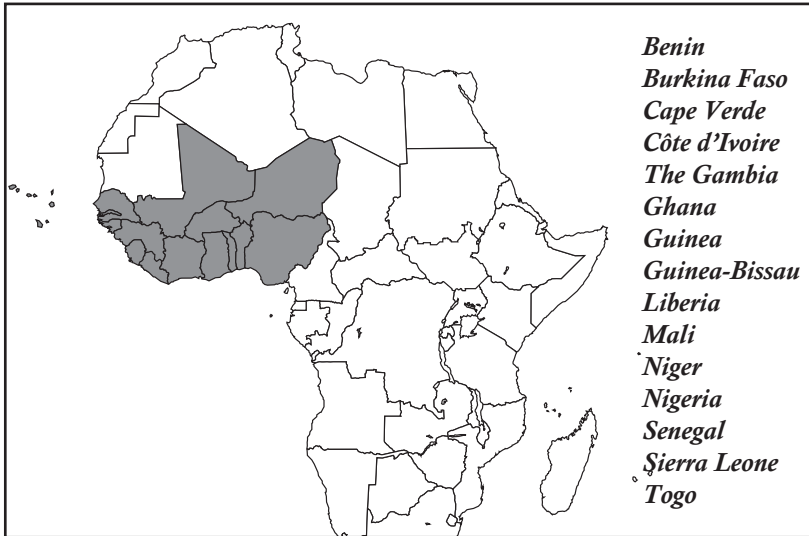
Chapter 3

The Economic Community of West African States

1 Introduction

The Economic Community of West African States (ECOWAS) was established as a sub-regional economic community on 28 May 1975 with the adoption of the Treaty of Lagos. The organisation initially focused on consolidating economic and monetary issues, with a particular outlook on co-operation in the fields of industry, transport, telecommunication, energy, agriculture, natural resources and commerce. Following three military interventions in the 1990s, the initially purely economically intended community began shifting its aims, revising its founding treaty and adopting protocols to strengthen legal foundations for military and peacekeeping operations. Fifteen member states make up ECOWAS and it is composed of among others: the Authority of the Heads of State and Government, the highest governing structure of the organisation; the Council of Ministers, consisting of two representatives of each member state; the Executive Secretariat, the principal executive officer of the organisation; and the Tribunal of the Community, which ensures the observance of law and interpretation of the ECOWAS founding treaty. Additionally, the Mediation and Security Council takes decisions relating to peace and security in the sub-region on behalf of the Authority of Heads of State and Government.

Member States



ECOWAS Military Interventions and Peacekeeping Missions

Beyond the limited interventions undertaken by the Southern African Development Community into the Democratic Republic of the Congo and Lesotho, ECOWAS remains one of the only Regional Economic Communities to have undertaken numerous peacekeeping operations into its member states. To date, ECOWAS has intervened militarily or deployed peacekeeping troops to Liberia, Sierra-Leone, Guinea-Bissau, Côte d'Ivoire, Mali and The Gambia.

ECOWAS intervention in Liberia (ECOMOG I) (1989-1996)

Prompted by the Liberian Civil War of 1989, ECOWAS first intervened militarily in Liberia when it established the ECOWAS Monitoring Group (ECOMOG). Upon the seizure of large parts of Liberia by Charles Taylor and the National Patriotic Front of Liberia, Liberian President Samuel Doe formally requested ECOWAS assistance. The decision to deploy ECOMOG was taken by the ECOWAS Standing Mediation Committee (SMC). The SMC's decision to deploy ECOMOG was likely taken pursuant to the Protocol on Mutual Assistance of Defence and was to among others, ensure the observance of a ceasefire; oversee elections; and ensure the creation of an interim government. The deployment came to an end in 1997 when the parties

to the conflict signed several peace agreements, including the Yamoussoukro, Cotonou and Abuja Peace Accords.

ECOWAS intervention in Sierra Leone (ECOMOG II) (1997-2000)

Following from its operations in Liberia, in 1997 ECOWAS was again forced to act during the Sierra Leone Civil War. While the intervention was primarily aimed at restoring the elected government under President Ahmed Kabbah – it fell short of ending the conflict of the civil war. Its deployment in Sierra Leone was again undertaken by ECOMOG and was primarily lead by Nigeria. The deployment was able to reinstate President Kabbah by March 1998 and remained in Sierra Leone until early 2000.

ECOWAS intervention in Guinea-Bissau (1998)

In 1998, ECOMOG forces were deployed to the Guinea-Bissau and Senegal border following the ousting of President Bernardo Vieira of Guinea-Bissau. The ECOMOG deployment was a result of the Abuja Accords, signed by President Vieira and military junta, which specifically provided for its deployment. Under the agreement, ECOMOG was to guarantee security along the border between the states, keep the warring parties apart, and guarantee access to humanitarian organisations. The ECOMOG deployment was subsequently authorised under United Nations Security Council Resolution 1216 (1998) as set out in the Abuja Accords.

ECOWAS intervention in Côte d'Ivoire (ECOMICI) (2003, 2011)

Having witnessed a coup against President Laurent Gbagbo, ECOWAS deployed its Mission in Côte d'Ivoire (ECOMICI) to reinstate the ousted president. The ECOWAS mission was endorsed and authorised by UN Security Council Resolution 1464 (2003) and was eventually able to restore President Gbagbo to power.

Ironically, some seven years later, ECOWAS intervened again in Côte d'Ivoire – this time to remove President Gbagbo who had lost elections to incoming president Alassane Ouattara and subsequently refused to relinquish rule. On 28 December 2010, the ECOWAS Authority of Heads of State and Government gave Gbagbo an ultimatum – allow a transition of power or face the use of force to enforce the election results. On 30 March 2011 the United Nations Security Council adopted Resolution 1975 (2011) authorising limited force to stabilise post-election violence as well as recalling authorisation to the

United Nations Operation in Côte d'Ivoire (UNOCI). Assisted by ECOWAS forces, UNOCI was able to significantly improve the situation on the ground. On 14 April 2011, Gbagbo was ousted from office and President Ouattara was subsequently installed as the legitimate head of state.

ECOWAS intervention in Mali (AFISMA) (2013)

In January 2013, armed conflict erupted in Mali between government forces and Tuareg Rebels. Several weeks later and increasing conflict in the country's north saw a coup unfold against President Amadou Toure. ECOWAS responded to these events with the United Nations Security Council authorised African-led International Support Mission to Mali (AFISMA). AFISMA was initially to be deployed in September 2013 but was officially deployed on 19 January 2013 after unexpected rebel advances. It is worth noting that the AFISMA deployment was preceded with a planned deployment of an ECOWAS Mission in Mali (MICEMA). A lack of logistical and political will meant that MICEMA was never able to go beyond its planning phase. While the follow up AFISMA deployment was welcomed by many and formally supported by the United Nations Security Council, financial strain and a lack of logistical capacity to sustain the mission exposed inherent ECOWAS dependence on United Nations and European Union assistance (which proved crucial to its eventual deployment). On 1 July 2013, AFISMA was transformed into a United Nations peacekeeping mission – the United Nations Multidimensional Integrated Stabilisation Mission in Mali.

ECOWAS intervention in The Gambia (ECOMIG) (2017)

In 2017, the election defeat of Yahya Jammeh by President-elect Adama Barrow was foreshadowed by tension and a reluctance on the part of the former president to allow for a transition in power. Having initially accepted defeat, Jammeh soon disputed and eventually pronounced his rejection of the election results. On 19 January 2017, ECOWAS deployed a limited military intervention into The Gambia (ECOMIG) codenamed *Operation Restore Democracy*. The principal aim of the intervention was to enforce the election results and ensure Jammeh stepped down from the presidency. The intervention saw an albeit brief open conflict between ECOWAS forces and Gambian troops loyal to Jammeh. Upon presenting Jammeh one final opportunity to step down, the former president chose to relinquish power and left The Gambia two days later.

2 Treaties

Protocol on Non-Aggression (1978/1982)

Full title: Protocol on Non-Aggression

Date/place of adoption/conclusion: 22 April 1978, Lagos, Nigeria

Entered into force (EIF): 22 April 1978 (provisionally), 13 May 1982 (definitively)

EIF provision: Article 6(I)

Authentic texts: English, French

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

The High Contracting Parties

Considering that the Economic Community of West African States, (hereinafter referred to as the “Community”), set up by virtue of the Treaty of May 28, 1975, cannot attain its objectives save in an atmosphere of peace and harmonious understanding among the Member States of the Community;

Recalling Article 2 (4) of the United Nations Charter which provides that all Member States shall refrain, in their international relations, from the threat or use of force against the territorial integrity or independence of any State, or any other manner inconsistent with the purposes of the United Nations;

Recalling Article 3 (3) of the Charter of the Organisation of African Unity which provides for the respect of the sovereignty and territorial integrity of each State and its inalienable right to independent existence;

Recalling the Resolution of the Summit Meeting of Heads of State and Government of the Community, held in Lomé on 5 November, 1976 regarding the signing of an Annexed Protocol on non-recourse to force by Member-States of the Community;

Agree as follows:

Article 1

Member States shall, in their relations with one another, refrain from the threat or use of force or aggression or from employing any other means inconsistent with the Charters of the United Nations and the Organisation of African Unity against the territorial integrity of political independence of other Member-States.

Article 2

Each Member State shall refrain, from committing, encouraging or condoning acts of subversion, hostility or aggression against the territorial integrity or political independence of the other Member-States.

Article 3

Each Member State shall undertake to prevent Foreigners resident on its territory from committing the acts referred to in Article 2 above against the sovereignty and territorial integrity of other Member-States.

Article 4

Each Member State shall undertake to prevent non-resident Foreigners from using its territory as a base for committing the acts referred to in Article 2 above against the sovereignty and territorial integrity of Member States.

Article 5

1. Member States pledge to respond to all peaceful means in the settlement of disputes arising among themselves.
2. Any dispute which cannot be settled peacefully among Member States shall be referred to a Committee of the Authority. In the event of failure of settlement by the aforementioned Committee the dispute shall finally go to the Authority.
3. The composition and the mandate of the Committee referred to in the preceding paragraph shall be decided upon by the Authority.

Article 6

1. This Protocol shall come into effect provisionally on signature by the Heads of State and Government, and definitively on ratification by at least seven signatory States, in conformity with the constitutional regulations of each Member-State.
2. This Protocol, as well as all the Instruments of Ratification, shall be deposited with the Executive Secretariat who shall transmit certified true copies of this Protocol to all Member-States informing them of the dates on which the Instruments of Ratification have been deposited. The Protocol shall be registered with the Organisation of African Unity, the United Nations Organisation and any other Organisations approved by the Authority.
3. Any Member State may accede to this Protocol and the instrument of accession shall be deposited with the Executive Secretariat.
4. This Protocol shall be annexed to and form an integral part of the Treaty.

Protocol Relating to Mutual Assistance on Defence (1981/1986)

Full title: Protocol Relating to Mutual Assistance on Defence

Date/place of adoption/conclusion: 29 May 1981, Freetown, Sierra Leone

Entered into force (EIF): 29 May 1981 (provisionally), 30 September 1986 (definitively)

EIF provision: Article 24

Authentic texts: English, French

Available online at: <https://bit.ly/2CfIS7o>

Preamble

The Governments of the Member States of the Economic Community of West African States;

Recalling Article 2 of the United Nations Charter which calls upon all Member States to refrain in their international relations from resorting to the use of threats of force either against the territorial integrity or the independence of all States in any manner that is incompatible with the aims of the United Nations or from interfering in the internal affairs of other States;

Recalling Article 3 of the Charter of the Organization of African Unity which calls upon Member States to respect the sovereignty and territorial integrity of each State and its inalienable right to an independent existence; Mindful of the Treaty setting up the Economic Community of West African States;

Recalling the Protocol on Non-Aggression signed in Lagos on 22nd April 1978 in accordance with which Member States resolved not to use force as a means of settling their disputes;

Convinced that economic progress cannot be achieved unless the conditions for the necessary security are ensured in all Member States of the Community;

Considering that Member States belong to the same geographical area;

Conscious of the serious continuous threats of aggression on the African continent in general and their own countries in particular;

Conscious of the serious risks that the presence of foreign military bases on the African continent may constitute as support forces to external aggression;

Firmly resolve to safeguard and consolidate the independence and the sovereignty of Member States against foreign intervention;

Conscious of the fact that external defence of their states depends entirely on each sovereign state, and that such a defence will be more effective with

the coordination and pooling together of the means of mutual assistance provided by respective Member States within the framework of this Protocol;

Desirous of maintaining the ties of friendship existing amongst Member States and of strengthening their cooperation in all fields on the basis of equality, mutual interests and respects;

Have agreed as follows:

Chapter I: Definitions

Article 1

Within the context of this Protocol,

“Treaty” means the Treaty of the Economic Community of West African States;

“Community” means the Economic Community of West African States;

“Authority” means the Authority of Heads of State and Government as defined in Article 5 of the Treaty;

“Member State” or “Member States” means a Member State or Member States of the Community;

“Executive Secretary” means Executive Secretary of the Community as defined in Article 8 of the Treaty;

“Aggression” means the use of armed force by any State against the sovereignty and territorial integrity or political independence of another State or by any other manner incompatible with the Charter of the United Nations and OAU;

“Assistance on Defence” means all military aid (material, technical and personnel).

Chapter II: Objectives

Article 2

Member States declare and accept that any armed threat or aggression directed against any Member State shall constitute a threat or aggression against the entire Community.

Article 3

Member States resolve to give mutual aid and assistance for defence against any armed threat or aggression.

Article 4

Member States shall also take appropriate measures such as specified in Articles 17 and 18 of the present Protocol in the following circumstances:

- (a) In case of armed conflict between two or several Member States if the settlement procedure by peaceful means as indicated in Article 5 of the Non-Aggression Protocol mentioned in the Preamble proves ineffective;
- (b) In case of internal armed conflict within any Member State engineered and supported actively from outside likely to endanger the security and peace in the entire Community. In this case the Authority shall appreciate and decide on this situation in full collaboration with the Authority of the Member State or States concerned.

Chapter III: Institutions

Article 5

The institutions for the implementation of this Protocol shall be:

- The Authority
- The Defence Council
- The Defence Commission

Section I – The Authority

Article 6

1. The Authority on the occasion of the annual ordinary meeting of ECOWAS shall examine general problems concerning peace and security of the Community;
2. The Authority may also hold extraordinary sessions on defence matters where circumstances so require;
3. The Authority shall decide on the expediency of the military action and entrust its execution to the Force Commander of the Allied Forces of the Community (AAFC);
4. Decisions taken by the Authority shall be immediately enforceable on Member States.

Section II – The Defence Council

Article 7

1. A Defence Council of the Community shall be established by the Authority;
2. It shall consist of Ministers of Defence and Foreign Affairs of Member States. However, in cases of crisis, the Defence Council shall be chaired by the current Chairman of the Authority and it shall be enlarged to include any other Minister from Member States

according to the circumstances. The Executive Secretary and the Deputy Executive Secretary in charge of military matters shall be in attendance at meetings of the Council.

Article 8

1. The Defence Council shall meet on the convocation by its Chairman to prepare the items of the Agenda of Sessions of the Authority dealing with defence matters;
2. In an emergency, the Defence Council shall examine the situation, the strategy to be adopted and the means of intervention to be used.

Article 9

In case of armed intervention, the Defence Council assisted by the Defence Commission shall supervise with the authority of the State or States concerned, all measures to be taken by the Force Commander and ensure that all necessary means for the intervention are made available to him. The actions of the Force Commander shall be subject to competent political authority of the Member State or States concerned.

Article 10

At the end of the operation, the Defence Council shall write a factual report to be addressed to the Authority.

Section III – The Defence Commission

Article 11

1. A Defence Commission shall be established by the Authority and shall consist of a Chief or Staff from each Member State;
2. The Defence Commission shall be responsible for examining the technical aspect of defence matters;
3. The Defence Commission shall establish its Rules of Procedure especially in respect of the convening of its meetings, the conduct of the business and the implementation of duties as assigned to it by the Defence Council.

Chapter IV: Administration

Article 12

1. The Defence Council shall appoint a Deputy Executive Secretary (Military) at the Executive Secretariat for a period of four years renewable only once;
2. The Deputy Executive Secretary (Military) shall be a senior serving military officer;
3. He shall be in charge of the administration and follow-up of the

- decisions taken by the Authority and in accordance with the present Protocol and under the authority of the Executive Secretary;
4. He shall update plans for the movement of troops and logistics and initiate joint exercises as provided for in paragraph 3 of Article 13 below;
 5. He shall be assisted in the discharge of his functions by the necessary staff members and personnel as determined by the Defence Council;
 6. He shall prepare and manage the military budget of the Secretariat;
 7. He shall study and make proposals to the Executive Secretariat in respect of all matters relating to personnel and equipment within his jurisdiction.

Chapter V: Modalities of Intervention and Assistance

Article 13

1. All Member States agree to place at the disposal of the Community, earmarked units from the existing National Armed Forces in case of any armed intervention;
2. These Units shall be referred to as the Allied Armed Forces of the Community (AAFC);
3. In order to better realize the objectives set forth in this Protocol, the Member States may organize, from time to time, as may be approved by the Authority, joint military exercises among two or more earmarked Units of the AAFC.

Article 14

The Allied Armed Forces of the Community shall be under the command of the Forces Commander appointed by the Authority on the proposal of the Defence Council. He shall be entrusted with powers that are conferred upon him by the Authority.

He, together with the Chief of Defence staff of the assisted country, shall be the joint Chief of Defence Staff of the Allied Armed Forces and shall be responsible for the implementation of armed intervention and assistance as decided by the Authority. He shall have at his disposal all necessary means of defence.

Article 15

1. Intervention by AAFC shall, in all cases be justified by the legitimate defence of the territories of the Community;
2. It shall therefore be carried out in accordance with the mechanism described in Articles 16, 17 and 18 below.

Article 16

When an external armed threat or aggression is directed against a Member

State of the Community, the Head of State of that country shall send a written request for assistance to the current Chairman of the Authority of ECOWAS, with copies to other Members. This request shall mean that the Authority is duly notified and that the AAFC are placed under a state of emergency. The Authority shall decide in accordance with the emergency procedure as stipulated in Article 6 above.

Article 17

When there is a conflict between two Member States of the Community, the Authority shall meet urgently and take appropriate action for mediation. If need be, the Authority shall decide only to interpose the AAFC between the troops engaged in the conflict.

Article 18

1. In the case where an internal conflict in a Member State of the Community is actively maintained and sustained from outside, the provisions of Articles 6, 8 9 and 16 of this Protocol shall apply;
2. Community forces shall not intervene if the conflict remains purely internal.

Chapter VI: Special Provisions

Article 19

The implementation of this Protocol shall be supplemented by additional Protocols.

Article 20

1. Undertakings devolving from the provisions of this Protocol shall not be interpreted as being against the spirit of Conventions or Agreements binding one Member State to another third State or States, provided such Conventions and Agreements are not in conflict with the spirit of this Defence Assistance;
2. Nonetheless, a Defence Agreement concluded with some other State shall be denounced by the Member State concerned as soon as such other State shall have been identified by the Authority as an aggressor against a Member State;
3. Member States shall undertake to end the presence of foreign military bases within their national territories as soon as the Community is in the position to meet their requirements in matters relating to defence.

Chapter VII: General and Final Provisions***Article 21***

1. Any Member State which accedes to the Treaty, automatically accedes to this Protocol and to the Protocol of Non-Aggression signed in Lagos on the 22nd April 1978;
2. On the other hand, any Member State signatory to this present Protocol and having ratified it, or having acceded to it, becomes party to the above- mentioned Non-Aggression Pact.

Article 22

1. Any Member State may submit proposals for the amendment or revision of this Protocol;
2. Any such proposals shall be submitted to the Executive Secretary who shall communicate them to other Member States not later than thirty days after the receipt of such proposals. Amendments or revising shall be considered by the Authority after Member States have been given one month's notice thereof.

Article 23

1. Any Member State wishing to withdraw from the Protocol shall give to the Executive Secretary one year's written notice. At the end of this period of one year, if such notice is not withdrawn, such a State shall cease to be a party to the Protocol;
2. During the period of one year referred to in the preceding paragraph, such a Member State shall nevertheless observe the provisions of this Protocol and shall remain liable for the discharge of its obligations under this Protocol.

Article 24

1. This Protocol shall enter into force provisionally at the signing by the Heads of State and Government, and definitively after ratification by not less than seven (7) signatories, in accordance with the Constitutional Laws of each Member State;
2. This Protocol, as well as all instruments of ratification shall be deposited with the Executive Secretariat which shall transmit certified true copies to all Member States and notify them of the dates of deposits of the instruments of ratification and shall register it with the Organization of African Unity (OAU), as well as the United Nations (UN) and any other Organization as the Authority shall decide.
3. The Present Protocol shall be annexed to and shall form an integral part of the Treaty.

Revised Treaty of the Economic Community of West African States (ECOWAS) (1993/1995)

Full title: Revised Treaty of the Economic Community of West African States

Date/place of adoption/conclusion: 24 July 1993, Cotonou, Benin

Entered into force (EIF): 23 August 1995

EIF provision: Article 89

Authentic texts: English, French, Portuguese

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

Excerpts

...

Article 4: Fundamental Principles

The high contracting parties, in pursuit of the objectives stated in Article 3 of this Treaty, solemnly affirm and declare their adherence to the following principles:

...

- (d) non-aggression between Member States;
- (e) maintenance of regional peace, stability and security through the promotion and strengthening of good neighbourliness;
- (f) peaceful settlement of disputes among Member States, active co-operation between neighbouring countries and promotion of a peaceful environment as a prerequisite for economic development.

...

- (i) recognition and observance of the rules and principles of the Community
- (j) promotion and consolidation of a democratic system of governance in each Member State as envisaged by the Declaration of Political Principles adopted in Abuja on 6 July, 1991; and

...

Article 4: General Undertakings

1. Member States undertake to create favourable conditions for the attainment of the objectives of the Community, and particularly to take all necessary measures to harmonise their strategies and policies, and to refrain from any action that may hinder the attainment of the said objectives.

...

3. Each Member States undertakes to honour its obligations under this Treaty and to abide by the decisions and regulations of the

Community.

...

**Chapter X: Co-operation in Political, Judicial and Legal Affairs,
Regional Security and Immigration**

Article 56: Political Affairs

1. In pursuit of the integration objectives of the Community, Member States undertake to co-operate on political matters, and in particular, to take appropriate measures to ensure effective application of the provisions of this Treaty.
2. The signatory States to the Protocol on Non-Aggression, the Protocol on Mutual Assistance on Defence, the Community Declaration of Political Principles and the African Charter on Human and Peoples' Rights agree to co-operate for the purpose of realising the objectives of these instruments.

...

Article 58: Regional Security

1. Member States undertake to work to safeguard and consolidate relations conducive to the maintenance of peace, stability and security within the region.
2. In pursuit of these objectives, Member States undertake to co-operate with the Community in establishing and strengthening appropriate mechanisms for the timely prevention and resolution of intra-State and inter-State conflicts, paying particular regard to the need to:
 - (a) maintain periodic and regular consultations between national border administration authorities;
 - (b) establish local or national joint commissions to examine any problems encountered in relations between neighbouring States;
 - (c) encourage exchanges and co-operation between communities, townships and administrative regions;
 - (d) organise meetings between relevant ministries on various aspects of inter-State relations;
 - (e) employ where appropriate, good offices, conciliation, mediation and other methods of peaceful settlement of disputes;
 - (f) establish a regional peace and security observation system and peace-keeping forces where appropriate;
 - (g) provide, where necessary and at the request of Member States, assistance to Member States for the observation of democratic elections.
3. The detailed provisions governing political co-operation, regional peace and stability shall be defined in the relevant Protocols.

Chapter XVI: Sanctions

Article 77: Sanctions Applicable for Non-Fulfilment of Obligations

1. Where a Member State fails to fulfil its obligations to the Community, the Authority may decide to impose sanctions on that Member State.
2. These sanctions may include:
 - ...
 - (iv) suspension of voting rights; and
 - (v) suspension from participating in the activities of the Community
 - ...

Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security (1999/1999)

Full title: ECOWAS Protocol A/P10/12/99 Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security

Date/place of adoption/conclusion: 10 December 1999, Lomé, Togo

Entered into force (EIF): 10 December 1999 (provisionally)

EIF provision: Article 57

Authentic texts: English, French, Portuguese

Available online at: <https://bit.ly/2O5JbTO>

Excerpts

Preamble

We, the Heads of State and Government of the Member States of the Economic Community of West African States (ECOWAS);

Mindful of the ECOWAS Revised Treaty signed in Cotonou on 23 July 1993 notably its Article 58;

...

Concerned about the proliferation of conflicts which constitute a threat to the peace and security in the African continent, and undermines our efforts to improve the living standards of our peoples;

Convinced of the need to develop effective policies that will alleviate the suffering of the civil population, especially women and children, and, restore life to normalcy after conflicts or natural disasters, and desirous of

making further efforts in the humanitarian sphere;

Conscious of the fact that good governance, the rule of law and sustainable development are essential for peace and conflict prevention;

...

Convinced that cross-border crimes, the proliferation of small arms and all illicit trafficking contribute to the development of insecurity and instability and jeopardise the economic and social development of the sub-region;

Aware that these phenomena constitute serious social and economic problems which can only be resolved within the framework of increased and well-coordinated multilateral cooperation;

Recognising the need to make the relevant treaties and protocols more adequate, effective and pragmatic;

Desiring to consolidate our achievements in the resolution of conflicts through the ECOWAS Cease-fire Monitoring Group (ECOMOG).

Recalling our Decision A/DEC.11/10/98 adopted in Abuja on 31 October 1998, relating to the ECOWAS Mechanism for Conflict Prevention, Management, Resolution, Peace-keeping and Security;

Desirous to establish an operational structure for the implementation of the said Decision;

Hereby agree on the following:

Definitions

For the purposes of this Protocol;

...

“Mediation and Security Council” means the Mediation and Security Council as defined by Article 8 of this Protocol;

“Defence and Security Commission” means the Defence and Security Commission as defined in Article 18 of this Protocol;

...

“Organ” means any of the structures provided for under Article 17 of this Protocol;

“Observation and Monitoring Centre” means the Regional Peace and Security Monitoring Centre as provided for under Article 58 of the Treaty and referred to in Article 23 of this Protocol;

“ECOMOG” means the ECOWAS Cease-fire Monitoring Group which constitutes the Community’s intervention force as defined in Article 21 of this Protocol;

“Force Commander” means the Force Commander appointed in accordance with the provisions of Article 33 of this Protocol;

“Trans-border crime” refers to all crimes organised or perpetrated by individuals, organisations or networks of local and/or foreign criminals operating beyond the national boundaries of a Member State, or acting in complicity with associates based in one or several States adjoining the

country where the crimes are actually committed or having any connection with any Member State;

“**Member State in crisis**” refers both to a Member State experiencing an armed conflict as well as a Member State facing serious and persisting problems or situations of extreme tension which, if left unchecked, could lead to serious humanitarian disaster or threaten peace and security in the sub-region or in any Member State affected by the overthrow or attempted overthrow of a democratically elected government.

Chapter I: Establishment, Principles and Objectives of the Mechanism

Article 1: Establishment

There is hereby established within the Economic Community of West African States (ECOWAS), a mechanism for collective security and peace to be known as “Mechanism for Conflict Prevention, Management, Resolution, Peace-keeping and Security”.

Article 2: Principles

Member States reaffirm their commitment to the principles contained in the Charters of the United Nations Organisation (UNO) and the Organisation of African Unity (OAU) and to the Universal Declaration of Human Rights, as well as to the African Charter on Human and People’s Rights, particularly the following fundamental principles:

- (a) that economic and social development and the security of peoples and States are inextricably linked;
- (b) promotion and reinforcement of the free movement of persons, the right of residence and establishment which contribute to the reinforcement of good neighbourliness;
- (c) promotion and consolidation of a democratic government as well as democratic institutions in each Member State;
- (d) protection of fundamental human rights and freedoms and the rules of international humanitarian laws;
- (e) equality of sovereign States;
- (f) territorial integrity and political independence of Member States;

Article 3: Objectives of the Mechanism

The objectives of the Mechanism shall be as follows:

- (a) prevent, manage and resolve internal and inter-State conflicts under the conditions provided in Paragraph 46 of the Framework of the Mechanism ratified as per Decision A/DEC.11/10/98 of 31 October 1998;
- (b) implement the relevant provisions of Article 58 of the Revised Treaty;
- (c) implement the relevant provisions of the Protocols on Non-Aggression, Mutual Assistance in Defence, Free Movement of Persons, the Right of Residence and Establishment;

- (d) strengthen cooperation in the areas of conflict prevention, early-warning, peace-keeping operations, the control of cross-border crime, international terrorism and proliferation of small arms and anti-personnel mines;
- (e) maintain and consolidate peace, security and stability within the Community;
- (f) establish institutions and formulate policies that would allow for the organisation and coordination of humanitarian relief missions;
- (g) promote close cooperation between Member States in the areas of preventive diplomacy and peace-keeping;
- (h) constitute and deploy a civilian and military force to maintain or restore peace within the sub-region, whenever the need arises;
- (i) set up an appropriate framework for the rational and equitable management of natural resources shared by neighbouring Member States which may be causes of frequent inter-State conflicts;
- (j) protect the environment and take steps to restore the degraded environment to its natural state;
- (k) safeguard the cultural heritage of Member States;
- (l) formulate and implement policies on anti-corruption, money-laundering and illegal circulation of small arms.

Chapter II: Institutions of the Mechanism

Article 4: Institutions

The institutions of the Mechanism shall be:

- The Authority;
- The Mediation and Security Council;
- The Executive Secretariat;
- Any other institution as may be established by the Authority.

Article 5: Composition and Meetings of the Authority

The Authority is composed of Heads of State and Government of Member States as stipulated in Paragraph 1, Article 7 of the Revised Treaty.

The Authority shall meet as often as necessary.

Article 6: Functions

The Authority shall be the Mechanism's highest decision-making body.

It shall have powers to act on all matters concerning conflict prevention, management and resolution, peace-keeping, security, humanitarian support, peace-building, control of cross-border crime, proliferation of small arms, as well as all other matters covered by the provisions of this Mechanism.

Article 7: Delegation of Powers

Without prejudice to its wide-ranging powers as provided under Article 9 of the Treaty and in Article 6 above, the Authority hereby mandates

the Mediation and Security Council to take, on its behalf, appropriate decisions for the implementation of the provisions of this Mechanism.

Article 8: Composition of the Mediation and Security Council

The Mediation and Security Council shall comprise nine (9) Member States of which seven (7) shall be elected by the Authority. The other two (2) members shall be the current chairman and the immediate past chairman of the Authority, each of whom shall have an automatic right to membership of the Mediation and Security Council.

The elected Members of the Mediation and Security Council shall serve for two (2) years renewable.

Article 9: Quorum and Decisions

The meeting of the Mediation and Security Council shall be properly constituted when at least two-thirds of its Members are present.

Decisions of the Mediation and Security Council shall be taken by a two-thirds majority vote of Members present.

Article 10: Functions

The Mediation and Security Council shall take decisions on issues of peace and security in the sub-region on behalf of the Authority. It shall also implement all the provisions of this Protocol.

Pursuant to the provisions of Article 7 of this Protocol and Paragraph 1 above, the Mediation and Security Council shall:

- (a) decide on all matters relating to peace and security;
- (b) decide and implement all policies for conflict prevention, management and resolution, peace-keeping and security;
- (c) authorise all forms of intervention and decide particularly on the deployment of political and military missions;
- (d) approve mandates and terms of reference for such missions;
- (e) review the mandates and terms of reference periodically, on the basis of evolving situations;
- (f) on the recommendation of the Executive Secretary, appoint the Special Representative of the Executive Secretary and the Force Commander.

Article 11: Meetings of the Mediation and Security Council

Deliberations of the Mediation and Security Council shall be held at three (3) levels: Heads of State and Government, Ministerial and Ambassadorial levels.

All meetings of the Mediation and Security Council shall be presided over by the Member State elected as the current Chairman of the Authority.

Article 12: Meeting at the Level of Heads of State and Government

The Heads of State and Government of the Mediation and Security

Council shall meet at least twice a year in ordinary sessions. Extraordinary Sessions may be convened by the Chairman when the need arises or at the request of a simple majority of the Members of the Council.

The Heads of State and Government of the Mediation and Security Council shall take final decisions on all issues under their authority and competence, including field missions and approve the terms of reference, for such missions.

Article 13: Meeting at the Ministerial Level

The Ministers of Foreign Affairs, Defence, Internal Affairs and Security of the Mediation Security Council shall meet at least once every three (3) months to review the general political and security situation in the sub-region. They may also meet when the need arises.

The recommendations emanating from the Ministerial meetings shall be submitted to the member Heads of State and Government of the Mediation and Security Council.

Article 14: Meeting at the Ambassadorial Level

ECOWAS Member States shall accredit Ambassadors as permanent representatives to the ECOWAS Executive Secretariat. These Ambassadors may also be those accredited to the Federal Republic of Nigeria.

The Ambassadors of Member States of the Mediation and Security Council shall meet once a month to review issues relating to sub-regional peace and security. They may also meet when the need arises.

All reports and recommendations of meetings of the Ambassadors shall be forwarded by the Executive Secretary to all Member States of the Mediation and Security Council and to the Member States concerned. The Reports shall also be submitted for consideration by the meeting of Ministers of the Mediation and Security Council.

Article 15: Role and Functions of the Executive Secretary

The Executive Secretary shall have the power to initiate actions for conflict prevention, management, resolution, peace-keeping and security in the sub-region. Such actions may include fact-finding, mediation, facilitation, negotiation and reconciliation of parties in conflict.

The role of the Executive Secretary shall include the following:

- (a) recommend the appointment of the Special Representative and the Force Commander for approval by the Mediation and Security Council;
- (b) appoint members of the Council of Elders;
- (c) have responsibility for political, administrative and operational activities and provide logistic support for the mission;
- (d) prepare periodic reports on activities of the Mechanism for the Mediation and Security Council and Member States;
- (e) deploy fact-finding and mediation missions, on the basis of his/her

- assessment of the existing situation;
- (f) convene, in consultation with the Chairman of the Authority, all meetings of the Mediation and Security Council, the Council of Elders, and the Defence and Security Commission;
- (g) Implement all decisions of the Mediation and Security Council.

The ECOWAS Secretariat shall service the Mediation and Security Council and the Defence and Security Commission.

In implementing the provisions of this Mechanism, the Executive Secretary shall be assisted by the Deputy Executive Secretary in charge of Political Affairs, Defence and Security.

Article 16: The Deputy Executive Secretary

1. Under the direction of the Executive Secretary, the Deputy Executive Secretary in charge of Political Affairs, Defence and Security shall initiate and undertake all activities relating to the implementation of the Mechanism.
2. The office of the Deputy Executive Secretary for Political Affairs, Defence and Security, shall be headed by a statutory officer appointed in accordance with Paragraph 4 (a), Article 18 of the Treaty. He shall have under his supervision appropriate departments, divisions and sections, as may be necessary, including:
 - (a) the Department of Political Affairs;
 - (b) the Department of Humanitarian Affairs;
 - (c) the Department of Defence and Security;
 - (d) the Observation and Monitoring Centre; and
 - (e) such other departments as may be established by the Council of Ministers on the recommendation of the Mediation and Security Council.

Chapter III: Supporting Organs of the Institutions of the Mechanism

In carrying out their missions, the Institutions stipulated in Article 4 shall be assisted by the organs enumerated in Article 17 of this Protocol.

Article 17: Organs

The following organs are hereby established to assist the Mediation and Security Council:

- The Defence and Security Commission;
- The Council of Elders;
- ECOWAS Cease-fire Monitoring Group (ECOMOG).

Article 18: Composition of the Defence and Security Commission

The following representatives from Member States shall constitute the Defence and Security Commission:

- (a) Chiefs of Defence Staff or equivalent;
- (b) Officers responsible for Internal Affairs and Security;
- (c) Experts of the Ministry of Foreign Affairs;

- (d) Depending on the agenda, Heads of any of the following services may be invited:
- (e) Immigration;
- (f) Customs;
- (g) Drug/Narcotic Agencies;
- (h) Border Guards; and
- (i) Civil Protection Force.

Article 19: Functions

The Defence and Security Commission shall examine all technical and administrative issues and assess logistical requirements for peace-keeping operations. It shall assist the Mediation and Security Council in:

- (a) formulating the mandate of the Peace-keeping Force;
- (b) defining the terms of reference for the Force;
- (c) appointing the Force Commander;
- (d) determining the composition of the Contingents.

The Defence and Security Commission shall meet once every quarter and when necessary. The Commission shall examine reports from the Observation and Monitoring Centres and make recommendations to the Mediation and Security Council.

Article 20: Composition and Mandate of the Council of Elders

The Executive Secretary shall compile annually, a list of eminent personalities who, on behalf of ECOWAS, can use their good offices and experience to play the role of mediators, conciliators and facilitators. The list shall comprise eminent persons from various segments of society, including women, political, traditional and religious leaders. The list shall be approved by the Mediation and Security Council at the level of the Heads of State and Government.

These Personalities shall be requested by the Executive Secretary or the Mediation and Security Council, whenever the need arises, to deal with a given conflict situation.

Whenever the circumstances require, the Executive Secretary shall assemble eminent personalities from the approved list who shall now constitute the Council of Elders.

The composition and mandate of the Council of Elders shall be defined by the Executive Secretary on the basis of the missions to be carried out.

Members of the Council of Elders selected to deal with a given situation shall report to the Executive Secretary.

The Executive Secretary shall report to the Mediation and Security Council on the initiatives taken in conformity with the provisions of Paragraphs 2 and 3 of this Article.

Members of the Council of Elders shall be neutral, impartial and objective in carrying out their mission.

Article 21: Composition of ECOMOG

The ECOWAS Cease-fire Monitoring Group (ECOMOG) is a structure composed of several Stand-by multi-purpose modules (civilian and military) in their countries of origin and ready for immediate deployment.

Article 22: Role of ECOMOG

ECOMOG is charged, among others, with the following missions:

- (a) Observation and Monitoring;
- (b) Peace-keeping and restoration of peace;
- (c) Humanitarian intervention in support of humanitarian disaster;
- (d) Enforcement of sanctions, including embargo;
- (e) Preventive deployment;
- (f) Peace-building, disarmament and demobilisation;
- (g) Policing activities, including the control of fraud and organised crime;
- (h) Any other operations as may be mandated by the Mediation and Security Council.

Chapter IV: Sub-Regional Peace and Security Observation System (Early Warning)

A sub-regional peace and security observation system known as the Early Warning System or “The System” is hereby established for the purposes of conflict prevention and in accordance with Article 58 of the Revised Treaty. The System shall consist of:

- (a) Observation and Monitoring Centre located at the Secretariat;
- (b) Observation and Monitoring Zones within the sub-region.

Article 23: Observation and Monitoring Centre

The Observation and Monitoring Centre shall be responsible for data collection and analyses and preparation of reports for the use of the Executive Secretariat.

The Centre shall collaborate with the United Nations Organisation, the Organisation of African Unity, research centres and all other relevant international regional and sub-regional organisations.

Article 24: Observation and Monitoring Zones

Member States shall be divided into zones on the basis of proximity, ease of communication and efficiency. Each zone shall be identified by a number and each shall have a zonal headquarters. The following four (4) Observation and Monitoring Zones are hereby created:

Zone N° Countries Zonal Capitals

Cape Verde - Banjul
The Gambia
Guinea-Bissau

Mauritania
 Senegal
 Burkina Faso - Ouagadougou
 Cote d'Ivoire
 Mali
 Niger
 Ghana - Monrovia
 Guinea
 Liberia
 Sierra Leone
 Benin - Cotonou
 Nigeria
 Togo

The zoning provided for in Paragraph 1 above may be altered, if necessary, by the Authority of Heads of State and Government.

Each zonal headquarters shall be provided with an office and placed under the authority of the Executive Secretary, through the office of the Deputy Executive Secretary.

Member States hereby undertake to guarantee the freedom of operations of the zonal headquarters in accordance with the privileges, immunities and security to property, assets and staff of the bureaux as provided by the ECOWAS General Convention on Privileges and Immunities and the Headquarters Agreement.

The Zonal Bureau shall maintain working relations with the host country and local and international institutions.

The Zonal Bureaux shall, on a state by state and day-to-day basis, collect data on indicators that impact on the peace and security of the zone and the sub-region.

The Zonal Headquarters shall process the data collected and prepare a report which they shall send to the Observation and Monitoring Centre. Accordingly, each of the Zonal Headquarters shall be directly linked by appropriate communication means to the Observation and Monitoring Centre.

Chapter V: Application of the Mechanism

Article 25: Conditions for Application

The Mechanism shall be applied in any of the following circumstances:

- In cases of aggression or conflict in any Member State or threat thereof;
- In case of conflict between two or several Member States;
- In case of internal conflict:
 - (a) that threatens to trigger a humanitarian disaster, or
 - (b) that poses a serious threat to peace and security in the sub-region;
- In event of serious and massive violation of human rights and the

rule of law.

- In the event of an overthrow or attempted overthrow of a democratically elected government;
- Any other situation as may be decided by the Mediation and Security Council.

Article 26: Authority to Initiate

The Mechanism shall be put into effect by any of the following:

- (a) Upon the decision of the Authority;
- (b) Upon the decision of the Mediation and Security Council;
- (c) At the request of a Member State;
- (d) On the initiative of the Executive Secretary;
- (e) At request of the Organisation of African Unity or the United Nations.

Article 27: Procedure

The Mechanism shall be applied according to any of the following procedures:

- The Executive Secretary shall inform Member States of the Mediation and Security Council and, in consultation with the Chairman, take all necessary and urgent measures;
- The Mediation and Security Council shall consider several options and decide on the most appropriate course of action to take in terms of intervention. Such options may include recourse to the Council of Elders, the dispatch of fact-finding missions, political and mediation missions or intervention by ECOMOG;
- The Mediation and Security Council shall issue a mandate authorising the Executive Secretary to set up a mission and define its terms of reference;
- Where necessary, the Mediation and Security Council shall appoint the principal officers, such as the Special Representative of the Executive Secretary and the ECOMOG Force Commander.
- The Chairman of the Mediation and Security Council shall submit a report on the situation to the Organisation of African Unity and the United Nations;
- The Executive Secretariat shall mobilise all the resources required for the operations.

Chapter VI: Conflict Management

Article 28: Composite Stand-by Units

Member States hereby agree to make available to ECOMOG units adequate resources for the army, air force, navy, gendarmerie, police and all other military, paramilitary or civil formations necessary for the accomplishment of the mission.

Each Member State shall provide ECOMOG with a unit the size of which shall be determined after consultation with each Member State.

The strengths of these units shall be reviewed according to the situation on the ground.

Article 29: Mandates of the Force and Missions of Deployed Units

Whenever the force is deployed, the strength, mandates and missions of the units shall vary according to the evolving situation on the ground.

Article 30: Training and Preparation of the Composite Stand-by Units

The Executive Secretary, through the departments concerned and, in consultation with Member States, shall contribute to the in training of civilian and military personnel that shall be part of the stand-by units in various fields, particularly in international humanitarian law and human rights.

In this regard, he shall:

- (a) support the development of common training programmes and instruction manuals for national schools and training centres;
- (b) organise training and proficiency courses for personnel of the units in the regional centres in Côte d'Ivoire and Ghana;
- (c) work towards the integration of these centres into sub-regional centres for the implementation of this Mechanism.
- (d) take the necessary measures for the organisation of periodic staff and commanders' exercises and joint operations.

Article 31: Observation Missions

Unarmed civilian and military personnel provided by Member States may be deployed alone or in conjunction with armed personnel. They shall, inter alia, supervise and monitor cease-fires, disarmament, de-mobilisation, elections, respect for human rights, humanitarian activities and investigate any complaints or claims brought to their notice. They shall undertake such other activities under the terms of reference as determined by the Mediation and Security Council.

The Observer Missions shall report on their activities and findings to the Executive Secretary.

Article 32: Appointment and Functions of the Special Representative

On the recommendation of the Executive Secretary the Mediation and Security Council shall appoint a Special Representative for each Operation undertaken by ECOMOG.

The principal role and functions of the Special Representative shall include the following:

- (a) Serve as the Chief of the Mission and shall be responsible for the political orientation of the mission;
- (b) Direct peace-keeping activities and initiate political and diplomatic negotiations with the parties, neighbouring States and other Governments involved in conflict resolution;

- (c) Brief troop-contributing States and other States on the situation and operations of the mission as and when required;
- (d) Coordinate activities of the sub-regional and international organisations, including NGOs involved in humanitarian relief and peace-building activities in the mission area. Where necessary, he shall be assisted by a Deputy responsible for humanitarian affairs;
- (e) Maintain constant contact with and submit regular reports to the Executive Secretary.

Article 33: Appointment and Functions of the ECOMOG Force Commander

On the recommendation of the Executive Secretary an ECOMOG Force Commander shall be appointed by the Mediation and Security Council and in consultation with the Defence and Security Commission for each operation.

The role and functions of the ECOMOG Force Commander shall include the following:

- (a) He shall be responsible for the efficiency of operational, administrative and logistical plans of the mission;
- (b) He shall issue instructions to contingent commanders for all operational activities.
- (c) He shall ensure the security of personnel and materiel of humanitarian organisations' in the mission area.
- (d) The ECOMOG Force Commander is accountable to the Executive Secretary, through the Special Representative.

Article 34: The Chain of Command

The Special Representative shall report directly to the Executive Secretary.

The Force Commander shall report to the Executive Secretary through his Special Representative.

All Contingent Commanders shall report directly to the Force Commander.

All Civil Units shall report directly to the Special Representative.

Article 35: Role of Member States

In addition to their responsibilities as stipulated by the Treaty and this Protocol:

- Each Member State shall immediately, upon request, release Stand-by Units with the necessary equipment and materiel;
- Member States hereby undertake to fully cooperate with ECOWAS in carrying out the mandates of this Protocol, including all forms of assistance and support required for the Mechanism, especially as regards the free movement of ECOMOG within their territories.

Chapter VII: Financing of the Mechanism

Article 36: Funding

The Executive Secretariat shall make provision in its annual budget, for funds to finance activities of the Mechanism. As soon as the Protocol governing conditions for application of the Community Levy enters into force, a percentage of the said Levy shall be earmarked for these activities.

Special requests for funds shall be made to the United Nations and other international agencies.

Funds for operations may also be raised from the OAU, voluntary contributions and grants from bilateral and multilateral sources.

Article 37: Pre-Financing

The States contributing contingents may be invited to bear the cost of operations during the first three (3) months.

ECOWAS shall refund the expenditure incurred by the States within a maximum period of six (6) months and then proceed to finance the operations.

Article 38: Logistical Support

The organisation of logistics, including troop transport, shall be determined by the Executive Secretariat in consultation with the host country and the States contributing troops.

Article 39: Remuneration and Service Conditions

The remuneration and conditions of service of the personnel shall be determined by the Council of Ministers on the recommendation of the Mediation and Security Council.

Chapter VIII: Humanitarian Assistance

ECOWAS shall take active part in coordinating and conducting humanitarian assistance.

Article 40: Responsibilities of ECOWAS

ECOWAS shall intervene to alleviate the suffering of the populations and restore life to normalcy in the event of crises, conflict and disaster.

In this regard, ECOWAS shall develop own capacity to efficiently undertake humanitarian actions for the purposes of conflict prevention and management.

Where the environment of a Member State is gravely devastated, appropriate steps shall be taken to rehabilitate it.

ECOWAS shall recognise, encourage and support the role of women in its initiatives for conflict prevention, management, resolution,

peace-keeping and security.

Article 41: Cooperation with Other Organisations

ECOWAS shall cooperate with the following institutions and organisations:

- (a) national, regional NGOs and religious organisations;
- (b) Organisation of African Unity, the United Nations and its agencies;
- (c) other international organisations intervening in the humanitarian sector.

The ECOMOG unit shall be adequately equipped to undertake humanitarian activities in their mission area under the control of the Special Representative of the Executive Secretary.

ECOMOG shall provide assistance to all national, regional and international agencies, particularly on security issues.

When necessary, ECOMOG shall coordinate the activities of humanitarian agencies in the field.

Chapter IX: Peace-Building

The Community hereby adopts a graduated strategy for building peace which shall be implemented as a continuum.

Article 42: ECOWAS Institutional Capacity for Peace-Building

To stem social and political upheavals, ECOWAS shall be involved in the preparation, organisation and supervision of elections in Member States. ECOWAS shall also monitor and actively support the development of democratic institutions of Member States.

ECOWAS shall endeavour to assist Member States emerging from conflicts to increase their capacity for national, social, economic and cultural reconstruction.

In this regard, all ECOWAS financial institutions shall develop policies to facilitate funding for reintegration and reconstruction programmes.

Article 43: Peace-Building During Hostilities

In zones of relative peace, priority shall be accorded to implementation of policies designed to reduce degradation of social and economic conditions arising from conflicts.

Article 44: Peace-building at the End of Hostilities

To assist Member States that have been adversely affected by violent conflicts, ECOWAS shall undertake the following activities:

- (a) Consolidation of the peace that has been negotiated;
- (b) establishment of conditions for the political, social and economic reconstruction of the society and governmental institutions;
- (c) Implementation of disarmament, demobilisation and reintegration programmes including those for child soldiers;
- (d) Resettlement and reintegration of refugees and internally displaced

- persons;
- (e) Assistance to vulnerable persons, including children, the elderly, women and other traumatised groups in the society.

Article 45: Restoration of Political Authority

In situations where the authority of government is absent or has been seriously eroded, ECOWAS shall support processes towards the restoration of political authority. Such support may include the preparation, organisation, monitoring and management of the electoral process, with the cooperation of relevant regional and international organisations. The restoration of political authority shall be undertaken at the same time as the development of respect for human rights, enhancement of the rule of law and the judiciary.

Chapter X: Sub-Regional Security

Article 46: Control of Trans-Border Crime

In order to facilitate the control of trans-border crime, ECOWAS shall promote close cooperation among the security services of Member States.

The security services of Member States shall assist one another and ensure proper coordination for the apprehension of criminals.

Member States shall establish specialised departments within their ministries of Justice, Defence and Security with trained personnel and communication equipment for coordination and centralisation of cooperation matters in particular, mutual assistance in criminal matters, and extradition requests.

Member States shall supply the Executive Secretariat with documents setting out the details of criminal procedures in their countries. The information provided by Member States shall include a summary of the criminal process, from beginning to end, and shall outline what is needed for each State to grant a request for mutual assistance, extradition or the restraint or forfeiture of proceeds of crime. Member States shall also provide all the contract particulars for their national units and exchange information concerning any other relevant authorities and provide updated lists of the said units. The information shall be translated and circulated by the ECOWAS Secretariat to all the specialised units (Central authorities) established to handle requests and other related matters that may arise in the course of implementation.

With a view to strengthening national legal instruments on mutual legal assistance and extradition and making them more functional and efficient, all Member States shall harmonize their domestic law in accordance with the relevant ECOWAS Conventions on Mutual Assistance in Criminal Matters and Extradition. Member States undertake to adopt a convention to incriminate and make punishable the most commonly committed

crimes in the sub-region.

Member States shall keep statistics, in particular, on the number of mutual legal assistance and extradition requests received and sent, as well as results obtained. There shall also be periodic meetings of the specialised departments of the Ministries of Justice, Defence and Security and the Interpol National Central Bureaux for the purpose of exchanging information on past or on-going cases and on measures aimed at improving cooperation.

Member States shall develop simplified restitution procedures for vehicles and other stolen objects seized by the requested State.

The judicial and police authorities of ECOWAS Member States shall consider the red notices published by the ICPO-Interpol at the request of an ECOWAS Member State as valid requests for provisional arrest for the purpose of Article 22 of the ECOWAS Convention on Extradition.

Member States shall establish a special fund for detected proceeds of crime. This fund can be used for preventive and criminal justice response to, inter alia, trans-border crime and drug trafficking. Member States shall also give consideration to the establishment of confiscated asset management offices, where required.

Legislation on forfeiture of proceeds of crime in Member State shall be applicable to all crimes.

ECOWAS shall establish a Crime Prevention and Criminal Justice Centre (ECPCJS) to serve as focal point for mutual legal assistance. The Centre shall be part of the Legal Department within ECOWAS. This ECPCJC shall assist in linking up ECOWAS Member States to non-ECOWAS Member States in Mutual Assistance Matters. It shall also serve as a supervisory power to ensure that countries implement conventions they sign.

Article 47: Coordination of Policies

The Executive Secretary shall be responsible for the coordination and implementation of all decisions relating to sub-regional security.

Article 48: Anti-Corruption Measures

To eradicate corruption within their territories and in the sub-region, ECOWAS and its Member States shall promote transparency, accountability and good governance.

Article 49: Measures Against Money Laundering

The ECOWAS Secretariat and Member States shall adopt strategies for combatting the problem of money laundering, by extending the scope of offences, enabling the confiscation of laundered proceeds and illicit funds and easing bank secrecy laws within and outside the sub-region.

Article 50: Control of the Proliferation of Small Arms

While taking into account the legitimate national defence and security needs, and those of international peace-keeping operations, ECOWAS shall establish effective measures to:

- (a) control the importation, exportation, manufacture and eradicate the flow of small arms.
- (b) register and control the movement and use of legitimate arms stock;
- (c) detect, collect and destroy all illicit weapons;
- (d) encourage Member States to collect and destroy all surplus weapons.

Article 51: Preventive Measures Against the Illegal Circulation of Small Arms

ECOWAS shall take all the necessary measures to combat illicit trafficking and circulation of small arms. These measures shall include:

- (a) developing a culture of peace;
- (b) training for military, security and police forces;
- (c) enhance weapons control at border posts;
- (d) establishment of a database and regional arms register;
- (e) collection and destruction of surplus and illegal weapons;
- (f) facilitating dialogue with producers and suppliers;
- (g) reviewing and harmonising national legislation and administrative procedures;
- (h) mobilising resources.

ECOWAS shall strengthen its institutional and operational capabilities and those of its Member States for the effective implementation of the measures mentioned in Paragraph 1 above.

The Executive Secretariat's Department of Political Affairs, Defence and Security shall coordinate and monitor implementation of all programmes and activities and shall analyse information from the zonal headquarters.

In order to promote and ensure coordination of concrete measures at national level, Member States shall, in accordance with guidelines adopted by ECOWAS, establish national commissions made up of representatives of the relevant authorities and the civil society.

At the beginning of any ECOMOG peacekeeping operations, all dedicated light weapons and ammunition shall be declared to the Executive Secretariat so as to ensure their effective control as well as removal upon completion of the operations.

All weapons collected during any disarmament exercise shall be destroyed.

Chapter XI: Cooperation with the Organisation of African Unity, United Nations and Other International Organisations

Article 52: Cooperation

In pursuit of its objectives, ECOWAS shall cooperate with the Organisation of African Unity (OAU), the United Nations Organisation (UNO) and other relevant international organisations.

In the implementation of this Mechanism, ECOWAS shall fully cooperate with the OAU Mechanism for Conflict Prevention, Management and Resolution.

In accordance with Chapters VII and VIII of the United Nations Charter, ECOWAS shall inform the United Nations of any military intervention undertaken in pursuit of the objectives of this Mechanism.

Chapter XII: Special Provisions

...

Article 57: Entry into Force

This Protocol shall enter into force provisionally upon signature by Heads of State and Government. Accordingly, signatory Member States and the Executive Secretariat hereby undertake to start implementing all provisions of this Mechanism upon signature.

This Protocol shall definitely enter into force upon ratification by at least nine (9) signatory States in accordance with the constitutional procedures of each Member State.

...

Protocol on Democracy and Good Governance Supplementary to the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security (2001/2001)

Full title: Protocol A/SP1/12/01 on Democracy and Good Governance Supplementary to the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security

Date/place of adoption/conclusion: 21 December 2001, Dakar, Senegal

Entered into force (EIF): 21 December 2001

EIF provision: Article 49

Authentic texts: English, French, Portuguese

Available online at: <https://bit.ly/2ZQqWay>

Excerpts

...

Concerned about the increasing wave of international terrorism;
Concerned also about the increasing incidence of conflicts caused by religious intolerance, political marginalisation and non-transparent elections;

Having observed that to become really effective, the Protocol of 10 December 1999 needs to be complemented through the incorporation of provisions concerning issues such as prevention of internal crises, democracy and good governance, the rule of law, and human rights;
Having decided to enhance the ECOWAS Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security;

Have agreed as follows:

Definitions:

...

“Defence and Security Commission” means the Defence and Security Commission as defined in Article 18 of the Protocol;

...

“ECOMOG” means the ECOWAS Cease-fire Monitoring Group, which constitutes the Community’s intervention force as defined in Article 21 of the Protocol relating to the Mechanism etc;

“Armed Forces” includes the army, Airforce, Navy, and Gendarmerie;

“Security Forces” the Police, Gendarmerie, National Guards and other Forces assigned with security.

Chapter I: Principles

The provisions of this chapter complement and clarify the principles set out in Article 2 of the Protocol of 10 December 1999.

Section I: Constitutional Convergence Principles

Article 1

The following shall be declared as constitutional principles shared by all Member States:

- (a) Separation of powers - the Executive, Legislative and Judiciary.
 - Empowerment and strengthening of parliaments and guarantee of parliamentary immunity.
 - Independence of the Judiciary: Judges shall be independent in the discharge of their duties.
 - The freedom of the members of the Bar shall be guaranteed; without prejudice to their penal or disciplinary responsibility in the event of contempt of court or breaches of the common law.
- (b) Every accession to power must be made through free, fair and transparent elections.
- (c) Zero tolerance for power obtained or maintained by unconstitutional means.
- (d) Popular participation in decision-making, strict adherence to democratic principles and decentralisation of power at all levels of governance.
- (e) The armed forces must be apolitical and must be under the command of a legally constituted political authority; no serving member of the armed forces may seek to run for elective political.
- (f) Secularism and neutrality of the State in all matters relating to religion; freedom for each individual to practise, within the limits of existing laws, the religion of his/her choice everywhere on the national territory. The secularism shall extend to all parts of the State, but shall not deprive the State of the right to regulate, with due respect to human rights, the different religions practised on the national territory or to intervene when law and order break down as a result of any religious activity.

...

Section II: Elections

Article 2

1. No substantial modification shall be made to the electoral laws in the last six (6) months before the elections, except with the consent of a majority of Political actors.
2. All the elections shall be organised on the dates or at periods fixed by the Constitution or the electoral laws.
3. Member States shall take all appropriate measures to ensure that

women have equal rights with men to vote and be voted for in elections, to participate in the formulation of government policies and the implementation thereof and to hold public offices and perform public functions at all levels of governance.

Article 3

The bodies responsible for organising the elections shall be independent or neutral and shall have the confidence of all the political actors. Where necessary, appropriate national consultations shall be organised to determine the nature and the structure of the bodies.

...

Article 6

The preparation and conduct of elections and the announcement of results shall be done in a transparent manner.

Article 7

Adequate arrangements shall be made to hear and dispose of all petitions relating to the conduct of elections and announcement of results.

Article 8

Member States shall use the services of civil society organisations involved in electoral matters to educate and enlighten the public on the need for peaceful elections devoid of all acts of violence.

Article 9

The party and/or candidate who loses the elections shall concede defeat to the political party and/or candidate finally declared the winner, following the guidelines and within the deadline stipulated by the law.

Article 10

All holders of power at all levels shall refrain from acts of intimidation or harassment against defeated candidates or their supporters.

Section III: Election Monitoring and ECOWAS Assistance

...

Article 12

1. At the request of any Member State, ECOWAS may provide assistance in the conduct of any election.
2. Such assistance may take any form.
3. Also, ECOWAS may dispatch a monitoring team to the country concerned for the purpose of monitoring the elections.
4. The decision in this respect shall be taken by the Executive Secretary.

Article 13

1. As elections in a Member State approach, the Executive Secretary shall dispatch a fact-finding Mission to the Member State conducting an election.
2. This mission may be followed by an exploratory Mission aimed at:
 - collecting all texts governing the elections concerned;
 - gathering all information on the conditions under which the elections shall be conducted;
 - collecting all pertinent information relating to the contesting candidates or political parties;
 - meeting all candidates, political party leaders, government authorities and other competent bodies;
 - assessing the status of preparations for the elections;
 - gathering any other useful information that may provide a clear picture of the situation.

Article 14

1. The Executive Secretary shall appoint the leader and the members of the Observer/Supervisory Mission, who shall be independent persons and nationals of Member States other than the Member State conducting the elections.
2. The Members of the Mission shall include women.
3. Staff of the Executive Secretariat shall be designated to assist the Mission.

Article 15

1. The Observer/Supervisory Mission, with the documents collected by the exploratory Mission and the report prepared by the Mission, shall arrive in the Member State concerned at least forty-eight hours prior to the conduct of the elections.
2. The Observer/Supervisory Mission may be preceded by ECOWAS Staff, who shall prepare the meetings to be held between the Mission and the national authorities.
3. The Mission shall be expected to hold consultations with the relevant authorities of the host government for an exchange of views and in order to determine the mode of deployment in the host Member State.
4. It may establish co-operation links with NGO or any other observer teams while maintaining its autonomy.
5. The members of the Mission shall show restraint and refrain from making any individual statement. Any statement shall be made collectively and on behalf of the Mission by the team leader or a spokesperson appointed for this purpose.

Article 16

1. The Mission shall remain in the country throughout the election period and until the election results are announced.
2. The Mission shall also submit a report to the Executive Secretary.
3. The Report shall comprise:
 - the Mission's own observations;
 - statements by witnesses;
 - its assessment of the conduct of the elections from the point of view of the national laws governing the elections and the universal principles in electoral matters;
 - its recommendations for the improvement of the conduct of future elections and
 - monitoring Missions.

Article 17

1. The Observer/Supervisory Mission's report shall be signed by all Members of the Mission and submitted to the Executive Secretary by the Mission's leader within fifteen (15) days with effect from the date of accomplishment of the Mission.
2. Before leaving the host country, the Mission shall convene a consultative meeting for the preparation of the report.
3. Any member of the Mission, who is unable to attend the meeting, shall submit a report in writing to the Mission's leader before leaving the country.
4. ECOWAS Staff shall assist the Mission in the preparation of the report.

Article 18

The report shall be forwarded by the Executive Secretary, together with his own observations, if necessary, to the Mediation and Security Council for recommendations to be made to the country concerned and/or to all Member States, and for measures to be taken, where necessary.

Section IV: The Role of the Armed Forces, the Police and the Security Forces in a Democracy

Article 19

1. The armed forces and police shall be non-partisan and shall remain loyal to the nation. The role of the armed forces shall be to defend the independence and the territorial integrity of the State and its democratic institutions.
2. The police and other security agencies shall be responsible for the maintenance of law and order and the protection of persons and their properties.

3. The armed forces, the police and security agencies shall participate in ECOMOG missions as provided for in Article 28 of the Protocol.
4. They may also, on the decision of the constitutionally constituted authorities, participate in peacekeeping missions under the auspices of the African Union or the United Nations.
5. Members of the armed forces may be drafted to participate in national development projects.

Article 20

1. The armed forces, the police and other security agencies shall be under the authority of legally constituted civilian authorities.
2. The civilian authorities shall respect the apolitical nature of the armed forces and police. All political or trade union activities and propaganda shall be forbidden in the barracks and within the armed forces.

Article 21

The armed and security forces personnel as citizens, shall be entitled to all the rights set out in the constitution, except as may be stated otherwise in their special regulations.

Article 22

1. The use of arms to disperse non-violent meetings or demonstrations shall be forbidden. Whenever a demonstration becomes violent, only the use of minimal and/or proportionate force shall be authorised.
2. All cruel, inhuman and degrading treatment shall be forbidden.
3. The security forces, while carrying out investigations, shall not disturb or arrest family members or relations of the person presumed guilty or suspected of having committed an offence.

Article 23

1. The armed forces, the police and other security agencies shall during their training receive instructions on the Constitution of their country, ECOWAS principles and regulations, human rights, humanitarian law and democratic principles. In this regard, seminars and meetings bringing together members of the armed forces, Police and other Security Agencies and other sectors of society shall be organised from time to time.
2. Joint training sessions shall also be arranged for members of the armed forces from different ECOWAS countries, the police, other security forces, university dons and members of the civil society.

Article 24

1. The Member States undertake to strengthen their national agencies

- responsible for preventing and combating terrorism.
2. In accordance with Articles 3 (d) and 16 (1) of the Protocol, the Department of Political Affairs, Defence and Security of the Executive Secretariat shall initiate joint activities for the national agencies of Member States in charge of preventing and combating terrorism.

Section V: Poverty Alleviation and Promotion of Social Dialogue

Article 25

Member States agree that poverty alleviation and promotion of social dialogue are important factors for peace.

...

Article 28

...

2. Member States shall promote social dialogue. In this regard, employers associations and workers unions shall meet regularly among themselves and with political and administrative authorities with a view to preventing social conflict.

...

Article 31

...

3. Member States undertake to take measures to eliminate or prevent religious conflicts and to promote religious tolerance and harmony. To this end, permanent structures for consultations among the different religions on the one hand and between the different religions and the State on the other hand, shall be established at national levels.

...

Section VII: Rule of Law, Human Rights and Good Governance

Article 32

Member States agree that good governance and press freedom are essential for preserving social Justice, preventing conflict, guaranteeing political stability and peace and for strengthening democracy.

...

Section VIII: Women, Children and the Youth

Article 40

Member States agree that the development and promotion of the welfare

of women are essential factors for development, progress and peace in the society. Consequently, they undertake to eliminate all forms of discrimination and harmful and degrading practices against women.

...

Chapter II: Modalities for Implementation and Sanctions

...

Article 45

1. In the event that democracy is abruptly brought to an end by any means or where there is massive violation of Human Rights in a Member State, ECOWAS may impose sanctions on the State concerned.
2. The sanctions which shall be decided by the Authority may take the following forms, in increasing order of severity:
 - Refusal to support the candidates presented by the Member State concerned for elective posts in international organisations;
 - Refusal to organise ECOWAS meetings in the Member State concerned;
 - Suspension of the Member State concerned from all ECOWAS decisionmaking bodies. During the period of the suspension the Member State concerned shall be obliged to pay its dues for the period.
3. During the period of suspension, ECOWAS shall continue to monitor, encourage and support the efforts being made by the suspended Member State to return to normalcy and constitutional order;
4. On the recommendation of the Mediation and Security Council, a decision may be taken at the appropriate time to proceed as stipulated in Article 45 of the Protocol of 10th December 1999.

...

Convention on Small Arms and Light Weapons, their Ammunition and Other Related Matters (2006/2009)

Full title: ECOWAS Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Matters

Date/place of adoption/conclusion: 14 June 2006, Abuja, Nigeria

Entered into force (EIF): 5 August 2009

EIF provision: Article 32(a)2

Authentic texts: English, French Portuguese

Available online at: <https://bit.ly/2DpKN8U>

Excerpts

Preamble

...

Considering that the proliferation of small arms and light weapons constitutes a major destabilising factor in ECOWAS Member States and poses a serious threat to the peace and stability of our peoples;

Deeply concerned about the uncontrolled flow of small arms and light weapons into Africa in general and West Africa in particular, and aware of the need to effectively control the transfer of arms by suppliers and arms brokers;

Aware of the need to build peace and prevent conflicts in West Africa, and the disastrous consequences the proliferation of small arms and light weapons has on the prolongation of armed conflicts and illegal exploitation of natural resources;

Aware of the need to prevent, combat and eradicate the illicit manufacture and excessive accumulation of small arms and light weapons, trafficking, detention and use of such arms, which have been seen to have negative effects on the security of each country in the sub-region, human security, international humanitarian law, sustainable development, and human rights;

...

Recognising in this regard the progress achieved in the implementation of the Moratorium, thanks to contributions by the Plan of Action of the Programme for Coordination and Assistance for Security and Development (PCASED);

Conscious of the need to strengthen the institutional and operational capacity of the ECOWAS Executive Secretariat in order to enable fight more effectively against the proliferation of small arms and light weapons, with a view to obtaining the desired results;

Considering the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects adopted in 2001;

...

Deeply concerned by the use of children in armed conflicts, and taking account of the United Nations Security Council resolutions on children and armed conflicts;

Recognising the important contribution of civil society organisations in the fight against the proliferation of small arms and light weapons;

...

Hereby agree as follows:

Chapter 1: Definitions and Objectives

Article 1: Definitions

For the purpose of this Convention:

1. Light weapons: Portable arms designed to be used by several persons working together in a team and which include notably:
 - heavy machine guns;
 - portable grenade launchers, mobile or mounted;
 - portable anti-aircraft cannons;
 - portable anti-tank cannons, non-recoil guns;
 - portable anti-tank missile launchers or rocket launchers;
 - portable anti-aircraft missile launchers;
 - mortars with a calibre of less than 100 millimetres;
2. Small arms: Arms used by one person and which include notably:
 - firearms and other destructive arms or devices such as an exploding bomb, an incendiary bomb or a gas bomb, a grenade, a rocket launcher, a missile, a missile system or landmine;
 - revolvers and pistols with automatic loading;
 - rifles and carbines;
 - machine guns;
 - assault rifles;
 - light machine guns.
3. Ammunition: Devices destined to be shot or projected through the means of firearms including among others:
 - cartridges;
 - projectiles and missiles for light weapons;
 - mobile containers with missiles or projectiles for anti-aircraft or anti-tank single action systems;
4. Other related materials: All components, parts or spare parts for small arms or light weapons or ammunition necessary for its functioning; or any chemical substance serving as active material used as propelling or explosive agent;
5. Illicit: Covers all that is carried out in violation of this Convention;

6. Marking: Inscriptions permitting the identification of arms covered by this Convention;
7. Tracing: Indicates the systematic monitoring of the movements of small arms and light weapons and their ammunition and other related materials, from the manufacturer until the end user, with a view to helping member States competent authorities to detect illicit manufacture and trading;
8. Brokering: Work carried out as an intermediary between any manufacturer, supplier or distributor of small arms and light weapons and any buyer or user; this includes the provision of financial support and the transportation of small arms and light weapons;
9. Transfer: Includes import, export, transit, transshipment and transport or any other movement whatsoever of small arms and light weapons, ammunition and other related materials from or through the territory of a State;
10. Non-state actors Such as any actor other than State Actors, mercenaries, armed militias, armed rebel groups and private security companies.
11. Small arms and light weapons: In this Convention this shall be deemed to include ammunition and other related materials.

Article 2: Objectives

The objectives of this Convention are:

1. To prevent and combat the excessive and destabilising accumulation of small arms and light weapons within ECOWAS;
2. To continue the efforts for the control of small arms and light weapons within ECOWAS;
3. To consolidate the gains of the Declaration of the Moratorium on the importation, exportation and manufacture of small arms and its Code of Conduct.
4. To promote trust between the Member States through concerted and transparent action on the control of small arms and light weapons within ECOWAS;
5. To build institutional and operational capacities of the ECOWAS Executive Secretariat and the Member States in the efforts to curb the proliferation of small arms and light weapons, their ammunitions and other related materials;
6. To promote the exchange of information and cooperation among the Member States.

Chapter II: Transfer of Small Arms and Light Weapons

Article 3: Prohibition of transfer of small arms and light weapons

1. Member States shall ban the transfer of small arms and light weapons

and their manufacturing materials into their national territory or from/ through their national territory.

2. Member State shall ban, without exception, transfers of small arms and light weapons to Non-State Actors that are not explicitly authorised by the importing Member.
3. Small arms and light weapons as defined in this Convention shall not be deemed to be goods for the purpose of Article 45 of ECOWAS Revised Treaty of 1993.

Article 4: Conditions of Exemption

1. A Member State can request exemption from the provisions of Article 3 (b) in order to meet legitimate national defence and security needs, or to participate in peace support or other operations in accordance with the decisions of the United Nations, African Union, ECOWAS, or other regional or sub-regional body of which it is a member.
2. For the purpose of paragraph 1 of this article, Member States shall establish and maintain an effective system of export and import licensing or authorisation, as well as of measures on international transit, for the transfer of small arms and light weapons.
3. Each Member State shall take such measures as may be necessary to ensure that licensing or authorisation procedures are secure and that the authenticity of licensing or authorisation of the documents can be verified and validated.

Article 5: Procedures for Exemption

1. The request for exemption for an arms transfer is transmitted for examination to the ECOWAS Executive Secretariat and must contain information on:
 - (a) Details of the arms to be transferred- the quantity, exact type and kind of arms using ECOWAS classification system, including all serial numbers and other marks;
 - (b) Details of the supplier – full details (name of company and representative, address, and full contact details) of all companies and individuals involved, including brokers where relevant;
 - (c) Details of the supply process – the number and period of shipments, the routes including transit locations, the type of transport to be used, all companies involved in importing, freight forwarding and handling, details of the storage and management of the weapons whilst being transferred, the time period covered by the activity for which the exemption is requested;
 - (d) Details of the final end user – name of individual/company/ institution and representative responsible, confirmation from relevant national authority that the end user is authorised to import weapons;
 - (e) Details of the end use.
2. The ECOWAS Executive Secretary shall apply the criteria for Article

- 6 of this Convention for exemption requests as well as those of paragraph (a) of this Article. Reasoned opinion of the ECOWAS Executive Secretary shall be sent confidentially to the Member State in order to confirm or refuse the opinion given. The final decision of Member States shall be taken by consensus. In the absence of a consensus, the exemption request as well as the reasoned opinion of the Executive Secretary shall be submitted for a final decision to the ECOWAS Mediation and Security Council.
3. The granting of an exemption shall be transmitted to the Member State concerned by the ECOWAS Executive Secretary through the issuing of an exemption certificate. The exemption certificate once issued must accompany the request for an export licence as well as the End-User-Certificate.
 4. The ECOWAS Executive Secretary shall forward to the Member States information on exemptions and refusals granted within 90 days. The Executive Secretary shall also compile and publish a comprehensive annual report detailing all international arms transfers granted exemptions, and a list of refusals.

Article 6: Cases for Refusal of Exemptions for Transfers

1. A transfer shall not be authorised if:
 - (a) Authorisation on export, import, transit, transshipment or brokering considered as donation has not been provided by all States directly concerned with the transfer;
 - (b) All the required information has not been supplied to the ECOWAS Executive Secretary;
 - (c) The arms have not been marked according to requirements under this Convention.
2. A transfer shall not be authorised if its authorisation violates obligations of the requesting States as well as those of Member States, under international law including:
 - (a) Obligations under the Charter of the United Nations – including:
 - (i) Binding resolutions of the United Nations Security Council such as those imposing arms embargoes;
 - (ii) The prohibition on the use or threat of use of force;
 - (iii) The prohibition on intervention in the internal affairs of another State.
 - (b) Universally accepted principles of international humanitarian law.
 - (c) Any other treaty or decision by which the Member States are bound, including:
 - (i) binding decisions, including embargoes, adopted by relevant international, multilateral, regional and sub-regional bodies, such as the African Union Peace and Security Council, to which a State is party;
 - (ii) Prohibitions of arms transfers that arise in particular treaties which a State is party to, such as OTTAWA Convention on Antipersonnel

Mines, the 1980 Convention on Certain Conventional Weapons and its Protocols.

3. A transfer shall not be authorised if the arms are destined to be used:
 - (a) for the violation of international humanitarian law or infringement of human and peoples' rights and freedoms, or for the purpose of oppression;
 - (b) for the commission of serious violations of international humanitarian law, genocide or crimes against humanity;
 - (c) to worsen the internal situation in the country of final destination, in terms of provoking or prolonging armed conflicts, or aggravating existing tensions;
 - (d) to carry out terrorist acts or support or encourage terrorism;
 - (e) other than for the legitimate defence and security needs of the beneficiary country;
4. A transfer shall not be authorised if it is destined to:
 - (a) be used for or to facilitate the commission of violent or organised crime;
 - (b) adversely affect regional security; endanger peace, contribute to destabilising or uncontrolled accumulations of arms or military capabilities into a region, or otherwise contribute to regional instability;
 - (c) hinder or obstruct sustainable development and unduly divert human and economic resources to armaments of the states involved in the transfer;
 - (d) involve corrupt practices at any stage – from the supplier, through any middlemen or brokers, to the recipient;
5. A transfer shall not be authorised if it is likely to be diverted, within the transit or importing country or be re-exported, to unauthorized uses or users or into the illicit trade;
6. The Executive Secretary and all Member States shall provide elements of proof to apply the criteria enunciated in paragraphs a, b, c, d and e of the present article and to indicate the refusal of exemption request made by a Member State.

Chapter III: Manufacture of Small Arms and Light Weapons

Article 7: Control of the Manufacture of Small Arms and Light Weapons

1. Member States shall undertake to control the manufacture of small arms and light weapons within their national territories;
2. Each Member State shall regulate the activities of local small arms and light weapons manufacturers and shall undertake to adopt strategies and policies to the reduction and/or limitation of the manufacture of small arms and light weapons so as to control the local manufacture as well as their marketing in ECOWAS region.
3. Member States shall undertake to draft an exhaustive list of local

- manufacturers of small arms and light weapons and the registration of each of them into the national arms registers;
4. Where production and/or assembly capacities of small arms and light weapons exist within the ECOWAS region, Member States shall submit to the Executive Secretary. This data shall include the type of the arms and their quantity on their annual production.

***Article 8: Measures of Control for Small Arms and Light Weapons
Manufacture***

Without prejudice to the other measures that Member States will undertake to ensure the effective control of the manufacturing of small arms and light weapons on their national territory, a request for the manufacture of small arms and light weapons will not be granted if the requesting person has not given information relating to:

- (a) Details of the arms to be manufactured – the quantity, exact type and kind of arms using ECOWAS classification system, including all serial numbers and other markings;
- (b) The procedure for marking; the procedure for entering details of each small arm and light weapon into the national small arms and light weapons register; information on the storage and management of the weapons after manufacture.

Chapter IV: Transparency and Exchange of Information

Article 9: National Database and Registers of Small Arms and Light Weapons

1. Member States shall establish where they do not exist already, national computerised registers and database of small arms and light weapons.
2. The following information shall be recorded in the national registry:
 - (a) Description of the product (type or model, calibre) and quantity (if it concerns a batch);
 - (b) the content of the marking;
 - (c) the names and addresses of the former and current owners and, when possible, successive owners;
 - (d) the date of registration;
 - (e) information concerning each transaction including:
 - (i) the name and address of the shipper, the intermediary (where applicable), the consignee and the user indicated on the end-user certificate;
 - (ii) the point of departure, transit and destination, as well as the customs references and the dates of departure, transit and delivery to the end-user.
 - (iii) the export, transit and import licence (quantities and batches corresponding to the same licence as well as the validity of the license);

- (iv) full details concerning the method of transport and transporter(s);
 - (v) the controlling agency or agencies (at point of departure, transit and entry);
 - (vi) the nature of the transaction (commercial, non-commercial, private or public, conversion, repair);
 - (vii) where applicable, the insurer and/or the financial institution intervening in the transaction.
3. Records shall be permanently kept in the register.

Article 10: ECOWAS Small Arms and Light Weapons Database and Registers

1. Member States undertake to establish a sub-regional database and register of small arms and light weapons under the ECOWAS Executive Secretary as a way of promoting confidence.
2. The ECOWAS Executive Secretariat shall develop in collaboration with the Member States the procedures for the setting up and management of the database and register as well as the issues to be covered.
3. The Member States shall provide the ECOWAS Executive Secretariat with all the necessary information for the operation of the sub-regional database and register of small arms and light weapons. Member States also undertake to transmit an annual report to the ECOWAS Executive Secretary detailing their orders or purchase of small arms and light weapons.
4. The ECOWAS Executive Secretary shall present an annual report on the workings of the sub-regional database and register of small arms and light weapons at the Summit of Heads of State and Government.
5. Records shall be kept in the register permanently.

Article 11: Register of Arms for Peace Operations

1. Member States undertake to:
 - (a) Establish a register of small arms and light weapons, their ammunition and other related material destined for use in peacekeeping operations both inside and outside the ECOWAS territory under the ECOWAS Executive Secretary as a way of ensuring the control of movements of small arms and light weapons and their effective withdrawal at the end of peace operations in which Member States are participating.
 - (b) Declare in this regard to the ECOWAS Executive Secretariat all small arms and light weapons used in peace operations.
 - (c) Declare to the ECOWAS Executive Secretary all the small arms and light weapons seized, collected and/or destroyed during peace operations on their territory and in the ECOWAS region.
2. The ECOWAS Executive Secretary shall take the necessary measures to ensure the adequate recording of the information transmitted by the Member States participating to peace operations.

3. Records shall be permanently kept in the register.

Article 12: Dialogue with Manufacturers and Suppliers

1. The ECOWAS Executive Secretary and each Member State shall strengthen cooperation and dialogue with national and international manufacturers and suppliers of arms as well as with the competent international and regional organisations in order to ensure their support, respect for and compliance with the spirit and the letter of this Convention.
2. The ECOWAS Executive Secretary shall take the necessary measures to take advantage of the information available from Member States of the Wassenaar Arrangement, the European Union and other manufacturers and suppliers of arms, in order to strengthen the effective implementation of this Convention.

Article 13: Prevention of and the Fight Against Corruption

Member States shall institute appropriate and effective measures for cooperation between administrative departments concerned and law enforcement agencies to curb corruption associated with the illicit manufacturing of, trafficking in, illicit possession and use of small arms and light weapons.

Chapter V: Operational Mechanism

Article 14: Control of Possession of Small Arms and Light Weapons by Civilians

1. Member States shall prohibit the possession, use and sale of light weapons by civilians.
2. Member States shall regulate the possession, use and sale of small arms by civilians.
3. Authorisations may be granted to permit individual possession of one or more small arms and their ammunition in line with the legislation of each Member State. Applications for such authorisations shall be processed by relevant national authorities. All applicants must appear in person to the relevant national authority. The Executive Secretary shall develop and communicate authorisation procedures to the relevant national authority.
4. Member States undertake to implement a strict control regime for civilian possession of the small arms. The authorisation procedure will involve issuing a license from the relevant national authority for each small arm used by a civilian. Member States shall not grant an authorisation if the applicant does not meet the following criteria:
 - (a) The required minimum age;
 - (b) Applicant does not have criminal record and has not been subject

- to morality investigation;
 - (c) Proof of a legitimate reason to possess, carry or use for each small arms;
 - (d) Proof that the prospective owner has undergone safety training and competency training including training in the relevant laws regarding small arms;
 - (e) Proof that the weapon will be stored in a safe place and separately from its ammunition.
5. Member States shall impose a limit on the number of weapons a licence may cover and require a 'cooling off' period of at least 21 days before an authorisation is granted for the possession of each weapon. Member States shall include an expiration date on each licence and authorisations shall be subject to periodic review. Contravention of regulations concerning possession of small arms in private hands will allow the small arms to be seized by the authorities, the licence/authorisation revoked, and adequate sanctions including penalties applied.
 6. Member States shall include information regarding the civilian possession of small arms within the national small arm database and register established under Article 9 of the present Convention;
 7. Member States undertake to introduce minimum penal sanctions for the illicit possession and use of small arms and light weapons and the carrying of unlicensed small arms.

Article 15: Visitors' Certificates

1. Each Member State shall take the appropriate measures demanding that visitors wanting to import temporarily small arms covered by this Convention for the duration of their temporary stay in the ECOWAS region, prepare in advance an application including information about the purpose, type and marking of small arms to be imported into one of the ECOWAS territories and to declare the arms on their arrival. Such application shall be addressed to the relevant authorities of the Member State concerned for decision.
2. ECOWAS Executive Secretary shall issue guidelines on the procedures to be followed and communicate them to the relevant authority.
3. If the request is agreed, the competent national authorities shall issue to the visitors an entry certificate and an exit declaration at the visitors' arrival and departure.
4. All certificates shall be recorded by the Member States concerned in the national small arms register referred to in compliance with the above mentioned Article 9.

Article 16: Management and Security of Stockpiles

1. Member States shall take the necessary measures to ensure the safe

- and effective management, storage and security of their national stocks of small arms and light weapons;
2. To this effect, Member States shall establish effective standards and procedures for stockpile management, storage and security. These standards and procedures shall include:
 - (a) appropriate site;
 - (b) physical security measures of storage facilities;
 - (c) inventory management and record keeping;
 - (d) staff training;
 - (e) security during manufacture and transportation;
 - (f) sanctions in case of theft or loss.
 3. Member States shall ensure that stockpiles of small arms and light weapons by manufacturers, dealers as well as individuals are securely stored in accordance with the appropriate standards and procedures;
 4. Member States shall undertake to regularly review, in accordance with national laws and standards, the storage facilities and conditions of small arms and light weapons held by their armed and security forces and other authorised bodies in order to identify, for disposal, surplus and obsolete stocks;
 5. The Executive Secretary shall ensure, in collaboration with Member States, that effective standards and procedures for stockpile management of weapons collected in the context of peace operations are duly observed.

Article 17: Collection and Destruction of Small Arms and Light Weapons

1. Member States shall undertake to collect and/ or destroy:
 - (a) the arms which are surplus to the national needs or have become obsolete;
 - (b) seized weapons;
 - (c) unmarked weapons;
 - (d) illicitly held weapons;
 - (e) arms collected in the implementation of peace accords or programmes for the voluntary handing in of weapons.
2. All weapons so collected must be registered and securely stored and or destroyed.
3. Member States undertake to promote and/ or carry out programme of voluntary handing in of weapons.

Article 18: Marking

1. For identification purposes, all small arms and light weapons, their ammunition and other materials, considered as essential by the supplier, shall be assigned a unique and specific marking upon manufacture; this marking shall include the following elements:
2. For small arms and light weapons covered under this Convention,

- (a) “Classic marking” shall include a unique serial number, the manufacturer’s identity, as well as the identification of the country and year of manufacture. Information concerning the purchaser’s identity and the country of destination should also be included if known at the time of manufacture. The markings shall be expressed alphanumerically. They must be legible and should be featured on a maximum number of main parts of the weapon, and at the very least on the part designated by the manufacturer as essential as well as on one other important part of the arm;
 - (b) A “Security marking” shall be applied to all weapons produced after the entry into force of this Convention. This will permit the identification of the weapons in the event that classic markings have been destroyed or falsified. Security markings must be undertaken on component parts that are not easily manipulated after the weapon’s manufacture, and the falsification of which would render the weapon unusable;
 - (c) Member States that import a small arm that is not marked in accordance with the provisions outlined under paragraph a) and b) above shall:
 - (i) Apply a classic marking if the weapons were manufactured before the entry into force of this Convention;
 - (ii) Apply a classic marking and a security marking if the weapons were manufactured after the entry into force of this Convention; failing this, the weapons cannot be imported or must be destroyed.
 - (iii) If the importing country and the year of import are not known at the time of manufacture, the acronym of the importing State and the year of importation are marked by a competent institution in the importing country.
3. For ammunition:
- (a) The markings shall include a unique lot number, the manufacturer’s identity, as well as the country and year of manufacture. Information concerning the purchaser’s identity and the country of destination should also be included if known at the time of manufacture. These details must feature at least once on the jacket (i.e. cartridge) containing the powder or liquid used in the ammunition or explosive. The markings shall be expressed alphanumerically.
 - (b) The smallest ammunition packaging shall include information outlined under 2(a).

Article 19: Tracing

1. Member States shall exchange information on illicit small arms and light weapons and on seized small arms and light weapons, as well as trafficking in weapons that contravene international law or the internal laws of the States in which the operations take place (condemnation of the person or institution implicated, sanctions, disposal, destruction methods, neutralisation).
2. In the case of other small arms and light weapons, Member States shall exchange the following data on a regular basis:

- (a) on manufacture (the marking system and techniques used, and authorized manufacturers);
 - (b) on transfers (exports to and/or imports from all other States, transits, information available concerning national legislation, existing practices and controls, authorised dealers and brokers);
 - (c) on existing stockpiles (management, inventory, security, surplus, losses, theft, destruction).
3. The Executive Secretary shall receive request for exemption and shall act in accordance with Article 5 of this Convention.
 4. A Member State may initiate a tracing request through the ECOWAS Executive Secretary in relation to small arms and light weapons found within its territorial jurisdiction that it considers to be illicit.
 5. To ensure smooth and effective cooperation in tracing, requests for assistance in tracing illicit small arms or light weapons will contain sufficient information including, inter alia:
 - (a) Information describing the illicit nature of the small arm and light weapon, including the legal justification thereof and circumstances under which the small arm and light weapon was found;
 - (b) Markings, type, calibre and other relevant information;
 - (c) Intended use of the information being sought.
 6. Member States receiving a tracing request shall acknowledge receipt within a reasonable time frame.
 7. Member States shall provide reliable responses to tracing requests made by other Member States within one month from the date of receipt of the said request.
 8. In responding to a tracing request, the requested Member States shall provide all available information sought by the requesting Member States that is relevant for the purpose of tracing illicit small arms and light weapons.
 9. The requested Member States may seek additional information from the requesting Member States where a tracing request does not contain the information required in Paragraph 3 (b) above.

Article 20: Brokering

1. Member States shall register all citizens and all companies incorporated in their territory that are brokering small arms and light weapons, including financial agents and transportation agents on armament and shall make such registration a requirement for their licit operation.
2. Member States shall ensure that all registered small arms and light weapons brokering agents obtain an explicit authorization for each individual transaction in which they are involved irrespective of where the arrangements take place.
3. Member States shall require that all small arms and light weapons brokering license applications for authorisation provide full

disclosure of relevant import and export licences or authorisations and associated relevant documents, the names and locations of all brokering and shipping agents involved in the transaction and the transit routes and points of the small arms and light weapons shipments.

4. Member States shall adopt such legislative and other measures to punish and establish as a criminal offence the illicit brokering of small arms and light weapons.
5. Brokering activities may be assessed under Article 1 and 6 of the present Convention.

Article 21: Harmonization of Legislative Provisions

1. Member States shall undertake to revise and update national legislation to ensure that the provisions in this Convention are minimum standards for small arms and light weapons control and their ammunition as well as other related materials.
2. Each Member State shall adopt legislative and other necessary measures to establish as a criminal offence in the following cases:
 - (a) any activity carried out in violation of the provisions of this Convention;
 - (b) any activity carried out in violation of an arms embargo imposed by the United Nations, the African Union or ECOWAS;
3. The Executive Secretary shall elaborate and propose to Member States guidelines for harmonization of legislative provisions.

Article 22: Strengthening of Border Controls

Member States, in collaboration with the ECOWAS Executive Secretary, shall:

- (a) Strengthen sub-regional cooperation among defence and security forces, intelligence services, customs and border control officials in combating the illicit circulation of small arms and light weapons.
- (b) Enhancing the capacity of national defence and security forces, law enforcement and security agencies, including appropriate training in investigative procedures, border control and law enforcement techniques, and upgrading of equipment and resources;

...

Chapter VI: Institutional and Implementation Arrangements

Article 24: Member States

1. Within the framework of the implementation of this Convention, the States Parties which have not yet done so, shall establish through regulation or legislation a National Commission in accordance with Article 51 of the Protocol on mechanisms for prevention, management, resolution of conflict and keeping peace and security

and with the enforcement of the decision of the Conference of Heads of State and Government on December 10th, 1999 on the establishment of National Commissions for the fight against the illicit proliferation and circulation of light weapons.

2. The National Commissions shall be established according to the existing ECOWAS guidelines contained in the National Manual prepared by ECOWAS.
3. Member States shall allocate a budget line to ensure effective functioning of National Commissions.
4. The Member States shall elaborate their National Action Plans on Small Arms and Light Weapons.
5. Such action plans shall be developed through a national information gathering process involving all relevant national stakeholders including civil society, and the convening of a national forum of all stakeholders to deliberate on the elements to be included in the National Action Plan.

...

Article 26: Cooperation Within and Among States

1. Member States undertake to promote intra- and inter-state cooperation in the implementation of this Convention. To this effect:
 - (a) the ECOWAS Executive Secretary shall prepare procedures for interstate cooperation between security forces, the services in charge of border controls and all other services concerned, in the spirit of this Convention.
 - (b) The ECOWAS Executive Secretary shall facilitate and seek assistance for the training of officials in intra- and interstate cooperation.

Article 27: Complaint Procedure Concerning Violation of this Convention

1. All concerns relating to the violation of this Convention shall be brought to the attention of the ECOWAS Executive Secretary who would then submit such a complaint to the ECOWAS Mediation and Security Council;
2. If the ECOWAS Mediation and Security Council considers that there is a breach of the obligations under this convention, it shall decide on the appropriate measures to be taken such as sanctions, inquiry, study or refer the matter to the ECOWAS Court of Justice;
3. This review procedure of complaints shall not mean the impossibility for a State or an individual to refer to the ECOWAS Court of Justice if it notes a failure in the application of this Convention.

Article 28: Monitoring the Implementation of this Convention

1. In order to ensure the monitoring of and compliance with the provisions of this Convention, the Executive Secretary shall appoint a Group of Independent Experts who supports him. The Group of Independent Experts shall submit a report to the Executive Secretary.
2. Member States, upon the request of the Executive Secretary, shall provide the Group of Independent Experts with all information at their disposal on exemption request.
3. The Group of Independent Experts may seek any other information it shall deem useful for its work in relation with Member States and through cooperation with Member States of the Wassenaar Arrangements, the European Union and suppliers of arms.
4. Each Member State shall submit an annual report to the ECOWAS Executive Secretary on its activities related to small arms and light weapons as well as other matters in relation with this Convention, in accordance with the format of report developed by the Executive Secretary.
5. A Conference of all Parties to the Convention shall be convened by the Depository as soon as possible after the entry into force of this Convention. The Conference of Heads of State and Government of member States shall review the implementation of this Convention and shall have further mandates as decided by Member States. Other Conferences of Member States shall be held as needed.

...

3 Declarations, frameworks and policies

Declaration of Political Principles of the Economic Community of West African States (1991)

Full title: Declaration A/DCL.1/7/91 of Political Principles of the Economic Community of West African States

Date/place of adoption/conclusion: 6 July 1991, Abuja, Nigeria

Available online at: <https://bit.ly/30fEXPF>

*Adopted at the Fourteenth Session of the Authority of Heads of State and Government, Abuja, 4 – 6 July 1991.

Excerpts

...

Reaffirming the objectives of promoting better relations among ourselves by ensuring a stable and secure political environment, in which our peoples can live in freedom under the law and in true and lasting peace, free from any threat to or attempt against their security, in which we can pursue a speedy and effective realization of the objectives of ECOWAS

...

Hereby declare our full adherence to the following principles in order to enhance the prospects of advancing our economic cooperation and integration in a political environment of peace, security and stability:

1. We reaffirm the provisions of the Protocol on Non-Aggression adopted on 22 April 1978 and our commitment to securing peace and maintaining stability in the ECOWAS sub-region by promoting increasingly better relations among ourselves, strengthening good neighborliness and ensuring conditions in which our peoples can live in freedom under the law and in true and lasting peace, free from any threat to or against their security.
2. We reaffirm our determination to refrain in our mutual relations, as well as in our international relations in general, from any threat or use of forces, directly or indirectly, against the territorial integrity or political independence of any Member State.
3. We reaffirm also our determination to settle all disputes among ourselves by peaceful means in such a manner as not to endanger the peace, security and stability of our sub-region.

...

7. We reaffirm our determination to speak with one voice under the aegis of ECOWAS on all international issues which touch and concern the vital interests of our development and prosperity. We will therefore resist any attempt by forces outside our sub-region to undermine the expression of our collective will and determination.
 8. We rededicate ourselves and reaffirm our collective determination to take all necessary measures to ensure the speedy and effective realization of the aims and objectives enshrined in the ECOWAS Treaty and related instruments and to fulfill in good faith all our obligations under them.
-

Declaration of a Moratorium on Importation, Exportation and Manufacture of Light Weapons in West Africa (1998)

Full title: Declaration of a Moratorium on Importation, Exportation and
Manufacture of Light Weapons in West Africa

Date/place of adoption/conclusion: 31 October 1998, Abuja, Nigeria

Authentic texts: English, French

Available online at: <https://bit.ly/2Zdvzwk>

*Adopted at the Twenty-First Ordinary Session of the Authority of Heads
of State and Government, Abuja, Nigeria 30-31 October 1998.

Code of Conduct for the Implementation of the Moratorium on the Importation, Exportation and Manufacture of Light Weapons in West Africa (1999)

Full title: Code of Conduct for the Implementation of the Moratorium on
the Importation, Exportation and Manufacture of Light Weapons in West
Africa

Date/place of adoption/conclusion: 10 December 1999, Lomé, Sierra
Leone

Authentic texts: English, French

Available online at: <https://bit.ly/2O8DC79>

Decision Establishing National Commissions for the Control of the Proliferation and Illicit Circulation of Light Weapons (1999)

Full title: Decision A/DEC.13/12/99 Establishing National Commissions for the Control of the Proliferation and Illicit Circulation of Light Weapons

Date/place of adoption/conclusion: 10 December 1999, Lomé, Togo

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Declaration by ECOWAS Ministers of Foreign Affairs on Child Soldiers (1999)

Full title: Declaration by ECOWAS Ministers of Foreign Affairs on Child Soldiers

Date/place of adoption/conclusion: 24 March 1999, Bamako, Mali

The Ministers of Foreign Affairs of ECOWAS;

Aware that the proliferation of light weapons creates a fertile environment for the emergence of child soldiers in the sub-region;

Greatly preoccupied by the increasingly frequent use of children as soldiers by various armed groups in the sub-region;

Deploring the violence to which such children are generally subjected when forcibly conscripted into these groups;

Aware of the trauma suffered by these child soldiers and of its inherently grave consequences for themselves, for their families and for the nation;

Considering that the conscription of these children into illegal armed groups denies them access to education, training and culture and prevents them from being useful to their countries;

Aware also that children, as nation-builders, are the guarantors of the future;

Concerned therefore for their physical, moral and intellectual wellbeing and desiring to provide them with the protection which they deserve;

Considering that all ECOWAS member states have acceded to the United Nations declaration on the rights of the child;

Considering the relevant OAU resolutions on the protection of the African child and the provisions of the African charter on the welfare and rights

of the child;

Condemn strongly the conscription of children into armed groups anywhere on the territory of the community in particular, on the African continent, and all over the world;

Call on Member States to take necessary measure to disband all groups using children as fighters;

Appeal to all armed groups which use child soldiers to demobilize such children immediately and return them to the appropriate public institutions for reintegration into society;

Urge the governments of Member States, international and nongovernmental organisations, civil society and women's associations to coordinate their efforts with a view to adopting appropriate coercive measures to arrest this phenomenon.

Accra Declaration on War-Affected Children in West Africa (2000)

Full title: Declaration by ECOWAS Ministers of Foreign Affairs on Child Soldiers

Date/place of adoption/conclusion: 24 March 1999, Bamako, Mali

Available online at: <https://bit.ly/30iGQv2>

*Adopted at the ECOWAS Conference on War-Affected Children in West Africa, 27-28 April 2000, Accra, Ghana.

Excerpts

Preamble

At the invitation of the Government of Ghana in collaboration with the Government of Canada, with the active participation of the United Nations Special Representative for Children and Armed Conflict, and the Executive Secretary of ECOWAS, we ECOWAS Member States, meeting in Accra from 27-28 April 2000, adopt the following declaration:

Expressing deep concern over the exploitation, abuse, torture, inhumane and degrading treatment of all war-affected children in the region,

Deploring the involvement of children in armed conflicts,

Painfully aware of the trauma suffered by war-affected children and the grave consequences for themselves, their families, and communities,

Disturbed by the proliferation of small arms and light weapons including the indiscriminate use of landmines in the sub-region,

...

Recognising the important role that training for military and other security agencies on the rights of the child can play in the protection of children, including child combatants,

Mindful of the important role that civil society plays in the protection, demobilization, reintegration and rehabilitation of war-affected children,

Convinced of the need for governments to promote democracy and good governance to increase tolerance and understanding,

...

Recognising that education and vocational training are important means of reintegrating war-affected children and of preventing the involvement of children in future conflicts,

Recognising the need for strengthened regional initiatives for the security and well-being of children,

Further to the Declaration of ECOWAS Foreign Ministers on Child Soldiers, signed in March 1999 in Bamako,

Further also to the UN Security Council Resolution 1261 (1999) and 1265 (1999) concerning war-affected children and the protection of civilian populations in situations of armed conflict,

1. Call for the immediate release by armed groups in the sub-region of all children abducted and held against their will,
2. Resolve to ratify and fully implement the provisions of international instruments on the rights of the child,
3. Call upon ECOWAS Member States to take all necessary steps to fully implement and respect the aforementioned United Nations Security Council Resolutions, the four Geneva Conventions and their Additional Protocols, as well as the African Charter on the Rights and Welfare of the Child, the Convention on the Rights of the Child, the International Labour Organization Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, the draft Optional Protocol on the Involvement of Children in Armed Conflict, and the Ottawa Treaty to Ban the Stockpile, Production, and Use of Anti-Personnel Mines and further calls upon all Member States to sign and ratify the protocol once it is open for signature,
4. Commit to ratify the Statute of the International Criminal Court and to bring to justice those who commit violations against children,
5. Commit to working closely with civil society groups to ensure the protection, disarmament, and demobilization of child combatants and reintegration and rehabilitation of war-affected children into their families and communities,

6. Resolve to establish and strengthen programmes for the rehabilitation of all war-affected children, as well as programmes for the successful reintegration of those children within communities,
7. Agree, in co-operation with donor agencies to work towards ensuring that all children have access to quality basic education, and as part of that effort, develop school curricula to support awareness of human rights and good governance principles, alternate dispute resolution methods, tolerance, and techniques for conflict management,
8. Decide to incorporate child rights and the protection of children in armed conflict, into training programs for military forces and other security agencies,
9. Resolve to develop specific programs to provide information, education and communication materials on child rights in order that the media are well informed to contribute to the rights, welfare and protection of children, and to develop media activities, particularly radio programmes, for the benefit of war affected children, sensitive to, and consistent with the best interests of the child,
10. Resolve to implement early warning/response systems in the region to prevent armed conflicts and the victimization and abuse of children and their involvement in these conflicts,
11. Commit to promote sub-regional, cross-border initiatives to reduce the flow of small arms and light weapons, the recruitment and abduction of children, the displacement of populations and the separation of families, as well as illicit trade in natural resources,
12. Call on the international community to provide more support to host countries and UNHCR, in order to reduce the social, economic, environmental and security impact of refugee outflow within the sub-region,
13. Call on ECOWAS Member States to provide, with the support of UN agencies and donors, full protection, access and relief to refugees and internally displaced persons, the vast majority of whom are women and children, in accordance with international refugee law and the Guiding Principles on Internal Displacement,
14. Commit to support the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security signed by all ECOWAS Member States at the Lomé Summit on 10 December 1999,
15. Strongly urge ECOWAS Member States to support the implementation of the ECOWAS Moratorium in order to halt the proliferation of small arms and light weapons in the sub-region,
16. Resolve, with assistance from the international community, to keep duty tours of ECOWAS peacekeepers to a reasonable length, in keeping with UN Standards,
17. Establish an office within ECOWAS for the protection of war-affected

- children in the sub-region and decide to review the activities of ECOWAS in the protection of war-affected children in the region and agree to remain actively seized of the matter,
18. Agree to institute, in solidarity with any country in a conflict situation, an annual “West African Week of Truce for War-Affected Children” in all ECOWAS Member States, to coincide with the Day of the African Child (June 16) and to raise public awareness about the plight of war-affected children in the region,
 19. Commit to work with community leaders to support efforts to strengthen and apply these norms in recognition of the important role of traditional values,
 20. Commit to take measures to involve young people as participants and advocates in the movement for the protection of war-affected children, including developing children-to-children networks within West Africa,
 21. Call on the donor community, UN agencies, and international NGOs, to support and strengthen national institutions, local NGOs, local civil society, and communities to offer support and build local capacities for protection and advocacy for war-affected children,
 22. Decide to dedicate a meeting of ECOWAS Foreign Ministers within the next twelve months to examine the role of national governments and ECOWAS in the protection of all war-affected children,
 23. ECOWAS Member States urge the international community to provide expertise, as well as moral and financial support for the implementation of these initiatives.

Declaration on the Fight Against Trafficking in Persons (2001)

Full title: Declaration on the Fight Against Trafficking in Persons

Date/place of adoption/conclusion: 21 December 2001, Dakar, Senegal

Authentic texts: English, French, Portuguese

Available online at: <https://bit.ly/32bZWOP>

*Adopted at the Twenty-Fifth Ordinary Session of the Authority of Heads of State and Government, Dakar, 20-21 December 2001.

ECOWAS Conflict Prevention Framework (2008)

Full title: Regulation MSC/REG.1/01/08 The ECOWAS Conflict Prevention Framework

Date/place of adoption/conclusion: 16 January 2008, Ouagadougou, Burkina Faso

Available online at: <https://bit.ly/2OeSz7v>

Excerpts

Preamble

...

Considering that the West African region has been afflicted by conflicts and sociopolitical crises whose causes are multiple and were not detected or identified at the appropriate time for prevention;

Noting that these conflicts and crises that broke out in the region were managed after their manifestation by means of missions of good offices and the mediation undertaken by ECOWAS;

Realising that these missions have been successful as a result of effective involvement of decision-making bodies of ECOWAS;

Conscious of the need to identify and outline the efforts, actions, activities and programs likely to assist in the effective prevention of conflicts in the region for judicious implementation;

Desirous to this end to adopt a prevention framework encompassing all initiatives for enhancing safety of life and property, as well as the security of Member States and institutions in the region;

...

Hereby enact as follows:

...

Section II: Introduction

1. The Economic Community of West African States (ECOWAS) has, over the years, proven its capacity to undertake successful conflict prevention, peacemaking and conflict resolution under the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security of 10th December 1999 (hereafter referred to as the Mechanism). The Institution has achieved remarkable success in fulfilling its mandate by containing violent conflicts in the region and carrying out conflict prevention interventions through preventive diplomacy initiatives - fact-finding missions, quiet diplomacy, diplomatic pressure and mediation.
2. The institution has also established several promising conflict

prevention organs to underpin its mandate, including the Early Warning System, the Mediation and Security Council, Offices of the Special Representative, the Council of the Wise and Special Mediators. However, the implementation of the preventive aspects of the Mechanism has at times, lacked a strategic approach. It has been characterized by weak internal coordination, underutilization and misdirection of existing human capacities as well as the deployment of limited instruments.

3. In particular, the distribution of roles and responsibilities between ECOWAS and Member States, between ECOWAS and civil society, as well as between ECOWAS and external partners is weak, resulting in the utilization of limited instruments, piecemeal interventions and late response to crises. The development of a strategic framework to underpin the preventive aspects of the Mechanism has, therefore, become imperative.
4. ECOWAS Member States bear primary responsibility for peace and security. However, as steps are taken under the new ECOWAS Strategic Vision to transform the region from an 'ECOWAS of States' into an 'ECOWAS of the Peoples', the tensions between sovereignty and supranationality, and between regime security and human security, shall be progressively resolved in favor of supranationality and human security respectively. Consequently, civil society shall play an increasingly critical role alongside Member States in the maintenance and promotion of peace and security. In this order of things, the principal role of ECOWAS shall be to facilitate creative conflict transformation interventions by Member States and civil society.
5. To this end, the purpose of the ECOWAS Conflict Prevention Framework (ECPF) is to serve as a reference for the ECOWAS system and Member States in their efforts to strengthen human security in the region. Achieving this objective requires effective and durable cooperative interventions to prevent violent conflicts within and between States, and to support peace-building in post-conflict environments.
6. For the purposes of the ECPF, human security refers to the creation of conditions to eliminate pervasive threats to people's and individual rights, livelihoods, safety and life; the protection of human and democratic rights and the promotion of human development to ensure freedom from fear and freedom from want.
7. The ECPF is intended as follows:
 - (a) A comprehensive operational conflict prevention and peace-building strategy that enables the ECOWAS system and Member States to draw upon human and financial resources at the regional (including civil society and the private sector) and international

- levels in their efforts to creatively transform conflict.
- (b) A guide for enhancing cohesion and synergy between relevant ECOWAS departments on conflict prevention initiatives in order to maximize outcomes and ensure a more active and operational posture on conflict prevention and sustained post-conflict reconstruction from the ECOWAS system and its Member States. Within the ECOWAS Commission, it is primarily the Office of the Commissioner for Political Affairs, Peace and Security (PAPS) that bears primary responsibility for operational conflict prevention policy and initiatives. However, the crosscutting nature of conflict issues means that PAPS has to work in close collaboration with other departments, such as Human Development and Gender, Communication and Legal.
 - (c) A reference for developing process-based cooperation with regional and international stakeholders, including the private sector, civil society, African RECs, the AU and UN systems, as well as development partners, on conflict prevention and peace-building around concrete interventions.

Section III: Definitions

8. Conflict refers to the contradictions inherent in power relations and which manifest themselves in individual and group interactions with one another and with nature in the pursuit of limited resources or opportunities. Conflict is the motor of transformation and is either positive or negative. It can be creatively transformed to ensure equity, progress and harmony; or destructively transformed to engender acute insecurity.
9. Human insecurity is driven by the negative transformation of structural factors through the exacerbation of conflict accelerators. The degeneration of conflict into open violence is often sparked by triggers.
10. Structural factors refer to systemic variables conditioned by decades and centuries of interactions with regard to external, regional and internal power relations (global and local governance); fault-lines in the architecture of the postcolonial African State; and the vulnerability of the continent to the vagaries of global processes and nature, such as the region's disadvantaged position in the world market and environmental degradation. The root causes of violent conflict, such as poverty, exclusion, gender and political/economic inequalities are traceable to these global and local fault lines. They have always constituted a time bomb under governance processes in West Africa, being the primary source of latent, indirect violence.
11. Accelerators refer to feedback events and processes that progressively worsen the impacts of structural factors, such as collapsed educational systems, repressive security apparatuses and curtailment of freedoms, corruption, religious/ethnic discrimination, and worsening cost of

- living.
12. Triggers refer to sudden events with catalytic effects on accelerators that spark a crisis, which could in turn lead to violent conflict, such as the sudden increase in the price of a staple, which could culminate in civil strife or a coup d'état.
 13. Structural factors mask latent (indirect) violence, that is, harm perpetrated against the individual or group and which is embedded in the structure of our societies, such as the sources of illiteracy and innumeracy, unemployment and environmental degradation. Their possible degeneration into direct violence is a function of how, and in what direction, people interact with each other and with nature to transform them. For instance, a repressive regime may create a security racket to protect itself, crack down on the labor movement, muzzle the press, imprison opposition figures, and fill a voters' register with double entries and ghost names, all in the attempts to cling on to power. All these practices accelerate the negative transformation of structural factors and nudge society towards direct violence.
 14. A step too far, such as the assassination of a popular opposition figure or the cancellation of unfavorable election results by the dictator, may just provide the trigger that tips the scales in favor of violence. Such violence causes immediate physical or psychological pain, which could be a consequence of armed insurgency, torture, ethnic cleansing, police brutality, banditry, robbery or domestic conflicts.
 15. Both direct and structural forms of violence can be, and have often been, instrumentalized through culture. Cultural 'aggravators', that is, exacerbating factors that are premised on physical, social or spiritual differences – ideology, class, ethnicity, race, religion, patriarchy, gender and sex – are often given expression through art, music, education, the media and cinema. Cultural 'aggravators' are blind, emotive and potent, because they condition the mind to emphasize differences and reject tolerance for diversity through the agencies of deliberate discriminatory state, class or group policy and propaganda.
 16. Unchecked, cultural 'aggravators' have the capacity to reinforce the foundations of structural factors, thus perpetuating the cycle of violence. Apartheid in South Africa could be considered as a structural cause, just as the entrenched and systematic discrimination against the natives by the Americo-Liberians widened the structural fault-lines and ultimately provoked violence in Liberia. It is not surprising, therefore, that in trying to explain the reasons for state inversion in the Mano River Union, Côte d'Ivoire, Guinea Bissau and elsewhere, the main causes have been cited as ethnicity, religion, civil-military relations and the conflict of generations.
 17. The challenge facing policy makers and analysts alike is to make an

informed choice between the competing demands of structural and direct sources of violence, between medium to long-term priorities and short-term preventive solutions, and recognizing the relationship between them.

Section IV: Concept and Scope of Conflict Prevention

18. For the purposes of this framework document, the term conflict prevention refers to non-violent (or creative) conflict transformation and encompasses activities designed to defuse tensions and prevent the outbreak, escalation, spread or recurrence of violence. Conflict prevention strategies may distinguish between operational prevention (measures applicable in the face of imminent crisis) and structural prevention (measures to ensure that crises do not arise in the first place or, if they do, that they do not re-occur). The emphasis is not on preventing conflict per se (conflict being a natural consequence of change) but in halting its descent into violence.
19. Thus, conflict prevention comprises the following elements:
 - (a) Operational prevention, including early warning, mediation, conciliation, preventive disarmament and preventive deployment using interactive means, such as good offices and the ECOWAS Standby Force.
 - (b) Structural prevention, often elaborated under peace-building initiatives and comprising political, institutional (governance) and developmental reforms, capacity enhancement and advocacy on the culture of peace. Peacebuilding, on the other hand, describes the development of the requisite multi-actor institutional capacity to design, implement and monitor initiatives aimed at checking the deterioration of social and economic conditions during hostilities, and strengthening the peace fabric of post-conflict countries over a long period of time in order to prevent a relapse into violent conflict. Aimed at operationalizing Chapter IX of the Mechanism, initiatives to this end include, but not limited to, humanitarian assistance, restoration and maintenance of economic and social infrastructure; restoration and reform of governance institutions (political, economic, socio-cultural and security); justice, rule of law, reconciliation and reintegration; and conflict-sensitive development.
20. The focus of this document is operational and structural conflict prevention. It takes into account the recognition that a comprehensive approach to prevention requires a coherent approach extending to all areas, and that not only should operational prevention measures entail working on more structural issues, but they must also dovetail into long-term preventive initiatives. Also, in as far as peace-building interventions aim to prevent a relapse into violence, they may also fall under the broad umbrella of conflict prevention.
21. These distinctions and inter-relationships are particularly relevant to

West Africa, which is concurrently one of the most impoverished regions of the world despite its rich natural endowment, and one of the regions prone to violence and civil strife. The region has witnessed positive developments recently, including a deepening of democratic processes in a number of countries and progress in resolving some of the worst conflicts. Nonetheless, political instability and low intensity conflicts remain major constraints on development in the region.

22. ECOWAS, with its wide political and economic mandate, has an obvious role in harnessing regional resources not only for sustainable development and promoting adherence to universal norms on the rule of law and basic human rights, but also to anticipate and eliminate in a predictable and targeted manner, conflict accelerators, including factors leading to humanitarian crises, which could undermine these efforts. In doing so, careful distinction must be drawn between the role of the ECOWAS system and that of Member States, who bear the primary responsibility, and own the process, for peace and security.

Section V: Context of the ECPF

23. With the easing of cold war tensions, Africa witnessed a fall in the instances of inter-state conflicts but a dramatic rise in violent internal power struggles that threatened state implosion across the continent. It became obvious that a nexus existed between violent internal conflicts, sparked largely by bad governance, identity crises and poor resource management on the one hand, and collective developmental efforts on the other. Barely a decade after the creation of ECOWAS, violent internal conflicts erupted in Liberia (1989) and Sierra Leone (1991) as a new phenomenon not confined to the borders of individual nation states, but with serious regional implications, both in their causes and effects. Later, ECOWAS was to be confronted with similar conflicts in Guinea Bissau and Côte d'Ivoire (2002). Starting off as internal struggles for power and control over resources, these devastating conflicts soon took on a regionalized character, fuelled by the proliferation of small arms and light weapons, as well as private armies of warlords, mercenaries, dispossessed youths and bandits who fed off the illegal exploitation of natural resources. The ripples of these so-called internal conflicts were instantly felt far beyond national borders in the form of refugee flows, severe deterioration of livelihoods, health and nutrition standards, disrupted infrastructure, and the proliferation of weapons, violence and transnational crime.
24. The interventions of the ECOWAS Ceasefire Monitoring Group (ECOMOG) in Liberia (1990) and Sierra Leone (1997), and the

ECOWAS Missions in Liberia (ECOMIL) in 2003 and Côte d'Ivoire (ECOMICI) in 2002 were classic military operations designed to stop wars or monitor cease-fires, thus creating space for peace negotiations and humanitarian operations. Indeed, ECOMOG interventions in West Africa have often created the bridgehead for the subsequent deployment of larger UN peacekeeping and international humanitarian missions. In the process, ECOWAS has always acted in concert with the African Union and UN.

25. ECOWAS has developed a comparative advantage in the area of peace-keeping and peace enforcement, and has become a model for the continent. Under the aegis of the African Union, a Pan-African Stand-by Force (ASF) is in the process of being established. Designed for rapid preventive deployment and peacekeeping, this force will comprise five brigades, one brigade to be provided by each of the five Regional Economic (Integration) Communities (RECs). ECOWAS is well placed to be the first REC to deliver its brigade and it is the lead organization in the development of the ASF Standard Operational Procedures (SOPs) designed to create harmonization and interoperability within ASF.
26. As the region repositions itself to prevent the recurrence of violent conflicts, ECOWAS Member States have a responsibility to ensure sustainable peace and security by implementing measures and initiatives that go beyond violence management. In other words, military intervention should constitute only a segment, and ideally a measure of last resort, within the broader peace and security architecture. Emphasis should now be placed on prevention and peacebuilding, including the strengthening of sustainable development, the promotion of region-wide humanitarian crisis prevention and preparedness strategy and the culture of democracy. This calls for the re-examination of the relationships between internal factors that provoke violence and the ECOWAS instruments, including its early warning and response mechanisms. The ECPF constitutes a response to this new challenge.

Section V: Aims, Objectives and Outputs

27. The overall aim of the ECPF is to strengthen the human security architecture in West Africa. The intermediate purpose is to create space within the ECOWAS system and in Member States for cooperative interaction within the region and with external partners to push conflict prevention and peace-building up the political agenda of Member States in a manner that will trigger timely and targeted multi-actor and multi-dimensional action to defuse or eliminate potential and real threats to human security in a predictable and institutional manner.

28. The ECPF sets the following objectives:
- (a) Mainstream conflict prevention into ECOWAS' policies and programs as an operational mechanism.
 - (b) Increase understanding of the conceptual basis of conflict prevention, and in so doing, interrelate conflict prevention activities with development and humanitarian crisis prevention and preparedness.
 - (c) Build awareness and anticipation, and strengthen capacity within Member States and civil society to enhance their role as principal constituencies and actors in conflict prevention and peace-building.
 - (d) Increase understanding of opportunities, tools and resources related to conflict prevention and peace-building at technical and political levels within Member States, the ECOWAS system and beyond.
 - (e) Increase awareness and preparedness for cooperative ventures between ECOWAS, Member States, civil society and external constituencies (RECs, AU, EU, UN, International Financial Institutions (IFIs) and development/humanitarian agencies) in pursuit of conflict prevention and peace-building.
 - (f) Strengthen capacity within ECOWAS to pursue concrete and integrated conflict prevention and peace-building facilitation, and concomitant activities such as development and humanitarian crisis prevention and preparedness, in Member States using existing resources, such as the Departments of the Commission; the Early Warning System; supporting organs of the Mechanism, including the Council of the Wise and Special Mediators; and other ECOWAS institutions.
 - (g) Enhance ECOWAS anticipation and planning capabilities in relation to regional tensions.
 - (h) Extend opportunities for conflict prevention to post-conflict environments through targeted restructuring of political governance, conflict-sensitive reconstruction and development, as well as humanitarian crisis prevention and preparedness, and related peace-building initiatives.
 - (i) Generate a more pro-active and operational conflict prevention posture from Member States and the ECOWAS system.

29. Outputs

This framework document:

- (a) sets practical guidelines on conflict prevention to which ECOWAS and Member States can refer in their cooperation and in their engagement with partners.
- (b) sets practical guidelines for cross-departmental and cross-initiative cooperation and synergy within ECOWAS on conflict prevention.
- (c) provides practical guidance for cooperative ventures between ECOWAS, Member States, civil society and external partners in pursuit of conflict prevention and peace-building.
- (d) incorporates an ECOWAS strategy on resource mobilization, advocacy and communication to underpin the initiatives with respect to conflict prevention and peace-building.
- (e) creates the necessary bridge linking everyday conflict prevention

- initiatives to structural (strategic) conflict prevention.
- (f) shall be supplemented by a Plan of Action and Logical Framework with identified priority activities to be undertaken by ECOWAS, Member States, civil society, the private sector and external partners in the short, medium and long term.

Section VII: ECOWAS Mandate and Legitimacy for Conflict Prevention

30. ECOWAS draws its mandate and legitimacy to shape conflict prevention policies and practices in West Africa from diverse but related regional and international normative framework documents. These include foundation and related legal documents of ECOWAS, AU, NEPAD and UN.
31. Since the inception of ECOWAS (ECOWAS Treaty, 28th May 1975), the principles of cooperation, mutual assistance and non-aggression have provided the ethos for organizational behavior within the Community and with external partners. It is within this context that ECOWAS adopted the Protocol on NonAggression (1978) and the related Protocol on Mutual Assistance in Defense (1981). Building on these foundation documents, the Community has adopted groundbreaking instruments in response to the demands for conflict prevention, resolution and peace-building.
- ...
40. A firm legal basis underpins the relationship between ECOWAS, the African Union and the United Nations on the cardinal issue of peace and security. The African Union is a Regional Organization recognized by the UN, the guarantor of global peace and security, while ECOWAS constitutes one of the five Regional Economic Communities under the AU architecture. The three bodies cooperate on the issues of peace and security on the principles of subsidiarity and complementarity in accordance with the provisions of Chapter VIII of the UN Charter. Thus, key ECOWAS normative standards that speak to conflict prevention, resolution and peace-building broadly radiate from the Constitutive Act of AU and the UN Charter, and the related normative standards on peace and security as well as on specific issues relating to women, youth, children, the environment, terrorism and trans-national crime.
41. Beyond legal instruments and guidelines, however, the unacceptable levels of deprivation in West Africa, as well as the destructive nature and spill over effects of contemporary regionalized internal upheavals, place specific moral obligations on ECOWAS Member States to act. Thus, ECOWAS is imbued with the necessary supranational powers (acting on-behalf of and in conjunction with Member States, AU and UN), as well as the legitimacy to intervene to protect human

security in three distinct ways, namely:

- (a) The Responsibility to prevent – actions taken to address the direct and root causes of intra and inter-state conflicts that put populations at risk.
- (b) The Responsibility to react – actions taken in response to grave and compelling humanitarian disasters.
- (c) The Responsibility to rebuild – actions taken to ensure recovery, reconstruction, rehabilitation and reconciliation in the aftermath of violent conflicts, humanitarian or natural disasters.

Section VIII: Components, Activities and Benchmarks of the ECPF

- 42. The ECPF comprises fourteen components that span the chain of initiatives designed to strengthen human security and incorporate conflict prevention activities (operational and structural) as well as aspects of peace-building. They are: [1] Early Warning; [2] Preventive Diplomacy; [3] Democracy and Political Governance; [4] Human Rights and the Rule of Law; [5] Media; [6] Natural Resource Governance; [7] Cross-Border Initiatives; [8] Security Governance; [9] Practical Disarmament; [10] Women, Peace and Security; [11] Youth Empowerment; [12] ECOWAS Standby Force; [13] Humanitarian Assistance; and [14] Peace Education (The Culture of Peace).
- 43. Given the interconnectedness of the initiatives, components and activities under conflict prevention may be replicated in peace-building interventions.
- 44. Early Warning: To facilitate the realization of Articles 3(d), 19, 23 and 24 of the Mechanism, the Early Warning component sets the objective to furnish incident and trend reports on peace and security, as well as real-time preventive response options, to ECOWAS policy makers to ensure predictability and facilitate interventions to avert, defuse or creatively transform acute situations of conflict, instability, disruptions and disasters.
- 45. To achieve the objective of Early Warning, activities shall be undertaken in the following areas:
 - (a) The Department of Early Warning (DEW) shall refine the ECOWAS Early Warning and Response Network (ECOWARN) into a more convivial, integrated and operational instrument to guide the zonal bureaux and focal points in their data collection and processing efforts.
 - (b) The Department of Early Warning shall prioritize effective collaboration with the Department of Political Affairs, the Department of Human Development and Gender, and other departments of the Commission as may be necessary, in the analysis of data and the preparation of reports and briefings for policy makers. The Department of Early Warning shall ensure the coordination of information flow on crisis among ECOWAS field

- missions including feedback between field missions and ECOWAS Commission desk officers.
- (c) The Department of Early Warning shall harmonize and coordinate the development of ECOWARN and coordinate its operations with the African Union and the United Nations in order to generate the necessary synergy within the framework of the operationalization of the Continental Early Warning System (CEWS).
 - (d) The Zonal Bureaux for Early Warning shall adopt a participatory regional approach in data gathering by building and strengthening cooperation with Member States and civil society, including but not limited to NGOs, traditional groups, diverse interest groups, women and youth organizations.
 - (e) The Zonal Bureaux, under the authority of the Department of Early Warning, shall work closely with members of the ECOWAS Council of the Wise and ECOWAS National Units in their respective zones, as well as with local peace constituencies in the design and implementation of initiatives to resolve local disputes arising from gathered data.
 - (f) Member States and civil society shall actively cooperate with the Zonal Bureaux in the collection and processing of data, and actively engage in local conflict prevention, resolution and peace-building initiatives.
46. The benchmarks for assessing progress and success in Early Warning shall include the following:
- (a) The elaboration of an effective strategy for information gathering and analysis, including a format for relevant indicators and reporting.
 - (b) Well resourced Department of Early Warning and its Zonal Bureaux with sufficient numbers of field agents, analysts and volunteers equipped with modern information gathering, processing, storage and transmission capability.
 - (c) The establishment of operational focal points within Governments, civil society and research institutions as well as effective links with ECOWAS resources in the zones.
 - (d) The production, analysis and appropriate dissemination of incident and situation reports, as well as the articulation of policy and crisis response options and assessment criteria
 - (e) The creation of effective links with the continental early warning system and collaboration with AU, other RECs, the United Nations system and development partners on early warning.
 - (f) The elaboration of annual needs assessments and concise training plans for efficient and evolving human capacity building. g. The production of periodic early warning reports.
47. To facilitate the achievement of the Early Warning objective, the following capacity requirements shall be met:
- (a) Recruitment of the full complement of staff, including researchers, analysts and advisers, in the Office and departments of the Commissioner of Political Affairs, Peace and Security.

- (b) Provision of information gathering, processing and communication equipment to the Department of Early Warning and the Zonal Bureaux.
 - (c) Training of the staff of the Department of Early Warning and Zonal Bureaux and focal points in information gathering, data management, research and analysis and mediation techniques.
 - (d) Training of local peace constituencies in conflict analysis and management and provision of resources and equipment for grassroots peace initiatives with the assistance of development partners and regional resources.
48. Preventative Diplomacy: Aimed at operationalizing the relevant provisions of Article 58 of the Revised Treaty; Articles 3, 8-27, 31-32 of the Mechanism; and Article 36 of the Supplementary Protocol on Democracy and Good Governance; the objective of Preventive Diplomacy shall be to defuse tensions and ensure the peaceful resolution of disputes within and between Member States by means of good offices, mediation, conciliation and facilitation based on dialogue, negotiation and arbitration. Usually applied in the face of imminent crisis, preventive diplomacy shall also be applicable in the management, resolution and peace-building phases of conflict.
49. To achieve the objective of Preventive Diplomacy, the following activities shall be undertaken:
- (a) The Offices of the Special Representative and Envoys of the ECOWAS President as well as the Zonal Bureaux through the Department of Early Warning shall regularly update the President on tensions that may threaten peace and security in Member States and offer options to defuse them.
 - (b) Members of the Council of the Wise shall alert the President of the Commission on looming crises in their States of origin and propose measures for containing such threats
 - (c) The Mediation and Security Council may appoint one or more of its members or eminent personalities for high-level mediation and arbitration within and between States.
 - (d) The Mediation and Security Council may authorize the preventive deployment of ESF to the territory of a Member State for the purpose of preventing the degeneration of conflict into violence or to serve as buffer between belligerents during periods of high tension, mediation or peacekeeping operations as stipulated by Article 27 of the Mechanism.
 - (e) The President of the Commission, in consultation with the Chairperson, shall deploy a Special Mediator, Special Envoy or Member(s) of the Council of the Wise to any Member State in a situation of potential crisis on a fact finding mission for the purposes of studying the situation on the ground and advising the President on options for defusing any tensions.
 - (f) ECOWAS shall build a database of potential mediators and resources in the region and beyond.
 - (g) ECOWAS and Member States, taking account of gender equity,

- shall facilitate the active involvement of former Heads of State, Eminent and high-profile personalities in mediation, conciliation and facilitation as ECOWAS Special Envoys and Ambassadors.
- (h) ECOWAS shall build a mediation facilitation capacity within the Commission to promote preventive diplomacy interventions in the region through competence and skills enhancement of mediators, information sharing and logistical support.
 - (i) ECOWAS may either establish or shall facilitate capacity enhancement of relevant institutions of the Community to undertake mediation and arbitration activities within and between Member States.
 - (j) ECOWAS shall facilitate the enhancement of the competence and skills of the appropriate state institutions and civil society institutions within Member States to undertake mediation, conciliation and arbitration activities.
 - (k) Member States shall cooperate with and facilitate the work of fact-finding missions, special envoys, mediators and any such entities as may be deployed in their territory for the purposes of mediation, conciliation and facilitation.
 - (l) Member States shall work closely with the Zonal Bureaux, the Council of the Wise and the Offices of the Special Representative through the ECOWAS National Units to mobilize local resources, including eminent persons, traditional rulers, religious leaders, community groups, women's organizations, other civil society organizations, the private sector and any such actors as may be necessary, for the purposes of mediation, conciliation and facilitation to resolve local disputes.
50. Progress and success in Preventive Diplomacy shall be assessed with the help of the following yardsticks:
- (a) Measurable reduction in the incidence of violent conflicts at the national and local levels within Member States.
 - (b) The establishment of functioning mediation facilitation capabilities within the ECOWAS Commission and institutions.
 - (c) The setting up and regular updating of resources in the region and beyond on mediation, facilitation and arbitration.
 - (d) Regular interactions between ECOWAS National Units and other State authorities, decentralized ECOWAS institutions and local peace constituencies.
 - (e) Greater predisposition to creative conflict transformation and expanded base of conflict management resources at the regional, national, local and community levels.
 - (f) Peaceful resolution of disputes becomes a norm in the region.
51. The following capacity needs shall be met to facilitate the achievement of the objective of Preventive Diplomacy:
- (a) Recruitment of political, legal and security analysts and the provision of equipment for the Offices of the Special Representatives.
 - (b) Provision of secretariat services and operational allowance for the members of the Council of the Wise and Special Mediators.

- (c) Retreats for Special Mediators, Special Representatives of the President, Council of the Wise and high ranking officials of Member States in the techniques of conflict analysis and diagnosis; and the generation of options.
 - (d) Capacity-building workshops (and equipment) for ECOWAS institutions and other relevant institutions in mediation, facilitation, and provision of resources and know-how for the establishment of a database of mediation resources
 - (e) Training in conflict analysis and mediation skills for relevant state institutions in Member States
 - (f) Capacity-building workshops and seminars on mediation and alternative dispute resolution for local peace constituencies, particularly traditional rulers, religious leaders, women groups, youth groups and other civil society organizations
 - (g) Financial and technical support to local peace constituencies for targeted interventions in local disputes, including those involving chieftaincy, land/water, ethnicity, religion, gender and youth.
 - (h) Experience-sharing visits by Mediators and the conduct of Lessons Learned workshops on peace processes and mediation in the region.
52. Democracy and Political Governance: Without prejudice to other Protocols and Decisions of Heads of State and Government, this component shall set the objective of facilitating the realization of the relevant provisions of Article 58 of the Revised Treaty; the relevant provisions of the Protocol on Free Movement of Persons, the Right of Residence and Establishment; The Declaration of Political Principles (1991); Articles 2(A), 42-1, 44 (B) and 45 of the Mechanism; and in particular, the provisions of the Supplementary Protocol on Democracy and Good Governance. To this end, the objectives of Democracy and Political Governance shall be: [i] to create space and conditions for fair and equitable distribution and exercise of power and the establishment and reinforcement of governance institutions; [ii] to ensure the active participation by all citizens in the political life of Member States under common democratic, human rights and constitutional principles articulated in ECOWAS Protocols, the African Charter on Human and People's Rights, NEPAD principles and other international instruments.
53. To achieve the objectives of Democracy and Political Governance, the following activities shall be undertaken:
- (a) ECOWAS shall facilitate, and Member States shall ensure, the strengthening of the Executive, Legislature and the Judiciary of Member States to promote efficient delivery, the enhancement of separation of powers and oversight responsibilities in governance.
 - (b) ECOWAS shall assist Member States to promote the professionalization of governance institutions by building and strengthening transparent, nonpartisan, efficient and accountable

national and local institutions, in particular the civil service.

- (c) Member States, in cooperation with ECOWAS and with the full participation of civil society organizations, shall assist political parties with financial resources and know-how to strengthen internal party democracy and participation, and to mobilize resources to assist political parties in the crafting of manifestos that promote national cohesion, consensus, participatory democracy and sustainable development.
- (d) ECOWAS shall facilitate, and Member States shall adopt and implement targeted programs to enhance the active involvement of women in decision making, seeking elective offices and participating in the electoral process.
- (e) In post-conflict environments, ECOWAS shall facilitate the creation of mechanisms to help former guerrilla movements and other non-state armed groups to make the transition to exclusively peaceful means of political contest, including the creation, capacity enhancement and financing of political parties.
- (f) ECOWAS shall facilitate the provision of assistance to Member States and local constituencies in the preparations for credible elections, including technical and financial support for the conduct of census, voter education, enactment of credible electoral codes, compilation of voters' registers and training of electoral officials, monitors and observers.
- (g) ECOWAS shall facilitate the enactment and enforcement of statutes in Member States to strengthen the capacity of all political parties to effectively compete in elections and minimize the impact of the incumbency factor in elections.
- (h) Member States shall establish and ensure the functioning of mechanisms and processes for power decentralization, including the strengthening of local government structures and assisting traditional rulers to effectively oversee community development and engage in mediation and alternative dispute resolution. They shall undertake to assign specific self-governance roles to local government authorities.
- (i) Member States shall encourage the establishment of permanent platforms that bring together electoral management bodies, political parties, security services, the media and civil society for the exchange of views, formulation of electoral codes of conduct and modalities for the peaceful resolution of election-related disagreements.
- (j) Member States shall facilitate the active involvement of civil society organizations, including NGOs, traditional structures and communitybased organizations in electoral and governance processes.
- (k) Civil society organizations shall carry out activities to promote credible and transparent electoral and governance processes, including awarenessraising, training workshops for political parties, electoral management bodies, the media, security services, election monitors and observers.

- (l) Civil society organizations shall assist Member States to establish mechanisms to strengthen the capacity of the media, security services and the judiciary to deliver efficient electoral oversight, security and arbitration.
 - (m) ECOWAS and Member States shall develop after-office roles for out-going incumbents and former Heads of State
 - (n) Member States shall allocate resources and training to enhance the effectiveness and fairness of traditional courts to complement the work of the justice system.
 - (o) Member States and civil society organizations shall undertake to popularize and educate citizens on ECOWAS Protocols relating to Democracy and Good Governance.
54. The benchmarks for assessing progress in the promotion of Democracy and Political Governance shall include the following:
- (a) Adoption and/or enforcement of national constitutions that reflect the constitutional convergence principles contained in the Supplementary Protocol on Democracy and Good Governance, the African Charter on People's and Human Rights, and international norms and standards.
 - (b) Grassroots awareness of supranational and international norms and standards of democracy and good governance, and the determination of national stakeholders to defend and promote democratic gains.
 - (c) Public confidence in governance structures at all levels.
 - (d) Adoption and/or enforcement of anti-corruption policies and enhanced transparency and accountability in the public sector.
 - (e) Adoption and/or enforcement of policies and mechanisms to enhance participation at all levels in the governance process.
 - (f) Availability and application of affirmative policies on minorities, women, youth and the marginalized, including quota systems and waivers for women, as well as incentives for pro-women parties.
 - (g) Minimum regional norms and standards set and applied for elections and electoral administration.
 - (h) Vibrant political party activity during non-electoral periods.
 - (i) The existence of a reliable and credible voters' register
 - (j) Increased confidence in the electoral management bodies.
 - (k) Increased vibrancy and non-partisanship of the media that do not propagate hatred.
 - (l) The holding of predictable and credible elections to determine the accession to, retention and exercise of power.
 - (m) Reduced incidence of electoral fraud, disputes and violence.
 - (n) Increased willingness to accept electoral verdicts and relinquish power peacefully.
55. Stakeholders shall meet the following capacity needs under the Democracy and Political Governance component:
- (a) Recruit staff and governance experts for the Department of Political Affairs, and equip the Department with tools to facilitate interventions in the area of democracy and political governance.

- (b) Strengthen the conflict prevention capacity of the Office of the Commissioner for Political Affairs, Peace and Security as well as the capacity of the Electoral Assistance Unit with personnel, financial support and relevant equipment to lead interventions in electoral processes across the region.
 - (c) Develop training packages and organize workshops for the legislature to enhance their capacity in following and analyzing developments and know-how in parliamentary procedures, the art of motion passing, parliamentary debate, law enactment and oversight.
 - (d) Organize targeted refresher and reorientation courses for the leadership of the civil service, state administration and local government in modern administration and management techniques.
 - (e) Equip the leadership of local government structures, traditional structures and community groups with training and tools in decentralization.
 - (f) Provide established networks of regional electoral management bodies with resources and expert support.
 - (g) Organize training programmes to enhance the capacity of political parties to promote internal democracy, self-organization, sustainability and elaboration of manifestos.
 - (h) Organize capacity-building workshops for political parties and women organizations, and provide them with resources to enhance the participation of women at all levels of politics.
 - (i) Leverage resources for national and community programmes targeting the promotion of common citizenship and ethnic harmony.
 - (j) Identify and fund roles in mediation and advocacy for former Heads of State and Government.
56. Human Rights and the Rule of Law: Drawing inspiration from the Universal Declaration of Human Rights and the African Charter on Human and People's Rights, the Human Rights and Rule of Law component sets out to facilitate the implementation of the relevant provisions of Article 58 of the Revised ECOWAS Treaty; the relevant provisions of the Protocol on Free Movement of Persons, Right of Residence and Establishment; Articles 2(D, E), 31-1, 25(D) and 45 of the Mechanism; and Articles 29-39 of the Supplementary Protocol on Democracy and Good Governance. The objective shall be to ensure equal protection and access to justice and social services for all before the law, and strengthen the institutions of human rights and justice in the region to this end.
- ...
72. Security Governance: The objectives of Security Governance shall be: [i] to eliminate threats to individual and group rights, safety, life, livelihoods, and property, and the protection of the institutions and values of democratic governance, human rights and the rule

of law under a human security umbrella; [ii] to orient the focus and capacities of individuals, groups and institutions engaged in the security system to make them responsive and responsible to democratic control and adhere to basic human rights and the rule of law; [iii] to ensure the emergence and consolidation of accountable, transparent and participatory security systems in Member States. The purpose of this component is to facilitate the implementation of the relevant provisions of Article 58 of the Revised ECOWAS Treaty; the relevant provisions of the Mechanism and Protocol on Free Movement; and particularly Articles 1 (C, E) and 19-24 of the Supplementary Protocol on Democracy and Good Governance.

73. Target groups for Security Governance shall include the following:
 - (a) Statutory institutions legally mandated to stock, manage and apply the instruments of coercion, such as the armed forces, police, gendarmerie, intelligence units, border guards, custom and immigration services, paramilitaries and forest rangers.
 - (b) Statutory and non-statutory institutions responsible for the administration of justice and the penal code, such as the judiciary and the prison service, as well as customary and traditional justice systems.
 - (c) Statutory and non-statutory bodies and organizations responsible for security sector policy, financing, regulation and oversight, such as the executive and advisory bodies on national security, the Legislature, the Ombudsman, relevant ministries and civil society organizations.
 - (d) Legal and informal non-statutory security sector actors, such as militias, vigilantes and neighborhood watch outfits.
 - (e) Private security providers, arms brokers and suppliers (local and foreign).
 - (f) Local, foreign and international institutions implementing or supporting Security System Reform in the region.
74. To achieve the objectives set under Security Governance, the following activities shall be undertaken by stakeholders
 - (a) ECOWAS shall develop a security governance framework with a Plan of Action that takes into account peculiarities of the region to feed into continental and global processes on Security System Reform. Towards this objective, an expert group composed of relevant ECOWAS departments, experts and NGOs shall be established by the Commission.
 - (b) ECOWAS shall facilitate the conduct of a study into the military and security agencies as part of SSR needs analysis for West Africa to identify and define areas of intervention.
 - (c) ECOWAS shall develop, adopt and facilitate the implementation of a regulatory framework with a sanctions regime on non-statutory armed groups, including militias, vigilantes, and private security outfits.
 - (d) ECOWAS shall develop, adopt and enforce prohibition legislation

- on mercenary and terrorist activities, and other cross-border criminal activities.
- (e) ECOWAS shall develop and promote the implementation and monitoring of a set of practical guidelines to govern the activities of all actors implementing or supporting SSR initiatives in the region.
 - (f) ECOWAS shall facilitate the mainstreaming of security governance into relevant conflict-sensitive initiatives, including DDR, practical disarmament, cross-border programmes, youth empowerment and the promotion of human rights and the rule of law.
 - (g) Member States shall launch initiatives to restructure and right-size national security agencies in post-conflict environments with the facilitation of ECOWAS and the support of UN agencies and specialist NGOs.
 - (h) Member States shall ensure that demobilized combatants and retrenched or retired soldiers and officers are adequately retrained, reintegrated, rehabilitated or compensated under restructuring and DDR exercises.
 - (i) Member-States shall develop, reform and implement policies on prisons, spelling out minimum acceptable conditions for detention camps, prisons and rehabilitation centers, access to legal aid and corrective programmes, gender sensitivity in prisons, and all other rights of prisoners and detainees, as well as the responsibilities of prison guards and wardens.
 - (j) Member States shall adopt or reform policies to ensure that the recruitment, promotion and entitlements of members of the armed forces and other security agencies are transparent, equitable and on merit, and that reflect ethnic balance and gender sensitivity.
 - (k) Member States shall guarantee competitive emoluments and ensure the supply of adequate equipment to the security forces and services.
 - (l) Member States shall adopt and implement policies to discourage the use of the military in policing activities.
 - (m) Member States shall promote the holding of workshops on the rights and responsibilities of security agencies, with the active cooperation of specialized civil society and research institutions.
 - (n) Member States, in cooperation with specialized civil society organizations and research institutions, shall organize capacity-building workshops on the command structure, military ethics and the functioning of the security apparatuses for oversight bodies, including the parliamentary committees on security and defense budgeting, justice and other security-related ministries.
 - (o) Member States shall develop, with the assistance of the private sector and civil society, youth empowerment schemes designed to engage the youth in gainful endeavors, community and national development.
 - (p) Specialized NGOs and research institutions shall develop or adapt training packages and organize workshops on civil-military/security cooperation, community policing and practical-disarmament for community leaders, the youth, the police, the military and related

- security agencies.
- (q) Relevant ECOWAS Bodies, specialized NGOs and research institutions shall promote dialogue, exchanges and other joint activities between security agencies and communities to enhance confidence-building and mutual trust.
75. The following shall constitute the benchmarks for assessing progress in Security Governance:
- (a) The existence of an operational ECOWAS security governance framework.
 - (b) The existence of transparent and competent oversight institutions, policies and procedures on security.
 - (c) Increased predisposition of the armed forces towards democratic control.
 - (d) Increased confidence and trust between oversight bodies and the military/security hierarchy.
 - (e) The elimination of the incidence of military incursions into politics and drastic reduction in armed brutality or recourse to arms to resolve disputes.
 - (f) Positive public perception of, and increased confidence in, the security agencies.
 - (g) Increased mutual trust and respect between the community and security agencies.
 - (h) Reduced crime in the community.
 - (i) Reduced incidence of prison congestion, detention without trial and second time offenders.
 - (j) Frequency of national dialogues on SSR, which are consultative and predicated on participation of all critical stakeholders including security providers (both statutory and non-statutory) and oversight bodies including civil society and vulnerable groups.
 - (k) Armed forces and security services whose composition reflects ethnic, geographic and gender balance.
76. The following capacity needs shall be met in undertaking the activities outlined under Security Governance:
- (a) Training and recruitment of DDR and SSR experts to build expertise on security governance facilitation within the ECOWAS Commission.
 - (b) Expertise and equipment support to build a database of SSR resources in the region and beyond.
 - (c) Provision of a package of resource materials, incentives and tools to accompany SSR and DDR initiatives in Member States.
 - (d) Extension of financial and legal aid to underpin judicial and prison reforms.
 - (e) Provision of financial and technical support for community policing and practical-disarmament initiatives.
77. Practical-Disarmament: The aim of the Practical Disarmament component of the ECPF is to facilitate further implementation of Articles 50-51 of the Mechanism and, particularly, the ECOWAS Convention on Small Arms and Light Weapons, Their Ammunition

and Other Related Materials (2006). Consequently, the component sets the objective to drain the region of illegal small arms and light weapons (SALW) and other related materials, and to prevent the excessive and/or illegal accumulation of SALW, ammunitions and related materials in the region.

78. To ensure successful practical disarmament in the region, stakeholders shall undertake the following activities:
 - (a) ECOWAS shall, through the Small Arms Unit, facilitate the development of programmes to enhance the capacity of National Commissions and Focal Points on SALW in Member States to underpin national initiatives in practical disarmament.
 - (b) ECOWAS shall ensure capacity within the Small Arms Unit to monitor and enforce the ECOWAS regulatory framework on brokering and the acquisition of SALW by State and non-state actors.
 - (c) Member States shall, through the National Commissions on SALW, broaden the base of the campaign against the proliferation and misuse of SALW by actively involving the police, private road transport unions, fishermen/boat operators, the media, militias, blacksmiths and other civil society groups.
 - (d) Member States shall promote “weapons-for-development” projects in collaboration with the ECOWAS Small Arms Project (ECOSAP), development partners and with the active participation of community based organizations and security agencies.
 - (e) Member States shall promote the collection, registration and destruction of illegal and excessive weapons at community and national levels.
 - (f) In post-conflict environments, Member States, peacekeeping missions and civil society organizations shall prioritize SALW collection, registration and destruction in DDR processes.
 - (g) Member States shall, with the assistance of the Small Arms Unit and ECOSAP, develop and implement disarmament initiatives in cross-border communities that incorporate quick impact ‘weapons-for-development’ projects.
 - (h) National Commissions and civil society organizations shall launch and sustain awareness campaigns around the ECOWAS Convention on Small Arms and Light Weapons.
79. The benchmarks to measure the progress and success of Practical Disarmament shall include the following:
 - (a) Functioning national and local structures, including state and civil society institutions, dedicated to the fight against SALW proliferation.
 - (b) Increasing awareness within the Community about the harmful effects of SALW proliferation and commitment to prevent it.
 - (c) Greater transparency in the acquisition of SALW between ECOWAS, Member States and SALW exporting countries and other suppliers.
 - (d) Reduction in the number of SALW in circulation and in

- unauthorized possession.
80. To enhance the capacities of stakeholders to undertake effective practical disarmament, the following needs shall be met:
 - (a) Financial and technical support to the Small Arms Unit to set up a monitoring capability, including databases for the verification of end user certificates, marking and tracing.
 - (b) Financial and technical support to communities for quick impact projects to underpin community arms collection and destruction.
 - (c) Functional detectors (on vehicles, animals and persons), night vision equipment and training to cross-border security agencies to protect the external borders of the Community from illegal weapons proliferation.
 - (d) Resources and technical support for registration and destruction of weapons.
 - (e) Resources for the production, dissemination and use of educational materials within the framework of awareness enhancement.
 81. Women, Peace and Security: This component aims to facilitate the realization of the provisions of UN Security Council Resolution 1325; the relevant provisions of the Revised ECOWAS Treaty, in particular Article 63; the relevant provisions of the Mechanism; and the provisions of Articles 40 - 43 of the Supplementary Protocol on Democracy and Good Governance. The objective of the Women, Peace and Security component of ECPF shall be to propel and consolidate women's role and contribution to centre stage in the design, elaboration, implementation and evaluation of conflict prevention, resolution, peace-building and humanitarian initiatives while strengthening regional and national mechanisms for the protection and advancement of women.
 82. To enhance the role, visibility and impact of women in peace and security, the following activities shall be prioritized:
 - (a) ECOWAS shall, through the Department of Human Development and Gender and the Gender Development Center, and in collaboration with identifiable networks of women organizations in West Africa, conduct an evaluation of literature and focused study on the gendered impact of violent conflicts on women and map out their role in the emerging ECOWAS security architecture. The study shall take into consideration the contribution and positive roles played by women in peace processes and peace-building, and the need to include women in the leadership of peace missions and negotiations, and mainstream gender in all aspects of the ECOWAS peace and security architecture.
 - (b) ECOWAS shall facilitate the development and implementation of targeted programs to enhance the leadership, negotiation and dispute resolution skills within women organizations.
 - (c) ECOWAS shall take practical steps to increase the number of women in senior decision making positions on peace and security matters within the Commission and other ECOWAS institutions.

- (d) ECOWAS shall adopt a regional policy to combat discrimination against women in all its forms, including inheritance, property rights, dehumanizing cultural practices, pay differentials, female genital mutilation (FGM), arranged and forced marriages, and child labor.
 - (e) ECOWAS shall facilitate the development of a regional strategy to combat gender-based violence (GBV) and the strengthening of legislative and judiciary measures, awareness and training on GBV in Member States.
 - (f) ECOWAS shall facilitate the adoption and implementation in Member States of affirmative policies to enhance girl-child education and female literacy and numeracy.
 - (g) ECOWAS shall facilitate the establishment of 'Young Women's Fellowship' programmes with the collaboration of institutions of higher learning and the private sector within the ECOWAS region and other regions working on peace and security.
 - (h) Member States shall take practical steps to increase the number of women in senior positions on peace and security matters within Government institutions at all levels.
 - (i) Member States shall develop, enhance and build on existing programmes to strengthen the capacity of women organizations in project design and implementation, and support them with targeted financial packages and equipment.
 - (j) Member States shall take practical steps, including legislative reform and affirmative measures, to promote the recruitment of women into the armed forces and other security agencies, and their active participation in the military and civilian components of ESF.
 - (k) Member States shall adopt practical measures to put women organizations at the forefront of community and cross-border initiatives, including programmes to combat human trafficking, HIV/AIDS and STDs.
 - (l) Civil society organizations shall develop and implement pro-women programmes in Member States, including capacity building for women, awareness raising and advocacy on women empowerment.
83. The following shall constitute benchmarks for assessing progress under the Women, Peace and Security component:
- (a) Adoption and implementation of affirmative policies in favor of women at the regional and national levels.
 - (b) Greater visibility of women and their organizations at regional, national and local levels of peace and security activities.
 - (c) Special emphasis on the adoption and practical implementation of measures to prosecute violence against women in national and regional penal codes.
 - (d) Progressive reduction in gender-based discriminatory practices.
 - (e) Greater self reliance and independence of women in the social and economic spheres.
 - (f) Narrowing of the parity gap between boy and girl child school enrolment.

84. To promote interventions in favor of women in the peace and security domain, stakeholders shall provide capacity in the following priority areas:
- (a) Expertise, financial and equipment support to ECOWAS departments and agencies working on gender to enable them spearhead regional interventions.
 - (b) Financial and expert support to women organizations for capacity building workshops.
 - (c) Facilitation of access to micro-credits and equipment for women in the region.
 - (d) Creation of a special fund to support girl-child education and fellowships through advocacy and the establishment of pilot model girl schools in select vulnerable settings.
- ...
89. ECOWAS Standby Force (ESF): The ECOWAS Standby Force component aims to facilitate the implementation of the relevant provisions of Article 58 of the Revised ECOWAS Treaty; the provisions of the Mechanism, in particular those set out under Article 21 and Chapters V – IX; and the provisions under Section IV of the Supplementary Protocol. The objective of ESF under the ECPF is to guarantee peace and security in situations of conflict and disaster through effective observation and monitoring, preventive deployment and humanitarian intervention, and to train and equip multi-purpose composite standby units made up of military and civilian components in Member States within the framework of the African Standby Force arrangement.
90. To achieve the objective set under the ESF component, ECOWAS Member States and partners shall undertake the following activities:
- (a) ECOWAS shall reinforce the capacities of the Departments of Peacekeeping and Regional Security and Humanitarian Affairs with personnel, funds, equipment and training to spearhead the elaboration and implementation of an ECOWAS strategy on the rapid development of the civilian component of ESF and the modalities for preventive and humanitarian deployment, with the assistance of ECOWAS' centers of excellence in Ghana, Nigeria and Mali.
 - (b) ECOWAS shall coordinate ESF strategy with the African Union, promote exchanges between the two institutions and other RECs, and ensure that ESF activities in the region are in harmony with those of the African Standby Force.
 - (c) ECOWAS shall strengthen its Mission Planning and Management Cell (MPMC) with trained civilian elements to facilitate strategic planning and infusing the principle of democratic control, humanitarian and human rights laws into ESF strategy.
 - (d) ECOWAS shall reinforce the capacities of the Offices of the Special Representatives and Special Mediators through retreats and workshops on peacekeeping operations, mission planning and

- oversight and the military and humanitarian law, to improve their oversight functions.
- (e) ECOWAS shall facilitate the rapid development of the civilian component of ESF in Member States by earmarking, training and preparing civilian standby elements for deployment. The target groups shall include the police, experts from relevant government ministries, medical personnel, engineers, construction workers, logisticians, information and media practitioners, legal experts, social workers, humanitarian experts drawn from NGOs, and any other groups that may be identified.
 - (f) ECOWAS shall utilize the collective expertise of specialized institutions and think tanks in the region to facilitate the training of military components of the ESF on key civilian concerns relevant to the operational environment, including child protection, HIV/AIDS, malaria, gender and human rights, among others.
 - (g) ECOWAS shall facilitate the holding of refresher workshops and the development of a package of incentives for the standby units in-between missions.
 - (h) ECOWAS shall facilitate the stocking of the ECOWAS Logistics Facilities with equipment, relief supplies, medicaments and other humanitarian needs.
 - (i) Member States shall actively promote the enlistment of their citizens into the civilian component of the ESF.
 - (j) Member States and development partners shall support the ESF with financial, technical and logistical resources to enhance the humanitarian capability of the region.
 - (k) Civil society organizations shall promote the ESF concept through awareness-raising programs and campaigns to solicit enlistment.
 - (l) The UNHCR, regional, local and international humanitarian and human rights organizations shall facilitate the preparedness of ESF units by promoting capacity-building workshops on relevant deployment matters, including mission planning, civil-military cooperation, field assistance, disaster management, humanitarian and human rights law, communication, and HIV/AIDS and STDs.
91. Progress and success in developing the ESF shall be assessed with the help of benchmarks that include the following:
- (a) The availability and application of an ECOWAS strategy and plan of action on ESF, particularly in relation to recruitment, the logistical and training needs, as well as the modalities for deployment of the civilian component.
 - (b) The existence of well-stocked logistics facilities in the region.
 - (c) Community awareness of the ESF concept and popular participation in its activities.
 - (d) Willingness of Member States, local and international organizations and development partners to cooperate with ECOWAS on the ESF.
 - (e) Verifiable preparedness of the civilian units for rapid deployment.
92. In the efforts to develop the ESF with emphasis on its civilian

component and prepare standby units for rapid deployment, stakeholders shall provide capacity in the following priority areas:

- (a) Recruitment of civilian peace-keeping and humanitarian experts, as well as funds and technical support for the Department of Humanitarian Affairs and the Mission Planning and Management Cell (MPMC) to lead strategic planning and the preparation of training manuals for ESF.
 - (b) Financial resources and expertise to develop a database of resources for the civilian component of ESF
 - (c) Transport facilities, financial and equipment support for the ECOWAS humanitarian facilities.
 - (d) Resources for developing training manuals and incentive packages for the ESF program.
93. Humanitarian Assistance: Intended as an operational tool in the implementation of the relevant provisions of the Mechanism, in particular the provisions set out under Article 31 and Chapters VIII and IX, the Humanitarian Assistance component of the ECPF sets the following objectives: [i] Mitigate the impact of humanitarian disasters and emergencies that could result in social and political upheaval; [ii] Serve as a bridge between relief/emergency assistance and medium term rehabilitation and reconstruction efforts in post-conflict and disaster settings; [iii] Protect sustainable development, including individual and community livelihoods, through effective crisis prevention and preparedness activities; and [iv] Foster interregional harmony and security through cooperative arrangements to ensure effective humanitarian crisis prevention and preparedness programs.
94. To fulfill the objectives set under Humanitarian Assistance, ECOWAS and partners shall undertake the following activities:
- (a) ECOWAS shall build up the humanitarian crisis capacities of the Departments of Humanitarian Affairs, Political Affairs, Peace-keeping and Regional Security, as well as the capacities of ESF and decentralized agencies with personnel and technical assistance for strategic planning and engagement with Member States on humanitarian matters.
 - (b) ECOWAS shall enhance the capacity of the Early Warning System to enable it to relate political, socio-economic and geo-physical trends to humanitarian crisis propensities in the region.
 - (c) ECOWAS shall mainstream essential humanitarian crisis prevention, preparedness and response activities into the ECOWAS peace and security architecture.
 - (d) ECOWAS shall prioritize the establishment and stockpiling of a humanitarian depot as an integral part of the ECOWAS Logistics Facilities to support humanitarian interventions, including relief and quick-impact projects.
 - (e) ECOWAS shall facilitate the training and equipping of ESF standby units, particularly the civilian component, in Member

States in humanitarian relief and sanitation, as well as the design and implementation of quick-impact and reconstruction projects, for their incorporation into missions wherever and whenever required.

- (f) ECOWAS and Member States shall facilitate the emergence of a regional humanitarian capability by leveraging resources to promote the emergence of humanitarian NGOs in the region.
 - (g) Member States shall take practical steps to support regional humanitarian crisis prevention and mitigation efforts with all available resources, including personnel, finances, transport and logistics.
 - (h) Member States shall promote the incorporation of humanitarian crisis prevention, preparedness and response initiatives into community and cross-border cooperation programmes.
 - (i) In post-conflict and disaster settings, Member States shall actively encourage institutions and citizens to take ownership of regional humanitarian crisis response initiatives to ensure sustainability.
 - (j) Civil society organizations shall actively engage in regional humanitarian crisis prevention, preparedness and response initiatives by raising awareness, promoting volunteering and holding training workshops.
95. The benchmarks for assessing progress in the achievement of the objectives set under the Humanitarian Assistance component shall include the following:
- (a) ECOWAS policy and regional strategy for humanitarian crisis prevention, preparedness and response systems.
 - (b) ECOWAS Early Warning System configured to deal with multi-sectoral approach and analysis pertaining to short and longer-term humanitarian threats, including relevant EWS training capacities.
 - (c) ECOWAS anticipatory and response capacities to perform humanitarian functions, including the preparedness of standby units in Member States, contingency planning, training packages, systems and logistical back-up.
 - (d) Protection of civilians, livelihoods and property as an operational constant in ECOWAS interventions in crises.
 - (e) Awareness about humanitarian imperatives within the region and humanitarian assistance capability in Member States.
 - (f) Willingness of Member States, development partners and humanitarian institutions to cooperate with ECOWAS on humanitarian and disaster response, particularly in capacity building and resource mobilization.
96. The capacity needs of the Humanitarian Assistance component shall include the following:
- (a) Assistance from bilateral and multilateral partners as well as international humanitarian agencies in undertaking capacity assessments, strengthening the human resource base in ECOWAS, preparing relevant strategies and arrangements for regional and national humanitarian activities and for training systems.

- (b) Transfer of skills from the UN system and international humanitarian agencies to ECOWAS institutions engaged in humanitarian matters, including the Departments and ESF, as well as to Member States, regional and national humanitarian-related institutions and organizations.
- (c) Financial and logistical support from bilateral and multilateral partners to establish and develop the ECOWAS Logistics Facilities.

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113. Intra-ECOWAS Cooperation

Cooperation within the ECOWAS system is a sine qua non for effective cooperation with other partners and for the success of the ECPF. To achieve the necessary synergy within the Commission and with other ECOWAS Institutions, the following actions shall be taken:

- (a) ECOWAS shall raise awareness within all departments and institutions of the ECOWAS system about the cross-cutting essence of conflict prevention, peace-building and the ECPF as a strategic document which derives from the peace and security imperatives of the ECOWAS Vision.
- (b) All Departments, Centers, Units, decentralized and autonomous institutions of ECOWAS shall take ownership of the ECPF and the Plan of Action that shall derive from it as a framework for intra-ECOWAS cooperation on peace and security in the region.
- (c) The Strategic Planning, Monitoring and Evaluation Units as well as the Department of External Relations of ECOWAS in the Office of the ECOWAS Vice-President shall ensure the capitalization of the ECPF and its Plan of Action as a point of reference in strategic planning and relations with Member States and other partners with regard to conflict prevention and peace-building.
- (d) ECOWAS shall take practical steps, including information sharing, joint planning and delegation of responsibilities, to involve the Community Parliament and Court of Justice more actively in the interactions between ECOWAS and the Community population, notably in electoral and democratic processes and human rights and justice matters.

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ECOWAS Vision 2020 (2008)

Full title: ECOWAS Strategic Vision 2020

Date/place of adoption/conclusion: 2008

Available online at: <https://bit.ly/31Z3NoN>

Political Declaration on the Prevention of Drug Abuse, Illicit Drug Trafficking and Organised Crimes in West Africa (2008)

Full title: Political Declaration on the Prevention of Drug Abuse, Illicit Drug Trafficking and Organised Crimes in West Africa

Date/place of adoption/conclusion: 2008

Available online at: <https://bit.ly/3eeEtO2>

Political Declaration and Common Position Against Terrorism (2013)

Full title: ECOWAS Political Declaration and Common Position Against Terrorism

Date/place of adoption/conclusion: 28 February 2013, Yamoussoukro, Côte d'Ivoire

Available online at: <https://bit.ly/2CnF3vC>

Excerpts

...

Conscious of the fact that the West African region is adversely affected by the phenomenon of terrorism, and that the conditions conducive to the spread of terrorism are complex and require robust and proactive policies aimed at addressing the underlying economic and socio-political factors that give rise to or fuel terrorism;

Seriously concerned at the recent manifestations of terrorist activities within the Community, notably terrorist bombings, suicide attacks, kidnappings, hostage-taking, hijacking, mass murder, wanton assassinations, piracy and acts of sabotage of public and private properties, as well as the torching and desecration of religious and sacred places;

Noting that these acts in the region have resulted in loss of innocent lives, serious injuries, damage to property, and spread awe and intimidation, as well as having other far-reaching humanitarian ramifications on victim communities;

Convinced that a terrorist act in all its forms and manifestations constitutes the most serious and egregious crime that violates fundamental human rights, including the rights to physical integrity, life, freedom from fear, liberty and security, and aggravates poverty through its debilitating effects

on economic development and social cohesion;

Concerned at the risk of terrorists' acquiring weapons of mass destruction, including biological and chemical warfare agents and nuclear and other radioactive materials, for the purpose of committing terrorist acts;

Aware that terrorists exploit the cyberspace for the purpose of recruitment and spreading propaganda, as well as for planning and executing terrorist acts, including the unlawful attacks or threats of attack on computers, networks and other scientific and technological information systems; the intention of which is to intimidate, instill fear, or coerce a government, private business or segment of the population thereof for the purpose of advancing political, ideological or social objectives, whether directly or indirectly;

Bearing in mind the linkages between terrorism and other forms of criminality, including trans-national organised crimes such as trafficking in drugs and human beings, arms smuggling and illicit proliferation of small arms and light weapons, corruption and money laundering;

Determined to eliminate and stamp out the scourge of terrorism in the region and to create an enabling environment for effective regional integration, economic development, peace, security and stability in West Africa;

Stressing that all activities undertaken to prevent and combat terrorism should be consistent with states' obligations under international human rights and humanitarian law, including the UN International Covenant on Civil and Political Rights, signed at New York, on 16 December 1966;

Convinced that achieving this objective requires a resolute and from commitment by Member States acting in close collaboration at all levels of inter-governmental actions on border surveillance, regular information sharing on both national and cross-border criminal networks, mutual assistance in criminal matters, including investigation and prosecution of terrorist suspects, as well as in the seizure and freezing of terrorist assets and finances; and

Desirous of establishing a common framework for inter-governmental action and cooperation on practical matters on the prevention and combating of terrorism and to ensure synergies in states' actions at the national, regional and international levels.

The Authority of Heads of State and Government hereby therefore solemnly declares as follows:

1. Unequivocally condemns terrorism in all its forms and manifestations, including acts of kidnapping, hijacking, hostage-taking and the demand and payment of ransom, bombing of public and private properties and critical infrastructures, acts of sabotage and the desecration of religious and other cultural sacred places;
2. Equally condemns any movement, group or individuals using

religious, ethnic or other social or cultural differences to incite or indulge in violence and other hostile activities resulting in death, injuries or damage to property, the intention of which is to intimidate or coerce a government, private business or segment of the population thereof for the purpose of achieving political or social objectives;

3. Determined to take all necessary measures to bring to justice persons or entities that participate in financing, planning, directing or perpetrating terrorist acts. To this end, Member States shall freeze or confiscate without delay funds and other financial assets or economic resources of persons, organisations or groups that knowingly recruit individuals for, encourage, facilitate, incite, finance, participate or act as an accomplice in the planning, financing and commissioning of a terrorist act or any of its links mentioned above, whether directly or indirectly;
4. Reaffirms the commitment of Member States to refrain from encouraging, facilitating, financing or tolerating activities that are terrorist in nature or any complacency thereto; as well as to prevent Member States' territories from being used as safe havens for the training, planning and execution of terrorist acts;
5. Calls on all Member States, particularly those that have not done so, to consider as a matter of extreme urgency the immediate ratification and/or accession to all the relevant ECOWAS conventions and protocols (as listed in annex IV), the OAU Convention on the Prevention and Combating of Terrorism and its Protocol thereto, including other relevant continental instruments (as listed in Annex III), as well as the eighteen universal conventions and protocols on the prevention and combating of terrorism (as listed in annex II) and others adopted by the UN;
6. Further calls on all Member States to put in place the operational measures for the full and effective implementation of the legal counter-terrorism instruments mentioned in paragraph 5 above, including but not limited to the enactment and enforcement of national legislations with appropriate criminalisation of terrorist crimes, including severe penalties for perpetrators of such acts; the establishment of national coordinating mechanisms or centres; and taking advantage of technical assistance programmes, including adopting the AU Comprehensive African Anti-Terrorism Model Law;
7. Undertakes to strengthen cooperation, synergies and joint endeavours in the areas of intelligence gathering and sharing, investigation, prosecution and law enforcement in the prevention and combating of terrorism;
8. Encourages relevant civil society and non-governmental

- organisations, including the media, to work in conjunction with Member States in order to coordinate and mutually reinforce their activities aimed at preventing and combating terrorism within the Community;
9. Adopts a zero-tolerance policy against terrorism within the Community. To this end, a terrorist threat to one Member State shall constitute a threat to the whole Community. In the application of this policy, Member States categorically reject any circumstances, including economic, political, philosophical, ideological, racial, ethnic, religious, cultural, medical and health or other motives, as justification for the commission of a terrorist act within or outside the Community and/or by a citizen of the Community;
 10. Reaffirms the commitment of Member States to uphold international law and to streamline all activities undertaken within the framework of preventing and combating terrorism with the applicable international humanitarian and human rights law, including the African Charters on Human and People's Rights and the Rights and Welfare of the Child; as well as the Universal Declaration on Human Rights, Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and the International Covenant on Civil and Political Rights. To this end, all Member States collectively Abhor torture and other degrading and inhumane treatment of terrorist suspects, and undertake to strengthen democratic practices and rule of law to ensure due process, fair trial and equality before the law for all citizens;
 11. Decides to adopt the ECOWAS Counter-Terrorism Strategy and Implementation Plan, based on an integrated approach and which elaborates a comprehensive set of measures to be undertaken by various agencies in Member States and provides a strategic policy direction towards the containment and elimination of the threat posed by terrorism to the Community. To this end, the Authority approves the establishment within the Community, as called for in the Strategy, of: a) an ECOWAS Counter-Terrorism Coordination Unit; b) an ECOWAS Arrest Warrant; c) an ECOWAS Black List of Terrorist and Criminal Networks, in order to facilitate coordination and information-sharing among Member States and d) a sub-regional Counter-Terrorism Training Centre;
 12. Requests the President of the Commission to submit to the next session of the Authority detailed proposals on the operational modalities, including budgetary implications and funding sources, for the mechanisms mentioned in paragraph 11 above;
 13. Further requests the President of the Commission to submit to the Authority an annual report on the state of terrorism in West Africa, including threats and vulnerabilities, as well as the measures taken by

- Member States and the Commission to implement this Declaration and the ECOWAS Strategy mentioned in paragraph 11 above;
14. Appeals to the international community, including technical assistance institutions, development partners, relevant international organisations and civil society groups, to coordinate their activities with ECOWAS and to strengthen financial, material and technical support (including training, research and exchange of information) for the effective implementation of this Declaration and the Strategy mentioned therein; and
 15. Decides to remain seized of the matter

ECOWAS Counter Terrorism Strategy (2013)

Full title: Supplementary to the ECOWAS Political Declaration and Common Position Against Terrorism concluded on 28 February 2013 at Yamoussoukro, Côte d'Ivoire

Available online at: <https://bit.ly/3gIeKzq>

Excerpts

Section I: Background

1. Terrorism poses a serious threat to international peace, security and stability. It is a criminal act that undermines the pursuit of democracy, good governance and development, as well as the full enjoyment of human and people's rights. Attacks or even the threat of attack have far-reaching ramifications on trade, investment, tourism and the free movement of people, goods and services. It can also create or entrench social and cultural cleavages among people on either a racial or religious basis. Terrorism is therefore inimical to the noble aims and objectives of the Community, particularly the goals of promoting integration, economic development, peace, security and stability and raising the living standards of citizens in the Community, as enshrined in the Revised ECOWAS Treaty.
2. Terrorist activities in the region have demonstrated the seriousness of the threat of terrorism to West Africa and the need for firm and sustained countermeasures. A number of Community Members have experienced various acts such as kidnapping and hostage-taking, hijacking, explosive bombing, gruesome and senseless murder and assassination, and other terrorist and mercenary attacks that have

deprived citizens of the Community of their basic human rights, including the rights to life and freedom from fear. In addition, citizens of the Community have been recruited into terrorist groups, which have committed atrocious acts around the world. Terrorism must therefore be categorically condemned and cannot, under whatever circumstances, be justified on any political, economic, social, ethnic, cultural, religious, ideological or health grounds.

3. The Community encompasses a diverse region of increasing openness and interdependence, allowing for free movement across borders of people, ideas, technology and resources. To this end, the internal and external aspects of the security of the Community Members are inextricably linked. Terrorism in one Member State is a threat to all Member States. Terrorists and other criminal networks exploit conditions of poverty, armed conflict and political instability, bad governance and poor democracy, abuse of human rights, corruption and the absence of the rule of law to recruit, train, plan, strengthen networking, acquire materials, carry out clandestine transactions to raise funds, and execute terrorist acts.
4. Community Members are confronted with a variety of challenges to peace, security, stability and development. No single Member is capable on its own of dealing with the multifaceted challenges posed by terrorism. The imperative for cooperation is premised on the fact that modern terrorism is a result of globalisation and a combination of communal and local variables. Coordination and the pooling of resources among states are key to effectively and efficiently eliminating the threat of terrorism. Terrorist activities, particularly those that are transnational or international in nature, involve several other countries. The successful prosecution of such acts requires cooperation and joint actions among various agencies in different states. In this context, cooperation in all spheres of terrorism related-matters at the Community, continental and international level is essential.
5. Countering terrorism requires robust and dynamic policies that are grounded in the rule of law, democracy and respect for human rights. Under no circumstances should counter-terrorism be used as a justification for the violation of human and people's rights. Community Members have undertaken a number of firm and binding commitments to pursue joint and common policies in the areas of defence and security, through a number of conventions and protocols that are also applicable to the fight against terrorism.
- ...
8. Pursuant to these initiatives taken at the regional, continental and international level to prevent and combat the scourge of terrorism, this Strategy is intended to provide an operational policy framework

for ECOWAS counter-terrorism actions and to promote a common regional approach to the prevention and combating of terrorism within the Community. It also seeks to harness support and resources at the continental and international level to enhance the capabilities of Community Members to enforce their continental and international counter-terrorism obligations and to enable them to undertake rapid responses to terrorist acts. To this end, Community Members hereby commit to strengthen collaboration, synergy and consultation on various matters related to the prevention and combating of terrorism.

Principal Causes of Terrorism in West Africa

9. In order to develop a common strategic approach to fight terrorism within the Community, it is important to have a common perception of the threats the region faces and its vulnerabilities to terrorism. Several geographical, environmental, political, economic and socio-cultural factors motivate individuals to commit terrorist acts or incite, support and harbour those who commit them. The interplay of these factors is of particular relevance to West Africa. It is a region well endowed with natural resources, geo-strategically located, rich in cultural, religious and ethnic diversity; and which concurrently is one of the most impoverished regions with a history of violent conflicts, coups d'état and political instability, and transnational organised crimes, including human, drug and arms trafficking, all of which have presented conditions conducive to terrorism in West Africa. In addition, the globalisation and transnational nature of most contemporary criminal networks (the al-Qaeda phenomenon) has also contributed to the spread of terrorism within the region. The main factors that account for vulnerabilities in the region include:
 - Presence of violent religious extremist groups and international terrorist organisations;
 - History of intractable conflicts, coups d'état, collapsed states and acute political instability;
 - High urban criminality rate and organised crime, including piracy and drug, arms and human trafficking;
 - Proximity of the vast Sahel region (with little or no law enforcement) – a conduit for terrorists and traffickers;
 - Black markets for natural resources, including diamonds (which serve as a funding source for terrorists);
 - Widespread corruption, bad governance and the absence of a democratic culture based on the rule of law; and
 - Poverty, youth unemployment and inequalities (in relation to unemployment and wealth) and a lack of dynamic government policies for disadvantaged and marginalised communities.
10. Although these factors are not peculiar to the region, the manifestation of terrorism in West Africa exhibits unique characteristics. Secular and religious factors have been used to justify terrorism in the region.

The main secular factors are political and economic in nature and relate to mismanagement of natural resources, inequalities (and injustices), unemployment, marginalisation and environmental and ecological degradation. Religious factors have included frustration with secular governments and the desire to replace them with dogmatic religious caliphates.

11. Religion is not a cause of terrorism and the main religious groups in West Africa have lived in peaceful coexistence for centuries. Religious extremism, however, particularly its violent radicalisation, has been used as a tool by terrorist groups in order to secure a pool of support and sympathy for their actions, as well as to guarantee recruitment. Terrorist groups in West Africa are both home grown (or domestic) and international. The most notable home-grown groups that have committed terrorist acts in West Africa include Boko Haram, Ansaru, Ansar-Dine, Ansar al-Sharia, Movement for the Emancipation of the Niger Delta (MEND), Movement for Unity and Jihad in West Africa (MUJAO) and Katibat El Moulethemoune Brigade (which merged to form 'al-Murabitoun'), Mouvement des Forces Democratiques de la Casamance (MFDC) and the Revolutionary United Front (RUF). International terrorist groups that have cells or have committed acts of terrorism in West Africa include al-Qaeda (originally founded by Osama bin Laden), al-Qaeda in the Islamic Maghreb (AQIM) and Hizbollah cells.
12. In addition, global factors such as power politics (conflicts in Afghanistan, Iraq and Somalia), clashes among peoples and nations, and clashes among world religions (the age-old Muslim-Christian conflict) have also contributed to the vulnerability of the region. The scientific and technological developments in information and communication, especially with regard to the cyberspace, internet and mobile phone revolutions, have not only eliminated geographic boundaries but have also given terrorist groups new tools for propaganda, recruitment and the execution of terrorist acts.

Responding to Terrorism in West Africa

13. In recognition of the threat posed by terrorism to their countries, Community Members have individually taken various national measures to prevent and combat terrorism. Some have adopted national legislation and others have strengthened relevant aspects of their penal law to criminalise terrorism. States in the Community have also cooperated with the international community by signing, ratifying and/or acceding to regional, continental and international counter-terrorism legal instruments. To this end, all states in the region have ratified at least seven of the eighteen universal instruments, while a vast majority has ratified the OAU

Convention on the Prevention and Combating of Terrorism. In addition, all states in the region have submitted at least one report to the UN Security Council Counter-Terrorism Committee (CTC) pursuant to Security Council Resolution 1373 adopted in 2001. In a few cases, ECOWAS Member States have established national mechanisms such as counter-terrorism units and other centralised structures to coordinate national counter-terrorism measures. Financial institutions, including central and commercial banks, have taken measures to strengthen regulations on financial and economic activities to suppress or prevent the abuse of financial systems by terrorists.

14. Despite these measures Community Members continue to face a growing threat of terrorism intertwined with other criminal acts, such as money laundering, illicit smuggling and the proliferation of small arms, and trafficking in drugs and human beings. The main challenge to counter-terrorism in the region, which indeed provides the *raison d'être* for this Strategy, is the need to harmonise the efforts of Community Members and to provide a framework within ECOWAS for the prevention and combating of terrorism. The Strategy lays out a strategic vision and the actions that Member States should take in order to prevent and combat the threat of terrorism in the region.
15. In view of the challenges highlighted above, there is a dire need for robust and proactive policies. The old adage that 'prevention is better than cure' is an important precept underpinning this Strategy. States should develop deradicalisation programmes that seek to counter radical ideologies and terrorist propaganda, as well as promote mainstream religious teachings and interfaith dialogue at all levels, broad-based social awareness programmes involving civil society groups, employment and community-based programmes for youth groups, and broad-based participation in political and economic policies and institutions. Faith-based institutions, including churches and mosques, and traditional chiefs should be encouraged to participate in government programmes and to institute initiatives to prevent radical ideas and extremist elements that seem to empathise with terrorism. States should also develop counter-terrorism curricula for schools and universities to promote awareness of and support for counter-terrorism.
16. Terrorists are anarchists who take advantage of and/or seek to provoke conditions of lawlessness. Many terrorist groups are known to have emerged from or be fuelled by prolonged armed conflicts, biased government policies, corrupt regimes, and human rights abuses. Addressing these conditions is a vital endeavour to prevent terrorist acts within the Community. ECOWAS has adopted several decisions and legally-binding instruments to promote peace and

security, as well as democracy and good governance. The full and effective implementation of these instruments and decisions will go a long way in curbing the threat of terrorism within the region. Removing the conditions of anarchy, such as armed conflicts and political and economic instability, would also help states to reassert their authority and the rule of law. Policies should be aimed at cutting off terrorists' access to weapons, funds and recruitment.

Section II: Strategic Vision

Purpose and Objectives

17. The purpose of this strategy is to give effect to regional, continental and international counter-terrorism instruments and to provide a common operational framework for action to prevent and eradicate terrorism and related criminal acts within the Community, while protecting human security, and human and people's rights, and creating conditions conducive to sound economic development and the wellbeing of all the Community's citizens. In this context, this Strategy seeks to strengthen operational capabilities for effective responses to terrorism. It is also aimed at achieving the following objectives:
 - Enhance coordination among Member States, particularly in the fields of intelligence, law enforcement, investigation and the prosecution of terrorist crimes;
 - Strengthen national and regional capacities to detect, deter, intercept and prevent terrorist crimes;
 - Promote a criminal justice approach that emphasises the rule of law, due process, respect for human rights and the protection of civilians in counterterrorism activities;
 - Prevent and combat violent religious radicalism/extremism;
 - Harmonise responses to terrorism, including counter-terrorism legislations; and
 - Promote regional and international cooperation on terrorism-related matters, including extradition and mutual legal assistance.

Guiding Principles

18. In view of the transnational and international dimensions of terrorism in West Africa, this Strategy is anchored in the belief that cooperation among Member States in various fields of preventing and combating terrorism is critical to achieving its objectives. In this context, Member States at all times shall share and coordinate critical information on terrorist elements and shall afford one another the greatest measure of assistance in their efforts to prevent and combat terrorism in all the pillars that constitute this Strategy. Other core principles underpinning this Strategy include:
 - Terrorism has emerged as a serious threat to peace, security,

- stability, development and social cohesion in West Africa;
- The primacy of prevention and the respect for human rights;
- Good governance and a democratic culture are prerequisites for effective counter-terrorism;
- Counter-terrorism requires both military and non-military strategies and tools; and
- Cooperation among states and technical assistance in all fields constitute the cornerstone for the successful implementation of this Strategy.

Definition of Terrorism

19. For the purpose of this Strategy, terrorism shall be generally understood as defined by the OAU Convention on the Prevention and Combating of Terrorism. In addition, specific offenses such as those against the making of plastic bombs and against terrorist bombings shall be understood in the context of relevant international treaties to which Member States are parties.

Section III: Strategic Approach

20. In order to achieve its stated objectives, this Strategy is based on three main pillars for actions against terrorism in the Community, namely 1) Prevent, 2) Pursue and 3) Repair. Community Members shall, as a priority, make every possible effort to prevent terrorism from occurring. Failing that, they shall pursue and bring to justice at all cost the perpetrators of terrorist acts and repair any damage that such acts may bring to bear on victims and society as a whole.

Pillar 1: Prevent

21. The goal of the 'Prevent' pillar is to identify key areas where Member States should take actions with a view to detect and prevent terrorism before it emerges. The 'Prevent' pillar therefore seeks to address and eliminate conditions conducive to terrorism as contained in the UN General Assembly's 2006 Global Counter-Terrorism Strategy. States are encouraged to promote policies aimed at addressing the root causes of terrorism, including poverty and widespread unemployment, economic and political marginalisation of some groups, human rights abuses, corruption, weak security institutions and illicit trans-border activities. Specific policies should also be developed to counter terrorist propaganda, dissuade and deter people from turning to terrorism and deny terrorists access to funds, materials and space with which to plan and launch their attacks.
22. The ECOWAS Conflict Prevention Framework identifies a number of cooperation areas, actions, activities, programmes and institutions likely to assist in the effective prevention of conflicts and threats from terrorism. The effective prevention of terrorism involves various

national and regional authorities, including legislative, financial, law enforcement, military, judicial, educational and social institutions, all of which enable a state to detect, intercept and disrupt terrorist activities. A successful preventive measure is one that is conducted with the full or strategic involvement of local communities. Terrorists have families, friends, relatives and collaborators, who could provide important clues about their activities, whereabouts and support means.

Priority Areas of Intervention

- (a) Total rejection of terrorism
 - Every Member State should unambiguously and unequivocally reject terrorism in all its forms and manifestations irrespective of wherever it may occur or whoever may have committed it, as a serious criminal offence; and
 - Implement a zero-tolerance policy on terrorism.
- (b) Eliminate conditions conducive to the spread of terrorism
 - Intensify efforts to fully implement all ECOWAS, AU and UN instruments relating to the maintenance and promotion of peace and security in West Africa and for the prevention and combating of terrorism;
 - Cooperate with the Counter-Terrorism Implementation Taskforce (CTITF) to effectively implement the UN Global Counter-Terrorism Strategy, which identifies areas where states must take actions to eliminate conditions conducive to the spread of terrorism, including measures to prevent and combat terrorism, measures to build and strengthen states' capacity and for the full respect of human rights;
 - Intensify efforts to resolve all armed conflicts and other conditions of instability by promoting national reconciliation, interfaith dialogue, conflict prevention, management and resolution;
 - Adopt and, where necessary, review and strengthen legislation and policies to ensure transparency, equality, inclusivity and the broad-based representation of various segments of society, including ethnic, religious, gender and youth groups, in all government's political and economic platforms;
 - Implement a zero-tolerance policy against racism and other forms of discrimination based on ethnicity, gender, religion, nationality or political opinions; and
 - Strengthen the role of relevant civil society and media organisations on matters relating to counter-terrorism, particularly in the domains of communication and negotiation.
- (c) Enhance early warning and operational intelligence coordination
 - Develop and strengthen proactive and operational capabilities to anticipate, detect and disrupt terrorist activities;
 - Expand the mandate of the ECOWAS Early Warning and Response Network (ECOWARN) to include terrorism indicators;
 - Enhance operational coordination with intelligence services

(including the Committee for Coordination of Security Services (CCSS), police and military services) at both the national and regional level. The CCSS shall serve as a central body for the coordination of information and activities of police and law enforcement agencies working on counter-terrorism issues, particularly those involved in the collection of information about, investigation of and first response to criminal acts;

- Enhance the sharing of information among Member States, at both the regional and international level;
 - Develop a West African database on terrorist activities, including terrorist groups, networks, their leaders, headquarters, movement, training camps, means and sources of funding, and means of acquisition of arms and explosives, as well as on their recruitment, communication and propaganda methods;
 - Strengthen operational collaboration with INTERPOL, the AU Committee of Intelligence and Security Services in Africa (CISSA) and the African Centre for the Study and Research on Terrorism (ACSRT), as well as other regional and international mechanisms, with a view to receive, share and disseminate relevant information;
 - Coordinate and share information with other regional mechanisms such as SADC, IGAD, ECCAS/CEMAC and UMA, as well as with other organisations and partners;
 - Support and collaborate with relevant civil society organisations on the collection and dissemination of information for the detection and prevention of terrorist activities;
 - Support the creation of programmes in Member States for dealing with vulnerable youths; and
 - Strengthen the capacity of States through the provision of adequate equipment to deal with terrorists.
- (d) Deny terrorists the means, space and technical capacity to carry out operations
- Suppress the financing of terrorism by freezing all terrorist funds and assets, and enforce strict regulations on financial and non-financial institutions, including money transfer networks and businesses, to ensure that such transactions and funds do not support terrorism whether directly or indirectly. To this end, states should ratify and/or accede to and fully implement the UN Convention for the Suppression of the Financing of Terrorism and all relevant UN resolutions, including the Security Council's resolutions 1267 (1999) and 1373 (2001);
 - Scrupulously implement all relevant instruments and decisions adopted by ECOWAS policy organs, including the existing AU, UN and international legal instruments on preventing and combating the illicit manufacture and development, acquisition or possession, proliferation, circulation, transfer, accumulation or stockpiling and use of small arms and light weapons, and weapons of mass destruction, including biological, chemical, nuclear and radiological weapons. In particular, Member States should ensure that such acts are strictly prohibited and criminalised under

national law with severe penalties for perpetrators, in order to deny terrorists access to such weapons. These instruments include, inter alia [...]

- Intensify efforts to refuse terrorists access to explosive materials, including commercial explosives such as TNT and dynamites, by enforcing international standards, including stringent requirements for the marking of explosives and end-user reporting, in order to prevent illicit transfers and misuses of explosive materials;
- Adopt and enforce stringent regulations on the control of the transfer and circulation of small arms and light weapons. Such measures should include compulsory inventory, identification and declaration at various levels of transfer and end user. Of particular importance is the need to regulate and monitor the production, stockpile, possession, acquisition of and access to weapons and explosives, particularly their transfer to non-state end users. States should enforce stringent control measures such as inventory, licensing of dealers, record-keeping of sales and purchases, and a ban on all transfers of man-portable air defence systems (MANPADS);
- Cooperate with relevant regional and international institutions that provide expertise and technical assistance on such matters, such as the ECOWAS Programme on Small Arms, International Atomic Energy Agency (IAEA), UN Office on Drugs and Crime (UNODC), UN Programme of Action on Small Arms (UNPoA), Security Council Counter-Terrorism Committee (CTC) and Executive Directorate (CTED), Security Council Resolution 1540 Committee, the Organization for the Prohibition of Chemical Weapons (OPCW), the Biological Weapons Convention (BWC) Panel, and the Comprehensive Nuclear Test-Ban Treaty Organization (CTBTO), as well as relevant civil society and media organisations;
- Ensure maximum security and comply with international safety standards for nuclear energy installations, including the transfer of sensitive facilities, technology and material (such as uranium) usable for nuclear weapons or other explosive devices. Any enrichment facility or enrichment technology should be designed or operated in accordance with internationally approved standards. To this end, states shall enforce a strict ban on the unlawful possession, transfer of and trade in uranium and other materials that may be diverted towards the production of explosives or their precursors;
- Develop and strengthen national legislations and capacity to enforce cybersecurity regulations, including the ability to detect, monitor and intercept terrorist activities through the use of the internet and other forms of wireless and electronic communication; and
- Prohibit and criminalise the use of their territories, including air, land, and maritime spaces, for planning, recruiting, financing and supporting the commission of terrorist acts against their people or against other states.

- (e) Prevent extremism and radicalisation
 - Develop measures to identify and counter the propaganda methods used by extremist sects to lure and recruit youths and other vulnerable groups into violent and radical ideologies;
 - Work with religious and community leaders, scholars and relevant civil society groups to develop de-radicalisation and reintegration programmes and to promote mainstream religious teachings, interfaith and inter-ethnic dialogues, and reconciliation. Such programmes should seek to address the conditions conducive to youth radicalisation, including unemployment, lack of participation and representation in political and economic processes, injustices, lack of education, social delinquencies, frustration and deprivation;
 - Faith-based institutions, including churches and mosques, should be encouraged to participate in government programmes and to take initiatives to prevent radical ideas and extremist elements that seem to have empathy with terrorism;
 - Develop and, where necessary, enhance counter-terrorism curricula for schools and universities to promote awareness of terrorism and counter-terrorism measures;
 - Develop and, where necessary, strengthen national laws to criminalise recruitment, propaganda, incitement, support for or the attempt or conspiracy to participate in violent radical ideologies, including hate crimes and the use of religion to commit violent acts leading to death, injury or damage to property;
 - Eliminate racism and other forms of discrimination; and
 - Prevent occupation, colonialism and other forms of domination.
- (f) Promote democratic practices and the protection of human rights
 - Intensify democratic practices as enshrined in the ECOWAS Protocol on Democracy and Good Governance Supplementary to the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security, the African Charter on Democracy, Elections and Governance, as well as other relevant international legal instruments to which Community Members have acceded;
 - Promote broad-based participation and equitable representation, as well as accountability and transparency in all government economic, socio-political and cultural programmes and institutions;
 - Ensure that human rights as enshrined in the 1981 OAU Charter on Human and People's Rights, various UN conventions and the 1948 Universal Declaration on Human Rights and the International Covenant of Civil and Political Rights are protected and enjoyed by every ECOWAS citizen. To this end, Member States shall take every measure to ensure that actions taken to prevent and combat terrorism, including the legislative and operational activities of police and law enforcement officers, do not infringe on these rights;
 - Prohibit torture in all its forms and manifestations and other degrading and inhumane forms of treatment, as well as discrimination on racial, ethnic or gender basis against minorities and terrorist suspects;

- Ensure that the arrest, detention, imprisonment or forced expulsion/deportation and other sanctions against terrorist suspects are conducted strictly within the framework of the law. To this end, all Member States shall ensure that the arrest, detention, forced expulsion/deportation and/or imprisonment of terrorist suspects are conducted in strict compliance with the due process of the law;
- Ensure that police and law enforcement officers are properly trained on counterterrorism and human rights issues. To this end, ECOWAS shall develop its own appropriate Counter-Terrorism Training Manual that shall include modules on specific regional challenges, with a view to build and augment Member States' capacities and skills in core counter-terrorism areas, including the protection of human rights, implementation of international, continental and regional counterterrorism instruments, intelligence gathering and sharing, investigation of terrorism related offences and strengthening counter-terrorism cooperation in West Africa; and
- Take all necessary measures to discourage and stamp out corruption in both private and government sectors, particularly among police and other security and judicial officers, and set out severe penalties for violators.

Pillar 2: Pursue

23. While priority will be given to every endeavour to prevent terrorism from occurring, in the event where terrorism does occur, Member States shall take all necessary measures to minimise its impacts on communities and on national security in general. The 'Pursue' pillar is aimed at enabling Member States to undertake rapid, timely and effective responses to terrorism when it occurs. The main objectives are to disrupt terrorists' planning, networks and activities; investigate and bring terrorist leaders and their followers, supporters and sympathisers to justice to the full extent provided by the law; cut off terrorists' funding and access to equipment, finances, training and meeting grounds; and create a hostile environment for terrorists in the region with a view to eliminate future threats.

Priority areas of intervention

- (a) Sign, ratify and/or accede to and effectively implement regional, continental and international counter-terrorism legal instruments
- Become party to all ECOWAS, AU, UN and other universal conventions and protocols against terrorism, as a matter of urgent priority (see annex for list of instruments);
 - Take all necessary legislative, executive and judicial measures to fully domesticate and enforce the provisions of the abovementioned instruments;
 - Establish at the level of the Commission a Counter-Terrorism

Technical Assistance Directory to enable states in need to find and receive technical assistance; and

- Monitor effective implementation by maintaining an updated list of States' compliance with all regional, continental and international legal instruments.
- (b) Enhance the rule of law and cooperation on criminal justice matters
- Strengthen the legal framework and codification regimes against terrorism;
 - Make terrorist offences punishable with severe penalties under national law;
 - Encourage Member States, particularly those that have not done so yet, to, as a matter of urgency, enact and where necessary strengthen national legislation to domesticate and enforce relevant AU norms and regulations, and to incorporate all criminal justice aspects of counter-terrorism as provided in the AU Comprehensive African Antiterrorism Model Law, 1999 OAU Convention on the Prevention and Combating of Terrorism and its Protocol thereto, as well as the fourteen universal conventions and four additional protocols against terrorism. Legislation need to:
 - * Criminalise wilful attempts to commit acts of terrorism, including inciting, supporting, abetting, and soliciting support, and/or providing, receiving or participating in training or instructing, recruiting and/or possessing materials intended for the commission of a terrorist act;
 - * Ensure that any emergency powers of the police and law enforcement agencies to search, arrest and detain terrorist suspects are asserted in accordance with national and human rights law;
 - * Provide clear guidelines on the seizure and forfeiture of terrorist assets, including materials, weapons and finances, with a view to prevent, disrupt and suppress plans to commit acts of terrorism;
 - * Provide for a central authority for receiving and coordinating requests for extradition and mutual legal assistance;
 - * Provide support to victims of terrorism;
 - * Protect human rights in counter-terrorism actions;
 - * Guarantee physical and social protection to witnesses and their family members and collaborators;
 - * Prohibit terrorist blackmail and demands for ransom;
 - * Prohibit the payment of ransom to terrorists and other criminal groups; and
 - * Combat other transnational organised crimes with proven links to terrorism.
 - Extend to one another all measures of cooperation in and assistance on criminal matters, including the investigation and prosecution of terrorist acts. Such cooperation, whether at the international or regional level, may be formal and informal, to enable the flexibility and efficiency of national judicial systems to pursue terrorists everywhere in a timely manner within the region, and to handle

complex counter-terrorism cases, including issues related to the forensic, technological and financial aspects of investigation and prosecution of terrorist crimes;

- Regularly train and sensitise criminal justice officials, including judges, investigators, prosecutors and defence lawyers, on new developments in the field of international cooperation on criminal matters and counter-terrorism;
 - Cooperate on matters relating to extradition as provided in the ECOWAS Conventions on Extradition and Mutual Legal Assistance in order to enhance cooperation on criminal matters and to be able to bring terrorists to justice. To this end establish and recognise the legality of an ECOWAS Arrest Warrant (ECOWARRANT), an ECOWAS Counter-Terrorism Coordination Bureau (ECOCTB) and an ECOWAS Black List of Terrorists and Criminal Networks (ECOLIST). The ECOWAS Warrant shall also enable Member States to cooperate in giving and obtaining evidence in other Member States; and
 - Regularly update national legislations and regulations on international cooperation in criminal matters and encourage states to conclude regional agreements on cooperation on extradition and mutual legal assistance with neighbouring and non-ECOWAS countries. To this end, Member States should be strongly encouraged to ratify and/or accede to the Rabat Convention on Extradition and Mutual Legal Assistance and other relevant regional and international agreements.
- (c) Improve cooperation on border control and surveillance, including aviation and maritime security
- Strengthen cooperation on border control and surveillance at both formal and informal ports of entry/exit, without prejudice to the ECOWAS protocols and regulations on the free movement of persons, goods and services;
 - Establish and/or strengthen and equip common border patrol mechanisms, including joint border commissions, to regularly conduct assessments of threats and vulnerabilities of borders;
 - Strengthen measures to detect forgery and falsified documents and to report and share such information with relevant Member States; shelf;
 - Enact and, where necessary, strengthen national legislations and the criminal justice regimes against piracy and other criminal activities on the high seas to ensure that perpetrators of such acts are effectively investigated, prosecuted and deterred;
 - Ensure that all vessels sailing on or using states' maritime spaces are registered with long-range identification and tracking systems, and that commercial users are properly registered and licensed;
 - Strengthen cooperation and coordination with the International Civil Aviation Organization (ICAO), World Customs Organization (WCO), International Maritime Organization (IMO) and the UNODC to put in place specific regulations for the inspection of cargo originating in, exiting, transiting or being trans-

- shipped through a state, for the promotion of customs-to-customs cooperation on the in-bound and out-bound security inspection and the use of standardised targeting and screening criteria to detect and prevent drug, arms and human trafficking within the framework of relevant regional, continental and international instruments; and
- Stamp out corruption at border control points, particularly air, sea and land borders, to render them more effective in detecting criminals and terrorist elements, including drugs, illicit arms and other unlawful activities.
- (d) Suppress and criminalise the financing of terrorism and associated money laundering
- Criminalise terrorist financing, including the attempt to finance terrorism and ancillary offences consistent with the requirements of the UN 1999 Convention for the Suppression of the Financing of Terrorism, and UN Security Council resolutions 1267 (1999) and 1373 (2001);
 - Make the offence of terrorist financing a predicate offence to the money laundering offence. To this end, the criminalisation regimes should be carried out on the basis of the 1988 UN Convention of Vienna and 2000 UN Convention of Palermo;
 - Ensure that both financial and non-financial sectors are subjected to stringent anti-money laundering/anti-terrorism financing obligations consistent with the FATF Recommendations, in particular customer due diligence, reporting suspicious activities and monitoring transactions and business relationships;
 - Criminalise the demand for payment of ransom by terrorist groups and make the payment of ransom to such groups a predicate offence under national law with appropriate and proportionate punishment;
 - Establish a fully operational Financial Intelligence Unit (FIU) in each state and improve its capacity to receive, analyse and disseminate suspicious money laundering/terrorist financing-related transactions/activities;
 - Ensure that money/value transfer services are registered or licensed and subject to all national, regional and international regulations, including the FATF Recommendations that apply to financial institutions. To this end, states should adopt and harmonise regulations, including those relating to wire transfers and remittances, and non-profit or charity groups/organisations, as well as those of cash couriers, in accordance with GIABA regulations, to ensure that they are not exploited by terrorist and other criminal groups;
 - Develop and strengthen capacities (human, material and financial resources) and regularly train personnel in charge of combating terrorist financing and money laundering (including police, law enforcement agents and FIUs) and, where necessary, seek technical assistance to build such capacity, including from GIABA and other specialised institutions;
 - Put in place effective mechanisms to provide the widest possible

range of mutual legal assistance and information exchange on cross-border illicit financial activities and movements of terrorist assets, as well as measures aimed at strengthening states' ability to monitor, detect and disrupt suspicious or terrorist activities. Offences related to terrorist financing should apply to natural and legal persons who knowingly engage in terrorist financing activities. They should be subject to effective, proportionate and dissuasive sanctions; and

- States are to carry out these measures in full respect of human rights and in a manner that does not disrupt or impede in any way the smooth flow of economic activities.
- (e) Protect critical infrastructure and diplomatic premises and other foreign interests
- Identify and increase security at critical infrastructures and soft targets, including airports, seaports, major roads, historical and cultural infrastructure, government offices, markets and shopping malls, stadiums, stock exchanges, social theatres, and foreign diplomatic premises and installations (including companies, organisations, vessels, cars and couriers);
 - Criminalise acts that target critical infrastructure and diplomatic premises and other foreign interests in the territories of Member States, and provide for severe penalties for offenders;
 - WAPCCO together with Interpol shall issue periodic alert notices, based on well-informed intelligence, to public bodies, international organisations, diplomatic representations and other agencies, about any possible threats from terrorism, particularly in relation to hidden weapons, parcel bombs and other dangerous materials; and
 - Regularly train personnel on the protection of critical infrastructures; to build a readiness capacity to respond rapidly to a terrorist attack; and to perform technical operations such as disarming or deactivating explosives, cordoning off the crime area, dealing with victims and collecting materials for forensic evidence.
- (f) Enhance the ability of Member States to develop a criminal justice response to terrorism
- Develop dedicated units of prosecutors in Member States who can be called upon to prosecute terrorism-related cases; and
 - Assist Member States to establish specialised units within law enforcement agencies and the Gendarmerie (assisted by the military where necessary) to investigate terrorism-related offences, hostage negotiations and bomb disposal.
- (g) Strengthen cooperation with civil society and media organisations on the prevention and combating of terrorism
- national strategies for better communication on matters relating to the prevention and combating of terrorism, utilising all possible channels and networks of communication to ensure an effective and coherent strategy; and
 - Involve civil society and media organisations in all major national, regional and international counter-terrorism forums and other platforms.
- (h) Training and capacity-building on the prevention and combating of

- terrorism
- Allocate substantial resources, including personnel, materials and equipment, for the prevention and combating of terrorism;
- Put in place within the Commission, an ECOWAS capacity-building programme against terrorism in order to effectively coordinate, harmonise and implement counter-terrorism training programmes for both civilian and military personnel;
- Develop specialised training courses on counter-terrorism matters, including intelligence gathering and sharing, investigation, prosecution and extradition, and international cooperation. To this end, an ECOWAS Counter-Terrorism Training Manual shall incorporate special modules for criminal justice officials; and
- Regularly train relevant states officials with a view to develop and strengthen operational skills to undertake technical counter-terrorism operations, including capabilities to perform forensic analysis, preparation of statutory reports, and drafting and processing mutual legal assistance (MLA) and extradition requests.

Pillar 3: Reconstruct

24. The aftermath of terrorism and even counter-terrorism could destroy the social fabric of society. People lose confidence in the state and its ability to protect them, and at times terrorism pits social groups against each other in accusations and counter-accusations. The 'Reconstruct' pillar is aimed at rebuilding society and enabling the state to heal social wounds caused by terrorism and counterterrorism.

Priority areas of intervention

- (a) Protect the rights of victims
 - Establish an institutional and legal mechanism with the mandate to protect the rights of victims of terrorism, and endow such mechanism with all the means and resources, including powers to utilise funds and proceeds seized from terrorists for the benefit of victims;
 - Funds seized or recovered from terrorists may be distributed to terrorist victims or their families, with a view to facilitate their social rehabilitation and reintegration, as well as their security;
 - Provide other forms of assistance to victims, including medical care and reintegration into normal social life; and
 - Ensure that the international dimension of counter-terrorism, such as extradition, takes into account the victims' rights and best interest. In this context ensure that victims are kept well informed of proceedings and outcomes.
- (b) Support and reconcile communities
 - Support in every manner the communities of victims of terrorist acts, including moral, political, economic and social support;
 - Take measures aimed at reconciling communities, particularly in the aftermath of a terrorist incident, by promoting dialogue and emphasising the individuality of terrorists and not their social,

economic, racial, ethnic, cultural, religious or political background. In this context, the goal is to isolate the terrorists, their ideology, slogans and propaganda from the communities that they claim to represent; and

- Rebuild and strengthen state and social cohesion by implementing programmes that unite communities, promote national pride, and demonstrate state control of the situation, as well as its determination to bring perpetrators to justice.
- (c) Repair social contract
- Take immediate actions in the aftermath of a terrorist attack to reassure the people that the state is in control of the situation, keeping people well informed about measures being taken, including the investigation and prosecution of suspects;
 - Enhance operational synergies in the activities of law enforcement agencies and local communities in order to bring security closer to local communities and to ensure trust and transparency;
 - Promote education and other social benefits, including community development projects for victims of terrorist acts;
 - Promote counter-terrorism curricula in schools and universities and training on what to do in the event of a terrorist attack; and
 - Establish direct hotlines and emergency numbers and persons or places to contact in the event of a terrorist act or suspicious terrorist activity.
- (d) Develop national counter-terrorism strategies
- Develop a national counter-terrorism strategy that addresses the various dimensions of the threat of terrorism, including an approach to counter terrorists' propaganda, recruitment, sources of funding and radicalisation. Such strategies should draw from and aim at giving practical effect to the full implementation of this (ECOWAS) Strategy and other applicable instruments;
 - Ensure that all relevant national stakeholders are involved in the development and implementation of the strategy; and
 - Promote national awareness to strengthen support for and implementation of this strategy.

Section IV: Implementation Mechanisms

25. The primary responsibility for the full and effective implementation of this Strategy shall remain with states. However, in order to ensure systematic follow-ups and effective monitoring of the implementation of this Strategy, the following mechanisms are recommended to assist, complement and strengthen states' capacities in this endeavour:

National Taskforce

26. For the purpose of effective implementation of this Strategy and coordination at the regional, continental and international level, Member States shall establish a National Authority or Inter-Departmental Taskforce wherever such a mechanism does not

already exist to serve as a focal point for counter-terrorism matters at the national level and for effective coordination at the regional, continental and international level. States may also decide to utilise existing mechanisms such as the Focal Points designated for the purpose of coordination with the African Centre for the Study and Research on Terrorism (ACSRT).

Periodic Evaluation and Reporting of the Implementation of this Strategy (PERIS)

27. In order to ensure continued focus on the implementation of this Strategy, and to regularly reassess progress and challenges, Member States shall agree on a timeframe for periodic evaluation and reporting on the measures taken and challenges encountered in the implementation of this Strategy. PERIS shall be held at least twice a year at different policy levels and at least one meeting shall be at the level of Heads of State and Government. On the basis of these evaluations, this Strategy may be amended or revised in order to bring it up to date.

ECOWAS Commission

28. The Regional Security Division (RSD) of the Commission shall be entrusted with the overall responsibility of coordinating the implementation of this Strategy. It shall serve as the focal point of the Commission on counter-terrorism matters. The RSD shall examine the reports submitted by Member States, and compile and submit such reports to the Authority of Heads of State and Government for policy direction. It shall follow up with Member States on any aspect related to the effective implementation of this Strategy.

ECOWAS Court of Justice

29. The Community Court shall be charged with the enforcement of the rights of victims of terrorism in conformity with its jurisdiction.

CCSS

30. The CCSS shall coordinate the aspects of intelligence cooperation on the implementation of this Strategy, including liaison with ECOWARN and relevant regional, continental and international mechanisms.

ECOWARN

31. ECOWARN shall be responsible for gathering information to predict and detect activities of terrorist groups, in liaison with CCSS.

ECOWAS Counter-Terrorism Training Centre (CTTC)

32. In order to strengthen the development of appropriate skills and expertise on the prevention and combating of terrorism, Member States shall establish a regional centre of excellence for counter-terrorism. The centre shall provide standardised training, threat assessments, research and analysis, development and dissemination of data and information, and provide technical assistance in the field of counter-terrorism. The centre shall work in close coordination with ACSRT and other regional and international institutions. The Commission shall develop the modalities and legal framework for the establishment and functioning of the centre.

Counter-Terrorism Coordination Unit

33. The Commission shall establish within the RSD a coordination unit that shall be responsible for monitoring states' implementation; carry out technical functions related to the prevention and combating of terrorism; and make recommendations on measures for strengthening the implementation of this Strategy. The Unit shall also be responsible for the coordination of training activities of the CTTC in the region. It shall liaise with similar national, continental and international mechanisms.

GIABA

34. GIABA shall coordinate activities related to the suppression of terrorist financing and associated money laundering. It shall regularly review and conduct threat and vulnerability assessments, as well as make regular recommendations on measures to suppress the financing of terrorism in West Africa.

International Organisations and Partners

35. This Strategy shall be implemented in collaboration with relevant international organisations and international partners, which shall contribute to building capacity for the prevention and combating of terrorism in West Africa. They shall also ensure synergies and coordination on various counter-terrorism matters at the international and continental level.

Civil-Society Organisations (CSOS) and Media Networks

36. Recognising their diverse nature, CSOs and the media shall play a complementary role in the implementation of this Strategy. They shall support both ECOWAS and Member States' activities aimed at preventing and combating terrorism. Wherever appropriate they shall be consulted to contribute to various aspects in the prevention and combating of terrorism, including raising awareness, providing

training and expertise, and supporting national reconciliation and healing programmes.

ECOWAS Counter-Terrorism Training Manual

37. In order to develop and enhance the capacity of Member States in various areas of the prevention and combating of terrorism, ECOWAS will develop a specialised Counter-Terrorism Training Manual (CTTM), to be used for all counter-terrorism training. The purpose of the Manual shall be to promote a coordinated and harmonised approach and to impart knowledge and skills among relevant states' agencies, including police, gendarmerie, intelligence, investigators, judiciary (including prosecutors, lawyers, judges and justices), customs, diplomats and other law enforcement agencies involved in counterterrorism. The manual shall be tailored to address counter-terrorism challenges unique to West Africa, including in the following areas:

- Trends and developments in the manifestation and threat of terrorism and associated transnational organised crimes such as piracy, drug and human trafficking, and money laundering;
- Terrorism in the media, including cyber-terrorism through the use of the Internet;
- Regional, continental and international legal frameworks on the prevention and combating of terrorism;
- National legislation and other measures taken by states;
- Intelligence and counter-intelligence;
- Crime scene management and the investigation of terrorist crimes;
- Financing of terrorism, including organised crime and money laundering;
- Border control and surveillance;
- Protection of critical infrastructures;
- Hostage negotiation;
- Bomb disposal and weapons of mass destruction; and
- International cooperation on counter-terrorism matters

...

Section VI: Way Forward

38. There shall be regular consultations among government agencies that are involved in counter-terrorism, including ministers of foreign affairs and cooperation, ministers of justice and interior, judges and justices, police and security chiefs, intelligence chiefs, investigators, prosecutors and other stakeholders, to monitor, evaluate and recommend more effective measures for strengthening coordination on counter-terrorism matters among Member States.

ECOWAS Integrated Maritime Strategy (EIMS) (2014)

Full title: ECOWAS Integrated Maritime Strategy (EIMS)

Date/place of adoption/conclusion: 29 March 2014, Yamoussoukro, Côte d'Ivoire

Available online at: <https://bit.ly/3gFICMH>

*Adopted at the Forty-Fourth Ordinary Session of the Authority of Heads of State and Government, 28-29 March 2014, Yamoussoukro, Côte d'Ivoire.

Excerpts

Section I: Introduction

...

4. West African countries, either individually or collectively, are confronted with growing and multifaceted challenges to their maritime domain. The main concerns relate to overexploitation of marine resources, rapid degradation of the marine environment through pollution, coastal erosion, and rise in sea level, and criminal acts at sea. Piracy, armed robbery at sea, smuggling, drug and human trafficking, illegal, unreported and unregulated (IUU) fishing and illegal migration also have links to transnational criminal groups. The lack of security and safety of maritime navigation in the ECOWAS waters has made sea transportation more risky, expensive and deadly.
5. These challenges impede the realisation of the full potential of the EMD, undermine efforts aimed at accelerating economic development and integration in the region, and thus aggravate poverty and political instability.

Principles

14. The EIMS is based on the following principles:
 - ...
 - (iv) Countering the challenges to the EMD requires both security and non-security strategies. In this context, criminal justice responses based on a solid foundation of the rule of law is an essential element to mitigating the associated challenges.
15. The vision for the EIMS is a prosperous, safe and peaceful EMD for all its peoples that will allow environmentally sustainable development and wealth creation based on efficient management and good governance.

Scope of the EIMS

17. The EIMS identifies the major challenges to the maritime domain

and offers a set of comprehensive priority actions that should be undertaken nationally and regionally. It addresses five strategic objectives, each of which is discussed in a separate section below:

- (i) Strategic Objective 1: Strengthen maritime governance;
- (ii) Strategic Objective 2: Maritime security and safety;
- (iii) Strategic Objective 3: Maritime environmental management;
- (iv) Strategic Objective 4: Optimise the ECOWAS maritime economy;
- (v) Strategic Objective 5: Promote maritime awareness and research.

...

Section II: Strategic Framework

...

Action 1.4 – Strengthen regulations and the rule of law

...

- (ii) Strengthen the criminal justice enforcement regimes nationally on maritime matters such as piracy and armed robbery, fishing, environmental protection and maritime economy;

...

- (v) Adopt a common ECOWAS policy requiring all shipping registered to ECOWAS Member States and all seaborne traffic in transit, or active, in ECOWAS waters, to be equipped with a long-range tracking system. This should contribute in the monitoring of maritime activities and improve maritime security and safety. (Also see Strategic Objective 2: Maritime security and safety)

Strategic Objective 2: A safe and secure maritime domain

34. Maritime security and safety constitutes a fundamental pillar for the survival of the maritime domain. It deals with threats to maritime navigation, transport and other peaceful uses of the maritime domain, particularly the oceans, seas and other navigable waterways. In this context, this EIMS stresses the need for urgent action to address prevailing and future threats to maritime security and safety.

...

Action 2.3 – Prevent and combat piracy and armed robbery at sea

41. The threat to the West African maritime domain posed by piracy and armed robbery at sea is not a recent development, as unlawful and other criminal activities have been linked to the West African waterways for centuries.
42. Piracy and armed robbery, mostly theft of petroleum assets and other cargo, cost the region billions in US\$ each year. Maritime piracy and armed robbery further impose direct costs on humanitarian assistance and have an impact on maritime economic activities such as oil production, cost of energy, insurance and shipping costs, tourism and fishing. Pirate attacks also increase the risk to maritime

trade, which relies on shipping, and the payment of ransom increases costs, which are then borne by consumers through increased prices of goods and services.

43. Priority actions required:
- (i) Strengthen the national capacities to detect, investigate, prosecute and adjudicate piracy and armed-robbery-at-sea cases, and establish/ improve national asset seizure, confiscation and management systems;
 - (ii) Condemn piracy and armed robbery at sea wherever it may occur in the world, particularly in West Africa and the Gulf of Guinea;
 - (iii) Encourage Member States to adopt and implement all relevant national, regional, continental and international legal instruments, frameworks and initiatives for the prevention and combating of piracy and armed robbery at sea;
 - (iv) Strengthen the technical and operational partnership between ECOWAS and ECCAS in the prevention and combating of piracy and armed robbery, terrorism, acts of kidnapping and hijacking, drug and human trafficking, arms smuggling and other unlawful acts committed in their combined maritime domains;
 - (v) Strengthen cooperation with MOWCA and GGC to address the complex threats to maritime transport and navigation.

Action 2.4 – Promote and protect the safety of maritime navigation and passage

44. SOLAS requires all coastal countries to ensure that hydrographic surveys are carried out, nautical charts and publications are published and kept up to date, and maritime safety information (MSI) services are provided.
45. The hydrography of Africa is poorly documented and maintained because of limited capacity to conduct the required surveys in accordance with International Hydrographic Organisation (IHO) specifications. Poor or outdated port/harbour approaches can result in costly accidents (pollution, navigational risks and others) and/or even loss of life. It is the responsibility of countries that have registered their claims to an EEZ to ensure the safe passage of all shipping through their waters.
46. There is limited capacity in Africa to chart its waters (EEZ) and to manage the requirements for maritime navigational safety. The documenting of changes (to the sea floor/riverbeds, approaches and navigational systems) and issuing of navigational warnings are essential services that each country adjacent to oceans/seas, lakes and rivers must deliver to all users.
47. Priority actions required:
- (i) Member States should join the IHO to advance maritime safety, efficiency, and the protection and sustainable use of the marine environment, and to plan for compliance with its requirements. This

- might entail collaboration with other countries with hydrographic capabilities and with littoral countries;
- (ii) Member States are to review/develop and implement national maritime safety measures that will contribute to improving maritime safety across the ECOWAS region;
 - (iii) Demand adherence to the International Regulation for Preventing Collisions at Sea (COLREG) and promote the peaceful use of the high seas and the principles of the freedom of navigation, freedom of over-flight, freedom to lay submarine cables and pipelines, freedom of fishing and freedom of scientific research, in accordance with the conditions stipulated in Article 87 of UNCLOS;
 - (iv) Facilitate financing of safe maritime and inland waterway transport activities.

Action 2.5 – Eliminate maritime transnational organised crime

- 48. Criminals are exploiting the weak law enforcement at sea in West Africa to traffic a range of products through the region: drugs (mostly cocaine from South America to Europe), cigarettes, weapons (conventional and non-conventional) and ammunition, people (destined for illegal migration or the sex trade), counterfeit medicines, toxic waste (including e-waste), oil and natural resources (such as hardwood and diamonds).
- 49. In its 2012 Transnational Organised Crime Threat Assessment (TOCTA) report for West Africa, the United Nations Office on Drugs and Crime (UNODC) singled out West Africa as an emerging source of trafficking in methamphetamine for illicit markets in East Asia, with couriers travelling through Europe. These transnational criminal networks are undermining the rule of law, deepening corruption, polluting the environment, violating human rights, stealing natural resources, depleting maritime resources and jeopardising health. The UNODC estimated that the volume of pure cocaine through West Africa in 2010 was about 18 tons, valued at about US\$ 1,25 billion.
- 50. Priority actions required:
 - (i) Fully implement the ECOWAS regional action plan to address the growing problem of illicit drug trafficking, organised crime and drug abuse in West Africa;
 - (ii) Initiate/extend actions to combat organised crime and illicit trafficking in West Africa;
 - (iii) Strengthen the national capacities to detect, investigate, prosecute and adjudicate organised crime and illicit trafficking cases, and establish/ improve national asset seizure, confiscation and management systems;
 - (iv) Seek to provide appropriate levels of equipment and incentives to maritime law enforcement agents and justice personnel to support their work.

...

Policy Framework for Security Sector Reform and Governance (2016)

Full title: Supplementary Act on ECOWAS Policy Framework for Security Sector Reform and Governance

Date/place of adoption/conclusion: 4 June 2016, Dakar, Senegal

Authentic texts: English, French, Portuguese

Available online at: <https://bit.ly/2W2g5sT>

* Adopted as Decision A/DEC.2/12/17 at the Fifty Second Ordinary Session of the Authority of Heads of State and Government, 16 December 2017, Abuja, Nigeria.

See also:

- Convention A/P.1/7/92 on Mutual Assistance in Criminal Matters (30 June 1989) available online at: <https://bit.ly/2ObhCIG>
- ECOWAS Counter-Terrorism Strategy Implementation Plan | available online: <https://bit.ly/2BVfEcV>
- ECOWAS Mediation Guidelines (February 2018) available online at: <https://bit.ly/2O5aIVo>
- The Constitution of the West African Police Chiefs Committee (WAPCCO) (July 2008, Abuja, Nigeria) available online: <https://bit.ly/2W0REvU>
- The Rules of Procedure of the West African Police Chiefs Committee (WAPCCO) (10 July 2008, Abuja, Nigeria) available online: <https://bit.ly/2Z9VIRT>

Selected Communiqués and Decisions of the ECOWAS Heads of State and Government

ECOMOG

- Final Communiqué of the 20th Ordinary Session (29 August 1997, Abuja, Nigeria) available online at: <https://bit.ly/3feNdFt>
- Final Communiqué of the 22nd Ordinary Session (10 December 1999, Lomé, Togo) available online at: <https://bit.ly/2ZQkSPf>
- Final Communiqué of the Summit of ECOWAS Heads of State Members of the Committee on Sierra Leone of the Lomé Peace Agreement (9 May 2000, Abuja, Nigeria) available online at: <https://>

bit.ly/3gKZaTp

- Final Communiqué of the Extraordinary Session of Heads of State and Government (11 April 2001, Abuja, Nigeria) available online at: <https://bit.ly/306oHjB>

ECOMIL

- Final Communiqué of the Extraordinary Session of ECOWAS Heads of State and Government on the Situation in Liberia (31 July 2003, Accra, Ghana) available online at: <https://bit.ly/2ZMcTTi>

MICEMA

- Final Communiqué of the 41st Ordinary Session (29 June 2012, Yamoussoukro, Ivory Coast) available online at: <https://bit.ly/38HR5vX>

AFISMA

- Final Communiqué of the 42nd Ordinary Session (28 February 2013, Yamoussoukro, Ivory Coast) available online at: <https://bit.ly/2ZaI3EE>
- Final Communiqué of the 43rd Ordinary Session (18 July 2013, Abuja, Nigeria) available online at: <https://bit.ly/2VYYsu8>
- Final Communiqué of the 45th Ordinary Session (10 July 2014, Accra, Ghana) available online at: <https://bit.ly/2WhZjGv>

Regional Security Threats and emerging threats

- Final Communiqué of the 47th Ordinary Session (19 May 2015, Accra, Ghana) available online at: <https://bit.ly/3eeUEv1>
- Ebola: Final Communiqué of the 45th Ordinary Session (10 July 2014, Accra, Ghana) available online at: <https://bit.ly/320U6GI>

Treatment of African Migrants and Refugees in Libya

- Final Communiqué of the 52nd Ordinary Session (16 December 2017, Abuja, Nigeria) available online at: <https://bit.ly/3iE2qSq>

ECOMIB

- Final Communiqué of the 54th Ordinary Session (22 December 2018, Abuja, Nigeria) available online at: <https://bit.ly/31YyfiV>
- Final Communiqué of the 49th Ordinary Session (4 June 2016, Dakar, Senegal) available online at: <https://bit.ly/2VVWkmP>
- Final Communiqué of the 43rd Ordinary Session (18 July 2013, Abuja, Nigeria) available online at: <https://bit.ly/3feaYxm>
- Final Communiqué of the 46th Ordinary Session (15 December 2014, Abuja, Nigeria) available online at: <https://bit.ly/2W4LYRI>

ECOMIG

- Final Communique of the 54th Ordinary Session (22 December 2018, Abuja, Nigeria) available online at: <https://bit.ly/2VYec07>

Intervention into/ threat of force against The Gambia following the 2017 election defeat of President Yahya Jammeh

- Final Communique of the 50th Ordinary Session (17 December 2016, Abuja, Nigeria) available online at: <https://bit.ly/3gT1jgf>

Chapter 4

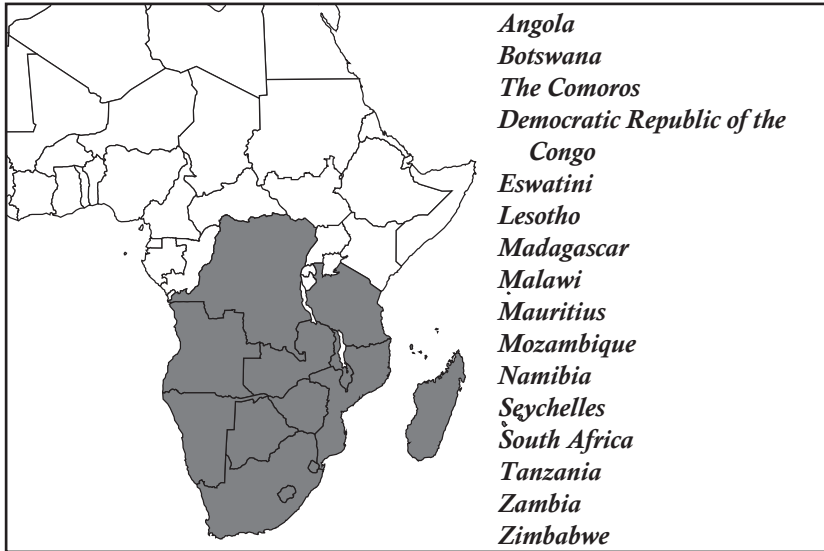
The Southern African Development Community

1 Introduction

The Southern African Development Community (SADC) is an inter-governmental organisation and one of eight Regional Economic Communities (RECs) premised on regional economic and political integration. On 1 April 1980, nine Southern African states formed the Southern African Development Coordination Conference (SADCC) with the adoption of the Lusaka Declaration (Southern Africa: Toward Economic Liberation). SADCC was in all aspects the predecessor to SADC, aimed predominantly at economic and political independence of the signatory states. In particular, SADCC aimed to decrease economic dependence on Apartheid South Africa, advance regional integration, and broaden political independence among states. In 1989, the Summit of Heads of State or Government of SADCC decided it should be formalised so to be given legal status under a charter or treaty.

On 17 August 1992, the Summit of Heads of State or Government of SADCC meeting in Windhoek, Namibia, signed the Declaration and Treaty of SADC (the Treaty), formally transforming SADCC into SADC. The organisation was established under Article 2 of the SADC Treaty and is headquartered in Gaborone, Botswana. Article 9 of the Treaty established six principal institutions: the Summit of Heads of State and Government, the Council of Ministers, Commissions, the Standing Committee of Officials, the Secretariat and the Tribunal (suspended in August 2012 by the Summit of the SADC Heads of State and Government). In 2001 the Treaty was amended to create several additional institutions which included the Organ on Politics, Defence and Security, the Integrated Committee of Ministers (replacing Commissions), SADC National Committees and The Troika. The Treaty has since been amended six times, with the most recent amendment having taken place in 2015.

Member States



SADC Military Interventions

Intervention in the Democratic Republic of the Congo (Operation Sovereign Legitimacy) (1998-1999)

In 1998 under the SADC Allied Forces, three SADC states – Angola, Namibia and Zimbabwe, launched a military intervention into the Democratic Republic of the Congo (DRC). The intervention was aimed at protecting the DRC against rebel forces from Rwanda and Uganda which all but edged on a full-scale invasion of the country. The SADC intervention was initiated at the request of then President Laurent Kabila and was authorised by the SADC Organ on Politics, Defence and Security Cooperation. The intervention was codenamed *Operation Sovereign Legitimacy* and ended in 1999 following the signing of the Lusaka Agreement. Three SADC member states – Malawi, South Africa and Tanzania were also later part of the United Nations Force Intervention Brigade (FIB), a military contingent under the United Nations Stabilisation Mission in the DRC (MONUSCO). MONUSCO was first authorised under United Nations Security Council Resolution 2098 (2013) and was the first instance in which the United Nations had authorised targeted offensive operations by a peacekeeping mission – in this case, against the M23 armed movement.

Intervention in Lesotho (Operation Boleas) (1999)

In 1999, a second SADC military intervention occurred, this time in Lesotho. Codenamed *Operation Boleas*, the SADC intervention was led by South Africa with support from Botswana. The intervention was launched in response to a coup against the ruling Lesotho Congress of Democrats. Some 600 members of the South African National Defence Force were deployed on 22 September 1998, alongside an additional 200 troops from Botswana. The intervention was aimed at stabilising the security situation in Lesotho and resulted in the creation of the Independent Political Authority.

2 Treaties

Treaty of the Southern African Development Community (SADC) (1992/1993)

Full title: Treaty of the Southern African Development Community (SADC) (Consolidated text)

Date/place of adoption/conclusion: 17 August 1992, Windhoek, Namibia

Entered into force (EIF): September 1993

EIF provision: Article 42

Authentic texts: English, Portuguese

Available online at: <https://bit.ly/2Za3fuG>

* The Treaty of the Southern African Development Community (1992) as amended by: The Agreement Amending the Treaty (2001), The Agreement Amending Article 22 of the Treaty (2007), The Agreement Amending the Treaty (2008), The Agreement Amending Article 10A of the Treaty (2009), The Agreement Amending Articles 10 and 14 of the Treaty (2009).

Excerpts

Preamble

We, the Heads of State or Government of:

...

Mindful of the need to involve the people of the Region centrally in the process of development and integration, particularly through the guarantee

of democratic rights, observance of human rights and the rule of law;

...

Bearing in mind the principles of international law governing relations between States;

Have decided to establish an international organisation to be known as the Southern African Development Community (SADC), and hereby agree as follows:

...

Chapter 2: Establishment and Legal Status

Article 2: Establishment

1. By this Treaty, the High Contracting Parties establish the Southern African Development Community (hereinafter referred to as SADC).
2. The Headquarters of SADC shall be at Gaborone, Republic of Botswana.

...

Chapter 3: Principles, Objectives, SADC Common Agenda and General Undertakings

Article 4: Principles

SADC and its Member States shall act in accordance with the following principles:

- (a) sovereign equality of all Member States;
- (b) solidarity, peace and security;
- (c) human rights, democracy and the rule of law;
- (d) equity, balance and mutual benefit; and
- (e) peaceful settlement of disputes.

Article 5: Objectives

1. The objectives of SADC shall be to:
 - ...
 - (b) promote common political values, systems and other shared values which are transmitted through institutions which are democratic, legitimate and effective;
 - (c) consolidate, defend and maintain democracy, peace, security and stability;
 - ...
 - (i) combat HIV/AIDS or other deadly and communicable diseases;
 - ...

Chapter 5: Institutions

Article 9: Establishment of Institutions

1. The following institutions are hereby established:
 - (a) the Summit of Heads of State or Government;
 - (b) the Organ on Politics, Defence and Security Co-operation;
- ...

Article 10: The Summit

1. The Summit shall consist of the Heads of State or Government of all Member States, and shall be the supreme policy-making Institution of SADC.
 2. The Summit shall be responsible for the overall policy direction and control of the functions of SADC.
- ...

Article 10A: Organ on Politics, Defence and Security Co-operation

1. The Summit shall select a Chairperson and a Deputy Chairperson of the Organ on the basis of rotation from among the members of the Summit except that the Chairperson of the Summit shall not simultaneously be the chairperson of the Organ.
2. The term of office of the Chairperson, Incoming Chairperson and the Outgoing Chairperson of the Organ shall be one year respectively.
3. The Chairperson of the Organ shall consult with the Troika of the Summit and report to the Summit.
4. There shall be a Ministerial Committee of the Organ, consisting of the Ministers responsible for:
 - (a) foreign affairs;
 - (b) defence;
 - (c) public security; or
 - (d) state security,

from each of the Member States, which shall be responsible for the coordination of the work of the Organ and its structures.

5. The structure, functions, powers and procedures of the Organ and other related matters shall be prescribed in a Protocol.
 6. The Secretariat shall provide Secretariat services to the Organ.
 7. Decisions of the Organ shall be taken by consensus.
- ...

Article 14: The Secretariat

1. The Secretariat shall be the principal executive institution of SADC, and shall be responsible for:
 - ...
 - (b) implementation of decisions of the Summit, Troika of the Summit,

Organ on Politics, Defence and Security Co-operation, Troika of the Organ on Politics, Defence and Security Cooperation, Council, Troika of the Council, Integrated Committee of Ministers and Troika of the Integrated Committee of Ministers;

...

Chapter 7: Co-operation

Article 21: Areas of Co-operation

1. Member States shall cooperate in all areas necessary to foster regional development and integration on the basis of balance, equity and mutual benefit.
2. Member States shall, through appropriate institutions of SADC, coordinate, rationalise and harmonise their overall macro-economic policies and strategies, programmes and projects in the areas of cooperation.
3. In accordance with the provisions of this Treaty, Member States agree to co-operate in the areas of:
 - (a) food security, land and agriculture;
 - ...
 - (f) natural resources and environment;
 - ...
 - (h) politics, diplomacy, international relations, peace and security.
4. Additional areas of co-operation may be decided upon by the Council.

Chapter 13: Sanctions, Withdrawal and Dissolution

Article 33: Sanctions

1. Sanctions may be imposed against any Member State that:
 - (a) persistently fails, without good reason, to fulfill obligations assumed under this Treaty;
 - (b) implements policies which undermine the principles and objectives of SADC; or
 - (c) is in arrears in the payment of contributions to SADC, for reasons other than those caused by natural calamity or exceptional circumstances that gravely affect its economy, and has not secured the dispensation of the Summit.
2. The Summit shall determine on a case-by-case basis sanctions to be imposed under subparagraphs a) and b) of paragraph 1 of this Article.

...

Protocol on Combatting Illicit Drug Trafficking (1996/1999)

Full title: Protocol on Combatting Illicit Drug Trafficking in the Southern African Development Community (SADC) Region

Date/place of adoption/conclusion: 24 August 1996, Maseru, Lesotho

Entered into force (EIF): 20 March 1999

EIF provision: Article 14

Authentic texts: English, Portuguese

Available online at: <https://bit.ly/2W0Nnss>

Protocol on Politics, Defence and Security Co-operation (2001/2004)

Full title: Protocol on Politics, Defence and Security Co-operation

Date/place of adoption/conclusion: 14 August 2001, Blantyre, Malawi

Entered into force (EIF): 2 March 2004

EIF provision: Article 20

Authentic texts: English, French, Portuguese

Available online at: <https://bit.ly/3iMPudd>

Excerpts

...

Taking cognisance of the decision of SADC to create the ORGAN on Politics, Defence and Security which decision appears in the Gaborone Communiqué of 28th June 1996;

Noting Article 9 of the Treaty which establishes the Organ;

Bearing in mind that Chapter VIII of the UN Charter recognizes the role of regional arrangements in dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action;

Recognising and re-affirming the principles of strict respect for sovereignty, sovereign equality, territorial integrity, political independence, good neighbourliness, interdependence, non-aggression and non-interference in internal affairs of other States;

Recalling the 1964 resolution of the Assembly of Heads of State and Government of the Organisation of African Unity, declaring that all Member States pledge to respect the borders existing on their achievement of national independence;

Further reaffirming the primary responsibility of the United Nations Security Council in the maintenance of international peace and security, and the role of the Central Organ of the Organisation of African Unity Mechanism for Conflict Prevention, Management and Resolution;

Convinced that peace, security and strong political relations are critical factors in creating a conducive environment for regional co-operation and integration;

Convinced further that the Organ constitutes an appropriate institutional framework by which Member States could co-ordinate policies and activities in the area of politics, defence and security;

Determined to achieve solidarity, peace and security in the Region through close cooperation on matters of politics, defence and security;

Desirous to ensure that close cooperation on matters of politics, defence and security shall at all times promote the peaceful settlement of disputes by negotiation, conciliation, mediation or arbitration;

Acting in pursuance of Article 10A of the Treaty;

Hereby agree as follows:

...

Article 2: Objectives

1. The general objective of the Organ shall be to promote peace and security in the Region.
2. The specific objectives of the Organ shall be to:
 - (a) protect the people and safeguard the development of the Region against instability arising from the breakdown of law and order, intra-state conflict, inter-state conflict and aggression;
 - (b) promote political co-operation among State Parties and the evolution of common political values and institutions;
 - (c) develop common foreign policy approaches on issues of mutual concern and advance such policy collectively in international fora;
 - (d) promote regional co-ordination and co-operation on matters related to security and defence and establish appropriate mechanisms to this end;
 - (e) prevent, contain and resolve inter-and intra-state conflict by peaceful means;
 - (f) consider enforcement action in accordance with international law and as a matter of last resort where peaceful means have failed;
 - (g) promote the development of democratic institutions and practices within the territories of State Parties and encourage the observance of universal human rights as provided for in the Charters and

- Conventions of the Organisation of African Unity and United Nations respectively;
- (h) consider the development of a collective security capacity and conclude a Mutual Defence Pact to respond to external military threats;
 - (i) develop close co-operation between the police and state security services of State Parties in order to address:
 - (i) cross border crime; and
 - (ii) promote a community-based approach to domestic security;
 - (j) observe, and encourage State Parties to implement, United Nations, African Union and other international conventions and treaties on arms control, disarmament and peaceful relations between states;
 - (k) develop peacekeeping capacity of national defence forces and co-ordinate the participation of State Parties in international and regional peacekeeping operations; and
 - (l) enhance regional capacity in respect of disaster management and co-ordination of international humanitarian assistance.

Article 3: Structures

1. The Organ shall be an institution of SADC and shall report to the Summit.
2. The Organ shall have the following structures:
 - (a) the Chairperson of the Organ;
 - (b) the Troika;
 - (c) a Ministerial Committee;
 - (d) an Inter-State Politics and Diplomacy Committee (ISPDC);
 - (e) an Inter-State Defence and Security Committee (ISDSC); and
 - (f) such other sub-structures as may be established by any of the ministerial committees.
3. The Troika shall consist of;
 - (a) the Chairperson of the Organ;
 - (b) the Incoming Chairperson who shall be the Deputy Chairperson of the Organ; and
 - (c) the Outgoing Chairperson.

Article 4: Chairperson of the Organ

1. The Summit shall elect a Chairperson and a Deputy Chairperson of the Organ on the basis of rotation from among the members of the Summit except that the Chairperson and the Deputy Chairperson of the Summit shall not simultaneously be the Chairperson of the Organ.
2. The term of office of the Chairperson and Deputy Chairperson of Organ shall be one year respectively.
3. The Chairperson of the Organ shall consult with the Troika of SADC and report to the Summit.
4. The Chairperson, in consultation with the Troika of SADC, shall be responsible for the overall policy direction and the achievement of

the objectives of the Organ.

5. The Chairperson may request reports from any ministerial committee of the Organ on any matter which is within the competence of the committee
6. The Chairperson may request any ministerial committee of the Organ to consider any matter, which is within the competence of the committee.

The Chairperson may request the Chairperson of SADC to table for discussion any matter that requires consideration by the Summit.

Article 5: Ministerial Committee

1. The Ministerial Committee shall comprise the ministers responsible for foreign affairs, defence, public security and state security from each of the State Parties.
2. The Committee shall be responsible for the co-ordination of the work of the Organ and its structures.
3. The Committee shall report to the Chairperson.
4. The Committee shall be chaired by a Minister from the same country as the Chairperson for a period of one year on a rotation basis.
5. The Chairperson of the Committee shall convene at least one meeting on an annual basis.
6. The Chairperson of the Committee may when necessary convene other meetings of the Ministerial Committee at a request of either ISPDC or ISDSC.
7. The Committee may refer any relevant matter to, and may request reports from, ISPDC and ISDSC.

Article 6: Inter-State Politics and Diplomacy Committee

1. ISPDC shall comprise the ministers responsible for foreign affairs from each of the State Parties.
2. ISPDC shall perform such functions as may be necessary to achieve the objectives of the Organ relating to politics and diplomacy.
3. ISPDC shall report to the Ministerial Committee without prejudice to its obligation to report regularly to the Chairperson.
4. ISPDC shall be chaired by a Minister from the same country as the Chairperson for a period of one year and on a rotation basis.
5. The Chairperson of ISPDC shall convene at least one meeting on an annual basis.
6. The Chairperson of ISPDC may convene such other meetings as he or she deems necessary or as requested by another Minister serving on ISPDC.
7. ISPDC may establish such sub-structures as it deems necessary to perform its functions.

Article 7: Inter-State Defence and Security Committee

1. ISDSC shall comprise the ministers responsible for defence, ministers responsible for public security and ministers responsible for state security from each of the State Parties.
2. ISDSC shall perform such functions as may be necessary to achieve the objectives of the Organ relating to defence and security, and shall assume the objectives and functions of the existing Inter-State Defence and Security Committee.
3. ISDSC shall report to the Ministerial Committee without prejudice to its obligation to report regularly to the Chairperson.
4. ISDSC shall be chaired by a Minister from the same country as the Chairperson for a period of one year and on a rotating basis.
5. The Chairperson of ISDSC shall convene at least one meeting on an annual basis.
6. The Chairperson of ISDSC may convene such other meetings as he or she deems necessary or as requested by another minister serving on ISDSC.
7. ISDSC shall retain the Defence, State Security and Public Security Sub- Committees and other subordinate structures of the existing Inter-State Defence and Security Committee.
8. ISDSC may establish such other structures as it deems necessary to perform its functions.

Article 8: Committee Procedures

The following provisions shall apply to the ministerial committees of the Organ:

- (a) the quorum for all meetings shall be two-thirds of the State Parties;
- (b) the ministerial committees shall determine their own rules of procedure; and
- (c) decisions shall be taken by consensus.

Article 9: Secretariat

The SADC Secretariat shall provide secretariat services to the Organ.

Article 10: Co-operation with Non - State Parties and International Organisations

1. In recognition of the fact that political, defence and security matters transcend national and regional boundaries, co-operation agreement on these matters between State Parties and non- State Parties, and between State Parties and organisations, other than SADC, shall be accepted provided that such agreements shall not:
 - (a) be inconsistent with the objectives and other provisions of the Treaty and this Protocol;
 - (b) impose obligations upon a State Party that is not a party to such

- cooperation agreement, and
 - (c) impede a State Party from fulfilling its obligations under the Treaty and this Protocol.
- 2. Any agreement between the Organ and a non-State Party, or between the Organ and an international organisation, shall be subject to approval by the Summit.

Article 11: Conflict Prevention, Management and Resolution

- 1. **Obligation of the Organ under International Law**
 - (a) In accordance with the Charter of the United Nations, State Parties shall refrain from the threat or use of force against the territorial integrity or political independence of any state, other than for the legitimate purpose of individual or collective self-defence against an armed attack.
 - (b) State Parties shall manage and seek to resolve any dispute between two or more of them by peaceful means.
 - (c) The Organ shall seek to manage and resolve inter- and intra-state conflict by peaceful means.
 - (d) The Organ shall seek to ensure that the State Parties adhere to and enforce all sanctions and arms embargoes imposed on any party by the United Nations Security Council.
- 2. **Jurisdiction of the Organ**
 - (a) The Organ may seek to resolve any significant inter-state conflict between State Parties or between a State Party and non- State Party and a 'significant inter-state conflict' shall include:
 - (i) a conflict over territorial boundaries or natural resources;
 - (ii) a conflict in which an act of aggression or other form of military force has occurred or been threatened; and
 - (iii) a conflict which threatens peace and security in the Region or in the territory of a State Party which is not a party to the conflict.
 - (b) The Organ may seek to resolve any significant intra-state conflict within the territory of a State Party and a 'significant intra-state conflict' shall include:
 - (i) large-scale violence between sections of the population or between the state and sections of the population, including genocide, ethnic cleansing and gross violation of human rights;
 - (ii) a military coup or other threat to the legitimate authority of a State;
 - (iii) a condition of civil war or insurgency; and
 - (iv) a conflict which threatens peace and security in the Region or in the territory of another State Party.
 - (c) In consultation with the United Nations Security Council and the Central Organ of the Organisation of African Unity Mechanism for Conflict Prevention, Management and Resolution, the Organ may offer to mediate in a significant inter-or intra-state conflict that occurs outside the Region.
- 3. **Methods**
 - (a) The methods employed by the Organ to prevent, manage and resolve conflict by peaceful means shall include preventive

diplomacy, negotiations, conciliation, mediation, good offices, arbitration and adjudication by an international tribunal.

- (b) The Organ shall establish an early warning system in order to facilitate timeous action to prevent the outbreak and escalation of conflict.
 - (c) Where peaceful means of resolving a conflict are unsuccessful, the Chairperson acting on the advice of the Ministerial Committee may recommend to the Summit that enforcement action be taken against one or more of the disputant parties.
 - (d) The Summit shall resort to enforcement action only as a matter of last resort and, in accordance with Article 53 of the United Nations Charter, only with the authorization of the United Nations Security Council.
 - (e) External military threats to the Region shall be addressed through collective security arrangements to be agreed upon in a Mutual Defence Pact among the State Parties.
4. Procedures
- (a) In respect of both inter- and intra-state conflict, the Organ shall seek to obtain the consent of the disputant parties to its peacemaking efforts.
 - (b) The Chairperson, in consultation with the other members of the Troika, may table any significant conflict for discussion in the Organ.
 - (c) Any State Party may request the Chairperson to table any significant conflict for discussion in the Organ and in consultation with the other members of the Troika of the Organ, the Chairperson shall meet such request expeditiously.
 - (d) The Organ shall respond to a request by a State Party to mediate in a conflict within the territory of that State and the Organ shall endeavour by diplomatic means to obtain such request where it is not forthcoming.
 - (e) The exercise of the right of individual or collective self-defence shall be immediately reported to the United Nations Security Council and to the Central Organ of the Organisation of African Unity Mechanism for Conflict Prevention, Management and Resolution.

Article 12: Confidentiality of Information

1. The State Parties undertake not to disclose any classified information, obtained under this Protocol or as a result of their participation in the Organ, other than to members of their own staff to whom such disclosure is essential for purposes of giving effect to this Protocol or any decision taken by the Organ.
2. State Parties shall ensure that the staff referred to in paragraph 1 of this Article shall at all times maintain strict secrecy.
3. State Parties further undertake not to use any classified information obtained during any multilateral co-operation between them to the detriment of any Member State.

4. A State Party shall remain bound by the requirement of confidentiality under this Article even after it withdraws from the Organ.

Article 13: Settlement of Disputes

Any dispute arising between two or more State Parties from the interpretation or application of this Protocol which cannot be settled amicably shall be referred to the Tribunal.

Article 14: Withdrawal

A signatory may withdraw from this Protocol upon the expiration of twelve (12) months from the date of giving written notice to that effect to the Chairperson of the Organ. Such Signatory shall cease to enjoy all rights and benefits under this Protocol upon the withdrawal becoming effective.

Article 15: Relationship with Other International Agreements

1. This Protocol in no way detracts from the rights and obligations of State Parties under the Charters of the United Nations and the Organisation of African Unity.
2. This Protocol in no way detracts from the responsibility of the United Nations Security Council to maintain international peace and security.
3. This Protocol shall not derogate from existing agreements between a State Party and another State Party or a non-State Party and an international organisation, other than SADC, provided that such agreements are consistent with the principles and objectives of this Protocol.
4. Where an existing agreement is inconsistent with the principles and objectives of this Protocol, the Member State shall take steps to amend the agreement accordingly.

...

Protocol on Mutual Legal Assistance in Criminal Matters (2002/2007)

Full title: Protocol on Mutual Assistance in Criminal Matters
Date/place of adoption/conclusion: 3 October 2002, Luanda, Angola
Entered into force (EIF): 1 March 2007
EIF provision: Article 29
Authentic texts: English, French, Portuguese
Available online at: <https://bit.ly/3fiuv4>

Protocol on the Control of Firearms, Ammunition and other Related Materials in the Southern African Development Community (SADC) Region (2001/2004)

Full title: Protocol on the Control of Firearms, Ammunition and Other Related Materials in the Southern African Development Community (SADC) Region
Date/place of adoption/conclusion: 14 August 2001, Blantyre, Malawi
Entered into force (EIF): 8 November 2004
EIF provision: Article 22
Authentic texts: English, French, Portuguese
Available online at: <https://bit.ly/3iNW4jp>

Excerpts

Preamble

...

Conscious that illegal firearms, most commonly used in the perpetration of crime, contribute to the high levels of instability, extended conflict, violence and social dislocation evident in Southern Africa and the African continent as a whole;

Aware of the urgent need to prevent, combat and eradicate the illicit manufacturing of firearms, ammunition and other related materials, and

their excessive and destabilising accumulation, trafficking, possession and use, and owing to the harmful effects of those activities on the security of each State and the Region and the danger they pose to the well-being of people in the Region, their social and economic development and their rights to live in peace;

Reaffirming that priority should be given to prevent, combat and eradicate the illicit manufacturing of firearms, ammunition and other related materials and their excessive and destabilising accumulation, trafficking, possession and use of firearms, because of their links with, inter alia, drug trafficking, terrorism, transnational organised crime, mercenary and other violent criminal activities;

Convinced that the prevention, combating and eradication of the illicit manufacturing of firearms, ammunition and the other related materials and their excessive and stabilising accumulation, trafficking, possession and use requires international cooperation, the exchange of information, and other appropriate measures at the national, regional and global levels;

Stressing the need, especially during peace processes and post-conflict situations, to maintain effective control over firearms, ammunition and other related materials;

Recognising the importance of regional and international co-operation and regional and international initiatives undertaken to prevent, combat and eradicate the illicit manufacturing of, excessive and destabilising accumulation of, trafficking in, possession and use of firearms and related materials;

Hereby agree as follows:

Article 1: Definitions

1. In this Protocol, terms and expressions defined in Article 1 of the Treaty shall bear the same meaning unless the context otherwise requires.
2. In this Protocol, unless the context otherwise indicates:
 - “ammunition” means the complete cartridge including the cartridge case, unfired primer, propellant, bullets and projectiles that are used in a firearm, provided those components are themselves subject to authorisation in the respective State Parties;
 - “brokering” means:
 - (a) acting for a commission, advantage or cause, whether pecuniary or otherwise; or
 - (b) to facilitate the transfer, documentation or payment in respect of any transaction relating to the buying or selling of firearms, ammunition or other related materials; and thereby acting as intermediary between any manufacturer or supplier of, or dealer in, firearms, ammunition and other related materials and buyer or

recipient thereof;

“firearm” means:

- (a) any portable lethal weapon that expels, or is designed to expel, a shot, bullet or projectile by the action of burning propellant, excluding antique firearms or their replicas that are not subject to authorisation in the respective State Parties;
- (b) any device which may be readily converted into a weapon referred to in paragraph a);
- (c) any small arm as defined in this Article; or
- (d) any light weapon as defined in this Article;

“illicit manufacturing” means the manufacturing or assembly of firearms, ammunition and other related materials, without a licence or permit from a competent authority of the State Party where the manufacture or assembly takes place;

“illicit trafficking” means the import, export, acquisition, sale, delivery, movement or transfer of firearms, ammunition and other related materials from, to, or across the territory of a State Party without the authority of State Parties concerned;

“light weapons” include the following portable weapons designed for use by several persons serving as a crew: heavy machine guns, automatic cannons, howitzers, mortars of less than 100 mm calibre, grenade launchers, anti-tank weapons and launchers, recoilless guns, shoulder fired rockets, anti-aircraft weapons and launchers and air defence weapons.

“other related materials” means any components, parts or replacement parts of a firearm that are essential to the operation of the firearm;

“small arms” include light machine guns, sub-machine guns, including machine

pistols, fully automatic rifles and assault rifles and semi-automatic rifles;

“State Party” means a member of SADC that is party to this Protocol.

Article 2: Sovereignty

State Parties shall fulfil their obligations and exercise their rights under this Protocol in a manner consistent with the principles of sovereign equality and territorial integrity of States and that of non-intervention in the domestic affairs of State Parties.

Article 3: Objectives

The objectives of this Protocol are to:

- (a) prevent, combat and eradicate the illicit manufacturing of firearms, ammunition and other related materials, and their excessive and destabilising accumulation, trafficking, possession and use in the Region;
- (b) promote and facilitate cooperation and exchange of information and experience in the Region to prevent, combat, and eradicate the illicit manufacturing of, excessive and destabilising use and accumulation of, trafficking in, possession and use of, firearms,

- (c) ammunition and other related materials; and co-operate closely at the regional level as well as at international fora to effectively prevent, combat, and eradicate the illicit manufacturing of, excessive and destabilising use and accumulation of, trafficking in, possession and use of, firearms, ammunition and other related materials in collaboration with international partners.

Article 4: International Initiatives

State Parties undertake to consider becoming parties to international instruments relating to the prevention, combating and eradication of illicit manufacturing of, excessive and destabilising accumulation of, trafficking in, possession and use of firearms, ammunition and other related materials and to implement such instruments within their jurisdictions.

Article 5: Legislative Measures

1. State Parties shall enact the necessary legislation and take other measures to establish as criminal offences under their national law to prevent, combat and eradicate, the illicit manufacturing of firearms, ammunition and other related materials, and their excessive and destabilising accumulation, trafficking, possession and use.
2. State Parties shall enact the necessary legislation and take other measures to sanction criminally, civilly or administratively under their national law the violation of arms embargoes mandated by the Security Council of the United Nations;
3. State Parties further undertake to incorporate the following elements in their national laws as a matter of priority:
 - (a) the prohibition of unrestricted possession of small arms by civilians;
 - (b) the total prohibition of the possession and use of light weapons by civilians;
 - (c) the co-ordination of procedures for the import, export and transit of firearm shipments;
 - (d) the regulation and centralised registration of all civilian owned firearm in their territories;
 - (e) measures ensuring that proper controls are exercised over the manufacturing of, possession and use of firearms, ammunition and other related materials;
 - (f) provisions promoting legal uniformity and minimum standards in respect of the manufacture, control, possession, import, export and transfer of firearms, ammunition and other related materials;
 - (g) provisions ensuring the standardised marking and identification of firearms at the time of manufacture, import or export;
 - (h) provisions that adequately provide for the seizure, confiscation, and forfeiture to the State of all firearms, ammunition and other related materials manufactured or conveyed in transit without or in contravention of licences, permits, or written authority;
 - (i) provisions that ensure the effective control of firearms including the storage and usage thereof, competency testing of prospective

- firearm owners and restriction on owner's rights to relinquish control, use, and possession of firearms, ammunition and other related materials;
- (j) the monitoring and auditing of licences held in a person's possession, and the restriction on the number of firearms that may be owned by any person;
 - (k) provisions that prohibit the pawning and pledging of firearms, ammunition and other related materials;
 - (l) provisions that prohibit the misrepresentation or withholding of any information given with a view to obtain any licence or permit;
 - (m) provisions that regulate firearm brokering in the territories of State Parties; and
 - (n) provisions that promote legal uniformity in the sphere of sentencing.

Article 6: Operational Capacity

State Parties, undertake to improve the capacity of police, customs, border guards, the military, the judiciary and other relevant agencies to fulfil their roles in the implementation of this Protocol and to:

- (a) co-ordinate national training programmes for police, customs and border guards, the judiciary and other agencies involved in preventing, combating and eradicating the illicit manufacturing of firearms, ammunition and other related materials and their excessive and destabilising accumulation, trafficking, possession and use;
- (b) establish and improve national data-bases, communication systems and acquire equipment for monitoring and controlling the movement of firearms across borders;
- (c) establish inter-agency working groups, involving police, military, customs, home affairs, foreign affairs and other relevant agencies, to improve policy co-ordination, information sharing and analysis at national level regarding firearms, ammunition and other related material; and
- (d) undertake joint training exercises for officials, from countries within the Region drawn from the police, customs and other relevant agencies, including the military where it is involved with border control, and explore the possibility for exchange programmes for such officials within the Region, and with their counterparts in other regions.

Article 7: Control over Civilian Possession of Firearms

State Parties undertake to consider a co-ordinated review of national procedures and criteria for issuing and withdrawing of firearm licences and establishing and maintaining national electronic databases of licensed firearms, firearm owners, and commercial firearms traders within their territories.

Article 8: State-owned Firearms

State Parties undertake to:

- (a) establish and maintain complete national inventories of firearms, ammunition and other related materials held by security forces and other state bodies;
- (b) enhance their capacity to manage and maintain secure storage of state-owned firearms;
- (c) harmonise relevant import, export and transfer documents and end-user control certificates regarding firearms, ammunition and related material; and
- (d) establish systems to verify the validity and authenticity of documents issued by licensing authorities in the Region.

Article 9: Marking of Firearms and Record-keeping

1. State Parties undertake to establish agreed systems to ensure that all firearms are marked with a unique number, at the time of manufacture or import, on the barrel, frame and, where applicable, the slide and undertake to keep proper records of the markings.
2. The marking referred to in paragraph 1 of this Article shall identify the country of manufacture, the serial number, and the manufacturer of the firearm.

Article 10: Disposal of State-owned Firearms

1. State Parties undertake to identify and adopt effective programmes for the collection, safe-storage, destruction and responsible disposal of firearms rendered surplus, redundant or obsolete through, inter alia:
 - (a) peace agreements;
 - (b) demobilisation or reintegration of ex-combatants; and
 - (c) re-equipment, or restructuring of armed forces or other armed state bodies.
2. State Parties shall pursuant to paragraph 1 of this Article consider:
 - (a) encouraging full preparation for, and implementation of the collection, safe-storage, destruction or responsible disposal of firearms as part of the implementation of peace agreements;
 - (b) establishing and implementing guidelines and procedures for ensuring that firearms, ammunition and other related materials rendered surplus, redundant or obsolete through the re-equipment or re-organisation of armed forces or other state bodies are securely stored, destroyed or disposed off in a way that prevents them from entering the illicit firearm market or flowing into regions in conflict or any other destination that is not fully consistent with agreed criteria for restraint; and
 - (c) destroying surplus, redundant or obsolete state-owned firearms, ammunition or other related materials.

Article 11: Disposal of Confiscated or Unlicensed Firearms

1. State Parties undertake to adopt co-ordinated national policies for the disposal of confiscated or unlicensed firearms that come into the possession of state authorities.
2. State Parties undertake to develop joint and combined operations across the borders of State Parties to locate, seize and destroy caches of firearms, ammunition and other related materials left over after conflict and civil wars.

Article 12: Voluntary Surrender of Firearms

State Parties shall introduce programmes to encourage:

- (a) lawful firearm holders to voluntarily surrender their firearms for destruction by the State, and in such cases, the State may consider paying compensation in cash or in kind; and
- (b) illegal firearm holders to surrender their firearms for destruction, and, in such cases, the State may consider granting immunity from prosecution.

Article 13: Public Education and Awareness Programmes

State Parties undertake to develop national and regional public education and awareness programmes to enhance public involvement and support for efforts to tackle firearms proliferation and illicit trafficking and to encourage responsible ownership and management of firearms, ammunition and other related materials.

Article 14: Mutual Legal Assistance

1. State Parties shall co-operate with each other to provide mutual legal assistance in a concerted effort to prevent, combat and eradicate the illicit manufacturing of firearms, ammunition and other related materials and their excessive and destabilising accumulation, trafficking, possession and use.
2. Mutual legal assistance shall, inter alia, include the following:
 - (a) communication of information and transfer of exhibits;
 - (b) investigation and detection of offences;
 - (c) obtaining evidence or statements;
 - (d) execution of searches and seizures;
 - (e) inspection of sites or examination of objects or documents;
 - (f) request for judicial documents;
 - (g) service of judicial documents;
 - (h) communication of relevant documents and records;
 - (i) identification or tracing of suspects or proceeds of crime; and
 - (j) application of special investigative techniques, such as forensics and ballistic and fingerprinting.
3. State Parties may further agree upon any other form of mutual legal assistance consistent with their national laws.

4. State Parties shall designate a competent authority, the name of which shall be communicated to the Executive Secretary, which shall have the responsibility and power to execute and monitor requests for mutual legal assistance.
5. Requests for mutual legal assistance shall be made in writing to the competent authority and shall contain details of the following:
 - (a) the identity of the authority making the request;
 - (b) the subject matter and nature of the investigation or prosecution to which the request relates;
 - (c) the description of the assistance sought;
 - (d) the purpose for which the evidence, information or action is sought; and
 - (e) all relevant information available to the requesting State Party and which may be of use to the requested State Party.
6. A State Party may seek any such additional information which it considers necessary for the execution of the request in accordance with its national laws.

Article 15: Law Enforcement

State Parties shall establish appropriate mechanisms for co-operation among law enforcement agencies of the State Parties to promote effective implementation of this Protocol including the:

- (a) establishment of direct communication systems to facilitate a free and fast flow of information among the law enforcement agencies in the Region;
- (b) establishment of an infrastructure to enhance effective law enforcement, including suitable search and inspection facilities at all designated ports of exit and entry;
- (c) establishment of multi-disciplinary law enforcement units for preventing, combating and eradicating the illicit manufacturing of firearms, ammunition and other related materials and their excessive and destabilising accumulation, trafficking, possession and use;
- (d) promotion of co-operation with international organisations such as the International Criminal Police Organisation and World Customs Organisation and to utilise existing data bases such as the Interpol Weapons and Explosives Tracing System;
- (e) establishment of national focal contact points within the respective law enforcement agencies for the rapid information exchange to combat cross-border firearm trafficking; and
- (f) introduction of effective extradition arrangements.

Article 16: Transparency and Information Exchange

State Parties undertake to:

- (a) develop and improve transparency in firearms accumulation, flow and policies relating to civilian owned firearms; and
- (b) establish national firearms databases to facilitate the exchange of

information on firearms imports, exports and transfers.

Article 17: Institutional Arrangement

State Parties shall establish a Committee to oversee the implementation of this Protocol.

...

Mutual Defence Pact (2003/2008)

Full title: SADC Mutual Defence Pact

Date/place of adoption/conclusion: 27 August 2003, Dar es Salam, Tanzania

Entered into force (EIF): 17 August 2008

EIF provision: Article 20

Authentic texts: English, French, Portuguese

Available online at: <https://bit.ly/2ZbbAOv>

Preamble

We, the Heads of State and Government of:

Pursuant to the decision of the Summit, held in Gaborone, Botswana on 28 June 1996 and directives issued subsequent thereto:

In compliance with the provisions of Article 2 (2)(h) of the Protocol on Politics, Defence and Security Co-operation (hereinafter referred to as “the Protocol”);

Reaffirming our commitment to the principles of the Charter of the United Nations, the Constitutive Act of the African Union, the Protocol Establishing the Peace and Security Council of the African Union and the SADC Treaty;

Desirous to live at peace with all peoples and Governments;

Acknowledging our commitment to the SADC Treaty and Protocol on Politics, Defence and Security Co-operation;

Recognising the sovereign equality of all States and their intention to strengthen the bonds that exist amongst them on the basis of respect for their independence and non-interference in their internal affairs;

Seeking to promote peace, security, stability and well being among our peoples;

Determined to defend and safeguard the freedom of our peoples and their

civilisation, as well as their individual liberties and the rule of law;
Convinced that close cooperation in matters of defence and security will be to the mutual benefit of our peoples;
Having resolved to unite our efforts towards collective self-defence and the preservation of peace and stability.
Hereby agree to conclude this Mutual Defence Pact (hereinafter referred to as “the Pact”).

Article 1: Definitions

1. In this Pact, terms and expressions defined in Article 1 of the Treaty and of the Protocol on Politics, Defence and Security Co-operation shall bear the same meaning unless the context otherwise requires.
2. In this Pact, unless the context otherwise requires:
 “armed attack” means the use of military force in violation of the sovereignty, territorial integrity and independence of a State Party;
 “collective self-defence” means the measures undertaken collectively by the State Parties to ensure peace, stability and security in the Region;
 “destabilise” means to instigate, plan, execute or assist in any of the following:
 - (a) an armed attack against a State Party;
 - (b) sabotage aimed at the people of a State Party or an asset of a State Party, whether inside or outside the territory of the State Party; or
 - (c) any act or activity aimed at changing the constitutional order of a State Party through unconstitutional means;
 “state party” means a Member State that has ratified or acceded to this Pact;
 “signatory state” means a Member State which has signed this Pact;
 “third party” means a State or entity which is not a party to this Pact.

Article 2: Objective

The objective of this Pact is to operationalise the mechanisms of the Organ for mutual cooperation in defence and security matters.

Article 3: Conflict Resolution

1. State Parties shall, in accordance with the principles of the Charter of the United Nations, settle any international dispute in which they may be involved, by peaceful means, in such a manner that regional and international peace, security and justice are enhanced.
2. State Parties shall refrain, in their international relations, from the threat of or use of force in any manner inconsistent with the principles mentioned in paragraph 1.

Article 4: Military Preparedness

In order to effectively achieve the objectives of this Pact, State Parties shall individually and collectively, by means of continuous co-operation and assistance, maintain and develop their individual and collective self-defence capacity to maintain peace, stability and security.

Article 5: Consultation

1. Any State Party that considers its territorial integrity, political independence and security to be under threat from another State Party, shall consult with such other State Party first and then with the Organ.
2. Where such consultation does not yield satisfactory results the Chairperson of the Organ may constitute a joint verification mission to investigate the reported threat or alleged threat by a State Party.

Article 6: Collective Self-Defence and Collective Action

1. An armed attack against a State Party shall be considered a threat to regional peace and security and such an attack shall be met with immediate collective action.
2. Collective action shall be mandated by Summit on the recommendation of the Organ.
3. Each State Party shall participate in such collective action in any manner it deems appropriate.
4. Any such armed attack, and measures taken in response thereto, shall immediately be reported to the Peace and Security Council of the African Union and the Security Council of the United Nations.

Article 7: Non-Interference

1. Without prejudice to the provisions of Article 11 (2) of the Protocol on Politics, Defence and Security Cooperation, State Parties undertake to respect one another's territorial integrity and sovereignty and, in particular, observe the principle of non-interference in the internal affairs of one another.
2. No action shall be taken to assist any State Party in terms of this Pact, save at the State Party's own request or with its consent, except where the Summit decides that action needs to be taken in accordance with the Protocol.

Article 8: Destabilising Factors

State Parties undertake not to nurture, harbour or support any person, group of persons or institutions whose aim is to destabilise the political, military, territorial and economic or social security of a State Party.

Article 9: Defence Cooperation

In order to realise the objective of this Pact, State Parties shall co-operate in defence matters and facilitate interaction among their armed forces and defence-related industries in the following and any other areas of mutual interest:

- (a) the training of military personnel in any field of military endeavour and, to that end, they may from time to time hold joint military exercises in one another's territory;
- (b) exchange military intelligence and information in all relevant matters subject to any restrictions or otherwise of national security; and
- (c) joint research, development and production under license or otherwise of military equipment, including weapons and munitions, and to facilitate the supply of, or the procurement of defence equipment and services among defence-related industries, defence research establishments and their respective armed forces.

Article 10: Supplementary Agreements

State Parties may, in respect of any particular issue covered by the provisions of this Pact, make such subsequent agreements, of a specific or general nature, as would, in their opinion, enhance the effective implementation of this Pact.

Article 11: Implementation

1. State Parties shall receive delegations of Member States for the purpose of consultation regarding implementation of any aspect of this Pact.
2. The Secretariat of the SADC Organ shall co-ordinate the implementation of this Pact.

Article 12: Confidentiality

1. State Parties undertake not to disclose any classified information obtained in the implementation of this Pact, or any other related agreements, other than to their own staff, to whom such disclosure is essential for purposes of giving effect to this Pact or such further agreements pursuant to this Pact.
2. State Parties further undertake not to use any classified information obtained during any multilateral cooperation among them to the detriment of or against the interests of any State Party.
3. Visiting personnel shall, in the implementation of this Pact, comply with the security regulations of the host State Party and any information disclosed or made available to such visiting personnel shall be treated in accordance with this Article.

Article 13: Settlement of Disputes

Any dispute among the State Parties arising from the interpretation or application of this Pact, shall be settled amicably and where there is no resolution, the matter shall be referred to the Tribunal.

Article 14: Withdrawal

Any State Party may withdraw from this Pact upon the expiration of twelve (12) months from the date of giving written notice to that effect to the Chairperson of the Organ and shall cease to enjoy all rights and benefits under this Pact, and shall indefinitely remain bound by the provisions of Article 12.

Article 15: Saving Provisions

1. The State Parties shall:
 - (a) declare that none of the international engagements between them and with any Third Party is in conflict with the spirit and provisions of this Pact;
 - (b) recognise existing defence agreements, provided such agreements are not in conflict with the spirit and provisions of this Pact.
2. Where an existing agreement is inconsistent with this Pact, the State Parties concerned shall take steps to amend the agreement accordingly.
3. This Pact shall not derogate from the State Parties' rights and obligations under the Charter of the United Nations and the Constitutive Act of the African Union and relevant treaties and conventions concerning human rights and international humanitarian law.
4. This Pact shall not derogate from the responsibility of the United Nations Security Council for the maintenance of international peace and security.
- ...

Article 22: Breach of the Pact

Any State Party may report an alleged breach of this Pact to the Chairperson of the Organ, who shall institute an investigation, compile a report and make recommendations to the Summit.

3 Declarations, frameworks and policies

SADC Declaration: Towards a Southern Africa Free of Anti-Personnel Landmines (1997)

Full title: Towards a Southern Africa Free of Anti-Personnel Landmines: A Declaration by the Heads of State or Government of the Southern African Development Community (SADC)

Date/place of adoption/conclusion: 8 September 1997, Blantyre, Malawi

Authentic texts: English, Portuguese

Available online at: <https://bit.ly/3iK7tRg>

Excerpts

We, the Heads of State or Government of the Southern African Development Community:

Recall that tens of thousands of freedom fighters were killed or maimed by landmines, during the struggle for independence, justice, peace and security in some of the Southern African countries;

Recognise that tens of thousands of innocent men, women and children are killed or maimed by landmines every year;

Commend the courage and commitment of the humanitarian deminers, who daily risk their lives to remove these deadly weapons from the soils of affected countries;

Take note of the urgent need for a comprehensive global ban of anti-personnel landmines and greatly expanded programmes for mine clearing and victim assistance;

Recognise that a comprehensive ban rests on the international Treaty banning the production and use of landmines and call for humanitarian clearing of landmines and assisting landmine victims;

Recognise the particular importance of this year as the international community moves towards the signing of a Treaty concerning the total ban of the use of anti-personnel mines in Ottawa, Canada, in December 1997;

Welcome the various initiatives taken by SADC Governments to convene meetings to discuss a complete ban on anti-personnel landmines;

...

Appreciate the generous assistance being rendered to SADC by the European Union on the landmine clearing project, as well as other assistance rendered by the International Community to SADC countries on the same matter, on a bilateral basis;

Note the launch of new landmines campaigns in the SADC region, especially in Angola, Zambia, Zimbabwe and other countries in Africa, and worldwide;

Welcome the announcements by the Governments of South Africa and Mozambique of their intention to ban the use, production, development, trade and stockpiling of anti-personnel mines;

Urge all SADC Member states:

To take unilateral steps to ban the use, production, trade and stockpiling of Anti-personnel Landmines in their territories;

To support landmine ban campaigns, especially by the general public and NGOs in their territories;

To implement the relevant UN Resolutions urging for a worldwide ban on the production and use of anti-personnel landmines;

To implement the various OAU Resolutions urging for a continent-wide ban on the production and use of anti-personnel landmines on the African Continent;

To publicly commit themselves to the objective of signing the international Treaty banning the production, trade and use of all anti-personnel landmines to be signed in December 1997;

To increase greatly resources for mine clearance from all mine infested areas in the affected SADC Countries;

To increase resources for assisting landmine victims.

...

Declaration Concerning Firearms, Ammunition and Other Related Matters in SADC (2001)

Full title: Declaration Concerning Firearms, Ammunition and Other Related Matters in the Southern African Development Community

Date/place of adoption/conclusion: 9 March 2001, Windhoek, Namibia

Authentic texts: English, French, Portuguese

Available online at: <https://bit.ly/2CnMAdS>

Declaration on Terrorism (2002)

Full title: Declaration on Terrorism

Date/place of adoption/conclusion: 14 January 2002, Blantyre, Malawi

Authentic texts: English, French, Portuguese

Available online at: <https://bit.ly/3fepLYL>

Excerpts

...

Concerned with national independence, sovereignty and territorial integrity as well as the social and economic development and with the stability and security of all SADC Member States;

Conscious that harmonious cooperation in the African continent and in the region in particular, based on the principles that guide the African Union can only be achieved in conditions of peace and in a climate of political, social and economic stability;

Considering that threats and acts of terrorism in the region, the African continent and the world have prompted the international community to strengthen the mechanisms for preventing and combating all forms of terrorism;

Considering further that terrorism constitutes an impediment to the full enjoyment of fundamental rights and freedoms of humankind;

Conscious of the imperative need to protect human rights and individual liberties in conformity with the principles enshrined in international legal instruments, in particular the right to life;

...

Condemn all acts of terrorism wherever they occur and, therefore, undertake to:

1. accede or ratify international instruments on combating terrorism, adopted by the OAU and the United Nations and incorporate them into domestic laws;
2. fight with all means at our disposal all forms of terrorism that endanger the lives of innocent civilians, disrupt regional security, stability and the constitutional order of states;
3. cooperate at all levels in the exchange of information and identification of persons, institutions and networks associated with terrorism;
4. urge Member States to create, strengthen and harmonise legal instruments for the prosecution of groups or individuals involved in terrorism.
5. prevent SADC Member States from being used as bases or support centres for groups or individuals involved in terrorist activities;

6. appeal to cooperating partners for financial, technical and human resource development assistance to SADC Member States to enable them effectively combat terrorism.

...

Revised Strategic Indicative Plan for the Organ on Politics, Defence and Security Cooperation (2010)

Full title: Revised Edition | Strategic Indicative Plan for the Organ on Politics, Defence and Security Cooperation

Date/place of adoption/conclusion: 5 August 2010, Maputo, Mozambique

Available online at: <https://bit.ly/2ZUIQsq>

* Preceded by the Strategic Indicative Plan for the Organ on Politics, Defence and Security Cooperation of 5 August 2004.

Excerpts

1. Introduction

- 1.1.1. The Southern African Development Community (SADC) Declaration and Treaty define SADC's vision as a SHARED FUTURE in an environment of peace, security and stability, regional cooperation and integration based on equity, mutual benefit and solidarity.
- 1.1.2. This vision needs to be appreciated within the context, historical processes and experiences of the region. Formal cooperation in politics, defence and security can be traced back to the creation of the Front Line States (FLS) in 1977. The Front Line States played a pivotal role in the liberation of Southern Africa.
- 1.1.3. To strengthen the existing cooperation, preserve independence, ensure regional development and integration, the region established the Southern African Development Coordination Conference (SADCC) in 1980.
- 1.1.4. The need for peace and security, economic and social development through regional integration culminated in the birth of the Southern African Development Community (SADC) in 1992.
- 1.1.5. Recognising the need for establishing a climate conducive to social and economic development in the region, SADC has been undertaking various actions aimed at contributing to the

maintenance and consolidation of peace and security. It has in particular, structured itself in a manner designed to make its efforts to preserve peace and security more effective.

- 1.1.6. Member states are demonstrating the will to cooperate in political, defence and security matters, and this has created an enabling environment for peace, security and stability in the region through the prevention, management and resolution of conflicts within and between states. However, the region still faces potential and actual military threats that include inter alia, armed conflicts in some member states, unfinished demobilisation, disarmament, reintegration and monitoring of former military personnel, terrorism and the prevalence of landmines.
- 1.1.7. The Heads of State and Government Summit held on 28 June 1996, in Gaborone, Botswana, established the SADC Organ on Politics, Defence and Security Cooperation.
- 1.1.8. On 17 August 1999, in Maputo, Mozambique, the SADC Heads of State and Government decided to restructure all SADC institutions including the Organ. The Extraordinary Summit of Heads of State and Government, in Windhoek, Namibia, on 9 March 2001, approved the 'Report on the Review of the Operations of the SADC institutions'.
- 1.1.9. On 14 August 2001, in Blantyre, Malawi, the SADC Heads of State and Government signed the 'SADC Protocol on Politics, Defence and Security Cooperation, which provides an institutional framework by which member states coordinate policies and activities in the areas of politics, defence, and security.
- 1.1.10. At its extraordinary meeting held in Blantyre, Malawi, on 14 January 2002, the Summit mandated that the SADC Organ on Politics, Defence and Security Cooperation prepare the 'Strategic Indicative Plan for the Organ' (SIPO), which would provide guidelines for the implementation of the 'SADC Protocol on Politics, Defence and Security Cooperation' for the next five years.
- 1.1.11. The SIPO is based on the objectives and common agenda of SADC as stated in Article 5 of the SADC Treaty as amended on 14 August 2001 in Blantyre, Malawi. The guiding principles for the strategic activities outlined in the SIPO are those that guide the implementation of the common agenda as stated in the 'Report on the Review of the Operations of SADC Institutions' approved by the SADC Extraordinary Summit on 9 March 2001 in Windhoek, Namibia.

1.2. Milestones and Challenges of the SIPO First Edition

- 1.2.1. Member states have continued to deepen their cooperation in the areas of politics, defence and security so as to enhance regional

integration. The sharing and exchange of information and expertise has contributed to the strengthening of trust amongst member states. This has also served to bolster confidence in each other.

- 1.2.2. Member states understand that they have come a long way together, and that they have a common future. They have been cooperating in various defence areas, such as the exchange of information, visits, the sharing of training institutions, the carrying out joint exercises, and availing support to one other during emergencies and in times of political challenge.
- 1.2.3. 'The SADC Mutual Defence Pact' stands as a regional commitment towards collective self-defence and the preservation of peace and security in the region; an armed attack against one shall be deemed a threat to regional peace and security.
- 1.2.4. The successful launching and operationalisation of the SADC Standby Force is a commitment of purpose that ensures the region's collective approach to defence and security affairs and that goes towards the protection of the people and safeguarding the stability of the region.
- 1.2.5. The integration of Southern African Regional Police Chiefs Cooperation Organisation (SARPCCO) into the Inter-State Defence and Security Committee (ISDSC) is yet another development intended to deepen regional integration and cooperation of policing in the region.
- 1.2.6. The region established the Regional Early Warning Centre (REWC), which was operationalised and launched for conflict prevention and management.
- 1.2.7. Overall, there has been substantial progress in the SADC region on issues related to political governance, the observation of elections, the establishment of the SADC Electoral Advisory Council (SEAC) and the mediation units.
- 1.2.8. Though there is relative peace and stability in the region, there are challenges in the form of climate change, economic recession, unconstitutional change of governments, the growing vulnerability of national borders, illegal migration, increases in organised transnational crime, drug and human trafficking, money laundering, illicit mining, maritime piracy and so forth.
- 1.2.9. The reviewed SIPO was restructured in an endeavour to respond to identified challenges that would threaten the security and political stability of the region.
- 1.2.10. Key to the success of the SIPO is the need for the Organ to pursue regular monitoring and evaluation of its programs in order to ensure implementation in all sectors. Therefore, annual plans should be developed to complement the SIPO.

2. The Sipo Review Process

The SIPO evaluation exercise held in February 2007 in Dar es Salaam, United Republic of Tanzania recommended the review of the SIPO before its expiry in 2009. The workshop noted that there was need to review and re-evaluate the SIPO every five years in order to ensure that it remains in line with changing circumstances in the region.

The second review workshop was held in the Kingdom of Swaziland from 17-20 March 2009.

The Ministerial Committee of the Organ (MCO) at its meeting on 2 August 2009 directed the Secretariat to ensure the finalisation and consolidation of the second edition of the SIPO by 2010.

Following the MCO decision, member states convened in Gaborone, Botswana from 24-27 May 2010 to consolidate the SIPO as reviewed in the Kingdom of Swaziland. As a result, the meeting recommended that the Organ Troika meet from 22-25 June 2010 to harmonise the reviewed and consolidated SIPO document.

The SIPO review process involved the review of the objectives, strategies and activities undertaken by the various sectors as well as the inclusion of the police as a stand alone sector of the Organ.

The SIPO review was undertaken in response to, among others, the following:

- The changing geo-political environment
- Weaknesses in the first edition of the SIPO document to adequately respond to evolving challenges
- Inadequate provision for the coordinated monitoring and evaluation of the implementation process of the SIPO
- Inadequate human resources to coordinate the implementation of activities
- Lack of coordination in the implementation of issues that cut across sectors
- The need to restructure Organ sectors

2.1. Structure of the SIPO

The Strategic Indicative Plan for the Organ is divided into five main Sectors. These are:

- (i) The Political Sector
- (ii) The Defence Sector
- (iii) The State Security Sector
- (iv) The Public Security Sector
- (v) The Police Sector

The objectives of the SIPO are provided for in the 'Protocol on Politics, Defence and Security Cooperation'. The SIPO therefore, seeks to identify strategies and activities to achieve these objectives.

2.3. Monitoring and Evaluation

Strict monitoring and evaluation mechanisms shall be put in place. These monitoring mechanisms shall include:

- (i) A review of the implementation of planned activities
- (ii) The provision of information on regular basis to stakeholders

2.4. Action Plans

For the implementation of SIPO, the sectors should develop annual action plans.

3. The Political Sector

3.1. Analysis

The regional political situation is characterised by the acceptance of political pluralism. In this regard, SADC countries hold regular democratic elections and conduct consultations aimed at enhancing and deepening a democratic culture. Good political cooperation has ushered in peace and created an enabling environment for socio-economic development.

In the diplomatic sphere, member states have continued to undertake regular consultations on matters of mutual interest.

A number of regional institutions have been created with the aim of, among others, deepening cooperation and mutual trust among Member States. The institutions include inter alia the Inter- State Politics and Diplomacy Committee (ISPDC), SADC Electoral Advisory Council (SEAC) and the SADC Mediation Unit.

The SADC Mediation Unit will add value to the role played by statespersons and eminent persons of the region in conflict resolution within the region and beyond.

The prevailing peace and the deepening of democratic practices have contributed to the emergence and growth of civil society organisations. Various organisations within civil society are involved in different development initiatives that directly impact on the lives of the people.

The strengthening of existing common values and culture is at the centre stage of cooperation among member states. Whereas conventional borders confer nationality to citizens, cultural values transcend boundaries. The process of building the nation-state is taking place in tandem with the process of building the SADC Community.

A number of public and private research institutions are involved in the analysis of politics, international relations, security and human rights issues.

At the continental level, SADC has been active in the establishment and consolidation of the African Union (AU), its institutions and programmes such as the Peace and Security Council (PSC) and the New Partnership for Africa's Development (NEPAD).

3.2. Challenges

Despite the above positive developments, SADC still faces a number of political, economic and social challenges. These include:

- (i) Economic underdevelopment and poverty;
- (ii) The HIV/AIDS pandemic;
- (iii) Inter and intra state conflict;
- (iv) Consolidation of democracy and good governance;
- (v) Refugees, irregular movers, illegal migrants and internally displaced persons;
- (vi) The need to redress imbalances in accessibility to natural resources and wealth;
- (vii) The demobilisation, disarmament, reintegration and monitoring of ex-combatants;
- (viii) The development and consolidation of regional disaster management mechanisms; and
- (ix) Corruption.

Objective 1

To protect the people and safeguard the development of the region against instability arising from the breakdown of law and order, intra state and inter state conflict and aggression.

Strategies

- (a) Promote the exchange of information and to review regional political and security situation and developments.
- (b) Establish appropriate mechanisms to avert all forms of threat against member states through diplomatic initiatives.
- (c) Enhance capacity for conflict prevention, management and resolution.
- (d) Encourage the contribution of civil society to conflict prevention, management and resolution.
- (e) Carry out regular and inclusive assessments and identify factors with potential to cause conflict.

Specific Activities

- (a) Strengthen communication and cooperation links within SADC countries between SADC and the AU Commission and the AU institutions.
- (b) Establish appropriate institutions and undertake diplomatic initiatives to promote a culture of peace and tolerance.
- (c) Promote peace building activities such as awareness programs and resource mobilisation for mine action.
- (d) Design a common approach to the reintegration of demobilised soldiers including child soldiers.
- (e) Identify and assess conflict factors.

Expected Outcomes

- (a) Effective and secure communication among SADC member states and between SADC and the AU Commission.
- (b) Prevention of all forms of threats against member states.
- (c) Sustainable socio-economic development and poverty eradication achieved.
- (d) Strengthened capacity for peace, security and development in the region.
- (e) Enhanced participation of civil society.

Objective 2

To promote political co-operation among Member States and the evolution of common political values and institutions. Strategies Promote public debates and awareness activities throughout SADC on its achievements.

Specific Activities

- (a) Identify and utilise regional centres of excellence for the exchange and sharing of political and diplomatic experiences.
- (b) Organise roundtable discussions to deliberate on the involvement of civil society in Organ activities.
- (c) Identify research and academic institutions to undertake studies on foreign policy.
- (d) Organise consultative workshop between the SIPO and the RISDP.

Expected Outcomes

- (a) Development of a common approach to foreign policy formulation and practices.
- (b) Enhanced political cooperation among member states.
- (c) Effective interaction between the Organ and the civil society.
- (d) Better coordination and more efficient utilisation of resources amongst SADC structures.

Objective 3

To prevent, contain and resolve inter and intra state conflict by peaceful means.

Strategies

- (a) Enhance the capacity for conflict prevention, management and resolution.
- (b) Encourage the contribution of civil society to conflict prevention, management and resolution.
- (c) Carry out regular and inclusive assessments and identify factors with potential to cause conflict.

Specific Activities

- (a) Promote peace-building activities such as awareness programs and resource mobilisation for mine action.

- (b) Design a common approach to the reintegration of demobilised soldiers including child soldiers.
- (c) Identify and assess conflict factors.

Expected Outcomes

- (a) Strengthened capacity for peace, security and development in the region.
- (b) Enhanced participation of civil society.

Objective 4

To promote the development of democratic institutions and practices by state parties and encourage the observance of universal human rights.

Strategies

- (a) Achieve common electoral standards in the region.
- (b) Promote the principles of democracy, good governance and rule of law.
- (c) Encourage political parties and all stakeholders to accept the outcome of elections held in accordance with African Union and SADC electoral standards.
- (d) Establish a SADC Electoral Advisory Council (SEAC) and define its functions.

Specific Activities

- (a) Consistently observe elections in the region.
- (b) Identify and share best practices.
- (c) Identify, encourage and strengthen capacity of institutions that promote democracy and good governance within member states.
- (d) Encourage member state production of periodic reports on human rights issues to relevant bodies and SADC structures.
- (e) Support of member states' judicial systems.
- (f) Encourage a culture of consultation among political stakeholders.
- (g) Establishment of the SADC Electoral Advisory Council.

Expected Outcomes

- (a) Common electoral standards in the region.
- (b) Enhanced democracy and good governance practices in member states.
- (c) Improved human rights situation in the region.
- (d) Enhanced delivery of justice.
- (e) Improved electoral process management.
- (f) Enhanced democracy and good governance.
- (g) Improved electoral processes.

Objective 5

To encourage member states to observe and implement the United Nations Charter, African Union Constitutive Act as well as other instruments

related to the Organ.

Strategies

- (a) Ratify and accede to the relevant conventions, treaties and protocols.
- (b) Promote regular bilateral and multilateral consultations on matters of mutual interest.

Specific Activities

- (a) Identify and evaluate the status of ratification of international treaties and conventions relevant to the Organ.
- (b) Evaluate the status and timeliness of implementation of conventions, treaties and protocols relating to the Organ.
- (c) Encourage member states to engage in bilateral and multilateral consultations on matters of mutual interest.

Expected Outcomes

- (a) Member States governed by the same international legal regime.
- (b) Harmonisation of positions and approaches on issues of mutual interest in the international fora.

Objective 6

To develop peacekeeping and coordination capacities of Member States for effective participation in regional and international peace support operations.

Strategies

- (a) Enhance regional capacity for peace support operations.
- (b) Mobilise resources and enhance regional capacity for peace support operations.

Specific Activities

- (a) Ensure the training of the civilian component of the SADC Standby Force (SADC SF).
- (b) Periodically review of the training curricula of the Regional Peace Training Centre (RPTC) to include civilian component courses.
- (c) Mobilise resources for the capacitation of the civilian component.
- (d) Overall resource mobilisation for the sector to ensure the full operationalisation of peace support operations and the RPTC.
- (e) Establish a civilian roster within the SADC Secretariat.

Expected Outcomes

Effective participation of the civilian component in peace support operations.

Objective 7

To enhance regional capacity in respect of disaster risk management, and

coordination of regional disaster response and international humanitarian assistance.

Strategies

- (a) Strengthen and consolidate regional disaster risk management mechanisms.
- (b) Develop and implement sustainable mechanisms for knowledge management and information sharing at SADC and national levels.
- (c) Enhance natural disaster early warning capacities, structures and networks at regional and national levels.
- (d) Align national and regional Disaster Risk Reduction (DRR) policies, strategies and action plans with international and regional strategies and trends.
- (e) Facilitate DRR training and capacity needs assessment in member states.

Specific Activities

- (a) Establish and strengthen a DRR Coordination Unit at SADC Secretariat.
- (b) Revise and implement the 'SADC DRR Strategic Plan' and align with 'Hyogo Framework for Action' and the 'Africa DRR Strategy'.
- (c) Develop and implement the regional disaster response mechanism to guide regional response to disasters.
- (d) Enhance disaster risk mapping, hazard monitoring and risk/vulnerability assessments for disaster preparedness, prevention and response.
- (e) Facilitate formulation and implementation of national and regional policies and action plans to allow for harmonisation and alignment with national, regional and international strategies and trends.
- (f) Facilitate DRR training, the exchange of data and information, lessons learnt and best practices among Member States.

Expected Outcomes

- (a) Effective coordination of DRR at regional level.
- (b) Consolidated regional Plan of Action for DRR.
- (c) Reduction in loss of life and damage to property.
- (d) Effective sharing of DRR information and experiences.
- (e) Better management of disaster risks and emergencies.
- (f) Trained and skilled DRR personnel.

4. The Defence Sector

4.1. Analysis

The Southern African region has for decades been developing and strengthening regional cooperation in the defence sector. This cooperation has significantly contributed to the prevailing peace and stability in the

region, which is a fundamental prerequisite for social and economic development.

The advent of relative peace and stability throughout the region has refocused the role of the military to peace support operations, humanitarian assistance and as a support to civil authority.

In order to ensure the effective conduct of peace support operations the ISDSC has strengthened the Regional Peacekeeping Training Centre (RPTC) in Zimbabwe to cover all components of SADC SF. In doing so, SADC Defence Forces have continued to hold joint peace support exercises such as Blue Ruvuma and Golfinho which were important milestones in operationalising the SADC SF.

At the international level, many SADC Member States have continued to contribute to UN and AU peace support operations.

4.2. Challenges

Notwithstanding the achievements stated above, the region still faces a number of challenges, which impact on the defence sector. These include:

- (i) Armed conflicts within member states.
- (ii) Terrorism.
- (iii) HIV/AIDS.
- (iv) Developing policies and capacities to ensure that the region maintains trained units ready to be deployed in peace support operations in the region or under the auspices of the African Union or the United Nations.
- (v) Developing a regional capacity on defence technology.
- (vi) The clearance of landmines and other unexploded ordinances (UXOs).
- (vii) Responding to external aggression.
- (viii) The reintegration of ex-combatants and rehabilitation of child soldiers.
- (ix) Implementing the doctrine that will enable the inter-operability of defence forces.
- (x) Disaster relief support capability.
- (xi) The proliferation of and illicit trafficking in small arms and light weapons.
- (xii) Illegal migration.
- (xiii) Maritime piracy.
- (xiv) Any other threats.

Objective 1

To protect the people and safeguard the development of the region against instability arising from the breakdown of law and order, intra state and inter state conflict and aggression.

Strategies

- (a) Develop regional capability and contribute to continental peace and security architecture.

- (b) Conduct regular assessments of the regional security situation.
- (c) Define and identify common interests and threats in the region.
- (d) Formulate regional policies with regard to reintegration of demobilised ex-soldiers including ex-child soldiers.
- (e) Promote the establishment of linkage between the Regional Early Warning (REWC) and the Defence Intelligence Standing Committee (DISC).

Specific Activities

- (a) Consolidate the operationalisation of the SADC Standby Force.
- (b) Member States to effectively resource, sustain and maintain SADC SF to ensure its proficiency and efficiency.
- (c) Member states to continue pledging personnel and equipment and ensure continued training of troops for forces readiness.
- (d) Verify the status of pledges conducted biennially.
- (e) Develop a generic memorandum of understanding (MOU) to allow smooth movement of forces during exercises or operations.

Expected Outcomes

Peaceful and secure environment for regional development.

Objective 2

Promote regional coordination and cooperation on matters related to security and defence and establish appropriate mechanisms to this end.

Strategies

- (a) Harmonise national defence policies to be in line with foreign policy objectives so as to enhance regional security architecture.
- (b) Establish and operationalise confidence-building measures for conflict prevention, management and resolution.
- (c) Promote interaction among senior officials of the member states security and defence forces through consultation and joint training programmes.
- (d) Conduct activities aimed at enabling coordination in handling conflicts, harmonise policies and strategies.

Specific Activities

- (a) Consolidate the operationalisation of the SADC Standby Force.
- (b) Member states to effectively resource, sustain and maintain the SADC SF to ensure its proficiency and efficiency.
- (c) Member states to continue pledge personnel and equipment and ensure continued training of troops for forces readiness.
- (d) Verify status of pledges conducted every two years.
- (e) Develop a generic MOU to allow smooth movement of forces during exercises or operations.

Expected Outcomes

- (a) Operational mechanisms for effective coordination and cooperation

consolidated.

- (b) Confidence and trust established among armed forces.

Objective 3

To consider enforcement action in accordance with international law, as a matter of last resort, where peaceful means have failed.

Strategies

- (a) Establish stand-by arrangements and promote professionalism in the defence forces in the conduct of peace support operations.
- (b) Design and implement professional training programmes for the defence forces.
- (c) Promote civilian-military relations.
- (d) Operationalise the 'SADC Mutual Defence Pact'.
- (e) Promote and disseminate 'SADC Mutual Defence Pact' within member state institutions.
- (f) Harmonise military doctrines and operational concepts in the region in order to achieve regional inter-operability.
- (g) Adopt and rehearse operational procedures aimed at achieving the spirit of the Pact.

Specific Activities

- (a) Operationalise SADC SF.
- (b) Prepare and employ the SADC SF to respond appropriately when called upon.
- (c) Finalise the development of the SADC SF rapid deployment force's capability to respond appropriately to challenging security scenarios when called upon.
- (d) Enhance RPTC capacity.
- (e) Enhance national defence training programmes.
- (f) Coordinate regional defence training programmes.
- (g) Organise civilian-military seminars and workshops
- (h) Encourage member states to implement fully the provisions of the Pact.
- (i) Mainstream the Pact into defence and security training, workshops and seminars.
- (j) Harmonise military doctrines and operational concepts.

Expected Outcomes

- (a) Deterrence capability enhanced.
- (b) Existing collective defence and security mechanisms consolidated.

Objective 4

- (a) To consider the development of a collective security capacity; and
- (b) To conclude the 'SADC Mutual Defence Pact' to respond to external military threats.

Strategies

- (a) Operationalise the 'SADC Mutual Defence Pact'.
- (b) Promote and disseminate the Pact within member state institutions.
- (c) Harmonise military doctrines and operational concepts in the region in order to achieve regional inter-operability.
- (d) Adopt and rehearse operational procedures aimed at achieving the spirit of the Pact.

Specific Activities

- (a) Encourage member states to fully implement the provisions of the Pact.
- (b) Mainstream the Pact into defence and security training, workshops and seminars.
- (c) Harmonise military doctrines and operational concepts.

Expected Outcomes

- (a) Existing collective defence and security mechanisms consolidated.
- (b) Deterrence capability enhanced.

Objective 5

To encourage state parties to implement United Nations, African Union and other international conventions and treaties on arms control, disarmament and peaceful relations between states.

Strategies

- (a) Develop a regional culture binding SADC defence forces to relevant international conventions and treaties.
- (b) Incorporate into training programmes and curricula the existing international conventions and treaties.

Specific Activities

- (a) Defence forces of Member States should adhere to international conventions and treaties.
- (b) Incorporate international conventions and treaties into national training programmes.

Expected Outcomes

- (a) International conventions and treaties are observed by member states and regional forces are aware of and adhere to international conventions and treaties.

Objective 6

To develop the peacekeeping capacity of national defence forces and coordinate the participation of state parties in international and regional peacekeeping operations.

Strategies

- (a) Develop a regional peace support operational capability based upon individual member state's standby arrangements.
- (b) Consolidate and develop the activities of the Regional Peacekeeping Training Centre.
- (c) Design and establish a regional peace support operational structure with appropriate means.

Specific Activities

- (a) Operationalise SADC SF and ensure the required operational readiness of the pledges.
- (b) Ensure continuous Operations of the Regional Peacekeeping Training Centre (RPTC).
- (c) Source funds for operations of the Centre.
- (d) Develop SADC SF operational structure.
- (e) Conduct joint training exercises to promote the inter-operability.
- (f) Conduct joint Peace Support Operations (PSO) training exercises and courses at national and regional level.
- (g) Adapt UN PSO training doctrine.
- (h) Conduct periodic joint multinational exercises.
- (i) Finance the Regional Peacekeeping Training Centre (RPTC) according to the capacities of member states or through possible foreign partners.
- (j) Conduct joint multinational exercises.

Expected Outcomes

Enhanced regional capacity to participate in peace support operations.

Objective 7

To enhance regional capacity in respect of disaster management and coordination of international humanitarian assistance.

Strategies

- (a) Support the implementation of and contribute to the establishment of operational procedures related to disaster management mechanism.
- (b) Train national defence forces for effective rapid response in search and rescue missions.
- (c) Conduct joint exercises for humanitarian assistance and disaster relief.
- (d) Adopt operational emergency procedures that will guide the use of military forces in search and rescue operations.
- (e) Encourage the defence forces of member states to acquire equipment to be used in case of emergency.

Specific Activities

- (a) Participate in the coordination mechanisms on disaster

- management at national and regional levels.
- (b) Develop disaster management operational procedures.
- (c) Harmonise disaster management operational procedures.
- (d) Formulate training programmes and carry out joint search and rescue training exercises at national and regional levels.
- (e) Conduct joint training exercises on humanitarian relief at national and regional levels.
- (f) Carry out needs assessments.
- (g) Establish coordination mechanisms on search and rescue operations.

Expected Outcomes

Enhanced Regional Disaster mitigation capacity.

5. The State Security Sector

5.1. Analysis

The success of the integration process in the SADC region requires a satisfactory level of state security. Political cooperation has created a conducive environment for enhanced security cooperation.

While the security situation in the region is characterised by peace and stability there are externally and internally induced threats to the security of member states. The following are some of the main areas of concern:

Threats to subvert constitutional order and diminish national sovereignty.

Maneuvers or activities designed to undermine the economic interests of member states and/or the region.

Regular exchange of intelligence information among the services and mutual assistance rendered to each are some of the important factors defining the current state of cooperation in the State Security Sector. This process has also significantly benefited from formal and informal links between the services.

The State Security Sector achieved the following milestones during the period under view:

- (i) Staffing of the Regional Early Warning Centre (REWC) through secondment and recruitment.
- (ii) Review of the 'REWC Concept Paper'.
- (iii) Development of insecurity and conflict indicators
- (iv) Development of the REWC manual.
- (v) Procurement and installation of secure communication equipment.
- (vi) Creation of national focus points for the REWC.
- (vii) Identification of training needs for the sector.

5.2. Challenges

Despite the above positive developments, the State Security sector still faces a number of challenges. These include:

- (i) Enhancement of the capacity to prevent the subversion of the constitutional order and national sovereignty.
- (ii) The negative effects of globalisation such as the growing vulnerability of national borders, increases in organised and transnational crime, drug trafficking, money laundering and human trafficking.
- (iii) Terrorism.
- (iv) Enhancement of bilateral relations.
- (v) Implementation of a SADC Early Warning System (EWS).
- (vi) Addressing the impact of the HIV/AIDS pandemic.
- (vii) Limited resources.
- (viii) Food security.
- (ix) Protection of maritime resources.
- (x) Climate change.
- (xi) Transnational organised crime.
- (xii) Illegal migration.
- (xiii) Maritime piracy.
- (xiv) Economic threats.
- (xv) Foreign interference.

Objectives

The overall objectives of the Organ in the State Security Sector are stipulated in Article 2 of the 'SADC Protocol on Politics, Defence and Security Cooperation', and these are:

Objective 1

To protect the people and safeguard the development of the region against instability arising from the breakdown of law and order, intra and inter-state conflict.

Strategies

- (a) Identify and diffuse threats within the region.
- (b) Exchange intelligence on potential threats undermining the stability of member states.
- (c) Share intelligence on the prevention and combating of terrorism.
- (d) Share intelligence on maritime piracy.
- (e) Exchange intelligence on the unchanging behaviour of society with respect to HIV/AIDS.
- (f) Exchange intelligence on the observance of human rights.

Specific Activities

- (a) Staff Regional Early Warning Centre.
- (b) Launch the Regional Early Warning Centre.
- (c) Designate national focus points on early warning matters.
- (d) Share information on suspected terrorist syndicates within the region.
- (e) Hold regular workshops and seminars on combating terrorism.
- (f) Coordinate sourcing of assistance to prevent and combat terrorism.
- (g) Enact and or strengthen national legislation on terrorism.

- (h) Share intelligence on nature and extent of the threat
- (i) Collaborate with relevant institutions that deal with the HIV/AIDS pandemic.
- (j) Participate in research activities on the HIV/AIDS pandemic.
- (k) Include human rights as part of training curricula at all levels.

Expected Outcomes

An effective monitoring of threats leading to the improved security in the region.

Objective 2

To promote regional coordination and cooperation on security and defence and establish appropriate mechanisms.

Strategies

- (a) Collaborate with relevant intelligence institutions.
- (b) Exchange training programmes.
- (c) Share financial and technological resources.
- (d) Hold regional training programmes.
- (e) Hold statutory meetings.

Specific Activities

- (a) Establish formal collaboration between SADC and the Africa Centre for Study and Research on Terrorism.
- (b) Establish formal relationship between SADC and CISSA.
- (c) Enhance collaboration between AU and SADC.
- (d) Establish formal relations with other relevant institutions.
- (e) Identify areas requiring joint training.
- (f) Build capacity in the use of ICT for an early warning system.
- (g) Conduct training in counter terrorism with ACSRT
- (h) Engage SADC Liaison Officer at the AU on matters of funding, technology and other relevant security matters.
- (i) Organise regional training programmes for analysts.

Expected Outcomes

Enhanced cooperation and coordination at regional and continental level on matters of defence and security.

Objective 3

To prevent, contain and resolve inter and intra state conflicts.

Strategies

- (a) Identify early warning signs of inter and intra-state conflict.
- (b) Monitor regional security situation.
- (c) Collect and disseminate intelligence to assist in conflict resolution processes in the region.

Specific Activities

- (a) Update insecurity and conflict indicators and develop them into software in order to assist in the analysis processes at the REWC.
- (b) Conduct regular security assessments and produce products thereof.
- (c) Assist in identifying mediators and facilitators.
- (d) Support the mediation processes.
- (e) Conduct training in conflict resolution and management.
- (f) Exchange intelligence.

Expected Outcomes

Inter and intra state conflict prevented.

Objective 4

To consider the development of a collective security capacity and implement the 'SADC Mutual Defence Pact' in order to respond to external military threat.

Strategies

- (a) Promote the exchange of intelligence of mutual interest.
- (b) Disseminate the 'SADC Mutual Defence Pact' within state security institutions.

Specific Activities

- (a) Hold meetings, workshops and seminars.
- (b) Disseminate the 'SADC Mutual Defence Pact' within security sector institutions.
- (c) Participate in regional PSO.

Expected Outcomes

Collective security capacity and implementation of the 'SADC Mutual Defence Pact' in the region attained.

Objective 5

To develop close cooperation between the law enforcement agencies and state security services of member states.

Strategies

- (a) Hold meetings between state security services and law enforcement agencies.
- (b) Exchange intelligence through the development of a common database on cross border crime.
- (c) Promotion of community-based approach to domestic security.

Specific Activities

- (a) Exchange experiences.
- (b) Exchange intelligence on syndicates of illegal migration and

- transnational organised crime.
- (c) Profile suspects of transnational organised crimes and illegal migration.

Expected Outcomes

Improved security in the region through effective monitoring of threats.

6. The Public Security Sector

6.1. Analysis

The purpose of the Public Security Sector is to provide and ensure services, in law enforcement, public safety, corrections/prisons, immigration, parks and wildlife, customs and refugees. Public security is an important tool that contributes significantly to the maintenance of a stable political environment and socio- economic prosperity.

The situation in the public security sector is characterised by increased cooperation and collaboration between its various services and other law enforcement agencies.

Public security institutions have been participating in joint cross border operations which have resulted in the reduction of crime and the recovery of stolen property. Transnational organised crime and incidents of terrorism constitute some of the most serious concerns to law enforcement agencies such as immigration, police, customs, border guards, coast guards and fiscal inspectors.

The immigration services of SADC are engaged in collective planning aimed at strengthening the control and facilitation of the movement of persons in the region. The region's long and porous borders, economic attractions and the relative peace and stability make the region a preferred destination and transit point for not only investment, but also criminal elements.

The Public Security Sector has also been engaged in the prevention of poaching and in the illegal trade of wildlife products in the region.

Member States have also been working together to curb incidents of transit fraud and the under-valuation of imported goods from outside the region as well as cross border smuggling.

Cognisant of the region's vulnerability to cross-border crime, SADC has been active in developing regional instruments to fight transnational crime in the region. The Public Security Sector has been participating in the implementation of SADC protocols on the combating of illicit drug trafficking, and on the firearms, ammunition and other related materials.

6.2. Challenges

The Public Security Sector made significant achievements in the first edition of the SIPO Joint cross-border operations, which resulted in the

reduction in crime in areas related to poaching and the illegal trade in wildlife, customs issues and illegal migration were conducted. Member States have also been working together to curb incidents of transit fraud and under-valuation of imported second hand goods as well as cross border smuggling.

Despite the above achievements, The Public Security Sector still faces numerous challenges, which include:

- (i) Transnational criminal activities and organised criminal syndicates.
- (ii) Cyber crime.
- (iii) Terrorism.
- (iv) Drug dealing and trafficking.
- (v) Violent crime.
- (vi) Control and regulation of private security companies for the elimination of mercenary activities.
- (vii) The proliferation of and trafficking in small arms and light weapons.
- (viii) Money laundering and cash in transit heists.
- (ix) The negative effects of globalisation such as the growing vulnerability of national borders.
- (x) The scarcity of resources.
- (xi) Efficient communication systems backed by a reliable criminal intelligence network.
- (xii) Combating human trafficking.
- (xiii) Combating and prevention of rape, abuse and violence against women, and children.
- (xiv) HIV/ AIDS.
- (xv) Enforcement of the agreed policies pertaining to the control of conflict diamonds.
- (xvi) Illegal migration.
- (xvii) Overcrowding in corrections/prisons facilities.
- (xviii) Poaching.
- (xix) Maritime piracy.
- (xx) Smuggling of goods.

Objective 1

To promote public security and safety in the region.

Strategies

- (a) Conduct regular assessments and evaluations of the regional public security situation.
- (b) Devise effective measures to address the HIV/AIDS pandemic in the sector.
- (c) Train public security officers on effective law and order maintenance strategies.
- (d) Develop a common approach to deal with rehabilitation and reintegration of offenders into society.
- (e) Develop close cooperation among law enforcement agencies and the criminal justice system to deal with overcrowding in prisons.
- (f) Establish a common approach in fighting poaching and trade in

wildlife products.

Specific Activities

- (a) Continuous exchange of information on public security matters including cross-border and transnational organised crime.
- (b) Implement guidelines on combating HIV/AIDS in prisons in line with World Health Organisation (WHO) standards.
- (c) Harmonise training programmes and conduct joint training courses.
- (d) Provide education, vocational training and psychosocial support.
- (e) Devise effective measures to address overcrowding in correctional facilities.
- (f) Plan and conduct joint anti-poaching operations.

Expected Outcomes

- (a) Public safety and security in the region enhanced.
- (b) Incidences of HIV/AIDS reduced and effective treatment and monitoring of those infected/affected enhanced.

Objective 2

To promote regional coordination and cooperation on matters related to public security and safety and establish appropriate mechanisms to this end.

Strategies

- (a) Promote and encourage best practices to establish a common approach to handling public security and safety matters.
- (b) Harmonise and consolidate public security sector procedures, practices and legislation in line with AU, UN standards.
- (c) Facilitate legitimate movement of goods.

Specific Activities

- (a) Conduct regional workshops, seminars and training programmes on safety and security matters.
- (b) Develop and implement the protocol on the interstate transfer of prisoners.
- (c) Harmonise immigration procedures and control mechanisms to facilitate movement of people amongst member states, including the ratification of the 'SADC Protocol on the Facilitation of Movement of Persons'.
- (d) Establish a common approach in handling and management of tourists;
- (e) Identify appropriate IT systems, harmonise laws and procedures and train immigration and police officials in order implement UNIVISA system.
- (f) Review policies, laws and procedures governing prisons in line with constitutional guarantees and international human rights.
- (g) Harmonise policies, procedures and management of refugees in

line with UN and AU instruments.

Expected Outcomes

- (a) Improved cooperation and coordination in public safety and security.
- (b) Free movement of persons facilitated.

Objective 3

To develop capacity and incorporate prison officers in peacekeeping operations.

Strategies

Capacitate prisons/corrections officers in peacekeeping operations.

Specific Activities

- (a) Develop training curricula for prisons/corrections officers in peacekeeping operations.
- (b) Organise training courses/ seminars in collaboration with RPTC.
- (c) Participate in peacekeeping exercises and operations.

Expected Outcomes

Peacekeepers capacitated.

Objective 4

Enhance regional capacity in respect of disaster risk management and coordination of regional disaster response and international humanitarian assistance.

Strategies

- (a) Strengthen and consolidate regional disaster risk management mechanisms.
- (b) Develop and implement sustainable mechanisms for knowledge management and information sharing at SADC and national levels.
- (c) Enhance natural disaster early warning capacities, structures and networks at regional and national levels.
- (d) Align national and regional Disaster Risk Response (DRR) policies strategies and action plans with international and regional strategies and trends.
- (e) Facilitate DRR training and capacity needs assessment in member states.

Specific Activities

- (a) Establish and strengthen a Disaster Risk Reduction (DRR) Unit at SADC Secretariat.
- (b) Implement the revised SADC DRR Strategic Plan as the basis of long-term regional DRR Plan of Action.

- (c) Develop a regional disaster response mechanism to guide regional response to disasters.
- (d) Explore and enhance collaboration with other existing DRR initiatives and stakeholders.
- (e) Enhance the functioning of the Disaster Risk Reduction Technical & Coordination Committees.
- (f) Establish and consolidate a regional DRR database of disaster risks and hazards, DRR expertise and skills, and response capacities in member states, and facilitate the dissemination and sharing of the information.
- (g) Facilitate exchange of lessons-learnt and best practices in DRR among member states.
- (h) Enhance disaster risk mapping, hazard monitoring, risk and vulnerability assessments for disaster preparedness, and prevention and response.
- (i) Facilitate effective coordination between relevant sectors and stakeholders at regional and national levels.
- (j) Facilitate formulation and implementation of national and regional policies and action plans to allow for their future harmonisation and alignment with international strategies and trends.

Expected Outcomes

Enhanced capacity on disaster management.

Recommendations from Public Security

- (a) Annual work plans should reflect performance indicators evaluation of implementation.
- (b) Establishing of a post for senior public security officer to be considered.
- (c) The need to introduce a system of certification and authentication of the records of the meetings to be considered.
- (d) Create data bank for police and public security documents to be accessed.

7. The Police Sector

7.1. Analysis

The SADC Summit held in Maseru, Lesotho in 2006 decided on the creation of the Police Chiefs Sub-committee as a SADC institution under the Inter State, Defence and Security Committee of the SADC Organ. The establishment of the Police Sector as a stand alone from the Public Security Sector was a welcome development since it compliments the recognition of policing as a unique service within the framework of regional peace and security. The overarching endeavour is to strengthen policing institutions with the view of carving a crime free zone, where citizens can pursue their endeavours unperturbed by criminal elements.

The Police Sector has a responsibility to crack down on a range of

transnational organised crime such as drug and human trafficking, unlawful possession of firearms; illegal migration and stock theft, among others. The crimes stated above are only the tip of the iceberg since there are other forms of crime, which have become a menace to public safety and security.

Joint cross-border operations that have been conducted have resulted in the reduction of crime and recovery of stolen property. In the same vein, member states have been working together to curb incidents of transit fraud and under-valuation of imported second hand goods from across the region as well as cross-border smuggling.

Cognisant of the region's vulnerability to cross-border crime and out of a desire to work in collaboration with other regions, SADC, through its law enforcement agencies, has been active in the development of international instruments to fight transnational crimes. The region has also been fiercely engaged in peace support operations in the region and beyond.

SADC, through its law enforcement agencies has been active in the implementation of regional instruments to fight transnational crimes. These regional instruments include the following, among others: the 'SADC Protocol Against Corruption', the 'SADC Protocol on Extradition, Control of Firearms, Ammunitions and Other Related Materials', mutual legal assistance in criminal matters, combating illicit drugs.

7.2. Challenges

Despite the above strides, the Police Sector still faces numerous challenges, which include:

- (i) Transnational criminal activities and organised criminal syndicates.
- (ii) Cyber crime.
- (iii) Terrorism.
- (iv) Drug dealing and trafficking.
- (v) Violent crime.
- (vi) Control and regulation of private security companies for the elimination of mercenary activities.
- (vii) The proliferation of and trafficking in small arms and light weapons.
- (viii) Money laundering and cash in transit heists.
- (ix) Efficient communications systems backed by a reliable criminal intelligence network.
- (x) Combating human trafficking and people smuggling
- (xi) Combating and preventing rape/statutory rape, abuse and violence against women and children.
- (xii) HIV and AIDS.
- (xiii) Financial and hi-tech crime.
- (xiv) Illegal mining.
- (xv) Maritime piracy.

Objective 1

To protect the people and safeguard the development of the region against

instability arising from the breakdown of law and order.

Strategies

- (a) Carry out regular reviews of joint crime management strategies in view of changing national and regional needs and priorities.
- (b) Ensure safety of the region and build capacity for combating cyber crime and terrorism.
- (c) Devise effective measures to address the HIV/AIDS pandemic in the national police services/forces.
- (d) Prepare and disseminate relevant information on criminal activities as may be necessary to benefit member states to contain crime in the region.
- (e) Develop regional police training policy and strategies taking into account the needs and the performance requirements of the regional police services/forces.

Specific Activities

- (i) Conduct joint cross-border operations.
- (ii) Continue implementation of the 'SADC Regional Action Plan on Small Arms and Light Weapons' (SALW).
- (iii) Continuous exchange of crime intelligence on cross-border and transnational organised crime by the support of the International Police (INTERPOL).
- (iv) Continue conducting joint cross-border operations.
- (v) Training of personnel in the police services/ forces.

Expected Outcomes

Law and order maintained and crime reduced.

Objective 2

To promote regional coordination and cooperation on matters related to safety and security and establish appropriate mechanisms to this end.

Strategies

- (a) Ensure efficient operation and management of criminal records.
- (b) Effective joint monitoring of cross border crime taking full advantage of the relevant facilities available using INTERPOL.

Specific Activities

- (i) SARPCCO to strengthen the implementation on the Regional Organised Crime Threat Analysis (ROCTA).
- (ii) Establish mechanisms for regional coordination among SARPCCO, customs and immigration services.
- (iii) Institute measures to combat human trafficking.
- (iv) Continuous exchange of crime intelligence on cross-border and transnational organised crime by the support of INTERPOL.

Expected Outcomes

Reliable criminal database established.

Objective 3

To consider enforcement action in accordance with international law.

Strategies

- (a) Design and implement professional police training programmes for rapid response capability.
- (b) Ensure and promote professional accountability within the police services/forces.

Specific Activities

- (i) Continue implementing joint training programmes of Police Officers on Special Operations; and
- (ii) Strengthen the implementation of the code of conduct within the police services/forces.

Expected Outcomes

Law and order maintained and professionalism enhanced in the region.

Objective 4

To promote the development of democratic institutions and practices within the territories of State Parties and encourage the observance of universal human rights as provided for in the Charters and Conventions of AU and UN.

Strategies

- (a) Encourage the domestication of the United Nations human rights conventions and the incorporation of police code of conduct in member states training programmes.
- (b) Train police officers on the provisions of the AU and UN instruments relating to human rights.

Specific Activities

- (a) SARPPCO to continue implementing code of conduct.
- (b) Capacitate personnel from police services/forces.

Expected Outcomes

Law and order maintained.

Objective 5

To develop close co-operation between the police, state security and other law enforcement agencies of member states in order to address:

- (a) Cross border crime
- (b) Promotion of a community-based approach to domestic security

- (c) Illegal migration

Strategies

Promote, strengthen and perpetuate cooperation and foster joint strategies for the management of all forms of cross-border and related crimes with regional implications.

Specific Activities

Exchange of information and sharing of experiences between police and state security and other law enforcement agencies.

Expected Outcomes

Cross border crime reduced.

Objective 6

To observe and encourage State Parties to implement UN, AU and other international Conventions and Treaties on arms control and disarmament.

Strategies

Encourage ratification and implementation of the various existing legal instruments on arms control.

Specific Activities

- (a) Disseminate within the police services/forces, the relevant UN and AU instruments on arms control.
- (b) Include relevant UN and AU instruments on arms control in training curricula.

Expected Outcomes

Effective control of the proliferation of small arms and light weapons.

Objective 7

To develop peace building capacity of national police services/forces and coordinate the participation of State Parties in international and regional peacekeeping operations.

Strategies

- (a) Promote the joint training of SADC POL for peace support missions.
- (b) Promote gender equity in the deployment of peace support operations.

Specific Activities

- (a) Implement the SADC police-training curricula for PSO.
- (b) Conduct joint police training courses at the national and regional level.
- (c) Assess the implementation of the SARPCCO training programme.

Expected Outcomes

Peacekeeping operations capacity enhanced.

Objective 8

Enhance regional capacity in respect of disaster risk management and coordination of regional disaster response and international humanitarian assistance.

Strategies

- (a) Strengthen and consolidate regional disaster risk management mechanisms.
- (b) Develop and implement sustainable mechanisms for knowledge management and information sharing at SADC and national levels.
- (c) Enhance natural disaster early warning capacities, structures and networks at regional and national levels.
- (d) Align national and regional Disaster Risk Reduction (DRR) policies, strategies and action plans with international and regional strategies and trends.
- (e) Facilitate DRR training and capacity needs assessment in member states.

Specific Activities

- (i) Establish and strengthen a DRR Unit at SADC Secretariat.
- (ii) Implement the revised SADC DRR Strategic Plan as basis of long-term regional DRR plan of action.
- (iii) Develop regional disaster response mechanism to guide regional response to disasters.
- (iv) Explore and enhance collaboration with other existing DRR initiatives and stakeholders.
- (v) Enhance the functioning of the DRR Technical & Coordination Committees.
- (vi) Establish and consolidate a regional DRR database of disaster risks and hazards, DRR expertise and skills, and response capacities in member states, and facilitate the dissemination and sharing of the information.
- (vii) Facilitate exchange of lessons-learnt and best practices in DRR among member states.
- (viii) Enhance disaster risk mapping, hazard monitoring, and risk and vulnerability assessments for disaster preparedness, prevention and response.
- (ix) Facilitate effective coordination between relevant sectors and stakeholders at regional and national levels.
- (x) Facilitate formulation and implementation of national and regional policies and action plans to allow for their future harmonisation and alignment with international strategies and trends.

Expected Outcomes

Enhanced capacity on disaster management.

8. Strategies For Sustainability Of The Plan

8.1. Political Commitment

Political commitment is the linchpin and fundamental ingredient underlying all stages of the implementation of the SIPO. Member states have to uphold the principles and objectives of the ‘SADC Treaty and the Protocol on Politics, Defence and Security Cooperation’ as they implement the SIPO. It is therefore, important that Member States ratify the Protocol and effectively implement other relevant legal instruments, particularly those concerning the Organ, such as the ‘SADC Protocol on Politics, Defence and Security Cooperation’ (2001), the ‘SADC Protocol on Combating Illicit Drugs’ (1996); the ‘SADC Protocol on the Control of Firearms, Ammunition and Other Related Materials’ (2001), the ‘SADC Protocol Against Corruption’ (2001) and the ‘SADC Protocol on Extradition’ (2002).

8.2. Partnership

Recognising that political, defence and security matters transcend national and regional borders, SADC seeks to cooperate with non-state parties and international organisations and, where possible, involve cooperation agreements between state parties and non-state parties on such matters as provided for in the ‘SADC Protocol on Politics, Defence and Security Cooperation’.

8.3. Funding, Budget Management and Financial Audit

8.3.1. Funding

The activities of the Organ will, as a matter of principle, be funded through assessed contributions from Member States. They may also be catered for by other contributions such as special funds, endowment funds and other external sources as the Summit may decide.

The external funding of the Organ shall be in line with the provisions of Article 10 of the ‘SADC Protocol on Politics, Defence and Security Cooperation’.

The areas amenable for cooperation with international cooperating partners include:

- (i) Peace support and humanitarian operations.
- (ii) Disaster management.
- (iii) Combating organised crime including drug trafficking, anti-money laundering and human trafficking.
- (iv) Post-conflict reconstruction and social reintegration programmes.

- (v) Mine action programmes.
- (vi) HIV/AIDS programmes.
- (vii) Small arms and light weapons control.
- (viii) Drug trafficking control programmes.
- (ix) Joint training exercises.
- (x) Food security.
- (xi) Other areas as may be decided by the Summit.

8.3.2. Auditing

The regulations governing the auditing of SADC finances shall apply to the auditing of the finances of the Organ. However, the team of auditors shall be drawn from institutions akin to activities of the Organ.

8.3.3. Monitoring and Evaluation

Strict monitoring and evaluation mechanism shall be put in place. The monitoring mechanism shall include:

- (i) Review of the implementation of planned activities.
- (ii) Provision of information on regular basis to stakeholders.

Memorandum of Understanding Amongst the SADC Member States on the Establishment of a SADC Standby Brigade (2007)

Full title: Memorandum of Understanding Amongst the SADC Member States on the Establishment of a Southern African Development Community Standby Brigade

Date/place of adoption/conclusion: 16 August 2007, Lusaka, Zambia

EIF provision: Article 21

Authentic texts: English, French, Portuguese

Available online at: <https://bit.ly/2ALlzzK>

Excerpts

...

Pursuant to the decision of the SADC Summit, held in Port Louis, Mauritius on 17 August 2004 and directives issued subsequent thereto;

Having regard to the United Nations (UN) Charter, Article 4 of the Constitutive Act of the African Union (AU), as read with Article 13 of the Protocol Relating to the Establishment of the Peace and Security Council of the African Union; the SADC Protocol on Politics, Defence

and Security Co-operation;

Having resolved to unite our efforts towards collective self-defence and security and the preservation of peace and stability;

Hereby agree as follows:

Article 1: Definitions

In this MoU, terms and expressions defined in Article 1 of the SADC Treaty;

Article 1 of the SADC Protocol on Politics, Defence and Security Co-operation, and in Article 1 of the SADC Mutual Defence Pact shall bear the same meaning unless the context otherwise requires.

In this MOU, unless the context otherwise requires:

“Civilian Component” means all civilian personnel including the Special Representative of the Mandating Authority and range of substantive civilian experts in a mission area;

“Consumables/Expendable item” means an item or material which is expended or consumed in use or is integral to, or a structural part of, another equipment or installation;

“Main Logistics Depot” means a central regional facility for maintenance, storage and management of the logistical infrastructure for the SADCBRIG;

“Minor Equipment” means all other equipment not deemed to be consumables or major equipment such as furniture;

“Mandating Authority” means supra-national political entities under whose mission the SADCBRIG may be deployed namely SADC, AU, or UN;

“MoU” means this Memorandum of Understanding;

“State Party” means a member state that has signed or acceded to this MoU;

“Personnel” means the Military, Police and Civilian personnel appointed for the purposes of this MoU;

“Planning Element” means an autonomous management structure that operates on a daily basis as a tool of the SADC Organ to ensure the attainment of the objectives of the SADCBRIG;

“SADCBRIG” means the Southern African Development Community Standby Brigade;

“SADCPOL” means the Southern African Development Community Police Component of the Standby Brigade.

Article 2: Purpose of MoU

The purpose of this MoU is to establish and provide a legal basis for the operationalisation of SADCBRIG.

Article 3: Establishment and Composition

There is hereby established a SADC Standby Brigade which shall consist of the Military, Police and Civilian component.

Article 4: Functions of SADCBRIG

The functions of the SADCBRIG shall be to participate in missions as envisaged in Article 13 of the Protocol Establishing the Peace and Security Council of the AU, which include performing the following functions:

- (a) observations and monitoring missions;
- (b) other types of Peace Support Missions;
- (c) intervention in a State Party in respect of grave circumstances or at the request of that State Party, or to restore peace and security in accordance with Article 4(h) and (j) of the Constitutive Act;
- (d) preventive deployment in order to prevent:
 - (i) a dispute or conflict from escalating;
 - (ii) an on-going violent conflict from spreading to neighbouring areas or States; and
 - (iii) the resurgence of violence after parties to a conflict have reached an agreement;
- (e) peace-building, including post-conflict disarmament and demobilization;
- (f) humanitarian assistance to alleviate the suffering of civilian population in conflict areas and support;
- (g) any other functions as may be authorised by the SADC Summit.

Article 5: Functions of Civilian Component of the SADCBRIG

The functions of the Civilian Component in the SADCBRIG include, among others:

- (a) provision of human resource, financial and administrative management;
- (b) humanitarian liaison;
- (c) provision of legal advice;
- (d) protection of human rights including women and children.

Article 6: Planning Element

1. State Parties shall establish, in a separate instrument, a SADC Planning Element to perform such functions as shall be set out therein.
2. The SADC Planning Element shall be an autonomous organisation operating on a daily basis as a tool of the SADC Organ on Politics, Defence and Security Co-operation.
3. The SADC Planning Element shall be the focal point for the activities provided for under Article 13 of this MoU.

Article 7: Deployment of SADCBRIG

1. The SADCBRIG shall only be deployed on the authority of the SADC Summit.
2. The SADCBRIG may be deployed on a SADC, AU or UN mandate.

Article 8: State Parties' Contribution

1. State Parties shall contribute the Military, Police and Civilian personnel as required and agreed upon. Any personnel contributed above the level agreed upon shall be the State Parties' responsibility and thus not subject to reimbursement or other kind of support by SADC.
2. State Parties shall contribute major equipment as required and agreed upon.
3. The State Parties shall ensure that the major equipment meets the performance standards required and agreed upon for the duration of the deployment of such equipment with the SADCBRIG.
4. Any equipment contributed above the level agreed upon shall be the responsibility of that State Party and thus not subject to reimbursement or other kind of support by SADC.
5. State Parties shall contribute minor equipment and consumables related to up-keep of personnel as required and agreed upon.
6. State Parties shall ensure that the minor equipment and consumables meet the performance standards as required and agreed upon for the duration of the deployment of such equipment with the SADCBRIG.
7. Any equipment contributed above the level agreed upon shall be the responsibility of that State Party and thus not subject to reimbursement or other kind of support by SADC.

Article 9: Main Logistics Depot

1. A Main Logistics Depot (MLD) shall be established at a location to be agreed upon by State Parties.
2. SADC and the MLD host Member State shall enter into agreements regarding the protection and control of the MLD.

Article 10: Funding and Financial Guidelines

All logistic resources and services rendered to the SADCBRIG as required and agreed upon shall be financed by SADC and shall be in accordance with the SADC financial guidelines.

Article 11: Reimbursement of State Parties and Support from SADC

1. SADC shall reimburse each contributing Member State in respect of personnel provided in terms of this MOU in accordance with the SADC financial guidelines.

2. SADC shall reimburse each contributing Member State for the major equipment provided as agreed upon.
3. The reimbursement rates for major equipment shall be reduced proportionately in the event that such equipment does not meet the required performance standards as agreed upon or in the event that the equipment listing is reduced.
4. SADC shall reimburse each contributing Member State for the provision of minor equipment and consumables related to self-sustenance in accordance with the SADC financial guidelines.
5. The reimbursement rates for the minor equipment and consumables shall be reduced proportionately in the event that the equipment does not meet the required performance standards as agreed upon or in the event that the level of minor equipment and consumables is reduced.
6. The payment of personnel costs, the lease and self-sustenance rates will be calculated from the date of arrival of personnel and equipment in the mission area and will remain in effect until the date the personnel and/or equipment ceases to be deployed in the mission area as determined by SADC.

Article 12: Command and Control

1. The SADCBRIG command structure shall be harmonized to enable it to interact with the AU and UN command arrangements in the field.
2. The command structure at any SADCBRIG headquarters shall strictly be representative of all contributing State Parties.
3. The SADCBRIG shall be subject to the standard command and control arrangements of the AU and UN operations.
4. When deployed, SADCBRIG shall be under the strategic direction of the Special Representative to be appointed for every specific mission by the Mandating Authority.
5. The SADC Summit shall appoint a Force Commander, Commissioner of Police and Head of the Civilian Component for each specific mission from the Personnel Contributing State Parties. These appointed officers shall report to the Special Representative, whilst the Military Contingent Commanders shall report to the Force Commander.
6. The Terms of Reference (TOR) for the Command Element, Headquarters and specialized mustering at SADCBRIG shall be as determined by the Mandating Authority.
7. Military personnel and equipment shall be under the operational control of the Force Commander and shall remain under the command of each contributing country.
8. Police personnel and equipment shall be under the operational

control of the Commissioner of Police and shall remain under the command of each contributing country.

Article 13: Training and Exercises

1. The training of personnel and units for the SADCBRIG shall be the responsibility of each State Party.
2. The required level of training proficiency for personnel and units assigned to SADCBRIG shall be achieved by standardized training objectives. Common training standards shall be developed by the Regional Peacekeeping Training Centre (RPTC) to be compatible with the developed standards of the AU/UN.
3. Such training shall include field training exercises at national and multi-national levels.

Article 14: Deployment, Movement and Transportation

1. Each State Party shall be responsible for planning the deployment, movement and repatriation of its contribution to the SADCBRIG.
2. Each State Party shall submit its deployment plan to the Mandating Authority for approval.
3. The Mandating Authority shall be responsible for providing or contracting means of transportation, as well as the execution of the movement, including the co-ordination and control thereof.

Article 15: Claims

1. Indemnity

State Parties hereby waive all claims against each other arising out of loss of, or damage to the property, or out of death or injury sustained by its personnel during training or performance of duty under this MOU, provided that such loss of, or damage to the property, or death or injury is not attributable to the gross negligence or wilful misconduct of the personnel of any Member State, or its authorized representative.

2. Claims by Third Parties

SADC shall be responsible for any claims by third parties where loss of, or damage to the property, death of, or injury to personnel, was caused by the personnel or equipment provided by a State Party in the performance of services, or any other activity under this MOU.

Article 16: Recovery

1. A State Party shall reimburse SADC for loss of, or damage to SADC-owned equipment and property caused by the personnel or equipment provided by the State Party, where such loss or damage:
 - (a) occurred outside the performance of services or any activity or

- operation under this MOU; or
- (b) arose out of, or resulted from gross negligence or wilful misconduct on the part of personnel of the Member State.
2. A State Party shall reimburse SADC for any Third Party claims arising from gross negligence or wilful misconduct of its personnel, or where such claims arose out of actions or incidents outside the performance of services or any activity or operation under this MOU.

Article 17: Supplementary Agreements

State Parties may, in respect of any particular issue covered by the provisions of this MOU, make such subsequent agreements, of a specific or general nature, as would enhance the effective implementation of this MOU.

Article 18: Confidentiality

1. State Parties shall not disclose any classified information obtained in the implementation of this MOU, or any other related agreements, or obtained during any multilateral co-operation, other than to their own staff, where such disclosure is essential for purposes of giving effect to this MOU or such further agreements pursuant to this MOU.
2. Visiting personnel shall, in the implementation of this MOU, comply with the security regulations of the host State Party and any information disclosed or made available to such visiting personnel shall be treated in accordance with this Article.

Article 19: Settlement of Disputes

Any dispute among State Parties arising from the interpretation or application of this MOU shall be settled amicably, and where there is no settlement, the matter shall be referred to the SADC Tribunal as established by Article 16 of the SADC Treaty, whose decision shall be final and binding.

...

See also:

- SADC Regional Indicative Strategic Development Plan (1 March 2001) available online at: <https://bit.ly/2ChmE3J>
- Maseru Declaration on the Fight Against HIV/AIDS in the SADC Region (4 July 2003, Maseru, Lesotho) available online at: <https://>

bit.ly/2AMpEou

- Strategic Indicative Plan for the Organ on Politics, Defence and Security Cooperation (SIPO I) (5 August 2004) available online at: <https://bit.ly/2O5hZEG>
- SADC Regional Water Policy (1 August 2005) available online at: <https://bit.ly/3iUTBE6>
- Windhoek Declaration on A New Partnership Between the Southern African Development Community and the International Cooperating Partners (27 April 2006, Windhoek, Namibia) available online at: <https://bit.ly/2BSrdBM>
- SADC Declaration on Madagascar (10 January 2013, Dar es Salam, Tanzania) available online at: <https://bit.ly/2DjcQ9S>

Selected institutional communiqués and decisions relating to peace and security:

Condemnation against Apartheid, acts of violence, racism, Acts of violence, aggression by Apartheid South Africa

- Communique of the SADCC (9 August 1985, Arusha, Tanzania) available online at: <https://bit.ly/3gMEMSd>

Apartheid South Africa's interference with, and aggression against SADC Member States

- Communique of the SADCC (22 August 1986, Luanda, Angola) available online at: <https://bit.ly/38MDVxV>
- Communique of the SADCC (24 July 1987, Lusaka, Zambia) available online at: <https://bit.ly/38GzSDt>

End of Namibia's occupation by South Africa

- Communique of the SADCC (26 August 1990, Gaborone, Botswana) available online at: <https://bit.ly/2DkcYG5>

Conflict in Angola

- Communique of the Summit of SADC Heads of State and Government (5 September 1993, Mbabane, Swaziland) available online at: <https://bit.ly/2O8tHOP>

SADC intervention in Lesotho

- Communique of the Summit of SADC Heads of State and Government (17-18 August 1999, Maputo, Mozambique) available online at: <https://bit.ly/38GbFNm>

Constitutional and Political Crisis in Madagascar

Political and constitutional situation

- Communique of the Extraordinary Summit of SADC Heads of State and Government (20 June 2009, Sandton, South Africa) available online at: <https://bit.ly/2ZQF97p>

Unconstitutional change in government; non-recognition of

- Communique of the Extraordinary Summit of SADC Heads of State and Government (30 March 2009, Lozitha Royal Palace, Swaziland) available online at: <https://bit.ly/2Zam6Wr>

Process and restoration of constitutional order

- Double Troika Summit Communique (14 January 2010, Maputo, Mozambique) available online at: <https://bit.ly/3feqrhx>
- Communique of the Extraordinary Summit of SADC Heads of State and Government (30 January 2014, Addis Ababa, Ethiopia) available online at: <https://bit.ly/38HTKFX>

Conflict in the DRC

- Communique of the SADC Summit of Heads of State and Government on the Democratic Republic of Congo (23 August 1998, Pretoria, South Africa) available online at: <https://bit.ly/3feUEfR>
- Communique of the Extraordinary Summit of the SADC Heads of State and Government (26-27 January 2009, Presidential Guest House, Pretoria, South Africa) available online at: <https://bit.ly/3iMNmBV>
- Communique of the 36th Summit of SADC Heads of State and Government (30-31 August 2016, Mbabane, Swaziland) available online at: <https://bit.ly/3iKbJAq>

Political situation in Zimbabwe

- Communique of the Extraordinary Summit of the SADC Heads of State and Government (26-27 January 2009, Presidential Guest House, Pretoria, South Africa) available online at: <https://bit.ly/3e9AnXL>

General decisions and communiqués relating to peace and security

- Communique of the Extraordinary SADC Summit of Heads of State and Government (28-29 March 2007, Dar es Salam, Tanzania) available online at: <https://bit.ly/2DpZ99i>
- Record of the 2008 SADC Summit of Heads of State and Government (16-17 August 2008, Sandton, South Africa) available online at: <https://bit.ly/3eeNEOu>
- Communique of the 36th Summit of SADC Heads of State and Government (30-31 August 2016, Mbabane, Swaziland) available

online at: <https://bit.ly/3gHl3TU>

Chapter 5

The Intergovernmental Authority on Development

1 Introduction

In 1996, the Intergovernmental Authority on Development (IGAD) was established as a regional economic community. IGAD succeeded an earlier regional community, the Intergovernmental Authority on Drought and Development (IGADD). IGADD was established in 1986 by six member states as a regional coordinated initiative to tackle development and drought control in the region – which had been faced with unprecedented droughts for a decade. In April 1995, the Heads of State and Government of IGADD decided on a revised and expanded scope of cooperation, formally paving the way for the establishment of IGAD. On 21 March 1996, the Heads of State and Government signed the ‘Letter of Instrument to Amend the IGADD Charter/Agreement’ establishing IGAD as successor to IGADD. The revitalised organisation was officially launched on 25 November 1996 in Djibouti.

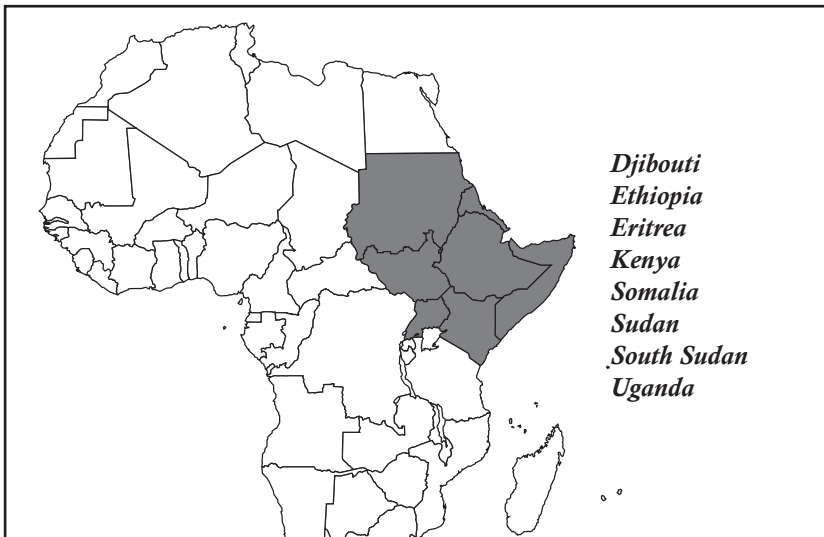
In its current form IGAD is composed of an Assembly of Heads of State and Government, its supreme decision-making body; a Council of Ministers; Committee of Ambassadors, and Secretariat. Much like the other Regional Economic Communities, IGAD has dedicated several instruments solely to regional peace and security – most notably its Protocol on the Establishment of a Conflict Early Warning and Response Mechanism. In order to address regional conflicts, IGAD has established a Peace and Security Division which includes, among others, a Conflict Early Warning Response Mechanism and a Centre of Excellence in Preventing and Countering Extremism. Additionally, the Peace and Security Division is also engaged in a Conflict Prevention, Management and Resolution Programme as well as a Security Sector Programme.

IGASOM

In March 2005, IGAD proposed the deployment of a peacekeeping mission to Somalia during its civil war. The IGAD Peace Support Mission in Somalia (IGASOM) was meant to be deployed immediately that year. IGASOM’s deployment received authorisation from both the Africa Union’s Peace and Security Council (AU PSC) as well as the United Nations

Security Council. IGASOM was mandated with five key objectives: to monitor progress by the Transitional Federal Institutions (TFIs) and the Union of Islamic Courts in implementing agreements reached in their dialogue in Somalia; ensure free movement and safe passage of all involved with the dialogue process; maintain and monitor security in Baidoa; protect members of the TFIs and government and their key infrastructure, and train the TFIs' security forces to enable them to provide their own security; and to help facilitate the re-establishment of national security forces of Somalia. However, after several months of frustrations among member states, a lack of commitment to the deployment and changing circumstances in Somalia, the IGASOM deployment was never realised. Eventually, the African Union Mission in Somalia (AMISOM) took over all planning and operations when it was established by the AU PSC on 19 January 2007.

Member States



2 Treaties

Agreement Establishing the Intergovernmental Authority on Development (IGAD) (1996)

Full title: Agreement Establishing the Intergovernmental Authority on Development (IGAD)

Date/place of adoption/conclusion: 21 March 1996, Nairobi, Kenya

EIF provision: Article 21

Authentic texts: English, French

Available online at: <https://bit.ly/38HU07T>

Excerpts

...

Confident that the development of economic cooperation and integration between the countries of the region will contribute to the achievement of the purposes set forth in the Charters of both the OAU and the United Nations;

...

Convinced of the need for concerted efforts to combat drought and other natural or manmade disasters;

Inspired by the noble purpose of promoting peace, security and stability, and eliminating the sources of conflict as well as preventing and resolving conflicts in the sub-region;

...

Hereby agree as follows:

Article 1A: Establishment and Legal Status

- (a) An Inter-Governmental Authority on Development (IGAD) hereinafter referred to as the 'Authority' is hereby established.
- (b) Membership shall be open only to African States in the sub-region which subscribe to the principles, aims and objectives enshrined in the Agreement.
- (c) New members shall be admitted by a unanimous decision of the Assembly.
- (d) Application for membership shall be made by means of an official written request to the Assembly.

...

Article 6A: Principles

The Member States solemnly reaffirm their commitment to the following principles:

- (a) The sovereign equality of all Member States;
- (b) Non-interference in the internal affairs of Member States;
- (c) The peaceful settlement of inter- and intra-State conflicts through dialogue;
- (d) Maintenance of regional peace, stability and security;
- (e) Mutual and equitable sharing of benefits accruing from cooperation under this Agreement;
- (f) Recognition, promotion and protection of human and people's rights in accordance with the provisions of the African Charter on Human and People's Rights

Article 7: Aims and Objectives

The Aims and Objectives of the Authority shall be to:

- ...
- (d) Achieve regional food security and encourage and assist efforts of Member States to collectively combat drought and other natural and man-made disasters and their consequences;
- ...
- (g) Promote peace and stability in the sub-region and create mechanisms within the sub-region for the prevention, management and resolution of inter and intra-State conflicts through dialogue;
- (h) Mobilize resources for the implementation of emergency, short-term, medium-term and long-term programmes within the framework of sub-regional cooperation;
- ...
- (k) Develop such other activities as the Member States may decide in furtherance of the objectives of this Agreement.

Article 8: Structure and Operation

The Authority shall comprise the following organs:

- (a) An Assembly of Heads of State and Government;
- (b) A Council of Ministers;
- (c) A Committee of Ambassadors;
- (d) A Secretariat

Article 9: The Assembly of Heads of State and Government

1. The Assembly of Heads of State and Government is the supreme organ of the Authority.
2. The functions of the Assembly shall be to:
 - (a) Make policy, direct and control the functioning of the Organisation;
 - (b) Determine the main guidelines and programmes of cooperation;
 - (c) Give guidelines and monitor political issues especially on conflict prevention, management and resolution;

...

Article 10: The Council of Ministers

1. The Council shall be composed of the Ministers of Foreign Affairs and one other focal Minister who shall be designated by each Member State.

2. The functions of the Council shall be to:

...
(e) promote, monitor, coordinate and harmonize initiatives for realizing the Authority's objectives

...
(g) monitor the implementation of the decisions of the Assembly;
(h) promote peace and security in the sub-region and make recommendations to the Assembly;

...
(j) monitor and enhance humanitarian activities;
(k) follow up political and security affairs which include conflict prevention, management and resolution as well as post conflict peace building;

Article 13A: Areas of Cooperation

Member States agree to develop and expand cooperation and undertake to:

...
(q) respect the fundamental and basic rights of the peoples of the region to benefit from emergency and other forms of humanitarian assistance.

(r) at the national level and in their relations with one another, be at all times guided by the objectives of saving lives, of delivering timely assistance to people in distress and of alleviating human suffering. In this regard, Member States shall facilitate the movement of food and emergency supplies in the event of man-made or other natural disasters from surplus of deficit areas.

(s) facilitate repatriation and reintegration of refugees, returnees and displaced persons and demobilized soldiers in cooperation with relevant governmental and non-governmental organizations in accordance with the existing national, regional and international instruments;

...

Article 18: Relations with Other Organizations

In pursuit of its aims and objectives under this Agreement, the Authority may enter into agreements with other regional organizations and with intergovernmental and non-governmental agencies and non-member states.

Article 18A: Conflict Resolution

Member States shall act collectively to preserve peace, security and stability which are essential prerequisites for economic development and social progress. Accordingly Member States shall:

- (a) take effective collective measures to eliminate threats to regional co-operation peace and stability;
- (b) establish an effective mechanism of consultation and cooperation for the pacific settlement of differences and disputes;
- (c) accept to deal with disputes between Member States within this sub-regional mechanism before they are referred to other regional or international organisations.

...

Protocol on the Establishment of a Conflict Early Warning and Response Mechanism for IGAD Member States (2002/2003)

Full title: Protocol on the Establishment of a Conflict Early Warning and Response Mechanism for IGAD Member States

Date/place of adoption/conclusion: 9 January 2002, Khartoum, Sudan

Entered into force (EIF): August 2003

EIF provision: Article 17

Authentic texts: English, French

Available online at: <https://bit.ly/2ZdrTKJ>

Excerpts

We, the Member states of the Inter-governmental Authority on Development

...

Reaffirming the objectives of promoting regional peace, security and stability and creating mechanisms for the prevention, management and resolution of inter- and intra-state conflicts through dialogue;

Determined to act collectively to preserve peace, security and stability in the region, to enhance regional co-operation and to eliminate all forms of threat thereto;

Inspired by the need to establish an effective mechanism of consultation and cooperation for the peaceful settlement of disputes;

Convinced of the need to respond early to conflicts in the region;
Taking note of the Khartoum Declaration of the Eighth IGAD Summit that took place on the 23rd November, 2000, and particularly the resolution for the establishment of a Conflict Early Warning and Response Mechanism (CEWARN) for IGAD Member States.

Have agreed as follows:

Article 1: Definitions

In this Protocol:

- ‘Protocol’ means the Protocol Establishing a Conflict Early Warning and Response Mechanism for IGAD member states;
- ‘Establishing Agreement’ means the Agreement Establishing the Intergovernmental Authority on Development (IGAD);
- ‘Khartoum Declaration’ means the Khartoum Declaration of the 8th IGAD Summit of 23 November 2000;
- ‘Member state’ means a member of CEWARN;
- ‘Assembly’ means the Assembly of Heads of State and Government of IGAD; ‘Council’ means the Council of Ministers of IGAD;
- ‘Committee’ means the Committee of Ambassadors of IGAD
- ‘Chairman of the Council’ means the Chairman of the Council of Ministers of IGAD;
- ‘Executive Secretary’ means the Chief Executive Officer of IGAD;
- ‘Secretariat’ means the executive body of the Assembly (article 12, Establishing Agreement);
- ‘CEWARN’ means the Conflict Early Warning and Response Mechanism established by this Protocol;
- ‘CEWARN Unit’ means the IGAD Secretariat’s technical arm of CEWARN;
- ‘CEWERU’ means national conflict early warning and response mechanism;
- ‘Early warning’ is the process of collecting, verifying and analysing information and communicating the results to decision-makers;
- ‘Information’ means raw data that has not been analysed;
- ‘Analysis’ means the interpretation of data in a specific context;
- ‘Response’ means actions to prevent, mitigate and manage conflict.

Article 2: Establishment of CEWARN

1. A Conflict Early Warning and Response Mechanism (CEWARN) is hereby established.
2. CEWARN shall become an integral part of the Inter-governmental Authority on Development.
3. Only Member states which have ratified this protocol are entitled to participate in the activities of CEWARN.

Article 3: The Legal Foundation of CEWARN

1. In addition to the Establishing Agreement and the Khartoum Declaration, the following shall form the legal foundation of CEWARN:
 - (a) The Protocol establishing CEWARN;
 - (b) Agreements which may be concluded between CEWARN and international, regional and sub-regional organisations;
 - (c) National laws on information and security subject to the provisions of this Protocol and the guidelines provided in the Annex.
2. Member states are encouraged to adjust their relevant national laws in order to accommodate their obligations under this Protocol.

Article 4: Structure of CEWARN

1. The decision-making structures for CEWARN established under this Protocol are complementary to those already existing in IGAD.
2. The structure of CEWARN is established as follows:
 - (a) The policy arm consisting of the Assembly, Council and Committee;
 - (b) The administrative arm consisting of the Secretariat;
 - (c) The technical arm consisting of:
 - (i) CEWARN Unit;
 - (ii) CEWERUs.
 - (d) The co-operating arms consist of:
 - (i) optional inter-state structures;
 - (ii) optional sub-regional councils.
 - (e) The coordinating arms consist of:
 - (i) The Committee of Permanent Secretaries established under Article 9 of this Protocol;
 - (ii) The Technical Committee on Early Warning (TCEW).

Article 5: Functions of CEWARN

- 1) The functions of CEWARN cover both early warning and response and shall include the following:
 - (a) Promote the exchange of information and collaboration among member states on early warning and response on the basis of the following principles:
 - (i) timeliness
 - (ii) transparency
 - (iii) cooperation
 - (iv) free flow of information
 - (b) Gather, verify, process and analyse information about conflicts in the region according to the guidelines provided in the Annex.
 - (c) Communicate all such information and analysis to decision makers of IGAD policy organs and the national governments of Member States
 - (d) More specifically, the early warning functions of CEWARN shall include:
 - (i) receiving information and reports from CEWERUs;

- (i) processing and analysing such information;
- (iii) bringing that information to the attention of the secretariat;
- (iv) providing the necessary feedback to the CEWERUs;
- (v) disseminating such information as it is authorised, to those who are authorised, and in a manner that member states prescribe;
- (vi) updating and synthesising information;
- (vii) setting standards;
- (viii) monitoring and coordinating information collection and reporting;
- (ix) promoting dialogue on information and analysis;
- (x) networking among information gathering organisations;
- (xi) verifying information received from the CEWERUs.

Article 6: The CEWARN Unit

1. The CEWARN unit shall be part of the Directorate of Political and Humanitarian Affairs and will be governed by the IGAD service regulations.
2. The CEWARN unit shall have financial autonomy to the extent necessary for the performance of its functions.
3. The CEWARN Unit may initiate cooperative arrangements with international, regional and sub-regional organisations.
4. The terms, conditions and modalities governing such arrangements shall be governed by agreements concluded between IGAD and such other organisations.
5. The terms and conditions will be decided by the Executive Secretary in consultation with the Committee of Permanent Secretaries.

Article 7: Functions of the CEWARN Unit

The functions of the CEWARN Unit shall be to:

1. Assist the Secretariat to administer IGAD's Documentation Centre.
2. Identify users of the information processed by CEWARN, and their needs.
3. Establish networks of cooperation in early warning and response among member states.
4. Serve users by:
 - (a) acting as a clearing house for information;
 - (b) creating and managing databases on information for early warning and response;
 - (c) providing a shared internet communication centre for CEWERUs;
 - (d) developing guidelines for information users in consultation with the Committee on Early Warning;
 - (e) setting standards and developing common practices for information collection, reporting and documentation, and establishing common formats for reporting on conflict early warning;
 - (f) harmonising common information policies and systems for early warning in member states.
5. Support the development of CEWERUs and provide technical

- assistance for their establishment.
6. Develop close cooperation among CEWERUs.
 7. Establish collaborative relationships, including information sharing, with similar international, regional and sub-regional mechanisms in Africa.
 8. Train CEWERU personnel and generally promote human and institutional capacity building in the area of early warning and response.
 9. Recommend mechanisms for regional responses to cross-border and trans-border conflicts.

Article 8: Structures of Co-operation

1. Member states may establish inter-state structures for cooperation in addition to the national and regional structures for co-operation in early warning provided for in this Protocol.
2. Such inter-state structures of cooperation may be established through bilateral agreements, memoranda of understanding, or through any other means that the cooperating members may decide.
3. While the right of member states to establish inter-state structures of cooperation in early warning and response is preserved, such structures should complement and strengthen the integrity and sustainability of CEWARN.
4. Individual clusters of member states experiencing common security problems, such as livestock rustling, may form Sub-regional Peace Councils, or refer such problems to existing bilateral arrangements.
5. Sub-regional Peace Councils shall meet as often as their members may decide for the purposes of sharing information on specific peace and security related issues in the sub-regions.
6. The Executive Secretary shall facilitate administratively periodic reports of the sub-regional peace councils to the Committee on Early Warning.
7. Any agreement concluded by sub-regional member states shall promote the objectives, functioning and sustainability of CEWARN.

Article 9: Co-ordinating Structures

1. The regional structure of early warning shall consist of CEWARN, the Secretariat, the Committee on Early Warning, the Committee of Ambassadors, the Council of Ministers and the Assembly.
2. There shall be a Committee of Permanent Secretaries. This committee shall be composed of:
 - (a) Permanent Secretaries or equivalent ranks of the Ministries for Foreign Affairs
 - (b) The Executive Secretary, the Director of Political and Humanitarian Affairs and Coordinator of the CEWARN Unit as ex officio

members

3. The Committee of Permanent Secretaries shall report directly to the Council.
4. The Committee of Permanent Secretaries shall meet at least twice a year.
5. There shall be a Technical Committee on Early Warning composed of:
 - (a) the Heads of CEWERU
 - (b) one representative from civil society or one representative from an independent research institution of each member state
 - (c) the coordinator of the CEWARN Unit
6. The Technical Committee on Early Warning will report to the Committee of Permanent Secretaries
7. The Technical Committee on Early Warning shall meet at least twice a year.

Article 10: Co-ordinating Functions

1. The functions of the Committee of Permanent Secretaries are to:
 - (a) exchange information on conflict and early warning;
 - (b) be a link between the Assembly, the Council, the Committee and the Secretariat;
 - (c) harmonise coordination between CEWARN and CEWERUs;
 - (d) report and make recommendations to the Council on the following areas:
 - (i) conflict in the IGAD region;
 - (ii) coordination between CEWARN and CEWERUs;
 - (iii) cooperation between governments and civil society in early warning and conflict management;
 - (iv) recommendations for preventive action.
 - (e) review periodically the functioning of CEWARN;
 - (f) approve users of information suggested by the secretariat;
 - (g) link and coordinate the policy, administrative and technical functions.
2. The functions of the Early Warning Committee shall be to:
 - (a) promote cooperation between CEWERUs of member states;
 - (b) promote cooperation between CEWERUs and CEWARN Unit;
 - (c) review periodically the Protocol on information sharing and recommend amendments whenever necessary;
 - (d) review the reports of the following consultative mechanisms:
 - (i) consultations between representatives of CEWARN and CEWERUs held at least twice a year;
 - (ii) consultations between CEWERUs and local units which will be held quarterly or at such more frequent intervals as each member state may determine.
 - (e) liaise between civil society and the Secretariat;

Article 11: Structure of CEWERUs

1. A CEWERU shall be established in the most suitable location as member states decide taking into account their logistical and administrative arrangements.
2. A CEWERU will consist of:
 - (a) an optional steering committee;
 - (b) a focal point;
 - (c) local committees.
3. The CEWERU steering committee shall include:
 - (a) representatives of the central government;
 - (b) representatives from parliament;
 - (c) representatives of the provincial administration;
 - (d) police;
 - (e) military;
 - ...
4. The steering committee shall report to the Committee of Permanent Secretaries.
5. CEWERUs shall be linked to IGAD through the CEWARN Unit and the Ministry of Foreign Affairs in each member state and shall serve as the focal point for communications between CEWERUs and CEWARN.

Article 12: Function of CEWERUs

1. The functions of CEWERUs shall include:
 - (a) collecting information relevant to early warning and response;
 - (b) liaising with civil society groups involved in collecting information at the grassroots and other levels;
 - (c) undertaking preliminary analysis of collected information;
 - (d) reviewing analyses received;
 - (e) formulating response strategies;
 - (f) preparing periodic conflict early warning reports;
 - (g) communicating information and analysis gathered to the CEWARN Unit;

Article 13: Privileges and Immunities

Member states shall accord designated experts and officials on special mission for CEWARN privileges and immunities necessary for the performance of their activities.

Such privileges and immunities shall not be lesser than those accorded to officials of the Secretariat of comparable status.

Article 14: Resources of the Mechanism

1. CEWARN, through the IGAD Secretariat, shall have the power to solicit and receive grants and donations related to the performance of its functions.

2. The resources of CEWARN shall come from:
 - (a) contributions from member states;
 - (b) grants, donations and contributions from other sources approved by the Council.

...

3 Declarations, frameworks and policies

Khartoum Declaration of the 8th Summit of Heads of State and Government of IGAD (2000)

Full title: Declaration of the Eighth Ordinary IGAD Summit of Heads of State and Government

Date/place of adoption/conclusion: 23 November 2000, Khartoum, Republic of Sudan

Available online at: <https://bit.ly/2AHGm8m>

* The Khartoum declaration endorsed the establishment of an early warning system resulting in the adoption of the CEWARN Protocol (see above).

Excerpts

We Heads of State and Government of the Intern-Governmental Authority on Development (IGAD) of Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan and Uganda, having met in Khartoum under the chairmanship of H.E. Omar Hassan Al-Bashir, President of the Republic of Sudan, and carried out extensive discussions of ways and means of consolidating our co-operation in various political, economic, social and humanitarian and other areas have agreed on the following:

1. Political Development in the Region:

- 1.1. We express satisfaction at the positive political development that has started to prevail in the sub-region. This augurs well for the endeavours of maintaining peace and stability in our member countries and for creating a conducive atmosphere for the realisation of the noble goal of peace, development and integration through enhanced efforts of collective sub-regional co-operation.

1.2. On the conflict between Ethiopia and Eritrea:

We note with satisfaction the cessation of hostilities between Ethiopia and Eritrea and we congratulate the two countries for having reached and signed a cessation of hostilities agreement to this effect. It is our conviction that the implementation of this agreement, under OAU auspices will bring a permanent solution to the conflict between them.

1.3. On the Somalia and Southern Sudan Peace Processes:

We have undertaken extensive consultations on the Somalia and Southern Sudan Peace Processes and after hearing reports on both we have adopted the resolutions attached to this declaration.

2. Enhancing Sub-Regional Co-Operation in the New Millennium:

2.1. We further recognise the need for our countries and peoples to come together and join efforts to meet the challenges, that confront our region as we enter the new millennium. We are, therefore, convinced that our peoples have the right to live in peace and rekindle their aspirations for stronger and cohesive unity transcending cultural, ideological, ethnic and national differences. We furthermore commit ourselves to promoting participatory democracy and adapt it to suit local conditions in our Member States. We also dedicate ourselves to promoting freedom of expression and association, transparency, good governance, and the rule of law in our Member States.

2.2. All forms of human rights - civil, cultural, economic, social and political are integral and indivisible rights of our peoples, We, therefore, re-affirm our commitment to respect human rights and ensure their prevalence and protection through effective systems as a guarantee of, and a necessary factor for, sustainable development.

2.3. We encourage the establishment of regional associations of professional unions, Chambers of Industries and Commerce, parliamentary unions and nongovernmental organisations (NGOs) and Civil Societies of Member States with the aim of promoting popular participation of the civil society as important players in issues related to fundamental freedoms and the well being of our peoples. We also direct the IGAD Secretariat to co-ordinate activities of national NGOs of the Member States and to involve them in action as and when the need arises.

2.4. We also encourage the facilitation and expansion of inter-state trade among member countries of the sub-region and request the IGAD Secretariat to study the draft agreement proposed by Sudan, in this respect, with a view to formulating a draft trade protocol to be submitted to the next ministerial meeting for consideration and possible approval.

2.5. We express our determination to the promotion of regional economic co-operation and urge IGAD member States to take the necessary measures for the implementation of cross-border projects of a regional

nature, in particular infrastructure projects in the area of transport, communication and power. The involvement of the private sector in various regional ventures including trade service shall be encouraged in view of the increasing role it is expected to play in accelerating regional integration.

2.6. We recognise the important role played by IGAD Partners Forum (IPF) and urge the international community to contribute more generously to promoting projects and programmes. We further, urge IGAD Secretariat to vigorously pursue resource mobilisation with IPF and other non-traditional international donor agencies with a view to accelerating implementation of IGAD's policy harmonisation programmes, priority projects, in particular regional infrastructure projects. In this regard, we express our concern at the selectivity policy of donors in financing regional projects as such selectivity policy is detrimental to regional cooperation and integration efforts. We endorse the resolution by the 20th Council of Ministers of IGAD on the Relations with Partners.

...

3. Revitalisation of the IGAD Secretariat and Institutional Matters

3.1. We re-affirm our commitment to strengthening the Authority and to making it more responsive and better adapted to the changing needs in view of the challenges inherent in globalisation and the new millennium. We therefore reiterate our commitment to timely pay our assessed contributions and settle all arrears.

3.2. We endorse the establishment of a mechanisms in the IGAD sub-region for the prevention, management and resolution of inter-state and intra-state conflicts, and direct the Executive Secretary to prepare a draft protocol on the establishment of Conflict Early Warning and Response Mechanism (CEWARN) for consideration by the Assembly at its next meeting.

3.3. We appreciate the support IGAD has received in the establishment within the Secretariat of a Women's Desk and a Plan of Action which was endorsed by IGAD Ministers - In - Charge of Gender Affairs, as an institutional policy framework to ensure mainstreaming gender into IGAD priority projects and programmes.

4. Implementation of Decisions

We mandate IGAD focal point Ministers to take the necessary measures towards the implementation of the above-mentioned decisions as soon as possible. We also call on the Executive Secretary as matter of priority, to take all appropriate measures to follow-up the implementation of these decisions.

IGAD Regional Strategy: Volume 1: The Framework (2016)

Full title: IGAD Regional Strategy: Volume 1: The Framework

Available online at: <https://bit.ly/2ZbJPW1>

IGAD Regional Strategy: Volume 2: Implementation Plan 2016-2020 (2016)

Full title: IGAD Regional Strategy: Volume 2: Implementation Plan 2016
- 2020

Available online at: <https://bit.ly/38HA6dp>

See also:

- Draft Protocol for the Establishment of the Eastern Africa Standby Brigade (EASBRIG) (13-17 February 2004, Jinja, Uganda) available online at: <https://bit.ly/2ZdcpXm>
- CEWARN Strategy Framework 2012-2020 (2012)
- Declaration of the IGAD Summit of Heads of State and Government on Progress of the Drought Disaster Resilience and Sustainability Initiative (IDDRSI) (27 March 2014, Kampala, Uganda) available online at: <https://bit.ly/2W2b03F>
- IGAD State of the Region Report (2016) available online at: <https://bit.ly/2ZKOcGE>
- Nairobi Declaration on Durable Solutions for Somali Refugees and Reintegration of Returnees in Somalia (25 March 2017, Nairobi, Kenya) available online at: <https://bit.ly/3gLq0Lr>
- Khartoum Declaration of Agreement Between Parties of the Conflict of South Sudan (27 June 2018, Khartoum, Republic of Sudan) available online at: <https://bit.ly/2Dje1Gk>

Selected institutional communiques and decisions:

- Press release: A severe Desert Locust outbreak threatens rural food security across East Africa (15 January 2020, Djibouti, Djibouti) available online at: <https://bit.ly/3iNyKCK>

The Burundi crisis of 2015

- Communique of the 4th Extraordinary Meeting of the Assembly of Heads of State and Government of the Eastern African Region (30 January 2016, Addis Ababa, Ethiopia) available online at: <https://bit.ly/3iMlqhO>

Admission of South Sudan to IGAD

- Communique of the 19th Extraordinary Session of the IGAD Assembly of Heads of State and Government (25 November 2011, Addis Ababa, Ethiopia) available online at: <https://bit.ly/31W7nAh>

On terrorism and piracy off the Somali coast

- Communique of the 20th Extraordinary Session of the IGAD Assembly of Heads of State and Government (27 January 2012, Addis Ababa, Ethiopia) available online at: <https://bit.ly/2ZbKcJn>
- Entebbe Communique (1 August 2017, Entebbe, Uganda) available online at : <https://bit.ly/2DkeiJ3>
- Press release: 2nd meeting of IGAD Task Force on the Red Sea and Gulf of Aden (18 September 2019, Djibouti, Djibouti) available online at: <https://bit.ly/2O87m4b>

IGAD position on the International Criminal Court

- Communique of the Joint Meeting of Foreign Ministers of the Intergovernmental Authority on Development (IGAD) and the East African Community (12 October 2013, Addis Ababa, Ethiopia) available online at: <https://bit.ly/3iJHyJr>
- IGAD Statement on Warrant of Arrest Against Sudanese President by the Kenyan High Court (undated, <https://bit.ly/2ZQU1CB>)
- Legal Opinion Relating to the Al Bashir Arrest Warrant Decision (undated, <https://bit.ly/322IT8m>)
- Executive Secretary Statement on Chamber of the International Criminal Court (undated, <https://bit.ly/2BV6s6JH>)

Chapter 6

The East African Community

1 Introduction

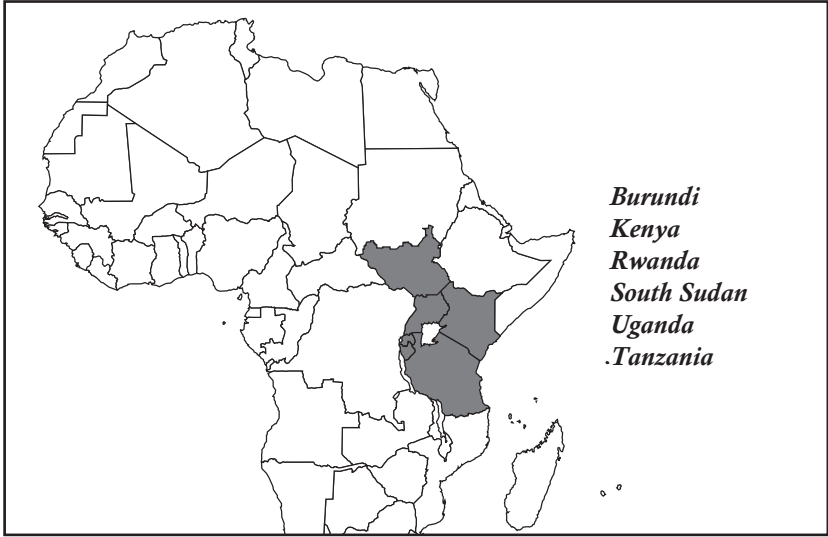
On 30 November 1993, the presidents of Kenya, Tanzania and Uganda signed the Agreement for the Establishment of a Permanent Tripartite Commission for Co-operation and formally established the Permanent Tri-partite Commission for East African Co-operation. The 1993 Agreement and Commission succeeded several attempts at regional integration between 1948 and 1977; and preceded the establishment of the East African Community (EAC) of 2000 in its current form. On 30 November 1999, a treaty to 're-establish' the EAC was signed. Prior to the establishment of the Tripartite Commission, the governments of Kenya, Tanzania and Uganda were involved in several successive regional integration and co-operation institutions. The first of these was a customs union between Kenya and Uganda formed in 1917 (joined in 1927 by Tanganyika or modern-day Tanzania). Thereafter an East African High Commission was established between 1948-1961, followed by the East African Common Services Organisation (1961-1967) and the East African Community (1967-1977). The 'Treaty for the Establishment of the East African Community' formally established the EAC and came into force on 7 July 2000.

The EAC is made up of seven principal organs: the Summit, composed of the Heads of Government of each member state (referred to as Partner States); the Council of Ministers, the central decision-making organ of the EAC comprised of Ministers or Cabinet members of the respective Partner States; the Coordinating Committee, responsible for regional cooperation and coordination of the Sectoral Committees; the relevant Sectoral Committees; the East African Court of Justice; the East African Legislative Assembly and the Secretariat.

Where peace and security in the region concern, the EAC Partner States have concluded several agreements aimed at fostering security and stability. Among these include agreements to combat drug trafficking, terrorism and maritime piracy. Additionally, the EAC Partner States have adopted extensive agreements aimed towards facilitating military training and interoperability between each Partner States' Armed Forces. Interestingly, the EAC has included in its regional peace and security instruments the combatting of cattle rustling – a unique inclusion among African regional

communities identifying it as a ‘threat to peace and security’ in the region which the EAC views as fundamental in combatting. Unlike other Regional Economic Communities, the EAC does not have a specific (nor central) organ dedicated to peace and security. Instead, several committees and working groups regulate the EAC inter-state response to threats to peace and security.

Member States



2 Treaties

Treaty Establishing the East African Community (EAC) (1999/2000)

Full title: The Treaty for the Establishment of the East African Community

Date/place of adoption/conclusion: 30 November 1999, Arusha, Tanzania

Entered into force (EIF): 7 July 2000

EIF provision: Article 152

Available online at: <https://bit.ly/2Z9Rxjw>

* Subsequently amended on 14 December 2006 and 20 August 2007.

Excerpts

...

Chapter Two: Establishment and Principles of the Community

Article 2: Establishment of the Community

1. By this Treaty the Contracting Parties establish among themselves an East African Community hereinafter referred to as 'the Community'.
2. In furtherance of the provisions of paragraph 1 of this Article and in accordance with the protocols to be concluded in this regard, the Contracting Parties shall establish an East African Customs Union and a Common Market as transitional stages to and integral parts of the Community.

...

Article 5: Objectives of the Community

1. The objectives of the Community shall be to develop policies and programmes aimed at widening and deepening co-operation among the Partner States in political, economic, social and cultural fields, research and technology, defence, security and legal and judicial affairs, for their mutual benefit.

...

3. For purposes set out in paragraph 1 of this Article and as subsequently provided in particular provisions of this Treaty, the Community shall ensure:

...

- (f) the promotion of peace, security, and stability within, and good neighbourliness among, the Partner States;

...

Article 6: Fundamental Principles of the Community

The fundamental principles that shall govern the achievement of the objectives of the Community by the Partner States shall include:

- (a) mutual trust, political will and sovereign equality;
- (b) peaceful co-existence and good neighbourliness;
- (c) peaceful settlement of disputes;
- (d) good governance including adherence to the principles of democracy, the rule of law, accountability, transparency, social justice, equal opportunities, gender equality, as well as the recognition, promotion and protection of human and peoples rights in accordance with the provisions of the African Charter on Human and Peoples' Rights;
- (e) equitable distribution of benefits; and
- (f) co-operation for mutual benefit.

Article 7: Operational Principles of the Community

...

2. The Partner States undertake to abide by the principles of good governance, including adherence to the principles of democracy, the rule of law, social justice and the maintenance of universally accepted standards of human rights.

...

Chapter Three: Establishment of the Organs and Institutions of the Community***Article 9: Establishment of the Organs and Institutions of the Community***

1. There are hereby established as organs of the Community:
 - (a) the Summit;
 - (b) the Council;
 - (c) the Co-ordination Committee;
 - (d) Sectoral Committees;
 - (e) the East African Court of Justice;
 - (f) the East African Legislative Assembly;
 - (g) the Secretariat; and
 - (h) such other organs as may be established by the Summit.
2. The institutions of the Community shall be such bodies, departments and services as may be established by the Summit.

...

Chapter Four: The Summit

Article 10: Membership of the Summit

1. The Summit shall consist of the Heads of State or Government of the Partner States.

...

Article 11: Functions of the Summit

3. The Summit shall review the state of peace, security and good governance within the Community and the progress achieved towards the establishment of a Political Federation of the Partner States.

...

Chapter Twenty-Three: Co-operation in Political Matters

Article 23: Political Affairs

1. In order to promote the achievement of the objectives of the Community as set out in Article 5 of this Treaty particularly with respect to the eventual establishment of a Political Federation of the Partner States, the Partner States shall establish common foreign and security policies.
2. For purposes of paragraph 1 of this Article, the Community and its Partner States shall define and implement common foreign and security policies.
3. The objectives of the common foreign and security policies shall be to:
 - (a) safeguard the common values, fundamental interests and independence of the Community;
 - (b) strengthen the security of the Community and its Partner States in all ways;
 - (c) develop and consolidate democracy and the rule of law and respect for human rights and fundamental freedoms;
 - (d) preserve peace and strengthen international security among the Partner States and within the Community;
 - (e) promote co-operation at international fora; and
 - (f) enhance the eventual establishment of a Political Federation of the Partner States.
4. The Community shall pursue the objectives set out in paragraph 3 of this Article by:
 - (a) establishing systematic co-operation between the Partner States on any matter of foreign or security policies of general interest within the Community in order to define a common position to be applied by the Partner States;

- (b) the co-ordination of the actions of the Partner States and the upholding by them of such co-ordinated actions in international organisations and at international conferences;
 - (c) the unreserved support of the Partner States of the Community's foreign and security policies and the avoidance by the Partner States of any action on their part which is contrary to the interests of the Community or is likely to impair the effectiveness of the Community as a cohesive force in international relations;
 - (d) peaceful resolution of disputes and conflicts between and within the Partner States;
 - (e) the co-ordination of the defence policies of the Partner States; and
 - (f) the promotion of co-operation among the National Assemblies of the Partner States and also with the Assembly.
5. The Council shall determine when the provisions of paragraphs 2, 3 and 4 of this Article shall become operative and shall prescribe in detail how the provisions of this Article shall be implemented.
 6. The Summit shall initiate the process towards the establishment of a Political Federation of the Partner States by directing the Council to undertake the process.
 7. For purposes of paragraph 6 of this Article, the Summit may order a study to be first undertaken by the Council.

Article 124: Regional Peace and Security

1. The Partner States agree that peace and security are pre-requisites to social and economic development within the Community and vital to the achievement of the objectives of the Community. In this regard, the Partner States agree to foster and maintain an atmosphere that is conducive to peace and security through cooperation and consultations on issues pertaining to peace and security of the Partner States with a view to prevention, better management and resolution of disputes and conflicts between them.
2. The Partner States undertake to promote and maintain good neighbourliness as a basis for promoting peace and security within the Community.
3. The Partner States shall evolve and establish regional disaster management mechanisms which shall harmonise training operations, technical co-operation and support in this area.
4. The Partner States undertake to establish common mechanisms for the management of refugees.
5. The Partner States agree to enhance co-operation in the handling of cross border crime, provision of mutual assistance in criminal matters including the arrest and repatriation of fugitive offenders and the exchange of information on national mechanisms for combating criminal activities. To this end the Partner States undertake to adopt the following measures for maintaining and promoting security in

their territories to:

- (a) enhance the exchange of criminal intelligence and other security information between the Partner States' central criminal intelligence information centres;
 - (b) enhance joint operations such as hot pursuit of criminals and joint patrols to promote border security;
 - (c) establish common communication facilities for border security;
 - (d) adopt the United Nations model law on mutual assistance on criminal matters;
 - (e) conclude a Protocol on Combating Illicit Drug Trafficking;
 - (f) enhance the exchange of visits by security authorities;
 - (g) exchange training programmes for security personnel; and
 - (h) establish common mechanisms for the management of refugees.
6. The Partner States undertake to co-operate in reviewing the region's security particularly on the threat of terrorism and formulate security measures to combat terrorism.

Article 125: Defence

1. In order to promote the achievement of the objectives of the Community as set out in Article 5 of this Treaty particularly with respect to the promotion of peace, security and stability within, and good neighbourliness among the Partner States, and in accordance with Article 124 of this Treaty, the Partner States agree to closely co-operate in defence affairs.
2. For purposes of paragraph 1 of this Article, the Partner States agree to establish a framework for co-operation.

...

Article 143: Sanctions

A Partner State which defaults in meeting its financial and other obligations under this Treaty shall be subject to such action as the Summit may on the recommendation of the Council, determine.

...

Article 146: Suspension of a Member

1. The Summit may suspend a Partner State from taking part in the activities of the Community if that State fails to observe and fulfil the fundamental principles and objectives of the Treaty including failure to meet financial commitments to the Community within a period of eighteen (18) months.
2. A Partner State suspended, in accordance with paragraph 1 of this Article, shall cease to enjoy the benefits provided for under this Treaty but shall continue to be bound by membership obligations until the suspension is lifted.

Article 147: Expulsion of a Member

1. The Summit may expel a Partner State from the Community for gross and persistent violation of the principles and objectives of this Treaty after giving such Partner State twelve months' written notice.
 2. Upon the expiration of the period specified in paragraph 1 of this Article, the Partner State concerned shall cease to be a member of the Community unless the notice is cancelled.
 3. During the period referred to in paragraphs 1 and 2 of this Article the Partner State concerned shall continue to comply with the provisions of this Treaty and be liable to discharge all subsisting obligations and long-term commitments incurred during membership.
- ...

Protocol on Combatting Illicit Drug Trafficking in the East African Region (2001)

Full title: EAC Protocol on Combatting Illicit Drug Trafficking in the East African Region

Date/place of adoption/conclusion: 13 January 2001, Arusha, Tanzania

EIF provision: Article 12

Authentic texts: English

Available online at: <https://bit.ly/2ZaV11S>

Protocol on Foreign Policy Coordination (2010)

Full title: EAC Protocol on Foreign Policy Coordination

Date/place of adoption/conclusion: 3 December 2010, Arusha, Tanzania

EIF provision: Article 13

Available online at: <https://bit.ly/3gI1KKc>

Excerpts

...

And whereas under the provisions of paragraph 1 of Article 151 of the Treaty, the Partner States undertook to conclude such Protocols as may be necessary in each area of Cooperation which shall spell out the objectives, scope of the institutional mechanisms for cooperation and integration;

Aware that the provisions of sub paragraph (h) of paragraph 1 of Article 142 of the Treaty saved the Memorandum of Understanding on Foreign Policy Coordination between the Partner States signed on 22nd January 1999;

Recognising the provisions of Articles 5, 6 and 123 of the Treaty;

...

The East African Community Partner States agree as follows:

...

Article 2: Scope of Cooperation

The Partner States undertake to co-operate in foreign policy co-ordination and to promote and articulate Community policies and strategies for the purposes of:

- (a) collaboration in diplomatic and consular matters;
- (b) collaboration in multilateral diplomacy;
- (c) collaboration in economic and social activities; and
- (d) collaboration in capacity building.

Article 3: Principles

1. The Partner States shall cooperate and coordinate in matters of foreign policy in accordance with Articles 5, 6, 7, 123, 124 and 125 of the Treaty.
2. Without prejudice to paragraph 1, the Partner States undertake to observe, among others, the following principles of foreign policy:

...

- (b) defence of justice, human rights, equality, good governance, the rule of law and democracy;
- (c) mutual respect, sovereignty and the territorial integrity of the Partner States;
- (d) promotion of peaceful co-existence and good neighbourliness, regional cooperation and integration;
- (e) promotion of regional peace and security;
- ...
- (g) respect for international law.

Article 4: Objectives

- (a) promote development and harmonization of policies and strategies to support foreign policy co-ordination;
- (b) safeguard the common values and interests of the Community;

- (c) develop and promote the consolidation of democracy, the rule of law, respect for human rights and fundamental freedoms within the Community and with foreign countries;
- (d) preserve peace and strengthen security among the Partner States and with foreign countries;
- (e) provide operational mechanisms within which to fully effect the coordination of the foreign policies of the Partner States;
- ...
- (h) enhance cooperation in the fight against international crimes.
- ...

Protocol on Cooperation in Defence Matters (2012/2015)

Full title: East African Community Protocol on Co-Operation in Defence Affairs

Date/place of adoption/conclusion: 28 April 2012, Arusha, Tanzania

Entered into force (EIF): 19 November 2015

EIF provision: Article 26

Available online at: <https://bit.ly/2ZQHFKT>

Preamble

We, the Heads of State of the Partner States of the East African Community;

Taking cognisance of the Treaty for the Establishment of the East African Community;

Desiring to establish a framework for Co-operation in Defence in accordance with Article 125 of the Treaty;

Committed to the establishment of a framework for close co-operation in defence affairs for the promotion of peace, security and stability within and good neighbourliness among the East African Community Partner States (hereinafter referred to as 'the Partner States') in accordance with the objectives of the Community;

Re-affirming our faith in the purposes and principles of the Charter of the United Nations, the Constitutive Act of the African Union and our desire to live in peace with all peoples and governments;

Recognising the principles of strict respect of sovereignty, equality, territorial integrity, political independence, good neighbourliness, interdependence, non aggression and non-interference in each Partner

State's in internal affairs:

Convinced that peace, security and strong political relations are critical factors in creating a conducive environment for regional co-operation and integration;

Conscious of the fact that close co-operation, mutual understanding and collaboration in matters of defence will be to the mutual benefit of our countries;

Desirous of establishing and consolidating further ties of friendship and fraternity between our countries and our Armed Forces;

Inspired by the need to establish an effective mechanism of cooperation in defence affairs;

Hereby agree as follows:

...

Article 2: Scope of Co-operation

1. The Partner States shall cooperate in all defence affairs and collaboration with international and regional organisations to promote peace, security and stability in the Community.
2. Without prejudice to the generality of this Article, the Partner States agree, to *inter alia* cooperate in the following areas:
 - (a) military training;
 - (b) joint Operations;
 - (c) technical Co-operation;
 - (d) visits and exchange of information.

Article 3: Objectives

The objectives of this Protocol are:

- (a) develop, promote and pursue policies and programmes aimed at widening and deepening cooperation among the Partner States in defence affairs for their mutual benefits.
- (b) promote peace, security and stability within, and good neighbourliness among Partner States in order to guarantee the protection and preservation of life and property, the wellbeing of the people in the Community and their environment as well as the creation of conditions conducive to sustainable development.
- (c) anticipate and prevent conflicts. In circumstances where conflicts have occurred to undertake Peace Support Operations and Peace Building functions for the resolution of such conflicts.
- (d) promote and implement peace -building and post-conflict reconstruction activities to consolidate peace and prevent the resurgence of violence.
- (e) coordinate and harmonise regional efforts in the prevention and combating of international terrorism in all its aspects.
- (f) undertake such other activities ancillary to cooperation in defence affairs that are calculated to further the objectives of the Community,

as the Partner States may from time to time determine.

Article 4: Fundamental Principles

The fundamental principles that shall govern the Partner States in the achievement of the objectives under this Protocol shall include:

- (a) mutual trust, political will and sovereign equality;
- (b) peaceful co-existence and good neighbourliness;
- (c) peaceful settlement of disputes;
- (d) good governance including adherence to the principles of democracy, the rule of law, accountability, transparency, social justice, equal opportunities, gender equality, as well as the recognition, promotion and protection of human and peoples' rights in accordance with the provisions of the African Charter on Human and Peoples' Rights;
- (e) equitable distribution of benefits; and
- (f) cooperation for mutual benefit.

Article 5: Operational Principles

1. The operational principles that shall govern the practical achievement of the objectives of this Protocol shall include:
 - (a) the provision by the Partner States of an adequate and appropriate enabling environment, such as conducive policies and basic infrastructure;
 - (b) principles of subsidiarity with emphasis on multilevel participation and the involvement of wide range of stakeholders in the process of integration;
 - (c) the principle of variable geometry which allows for the progression in cooperation among groups within the Community for wider integration schemes in various fields and at different speeds.
 - (d) the equitable distribution of benefits accruing or to be derived from the operations of the EAC and measures to address imbalances that may arise from such operations;
 - (e) the principle of complementarity; and
 - (f) the principle of a symmetry.
2. The Partner States undertake to abide by the principles of good governance including the adherence to the principles of democracy, the role of law, social justice and the maintenance of universally accepted standards of human rights.

Article 6: Military Training

The Partner States agree to cooperate in military training. For this purpose, the Armed Forces of the Partner States shall:

- (a) offer vacancies at each other's military training institutions and facilities for training of personnel and for any other military duties related to training as may be jointly decided upon;
- (b) endeavour to have joint, conferences and training seminars;
- (c) exchange students and directing staff at their training colleges;

- (d) undertake training in joint Peace Support Operations as may be jointly agreed and shall endeavour to harmonise their syllabi and guidelines in regard to peace support operations; and
- (e) as and when agreed, conduct joint training exercises in disaster management, anti or counter terrorism and search and rescue operations.

Article 7: Joint Operations

The Partner States agree to undertake joint operations. For this purpose, the Armed Forces of the Partner States shall cooperate in:

- (a) handling disasters as well as search and rescue operations, develop and implement necessary mechanisms in support of civil authorities and such other related matters as may be mutually agreed.
- (b) joint formulation of mechanisms for the operationalization of Peace Support Operations within the contexts of the United Nations Charter and the Constitutive Act of the African Union.
- (c) aid to civil authority in disarmament, maritime patrol and surveillance establishing an early warning mechanism and in combating terrorism and cattle rustling.

Article 8: Technical Cooperation

The Partner States agree to undertake joint technical cooperation. For this purpose, the Armed Forces of the Partner States shall cooperate in:

- (a) the supply and acquisition of spares, use, repair and maintenance of military equipment;
- (b) military research and development and to this extent offer each other research facilities;
- (c) establishing and maintaining reliable and secure communication facilities between the Chiefs of Defence of their Armed Forces and shall encourage general communication at different levels in order to foster co-operation in defence;
- (d) support of the joint utilisation of each other's defence industries and facilities.

Article 9: Visits and Exchange of Information

1. The Partner States agree to cooperate in visits and exchange of information.
2. For the purpose of paragraph 1, the Armed Forces of the Partner States shall cooperate in visits, information and cultural exchanges, rifle ranges and sports competitions in order to enhance co-operation and spirit of comradeship amongst the Armed Forces of the Partner States.

Article 10: Institutional Coordination Mechanisms

The institutional coordination organs of the EAC Partner States' Armed Forces are hereby established as follows:

1. The Sectoral Council on Cooperation in Defence Affairs;
2. The Consultative Committee on Cooperation in Defence Affairs;
3. The Sectoral Committee on Cooperation in Defence Affairs;
4. Defence Experts Working Groups.

Article 11: Composition and Functioning of the Sectoral Council

1. The Sectoral Council shall consist of the Ministers of the Partner States responsible for defence affairs.
2. The functions of the Sectoral Council shall be to:
 - (a) make decisions and develop policies as directed by Summit of the Heads of State; and
 - (b) implement decisions of the Summit of Heads of State.
 - (c) review and consider reports from the Consultative Committee and coordinate their activities.

Article 12: Composition and Functioning of the Consultative Committee

1. The Consultative Committee shall be composed of the Permanent Secretaries of the Partner States responsible for defence affairs and Chiefs of Defence Forces.
2. The functions of the Consultative Committee shall be to:
 - (a) monitor and constantly review the implementation of the decisions of the Sectoral Council; and
 - (b) review and consider reports from the Sectoral Committee and coordinate their activities.

Article 13: Composition and Functioning of the Sectoral Committee

1. The Sectoral Committee shall be composed of senior officers of the Armed Forces and such other officers as each Partner State may determine.
2. The functions of the Sectoral Committee shall be:
 - (a) prepare comprehensive implementation programme and set out priorities with respect to cooperation in defence affairs.
 - (b) submit from time to time reports and recommendations to the Consultative Committee on the implementation of the Protocol.

Article 14: Defence Experts Working Groups

1. The Defence Experts Working Groups may from time to time be formed by the Sectoral Council on Cooperation in defence affairs to discharge such responsibilities as may be deemed necessary by the Sectoral Council.
2. The Defence Experts Working Groups in discharge of their duties shall determine their own procedures.

Article 15: Coordination Offices

1. The coordination offices are hereby established as follows:
 - (a) the Defence Liaison Office;
 - (b) East African Community Desk in each Armed Forces Headquarters;
 - (c) any other office as may be established by the Sectoral Council.
2. The Defence Liaison office at the Secretariat of the East African Community shall be:
 - (a) manned by senior officers not being the rank of Colonel seconded from the Armed Forces for a renewable term of three years who will be classified as professional officers of the Community;
 - (b) responsible in the Sectoral Committee on cooperation in Defence Affairs matters of the Community except in respect to defence matters of an operational nature.
3. The functions of the Defence Liaison Office shall be to:
 - (a) provide the coordination link between the Armed Forces of the Partner States and the Secretariat;
 - (b) undertake research work on all agreed military issues; and
 - (c) perform such other duties as may be assigned by the Secretary General of the Community.
4. Each Liaison Officer shall:
 - (a) be answerable to the Secretary General of the Community on administration matters and to the Armed Forces headquarters of their respective Partner States on all defence matters;
 - (b) be bound by Staff Rules and Regulations of the Secretariat in addition to being subject to military law of their respective countries;
 - (c) ensure that classified documents in his or her custody are not handled by unauthorized staff.
5. In the event of misconduct by a Defence Liaison Officer, the Secretary General will report to the Armed Forces Headquarters of the Partner State concerned and make appropriate recommendations, including the withdrawal of the Officer.
6. There shall be a Chair of the Defence Liaison Officers who shall be appointed in accordance with the practice of the Community.
7. The Chair shall be responsible for:
 - (a) coordination between the Defence Liaison Officers and Secretary General.
 - (b) coordination and implementation of the Defence sector programmes and decisions within the Community Secretariat.
 - (c) performance of any other duties as may be assigned by the Secretary General.
8. There shall be a Desk at the Armed Forces Headquarters of each Partner State to be called the East African Community Desk.
9. The East African Community Desk shall provide liaison between the Armed Forces Headquarters and the Secretariat.

Article 16: Access and Movement of the Armed Forces

1. The Partner States shall cooperate in the areas of Access and Movement of their Armed Forces.
2. For purposes of paragraph 1, the Armed Forces of the Partner States shall as mutually agreed from time to time:
 - (a) use each other's military airfield, seaports and land-based facilities for visits, training, exercises, refuelling, navigation and for other acceptable military purposes;
 - (b) access each other's military facilities in accordance with such procedure as shall be agreed.
3. The Partner States shall exempt from compulsory insurance, registration licencing, testing or payment of levies, fees, charges and tolls to visiting vessels, vehicles and aircraft which belong to the Armed Forces of any of the Partner States;
4. The Partner States shall grant entry to members of the Armed Forces of one Partner State into the territory of another Partner State on production of valid travel documents and shall be subject to such statutory provisions on tax as apply to members of the Armed Forces of the host Partner State.
5. The Partner States shall regulate the of their Armed Forces during visits in each other's territory in accordance with the Status of Forces agreement hereto attached as Annex 'A'.

Article 17: Mutual Defence Pact

The Partner States undertake to negotiate and conclude a Mutual Defence Pact within one year upon entry into force of this Protocol.

Article 18: Implementation

1. The Partner States undertake to ensure that necessary domestic regulatory or administrative measures are initiated in their respective territories to facilitate the implementation of the provisions of this Protocol.
2. The Partner States shall establish, maintain and review the strategy and plan of action for the implementation of the Protocol.

Article 19: Financial Arrangements

1. The Partner States agree to share expenses arising from all joint training, operational and technical co-operation as shall be mutually agreed.
2. The costs of training of personnel at each of the Partner States training institutions shall be agreed upon separately and paid for accordingly.

Article 20: Confidentiality

1. The Partner States agree not to disclose any classified information obtained under the operation of this Protocol other than to members of their own staff to whom such disclosure is essential for purposes of giving effect to this Protocol.
2. The Partner States shall ensure that such staff shall at all times maintain strict secrecy.
3. The Partner States shall not use any classified information obtained during any multilateral co-operation among them to the detriment of any of them.

Article 21: Dispute Settlement

1. In the event of a dispute between two or more Partner States concerning the interpretation or application of this Protocol, the Partner States concerned shall seek the settlement of the dispute through negotiations and other alternate dispute resolution mechanisms.
2. If the Partner States concerned do not reach agreement as provided for in paragraph 1, the Partner States or the Secretary General may refer such dispute to the East African Court of Justice in accordance with Articles 28 and 29 of the Treaty.
3. The decision of the East African Court of Justice on any dispute referred to it shall be final.

Article 22: Amendment

This Protocol may be amended by the Partner States in accordance with the provisions of Article 150 of the Treaty.

Article 23: Annexes

1. Annexes to this Protocol shall form an integral part of it.
2. The Partner States agree to conclude such other annexes on other areas of cooperation in defence affairs covered under this Protocol as they may deem fit and necessary.

Article 24: Relationship between this Protocol and Other Protocols under the Treaty

1. This Protocol takes cognisance of the existence of other Protocols on other areas of co-operation that affect co-operation in defence affairs within the Community.
2. The Partner States shall consult and co-operate on other Protocols with a view to ensuring the achievement of the objectives of this Protocol and avoiding any interference with the achievement of the objectives and principles of those instruments or any inconsistency

between the implementation of those instruments and this Protocol.

Article 25: Relationship between this Protocol and Other Regional and International Arrangements

The provisions of this Protocol shall not affect the rights and obligations of any Partner State deriving from any existing regional and international arrangements except where the exercise of those rights and obligations would be detrimental to the realization of the objectives of this Protocol.

...

Annex 'A'

Status of Forces Agreement Between the Partner States of East African Community

The Partner States have reached the following understanding relating to the status of the armed forces during the operation in military training visits and other related matters authorized by the protocol.

Areas of co-operation

1. The Partner State agree to inter alia cooperate in the following areas:
 - (a) military training
 - (b) joint operations
 - (c) technical co-operation
 - (d) visits and exchange of information

Access and movement

- 2.(a) Members of visiting armed forces on official visits shall be granted freedom of entry into and exist from the territory of the host Partner State upon production of an official service identification card and valid travel document.
- (b) Competent authorities of the armed force will ensure that particulars of personnel and equipment entering or exiting are provided in advance to appropriate host Partner State authorities for ease of administrative clearance,
- (c) Members of visiting armed forces may use other military airfield, seaport and land-base facilities for visits, training, exercise, refuelling, navigation and for other acceptable military purposes.
- (d) Members of the visiting forces of the armed forces of Partner State will access each other's military facilities in accordance with such procedure as will be agreed;

- (e) The Partner States shall exempt from compulsory insurance, registration licensing, testing or payment of levies, fees, charges and tolls to visiting vessels, vehicles and aircraft which belong to the armed forces of any of the Partner States.
- (f) The host Partner State shall ensure physical security of the members of the visiting Armed forces and their equipment.

Uniforms and Arms

- 3. Members of the armed forces on official visits or training assignments may wear their respective service uniforms and insignia. They may possess and carry arms when authorized to do so by their competent authorities after consultation with and subject to any restriction and direction on security and such related matters imposed by the host Partner State acting through its competent authorities.

Costs

- 4. The costs of visits for purpose of this Agreement will be borne by the sending States or as may be otherwise agreed by the Partner States.

Protection of Laws

- 5. While on training, visits or other recognized military duties in the host Partner States, Armed Forces personnel will be in entitled to the protection of the law of state.

Jurisdiction and enforcement of the law

- 6. In addition to the provisions on general protection of the law stipulated in the foregoing clause the following provisions will apply:
 - (a) Armed Forces in charge of visiting member of a force may exercise in the host Partner State disciplinary jurisdiction conferred on them by the law of the sending Partner States of a member of its force.
 - (b) The courts of law of the host Partner State may exercise jurisdiction over members of visiting Armed Forces with respect to offences committed in its territory and punishable under its law.
- 7. In cases where the right to exercise jurisdiction is concurrent, the visiting Armed Forces will have the primary right to exercise jurisdiction if:
 - (a) the offence is against the property or security of the visiting Forces State or against the property or person of another member of that forces; or
 - (b) the offence arises out of an act or omission in the course of official duty and the host Partner State confirms that there is no overriding public interest in the trial of the offence by its courts.
- 8. In any other case the courts of the host Partner State will have primary right to exercise jurisdiction with respect to offences committed in that state and punishable under its law. Where a trial in respect of

such offence takes place the accused will be entitled to all basic right of a fair and speedy due process of the law.

9. The host Partner State and the visiting Armed Forces will assist each other in the arrest of offenders for the purpose of handing them over under the provisions of clause 6 of this Agreement. They will in addition assist each other in the investigation and obtaining of evidence in relation to offences committed by members of a visiting force in the host Partner State.

Claims and Liabilities

10. Each Partner State undertakes to waive any claim it may have against the other Partner State, or any officer, serviceman, servicewoman, servant or agent of the other Partner State for injury (including injury resulting in death) suffered by its service personnel, servants and gents or for damage to or loss of property owned by the Partner State if such injury, death, damage or losses is caused by the acts or omissions of the other Partner State or any officer, serviceman, servicewoman, servant or agent of that Partner State whilst in the performance of official duties in connection with the Protocol.
- 11.(a) The Host Partner State will deal with and settle in accordance with its law, all third-party claims arising out of activities involving members of Visiting Armed Forces except those of a contractual nature.
- (b) Where any such claim arises due to an act or omission of the Visiting Armed Forces or any of its personnel which results in injury, death, loss or damage done in performance of official duties related to this Agreement, the Host Partner State will subsequently charge 50% of the cost of the settlement to the Visiting Armed Forces. For the purposes of this clause cost shall include all sums of money incurred by the Host State in settling the claim.
12. With regard to claims arising out of tortious acts or omissions occasioned outside the course of official duties in connection with this Agreement, the host Partner State will consider the claim in a fair and just manner taking into account all the circumstances of the case the laws and practice prevailing in its territory and will submit a report to the Visiting Armed Forces Partner States for consideration and payment of compensation. If the offer of such compensation in full satisfaction of the claim is made and accepted, the Partner State of the visiting Armed Forces will, through the host Partner State, make the payment.

Nothing in this clause will affect the jurisdiction of the courts of any of the Partner States to entertain claims against Governments, their service personnel, servants or agents for both contractual and tortious claims unless there has been payment in full satisfaction of

the claim.

Taxation

13. Members of the visiting Armed Forces will be exempted from income tax and any other form of direction levied under the laws of the host Partner State on their pay, allowances and other emoluments and benefits paid to them as such members. Remittances of such official and personal funds between a host and any Visiting Armed Forces of a Partner State will be freely permitted.

Imports and Exports

14. Each Partner State will allow Armed Forces personnel on visits exceeding three months to import into the host Partner States free of duty their personal equipment and material as well as household effects and any furniture and one private motor vehicle for their personal use. Such goods imported free of duty may be re-exported freely and without payment of duty. Any disposal of these goods in the host Partner State by sale or otherwise will be subjected to the payment of duty in accordance with the law applicable.

Driving Licences

15. The Partner State will accept as valid current driving license, international driving license or service driving permits issued by each respective Partner State to members of its Armed Forces.

Health Facilities

16. The visiting armed forces' Partner State will be responsible for the cost of medical, optical, dental and hospital treatment for members of its Visiting Armed Forces and for arranging evacuation in the event that suitable medical treatment is not available. The host Partner State will, however, provide treatment for minor complaints at military medical reception centers free of charge.

Dispute Settlement

- 17.(a) Any dispute regarding the interpretation or application of this Agreement will be resolved through consultation among the Partner States.
- (b) If the Partner States concerned do not reach agreement as provided for in paragraph 1, either Partner State or the Secretary General may refer such dispute to the East African Court of Justice in accordance with Article 28 and 29 of the Treaty.
- (c) The decision of East African Court of Justice or any dispute referred to it shall be final.

Amendment

18. The Partner States may at any time review and amend any of the provisions of this Agreement upon the request of any of them.
19. Any amendment of this agreement under the provisions of the preceding subparagraph will take effect upon the signature of addendum to this Agreement incorporating such amendment.

The East African Community Conflict Management Act (2012)

Full title: The East African Community Conflict Management Act, 2012

Date/place of adoption/conclusion: 29 May 2012

Available online at: <https://bit.ly/3eaNCHp>

* Adopted by the East African Community Legislative Assembly.

Excerpts

An Act to make provision for an East African Community conflict prevention, management and resolution mechanism and to provide for other related matters

Enacted by the East African Community and assented to by the Heads of State.

1. This Act may be cited as The East African Community Conflict Management Act, 2012 and shall come into force on such date as the Council may, by notice published in the Gazette appoint.
2. In this Act unless the context otherwise requires:
'Assembly' means the East African Legislative Assembly established by Article 9 of the Treaty;
'Community' means the East African Community established by Article 2 of the Treaty;
'conflict' means a disagreement through which the parties involved perceive a threat to their needs, interests or concerns;
'conflict prevention' means the effort made to prevent the escalation of a dispute into violent conflict;
'conflict resolution' means a wide range of methods of addressing sources of conflict and of finding means of resolving or containing it in less destructive form;

‘Council’ means the Council of Ministers of the Community established by article 9 of the Treaty;

‘Directorate’ means the Directorate established under section 10;

‘Director’ means the Director appointed under section 10;

‘disaster management’ means strategies for managing disasters which help to ensure that loss of life, property and environmental degradation is minimized, and includes strategies for the prevention, preparedness, response and recovery, situation and risk analysis, and the planning and the implementation of plans or programs, and for monitoring and evaluation;

‘early warning’ means the process of collecting, verifying and analysing information for the purpose of identifying threats to peace and security and communicating the information to the responsible authorities;

...

‘Partner States’ means the Republic of Burundi, the Republic of Kenya, the Republic of Rwanda, the United Republic of Tanzania, the Republic of Uganda, and any other country granted membership to the Community under Article 3 of the Treaty;

‘preventive diplomacy’ means diplomatic efforts or actions taken to ensure timely intervention to avoid conflict in the Community;

3.(1) The main objective of this Act is to promote conflict prevention and peaceful resolution of conflicts that might arise in the Community.

(2) The specific objectives of this Act are to –

- (a) prevent internal, cross border and regional conflicts affecting the Partner States;
- (b) bring together the conflicting parties for mediation;
- (c) encourage the parties to a conflict to resolve the conflict amicably;
- (d) encourage cooperation among the Partner States in conflict management; and
- (e) co-ordinate post conflict management.

4.(1) There is established a Panel known as the East African Community Panel of Eminent Persons.

(2) The Panel shall be responsible for prevention, management and resolution of conflicts in the Community.

(3) The Panel shall be responsible to the Secretary General.

5. The functions of the Panel are to:

- (a) identify potential sources of conflict;
- (b) propose pre-emptive responses to address conflict situations;
- (c) undertake mediation and negotiation to forestall and diffuse conflicts;
- (d) propose modalities for intervention and stabilisation of conflict situations;
- (e) cause the operationalisation of the conflict early warning and response mechanism of the Community;
- (f) cause the facilitation of and support the negotiation and mediation capacity of the Community;
- (g) enhance conflict resolution capabilities in relation to regional

- tensions in the Community;
- (h) develop capacities at the Secretariat and in the Partner States to anticipate and mitigate conflicts;
 - (i) sensitise the people of East Africa on the East African Community conflict prevention, management and resolution mechanism; and
 - (j) facilitate the Partner States in resolving internal conflicts utilising the mechanism under this Act.
- 6(1) The Panel shall consist of one eminent person from each Partner State, appointed by the Summit upon recommendation of the Council.
- (2) The Summit shall, within ninety days upon the coming into force of this Act appoint the first members of the Panel.
- (3) Members of the Panel shall hold office for a period of three years and shall be eligible for re-appointment once.
- ...

Protocol on Peace and Security (2013)

Full title: EAC Protocol on Peace and Security

Date/place of adoption/conclusion: 15 February 2013, Das es Salam, Tanzania

EIF provision: Article 20

Available online at: <https://bit.ly/2ZdrTui>

Excerpts

Preamble

Whereas the Republic of Kenya, the United Republic of Tanzania and the Republic of Uganda signed the Treaty Establishing the East African Community on the 30th day of November 1999;

And whereas the Republic of Burundi and the Republic of Rwanda acceded to the accession Treaty on the 1st day of July 2007;

And whereas in order to promote the achievement of the objectives of the Community set out in the Treaty the Partner States agreed under Article 5(3)(f) to promote peace, security, and stability within, and good neighborliness among themselves;

And whereas under Article 124 of the Treaty the Partner States agreed that peace and security are pre-requisites to social and economic development

within the Community and vital to the achievement of the objectives of the Community;

And whereas the Partner States further agreed to foster and maintain an atmosphere that is conducive to peace and security through cooperation and consultations on issues pertaining to the peace and security of the Partner States with a view to the prevention, better management and resolution of disputes and conflicts between them;

And whereas under Article 151 of the Treaty, the Partner States undertook to conclude such protocols as may be necessary in each area of cooperation which shall spell out the objectives, scope of, and the institutional mechanisms for cooperation and integration;

Now therefore the Partner States;

Re-affirming their faith in the purposes and principles of the Charter of the United Nations, and the Constitutive Act of the African Union and the desire to live in peace with all peoples and governments;

Recognising the principles for the respect of sovereignty, equality, territorial integrity, political independence, good neighbourliness, interdependence, non- aggression and non-interference in the internal affairs of each Partner State;

Aware that peace, security and strong political relations are critical factors in creating a conducive environment for regional co-operation and integration;

Conscious of the fact that close co-operation, mutual understanding and collaboration in matters of peace and security will be to the mutual benefit of the Partner States;

Determined to establish a regional mechanism for the effective implementation of decisions made in areas of peace and security, and to consolidate further ties of friendship and fraternity amongst the Partner States;

Agree as follows:

Article 1: Interpretation

In this Protocol, except where the context otherwise requires-

‘combined operations’ means any operation carried out by the forces of the Partner States under one command;

‘Community’ means the East African Community established by Article 2 of the Treaty;

‘Council’ means the Council of Ministers of the Community provided for under Article 9 of the Treaty;

‘counter-terrorism’ means practices, tactics, techniques, and strategies that Governments, militaries, police departments and corporations of Partner States adopt in response to terrorist threats or acts, both real and imputed;

‘cross border crime’ means a crime committed across Partner States

which share a common border;

‘disaster management’ means strategies for managing disasters which help to ensure that loss of life, property and environmental degradation is at a minimum and includes strategies for the prevention, preparedness, response and recovery, situation and risk analysis, and the planning and the implementation of plans or programs, and for monitoring and evaluation;

‘early warning’ means the process of collecting, verifying and analysing information for the purpose of identifying threats to peace and security and communicating the information to the responsible authorities;

‘genocide’ means any of the following acts committed with intent to destroy, in whole or in part, a national ethnical, racial or religious group as such:

- (a) killing members of the group;
- (b) causing serious bodily or mental harm to the members of the group;
- (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) imposing measures intended to prevent births within the group;
- (e) forcibly transferring children of the group to another group;

‘joint operations’ means operations, which involve multi-Sectoral agencies of the Partner States engaged in peace support operations, disaster management, search and rescue, counter-terrorism, transnational and cross border crimes and any other operations which may be mutually determined by the Partner States;

‘terrorism’ means:

- (a) any act which is a violation of the criminal laws of a Partner State and which may endanger the life, physical integrity or freedom of, or cause serious injury or death to, any person, any member or group of persons or causes or may cause damage to public or private property, natural resources, environmental or cultural heritage and is calculated or intended to:
 - (i) intimidate, put in fear, force, coerce or induce any government, body, institution, the general public or any segment of any of these, to do or abstain from doing any act, or to adopt or abandon a particular standpoint, or to act according to certain principles; or
 - (ii) disrupt any public service, the delivery of any essential service to the public or to create a public emergency or create general insurrection in a Partner State;
- (b) any promotion, sponsoring, contribution to, command, aid, incitement, encouragement, attempt, threat, conspiracy, organising, or procurement of any person, with the intent to commit any act referred to in paragraph (a)(i) and (ii);

‘transnational crime’ means a crime committed across the border of Partner States which do not share a common border.

Article 2: Scope of Cooperation

1. The Partner States shall cooperate in peace and security matters and

- collaborate with international and regional organisations to promote peace and security in the region.
2. The Partner States shall where necessary develop common measures, strategies and programmes and enter into agreements for the effective implementation of this Protocol.
 3. Without prejudice to the generality of this Article, the Partner States agree to, *inter alia* cooperate in the following areas:
 - (a) conflict prevention, management and resolution;
 - (b) prevention of genocide;
 - (c) combating terrorism;
 - (d) combating and suppressing piracy;
 - (e) peace support operations;
 - (f) disaster risk reduction, management and crisis response;
 - (g) management of refugees;
 - (h) control of proliferation of illicit small arms and light weapons;
 - (i) combating transnational and cross border crimes; including drug and human trafficking, illegal migration, money laundering, cyber crime and motor vehicle theft;
 - (j) addressing and combating cattle rustling; and
 - (k) Prisons and Correctional Services including exchange of prisoners, detention, custody and rehabilitation of offenders.
 4. For purposes of paragraph 3, the Partner States agree to establish an early warning mechanism to facilitate the anticipation, preparedness and early responses to prevent, contain and manage conflict and crisis situations in the areas of cooperation.

Article 3: Objectives

1. The objective of this Protocol is to promote peace, security, and stability within the Community and good neighbourliness among the Partner States.
2. Without prejudice to paragraph 1, the Partner States undertake to:
 - (a) protect the people and safeguard the development of the Community against instability arising from the breakdown of law and order, intra-and inter-state conflicts and aggression;
 - (b) co-ordinate and co-operate in matters related to peace and security in the Community;
 - (c) prevent, contain and peacefully resolve conflicts and disputes among and within the Partner States;
 - (d) observe and encourage the implementation of the United Nations, African Union and other international conventions and treaties on arms control, disarmament and peaceful relations between Partner States;
 - (e) develop peacekeeping capacity and co-ordinate the participation of Partner States in international and regional peace support operations;
 - (f) enhance the capacity of the Community with respect to disaster management and co-ordination of international humanitarian

- assistance;
- (g) enhance the capacity of the Partner States in the management of refugees;
- (h) enhance the capacity of the Partner States in combating terrorism and piracy;
- (i) cooperate in exchange of prisoners, detention, custody and rehabilitation of offenders; and
- (j) implement the East African Community Strategy on Regional Peace and Security.

Article 4: Conflict Prevention, Management and Resolution

1. The Partner States undertake to develop an East African Community conflict prevention, management and resolution mechanism.
2. For purposes of paragraph 1, Partner States shall manage and seek to resolve any dispute or conflict within and between two or more Partner States or with foreign countries by peaceful means.
3. The Community may, in consultation with the United Nations Security Council and the Peace and Security Council of the African Union, offer to mediate in disputes or conflicts within and between two or more Partner States or with foreign countries.

Article 5: Prevention of Genocide

1. The Partner States undertake to cooperate in the prevention of genocide within the Community.
2. For the purposes of paragraph 1, the Partner States undertake to:
 - (a) prevent any act intended to destroy, in whole or in part, a national, ethnic, racial or religious group; and
 - (b) develop a joint mechanism for the prevention of genocide and take appropriate measures against the perpetrators.

Article 6: Combatting Terrorism

1. The Partner States agree to cooperate in counter terrorism measures within the Community.
2. For the purposes of paragraph 1, the Partner States undertake to:
 - (a) jointly formulate strategies and mechanisms for the operationalisation of counterterrorism measures;
 - (b) jointly formulate strategies and mechanisms to combat terrorism;
 - (c) jointly formulate strategies on how to conduct joint operations; and
 - (d) conduct combined operations or joint operations within the context of the Community, the African Union and the United Nations.

Article 7: Combatting and Suppressing Piracy

1. The Partner States agree to cooperate in combating piracy in the Community.
2. For the purposes of paragraph 1, the Partner States undertake to:
 - (a) jointly formulate mechanisms for the operationalisation of anti-

- piracy measures; and
- (b) jointly formulate mechanisms to fight piracy;
- (c) jointly develop strategies on how to fight and suppress piracy; and
- (d) conduct combined operations or joint operations within the context of the Community, the African Union and the United Nations.

Article 8: Peace Support Operations

1. The Partner States shall formulate a joint mechanism for the operationalisation of peace support operations within the context of the Charter of the United Nations, the Constitutive Act of the African Union and the Treaty.
2. The Partner States shall conduct peace support operations within the Community under a conflict prevention, management and resolution framework.

Article 9: Disaster Risk Reduction, Management and Crisis Response

1. The Partner States shall develop mechanisms to provide mutual assistance in disaster management and crisis response
2. For the purposes of paragraph 1, the Partner States shall:
 - (a) develop and early warning and response system for common disasters within the Community;
 - (b) establish the database for disaster management; and
 - (c) develop capacity to manage disaster situations.

Article 10: Management of Refugees

1. The Partner States undertake to establish common mechanisms for the management of refugees.
2. For the purposes of paragraph 1, the Partner States shall:
 - (a) harmonize their policies, laws, strategies and programmes on the management of refugees;
 - (b) incorporate the provisions of the 1951 UN Convention on Refugees and 1969 OAU Convention Governing Specific Aspects of Refugee Problems in Africa in their national legislation;
 - (c) establish and harmonise asylum procedures;
 - (d) network and share information regarding asylum seekers and refugees;
 - (e) institute mechanisms to facilitate family re-union;
 - (f) establish systems for agencies involved with refugees within the Community to share views and exchange experiences; and
 - (g) develop joint training modules for stakeholders in refugee management.

Article 11: Control of Proliferation of Illicit Small Arms and Light Weapons

The Partner States undertake to jointly develop policies, measures, mechanisms, strategies and programmes, to control the proliferation of

illicit small arms and light weapons.

Article 12: Combating Transnational and Cross Border Crimes

1. The Partner States shall undertake joint operations in controlling and preventing transnational and cross-border crimes including:
 - (a) the theft of motor vehicles;
 - (b) the smuggling of goods;
 - (c) illicit drug trafficking;
 - (d) human trafficking;
 - (e) illegal migration;
 - (f) trade in counterfeit goods;
 - (g) intellectual property piracy; and
 - (h) any other transnational and cross – border crimes.
2. For purposes of paragraph 1, the Partner States shall develop appropriate mechanisms, policies, measures, strategies and programmes to combat cross-border crimes including:
 - (a) the establishment of regional databases on cross-border crimes;
 - (b) the enhancement of technical capacity for criminal intelligence;
 - (c) the enhancement of the exchange of criminal intelligence and other security information between the Partner States central criminal intelligence information centres;
 - (d) the strengthening of cross border security;
 - (e) the training of personnel and sharing information on the modus operandi being used by criminals;
 - (f) the enactment of laws on mutual legal assistance in criminal matters; and
 - (g) the establishment of cross border and inter state communication.

Article 13: Preventing and Combating Cattle Rustling

1. The Partner States that do not have policies and laws to prevent and combat cattle rustling agree to develop and adopt policies, law and strategies to achieve this.
2. The Partner States agree to harmonise their policies, laws and strategies to prevent and combat cattle rustling.

Article 14: Cooperation in the Exchange, Detention, Custody and Rehabilitation of Prisoners and Offenders

1. The Partner States agree to cooperation in the exchange, custody and rehabilitation of prisoners and offenders.
2. For purposes of Paragraph 1, the Partner States agree to, inter alia cooperate in the following areas:
 - (a) the governance and management frameworks of prisons and correctional services;
 - (b) penal reform agenda; and
 - (c) research, data collection, information exchange and the enhancement of regional standards, policies and practices.

3. The Partner States agree to harmonise their training programmes and practices in relation to the management of penal and rehabilitation institutions.

Article 15: Institutional Arrangements

The Council shall determine the institutional arrangements for the implementation of this Protocol.

Article 16: Relationship with Regional and International Organisations

The Partner States shall foster cooperation with regional and international organizations whose activities have a bearing on the objectives of this Protocol.

Article 17: Confidentiality of Information

1. The Partner States undertake not to disclose any classified information, obtained under this Protocol or as a result of their participation in the Community, other than to their own officials to whom such disclosure is essential for purposes of giving effect to this Protocol or any directive taken by the Summit.
2. Partner States shall ensure that the officials referred to in this Article shall at all times maintain strict secrecy.
3. Partner States further undertake not to use any classified information obtained during any multilateral co-operation between and or among them to the detriment of any Partner State.
4. A Partner State shall remain bound by the requirement of confidentiality under this Article even after withdrawal and expulsion from the Community.

...

3 Declarations, frameworks and policies

Regional Strategy Against Piracy and for Maritime Security in the ESA-IO (2010)

Full title: Regional Strategy Against Piracy and for Maritime Security in Eastern and Southern Africa and the Indian Ocean (ESA-IO)

Date/place of adoption/conclusion: 7 October 2010, Grand Bay, Mauritius

Available online at: <https://bit.ly/320IBPi>

* Adopted by the Second Regional Ministerial Conference, 7 October 2010, Grand Bay, Mauritius (See also the relevant documents pertaining to the ESA-IO under the Indian Ocean Commission in chapter 10).

1. Context

For some years the States of the Eastern and Southern Africa, including the West Indian Ocean and its island States, have been increasingly subject to security challenges linked to piracy, maritime insecurity and organised crime. This is the subject of increasing concern in the region from a political, social and economic perspective, especially in the economically vulnerable small island states.

The Regional Strategy has been prepared following the decision of the 1st Regional Ministerial Meeting, held on the 21 May 2010, taking into consideration the following:

- Impact of Piracy in the ESA-IO region;
- The conclusions of the International Symposium and regional workshop held in July 2010 in Seychelles to assess needs as the basis for a regional framework for coordinated action within a comprehensive approach against piracy and for maritime security;
- The conclusions of the AU Summit in Kampala in July 2010;
- The last COMESA Summit, August 2010 approval of the Regional Action Plan against piracy as developed at the Seychelles workshop in July 2010;
- ESA-IO Regional Policies;
- Existing initiatives and actions for counter-piracy and maritime security; and
- The commitment of the EU and international partners to combat piracy in the region.

Details regarding the above are provided in Annex.

The above initiatives, though important and significant, have not been sufficient to contain piracy in the region as they are not accompanied by necessary capacity building activities in the ESA-IO region to ensure their

effective use and implementation.

2. Strategic Framework

The objective of the Regional Strategy is to provide the ESA-IO Regional Organisations and Member States with a comprehensive framework for capacity building and an effective Regional Plan of Action to address piracy and maritime security in the immediate, short, medium and long-term.

To achieve this objective the strategy includes the promotion of intra-African and international partnerships and regional cooperation, the protection of sovereignty, countering criminality across regional waterways and associated infrastructure, and ensuring environmental governance.

This ESA-IO Regional Strategy is consistent with and complementary to the existing international and regional maritime policies and specifically, it supports the AU African Maritime Transport Charter Plan of Action and Durban Declaration on Maritime Safety and Security adopted by the Heads of State and Government in October, 2009. The RS and RPA are in line with the Djibouti Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden from January 2009.

Additionally, they are linked with the efforts of the UN Security Council and the mandated Contact Group against Piracy off the Coast of Somalia (CGPCS) to address cooperation, coordination and exchange between stakeholders along with resource mobilization, human resources development, action against money laundering, and development of harmonized legislation, procedures and instruments for dealing with piracy.

The RPA will have immediate, short, medium and long term action to fight piracy and improve maritime security in the region and to establish and sustain conditions in the maritime domain to improve the political, social and economic conditions of the region. This Regional Strategy will be implemented in a 4-phase action plan. The time frame is defined as follows:

1. immediate term: 0 – 1 years
2. short-term: 2 – 5 years
3. medium-term: 6 – 10 years
4. long-term: 11 – 15 years

The RS will be based on the principle of complementarity of national and regional action and effective and fair burden sharing in the region. The RS should provide a framework for cooperation among countries, e.g. on hot pursuit in the territorial waters of another country. The RS will demonstrate to the population of the region that a joint effort is being undertaken by the countries of the region and the regional organisations.

It is important to ensure that all the ESA-IO Member States are involved

in the implementation of this RS. The countries which engage should be provided with appropriate technical and financial support.

3. Specific Priority Strategies

The long term solution to many of these maritime security and piracy challenges resides in the reconstitution and the strengthening of State institutions, reconstruction and restoration of the rule of law in Somalia. Tackling the root factors of piracy requires collective, comprehensive action, and persistent advocacy for action.

The need for coordinated, multi-sectoral approach has been strongly endorsed by all stakeholders from numerous consultations on the matter. Applying it will require reinforced cooperation and effective coordination of all maritime-related policies at the different decision-making levels. Actions undertaken will be, to the extent possible, complementary to existing initiatives.

Priority strategies are:

1. Develop, agree and implement a Somalia Inland Action Plan to counter and prevent piracy and in support of the on-going coordination agreements of the TFG, Puntland and Somaliland governments ('Kampala process').
2. This Plan will have three planks: (i) promoting inter-Somali dialogue, (ii) reconstruction of key Somali Institutions (an immediate priority is prison capacity in Somalia to allow convicted Somali pirates to be returned home to serve their sentences), (iii) dialogue with International Community and partners.
3. Encourage countries in the region to undertake prosecution with the financial and technical support of the international community. In order to achieve this a fivepronged approach will be undertaken;
 - (i) develop/harmonize legal framework/s to adequately deal with piracy, illegal, unreported and unregulated fishing, (IUU fishing) and dumping of toxic wastes, arms and drugs trafficking, human trafficking, oil bunkering, armed robbery at sea, and related maritime offences, as well as to combat money laundering and illicit financing activities;
 - (ii) strengthen criminal Justice Systems in these States of the region to develop where necessary the capacity for capture, arrest, detention, investigation, prosecution and imprisonment of convicted pirates; and
 - (iii) strengthen the capacity of the States and its institutions and all the stakeholders to address crimes related to piracy;
 - (iv) make arrangements for the transfer of convicted pirates and the repatriation of unconvicted pirates to the country of origin or any other country;
 - (v) develop prison capacity in the prosecuting countries pending the transfer of convicted pirates to serve the remainder of the sentence to country of origin, subject to the country having the capacity to

hold the convicted prisoners until the end of their sentences in line with the applicable international human rights standards.

4. Strengthen capacities of all the States in the region to secure their maritime zones of responsibility and adjacent international waters for all seafarers and for the effective pursuit of a viable Maritime Transport sector. There is a need to (i) develop deep water patrol capacity, (ii) address gaps in maritime regulation and to ensure that activities of security forces cooperate and operate in a coordinated way under a transparent maritime regulatory framework; and, ESA-IO ROs in coordination with the AU need to exploit the on-going initiative on maritime education and training with a greater focus on the growing risks of piracy and terrorism.

4. Implementation, Coordination and M&E Framework

The RPA will be implemented jointly by IGAD (for Inland Somali Action), COMESA, EAC and IOC and the ESA-IO Member States based on the principle of complementarity and subsidiarity.

A Network of Contact Points on Piracy (NCP) of the RECs and ESA-IO countries will be set up in order to ensure effective coordination and implementation of the RS and RAP.

Though each of the RECs and their member States will report on progress on the implementation of the RS and RPA within its own Policy Organs, it is important to have a platform to oversee and validate the overall direction and re-orientation of the RS and RPA. The ESA-IO configuration which includes Member States and RECs will be used for the timely and effective implementation of the RS and RAP.

The IRCC shall serve as the secretariat of the platform. This will take the form of an annual ESA-IO Regional Ministerial Meeting against Piracy (ERMMP) and will also include participation from key stakeholders such as the AU, the UN, and the IMO, the CGPCS, the PMAESA, INTERPOL, EUNAVFOR and a representative of the IRCC Secretariat. Representatives of other relevant partners and key actors may be invited as observers. This platform will also be used as a permanent coordinating mechanism, for monitoring and assessment of progress and evaluate the effects of the RS and RPA.

Annex

Background

Impact of Piracy in the ESA-IO region

The IMO reported in 2009 that the ESA-IO region has become the most pirate infested waters in the world. Somalia pirates have been attacking vessels in the marine areas of Kenya, Tanzania, Seychelles, and Madagascar and further off into the Indian Ocean.

Piracy is the practice of attacking and robbing ships at sea, sometimes demanding ransom for the ship, its content and the crew and sometimes involving total loss. An insecure marine area adversely affects trade, food security, income from exploitation of fisheries, other marine resources and tourism. It is reported that tourism revenues in the Seychelles alone have declined 30% over the past few years affected by piracy, security threats and damage.

Piracy undermines the security of the region and its ports and their continued development as a commercial hub in the global economy. Trade costs and insurance have increased; cruise ships are avoiding the regional ports, some shipping companies are now avoiding the region using longer routes to gain access to European and Mediterranean markets. 90 per cent of ESA-IO regional trade by volume went by sea in 2008. Additionally, lack of effective maritime security increases the risks of smuggling of people, weapons, drugs and terrorism.

Lack of maritime security adds to high transport costs in the region and undermines the regional integration processes. Efficient and secure port facilities are a vital maritime element for an integrated transport network embracing road, rail and air services. Piracy weakens the integration of the region's commercial infrastructure, reducing the competitive advantage of its wealth of natural resources. Piracy increases not only the cost of commerce, but undermines economic and social development in the region.

The ESA-IO coastline and marine area are too extensive to be permanently patrolled individually by countries. At present the region itself does not have sustained deepwater maritime surveillance and relies heavily on outside forces to protect maritime commerce and shipping. As a result much of this area is in effect, ungoverned and vulnerable to piracy, smuggling, terrorism and unlicensed and illegal fishing.

Piracy in the Indian Ocean is not new. Its long history shows that for states to take effective action they must defend their shipping, apprehend and prosecute the perpetrators of each crime and also attend to the underlying causes of the crime itself. Urgent effective action is essential in the interests of all states in the region and their trading partners. This requires effective policing on land, efficient and secure port facilities,

safety of passage, and probity of customs personnel.

Conclusions of the 1st Regional Ministerial Meeting, the International Symposium and Regional Workshop, May- July 2010

Seychelles, one of the most severely hit countries, initiated a first Regional Ministerial Meeting, held on the 21 May 2010, which resulted in a Joint Communiqué with the following conclusions:

- Piracy in the Indian Ocean has again become a menace affecting international trade, security, the region's economy and, social development. Piracy is today an international problem which requires a comprehensive, multilateral solution with an integrated short, medium and long-term strategy;
 - * In the short term, continuing deterring and capturing pirates remains a priority, with a crucial role for the EU-NAVFOR Atlanta Operation but additional requirements for improvements in policing on land and in the legal, judicial and penal systems in the region;
 - * In the medium term, there is a need to strengthen the capacities of all the states in the region to secure their maritime zones of responsibility and international waters for all sea-farers and to prosecute and imprison pirates;
 - * For the long term a comprehensive approach must address the underlying causes of maritime insecurity, including piracy as well as embed the fight against piracy in a regional Maritime Safety and Security Strategy in line with continental efforts by the African Union.
 - * The partners agreed to enhance their domestic action plans and formulate a more comprehensive, coherent and sustainable regional maritime security strategy, including against piracy to be agreed at a further early ministerial level conference.

Further to the Regional Ministerial Meeting, in May 2010, an International Symposium and a regional workshop were held to assess needs. These meetings concluded on the need for a regional framework for coordinated action within a comprehensive approach to maritime security. The Regional Workshop on Piracy which took place on 12-13 July 2010 in Seychelles concluded on the need to stabilize the situation in Somalia to eradicate piracy in the region;

To establish a more coordinated approach to international cooperation to catch pirates and to penalize those who gain from piracy and those who finance it; to establish a regional ESA-IO strategy and related programme for short, medium and long term action against maritime piracy in the region; and accepting that the TFG is the internationally recognized authority in Somalia, it should be supported to conduct delineation of its EEZ so as to prevent illegal fishing and the dumping of hazardous and toxic waste.

The conclusions of the AU Summit in Kampala in July 2010

The AU Summit in Kampala in July 2010 reiterated its deep concern over the spread of maritime piracy and called on the AUC to further elaborate a continental strategy on the basis of the recommendations of the recent workshop on Maritime Security and Safety held in Addis. It stressed the importance of adequate protection of the African maritime domain against organized crime, as well as illegal fishing and dumping of toxic waste. Finally, the Summit called for the convening, within the framework of the UN, of a conference to develop an international convention on Piracy.

This strategic proposal, which builds on the recommendations emerging from these consultations and on existing regional international commitments, is aimed at providing a framework for effective action in support of maritime security and against piracy in the ESA-IO region.

ESA-IO Regional Policies

The African Union and the ESA-IO Regional Organisations have piracy high on their agenda. The outcome of the consultation within the IRCC sets the scene for a comprehensive Regional Strategy and immediate, medium and long term Regional Action Plan against piracy and maritime security. The Regional Organisations of the Eastern and Southern and Indian Ocean region within the Inter-Regional Coordinating Committee (IRCC), participated actively in the consultations to develop a regional Strategy and Action Plan against maritime piracy and its adverse economic impact in the region.

African Union and ESA-IO Regional Organisations have piracy high in their agenda. The outcome of the consultation within the IRCC sets the scene for a comprehensive Regional Strategy and immediate, medium and long term Regional Action Plan against piracy and maritime security. These resolutions, policies and provisions include the following:

- **AU Summit.** The AU Heads of State adopted the Maritime Transport Charter together with an Action Plan in January 2010. Now, the issue is to see its implementation; more action specifically related to:
 - * establishment and support of maritime and ports' authorities;
 - * establishment and support of shippers' councils and national and regional shipping lines;
 - * increased interaction among Regional Economic Communities (RECs) and specialised organisations;
 - * promotion of cooperation in training, seafarer education, international maritime standards, capacity building and exchange of best practices;
 - * implementation of the UN Convention of the Law on the Sea (UNCLOS) and updating of maritime legislation to make it compatible with the promotion of safe and secure shipping;
 - * Encouragement of private initiatives in maritime security

investment.

- **COMESA Summit.** In June 2009, the 13th Summit of COMESA registered its deep concern on the rising incidence of piracy off the Coast of Somalia and the Mozambican Channel that has a significant negative impact on the economies of COMESA Member States and constitutes a threat to peace and security in the region, adding a new dimension to the vulnerability of States in the region, adversely affecting the main economic sectors such as trade, tourism and fisheries. COMESA condemned these acts of piracy in the strongest terms. The Summit called upon the international community to adopt a coordinated approach to tackling the issue of Piracy through the United Nations. In addition, at the last COMESA Summit in August 2010, COMESA endorsed the Regional Action Plan against piracy developed at the Seychelles workshop in July 2010 and set out a five point plan as follows:
 1. The formulation of a sound maritime policy and the implementation of a comprehensive strategy at the regional level, with the involvement of the African Union and Regional Groupings;
 2. The enactment of appropriate laws at the national level to fight piracy effectively;
 3. The continuing support for capacity building institutions and agencies and appropriate facilities at the national level for the prosecution of and imprisonment as appropriate of pirates;
 4. The effective coordination and collaboration by states at the regional levels; and,
 5. Efficient collaboration with the international community.
- **IGAD Council.** The IGAD Council denounced piracy along the coast of Somalia during its 14th Extraordinary Summit held in Nairobi on 29th October 2008 and on 30th June 2009 in Sirte during the AU Summit. The Summit also acknowledged the UNSC resolutions 1815, 1816, and 1838 of 2008 that authorized the use of force to combat piracy and called upon states and international organizations to be active against piracy. The Council of Ministers convened a Ministerial Conference on 'Piracy in Somali waters' in December 2008. The Council also unanimously considered that the increasing piracy, along the coast of Somalia, is a symptom of overall economic, political, security, and social problems affecting Somalia in the last 19 years and that a sustainable solution can only be achieved through addressing the root causes, in particular by establishing institutions for the better governance and protection of the people of Somalia. Member states also committed themselves to enact enabling legislation to combat piracy. The IGAD Capacity Building Programme against Terrorism (ICPAT) commissioned a study and presented a report on the fight against piracy along the coast of Somalia.
- **IOC Council.** The IOC adopted a resolution against piracy and

maritime security at its 25th Council in April 2009, in Comoros, and high level meeting followed in July 2009 and set out recommendations for the exchange of information and closer partnership with UNODC and among Member States to reinforce cooperation on security and justice.

- **EAC Ministers of transport** expressed strong commitment to fight piracy early in 2010.
- **IRCC.** The Interregional Coordinating Committee regrouping the Regional Organisations of the ESA-IO region (COMESA, EAC, IGAD, IOC and SADC) and AU, ACP and the EU) agreed to take forward a concerted process. The 19th IRCC meeting endorsed an IOC proposal for a concerted regional effort in order to counter the piracy/ maritime security issues. The EC as an IRCC member circulated a Reflection Paper providing the main elements of a regional action on the basis of following challenges, to:
 - * Establish a closer interregional collaboration and increase regional ownership in the fight against piracy;
 - * Develop elements of attractiveness for the beneficiary countries;
 - * Address the issue of 'burden-sharing' amongst countries prosecuting and imprisoning suspect pirates;
 - * Counterweight ATALANTA Naval Operation with an 'onshore' response;
 - * Ensure long-term sustainability of current efforts.

The Regional Organisations of the Eastern and Southern and Indian Ocean region within the Inter-Regional Coordinating Committee (IRCC), participated actively in the consultations to develop a regional Strategy and Action Plan against piracy and for maritime security maritime piracy and its adverse economic impact in the region.

Existing initiatives and actions for counter-piracy and maritime security in ESAIO region

The political, economic and social challenges of maritime insecurity, including piracy, in the region have been recognised by all major regional organisations as shown in the previous section, including the Ports Management Authority of Eastern and Southern Africa (PMAESA) and the new Djibouti Code of Conduct under the International Maritime Organisation (IMO). This has already led to a series of separate concrete proposals to build the capacity in the region, including the Djibouti training centre and the Yemen information centre.

Other initiatives against piracy include the AU African Maritime Transport Charter and Plan of Action, the AU Durban Declaration on Maritime Safety and Security, the Djibouti Code of Conduct Concerning the Repression of Piracy and Armed Robbery Against Ships in the Western Indian Ocean and the Gulf of Aden, January 2009, the EU lead Naval Force (EUNAVFOR) Operation ATALANTA, the IMO Guidance

to ship-owners and ship operators, shipmasters and crews on preventing and suppressing acts of piracy and armed robbery against ships, and UN Security Council mandated Contact Group against Piracy off the Coast of Somalia. Other relevant UN/IMO Conventions which provide a context for this action include:

- United Nations Convention on Law of the Sea (UNCLOS), December 1982. This convention, largely the codification of customary international law, which gives a clear and universally accepted definition of the offence of piracy and states' jurisdiction to deal with it.
- Convention on Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA), March 1988
- International Ship and Port Facility Security Code (ISPS), 2004.

However, these instruments are not accompanied by necessary capacity building activities in the ESA-IO region to ensure their effective use and implementation.

International responses

The International Community has supported and continues to promote international alliance building and law development against piracy, in particular under the auspices of the United Nations. Initiated by Seychelles, an International Symposium was organised in July 2010.

NATO, UNODC, IMO are also very much involved in the fight against piracy. Major countries such as Russia, India, China, and Japan having active naval military capacity are also operating against pirates in the region.

The EU remains strongly committed to countries in the region, with the other international partners to enhance maritime security and to combat piracy. The EU is a leader in its effort to combat piracy by providing maritime protection. It has undertaken initiatives in the area of maritime security in the Eastern and Southern Africa and Indian Ocean.

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*Excerpts***1. Introduction**

Article 124 of The Treaty for the Establishment of the East African Community, recognises that peace and security are pre-requisites for Social and Economic development within the Community and vital to the achievements to the objectives of the Community. The article spells out wide-ranging approaches for implementation in order to have a stable and secure environment within the region. This kind of environment is geared towards promoting development and harmonious living of the people of East Africa.

This strategy goes a long way in enhancing the East African Community spirit of cooperation in regional peace and security, which brings into reality the collective responsibility in provision of security by the Partner States. It covers collaboration on combating cross border crimes, auto theft, drug trafficking, terrorism, money laundering and other crimes. This will provide a good and conducive environment in which peace will flourish security of persons and property guaranteed hence fostering development.

The East African Community Strategy on Regional Peace and Security has a Vision 'A SECURE AND PEACEFUL ENVIRONMENT FOR DEVELOPMENT' and the Mission, for which this co-operation exists, is 'TO PROVIDE SECURITY WITHIN THE REGION THROUGH ENHANCED CO-OPERATION'. In order to achieve the stated mission and realise the vision, there are Twenty Three goals formulated with a number of strategic objectives geared at fulfilling the goals.

Vision: A secure and peaceful environment for development.

Mission: To provide security within the region through enhanced cooperation

2. Goals for Regional Peace and Security

There are Twenty Three (23) goals, which the regional strategy aims to achieve. Each, of these goals has a number of objectives and strategies for implementing them. These goals are:

- I. Enhance the exchange of criminal intelligence and other security information amongst partner states;
- II. Enhance joint operations and patrols;
- III. Install common communication facilities for border and interstate security;
- IV. Adopt the U.N model law on mutual assistance on criminal matters;
- V. Implement protocol on combating illicit drug trafficking;
- VI. Exchange visits by security authorities;
- VII. Exchange training programs for security personnel;
- VIII. Establish common mechanisms for the management of refugees;
- IX. Establish regional disaster management mechanisms;
- X. Formulate security measures to combat terrorism;
- XI. Establish measures to combat cattle rustling;

- XII. Establish measures to combat proliferation of illicit small arms and light weapons;
- XIII. Develop mechanisms to combat security challenges on EAC shared Inland waters;
- XIV. Develop a mechanism for Conflict Prevention Management and Resolution;
- XV. Develop a mechanism for Early Warning System;
- XVI. Enhance Cooperation within Prisons/Correctional Services in the Region;
- XVII. Prevention of Genocide;
- XVIII. Combat and Suppress Piracy for Maritime Safety and Security;
- XIX. Enhance measures to Detect, Prevent and Combat Cyber Crime;
- XX. Enhance measures to Combat Human Trafficking, Illegal migration and Smuggling of migrants in the East African Community Region;
- XXI. Enhance Co-operation in Combating Environmental Crimes;
- XXII. Strengthen Co-operation amongst Partner States on Anti Money Laundering and Counter Financing of Terrorism (AML/CFT) initiatives;
- XXIII. Prevent, Control and Eradicate Motor Vehicle (MV) Theft in East African Community Partner States.

3. Development of the Strategy for Regional Peace and Security

The goals, objectives and strategies for the regional peace and security are stated in the preceding sections. Each goal contains identified objectives, supported by background information and strategies for implementing the objective and the set goal.

4. Goal 1: Enhance the Exchange of Criminal Intelligence and Other Security Information Amongst Partner States

4.1 Objectives

- (i) Establish databases by Partner States;
- (ii) Enhance technical capacity for production of criminal intelligence; and
- (iii) Exchange criminal intelligence/information among partner states.

4.1.1. Establish Databases by Partner States

Background

The collection and collation of criminal intelligence and information is an integrative process. The appropriate use and appreciation of existing information and intelligence may require the establishment of a multidisciplinary forum to take stock of existing intelligence and information. This is imperative because intelligence and information capable of being useful to one agency may be in the possession of another agency not capable of putting it to appropriate use. Inter-agency sharing may therefore remedy this shortcoming.

Establishment of a computer Network between the headquarters and other units throughout the Country would improve the management of Criminal intelligence. Establishing databases that are shared by Partner States would facilitate the exchange of criminal intelligence among these states. Databases that need to be established include Finger print, National ID, Driving Permit and Passport Management, motor vehicle theft, anti-money laundering. All the databases need to be linked or connected to facilitate tracking of criminals.

4.1.1.1. Strategies

- (i) Partner States jointly design the appropriate databases;
- (ii) Establish computer network to link all Police Units in the Partner States;
- (iii) Jointly train personnel to handle the daily operations of the databases at the levels of Databases Administrators, Programmers and Data entry clerks;
- (iv) Standardisation of crime data by the Partner States;
- (v) Resource mobilization for security projects; and
- (vi) Conduct border communities' security meetings.

4.1.2. Enhance Technical Capacity for Production of Criminal Intelligence

Background

A Crime Information System is the backbone of every professional Police Agency. A successful system allows for the collection of information, its evaluation and development till it reaches the stage where it becomes intelligence, which is of value to policing. To do this requires utmost care in the gathering and handling of such information. This finally allows Partner States to deploy Police more effectively in their efforts to combat crime.

Capacity for production of criminal intelligence is low due to inadequate funding and technical equipment. It is imperative that Partner States prioritise funding of criminal intelligence. Indeed, this area needs to be strengthened to avoid being caught unawares, in case of incidences such as terrorism among others.

4.1.2.1. Strategies

- (i) Strengthen gathering of information;
- (ii) Acquire surveillance equipment and facilities;
- (iii) Partner States to jointly train their manpower in analysis and handling of crime intelligence; and
- (iv) Employ appropriate crime management information system design, which is technically and operationally feasible.

4.1.3. Exchange Criminal Intelligence/Information among Partner States

Background

For any operation to be successful it must be intelligence led. Local operations mounted by Police officers are largely successful due to optimal use of intelligence. Information on criminals is usually gathered and analysed to identify links between crimes, associations among criminals, individuals' roles in criminal activity and the relationship between crime and other factors such as unemployment etc, and then disseminated to the end users.

The end users are field officers carrying out operations or policy makers. The advantage here is that analysis is done using uniform structured methods and techniques easily understood by all analysts and can easily be demonstrated to everyone by visualisation. Exchange of information on criminals is of mutual interest among Partner States and should be encouraged, if joint operations are to succeed.

4.1.3.1. Strategy

Partner States to establish network connectivity

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6. Goal 3: Install, Common Communications Facilities for Border and Interstate Security

6.1. Objective

Establish a common communication system to enhance inter-state exchange of information to combat international organised crimes.

Background

During the Eastern Africa Police Chiefs Conference held in Nairobi Kenya from June 15th - 16th 1999, a resolution was passed to achieve the installation of common radio communication system at established border posts for quick flow of information and response in curbing crime along the common border. The three East African Chief Signals Officers meeting held in Nairobi in July 1999 that charted the best ways of implementing the resolution made.

Thereafter Burundi and Rwanda joined the Community and adopted the resolutions which were initially agreed by the three Partner States. A rapid and dedicated communication system between the police agencies of East Africa will remain a vital instrument in the fight against sophisticated cross-border criminality as well as other forms of international crime. Cross-border criminals use a variety of communication systems to pursue their criminal objectives. Of particular significance in this regard is the

exploitation of information and communication technology (ICT) by cross-border criminals as well as domestic criminals.

There is need to have consistent information flow between the Headquarters of the Partner States. This necessitates installation of an independent and common communication system in place.

6.1.1. Strategies

- (i) Identify and procure common interstate communication system;
- (ii) Link up the five Police Head Quarters by fax, email and Establish a website; and
- (iii) Conduct joint operations in hot pursuit of criminals.

7. Goal 4: Adopt U.N. Model Law on Mutual Assistance in Criminal Matters

7.1. Objective

Enhance mutual legal assistance in criminal matters

Background

The UN Model Law on Mutual Assistance, which is in conformity with the UN Convention against Transnational Crimes (the Palermo Convention), is an important instrument in harnessing international cooperation among the world's law enforcement agencies, in the fight against transnational crimes. It provides for assistance in relation to evidence, the identification of witnesses and the forfeiture of property.

7.1.1. Strategies

- (i) Partner States to legislate on the U.N. Model Law on Mutual Assistance; and
- (ii) Enact EAC Law based on UN Model of mutual assistance on criminal matters.

8. Goal 5: Implement EAC Protocol on Combatting Illicit Drug Trafficking

8.1. Objective

Eliminate illicit drug production and trafficking and related crimes in the region.

Background

The problem of drug trafficking has not only increased in the East African region, but also in the whole world at large. The role played by the East Africa Partner States in combating illicit drug trafficking is wanting and the region is used as a conduit to other destinations.

There have been a number of measures taken by the Partner States

aimed at combating this problem. On the international scene, the Partner States have partially complied with the requirements of the relevant International Conventions. The convention on Narcotic Drugs of 1961, which was amended by the 1972 protocol, the UN Convention on Psychotropic substances of 1971 and the UN Convention against Illicit Traffic in Narcotic drugs and psychotropic substances 1988, have been ratified by all the Partner States. On the national scene, each Partner State has established anti-narcotic department/units. There are a number of joint operations and meetings aimed at addressing the problem. The effective and sustainable implementation of the protocol on combating illicit drug trafficking may have to take into account the evolution of various mechanisms aimed at making illicit drug trade unprofitable. Such mechanisms may include reviewing of the Anti-money laundering strategies, asset forfeiture (criminal or civil forfeiture) where domestic legislation so allows and oversight mechanisms of the banking and money exchange industry.

8.1.1. Strategy

Partner States to implement the EAC Protocol on Combating Illicit Drug Trafficking legislation

9. Goal 6: Exchange of Visits by Security Authorities

9.1. Objective

Confidence building and sharing of information amongst Partner States Security Officers

Background

Good partnership involves free exchange of ideas in order to enhance relationship and confidently deal with challenges for the mutual benefit of the parties. Regular exchange visits by security officers offers a platform for sharing ideas and experiences on matters of Regional peace and security. In this regard, sporting activities and cultural events further encourage integration and sharing challenges and experiences among all levels of security officers.

9.1.1. Strategies

- (i) Organize periodic and reciprocal visits for security officers; and
- (ii) Organise joint cultural and sports events once every two years for security officers.

10. Goal 7: Exchange of Training Programs for Security Personnel

10.1. Objective

Harmonize training syllabi and standard operating procedures

Background

Aware of the fact that Partner States have established training institutions offering similar training, there is need to harmonize the syllabi in order to benefit from each other. To improve standards and co-operation within the region, Partner States need to support each other in relation to training their staff. By improving training and exchanging experiences, the policing standards are improved and developed among the Partner States to enhance performance.

While considering the harmonization of the syllabi, it is imperative that security training institutions of the Partner States endeavour to achieve nationally and internationally recognized standards. Professional recognition may be attained through a process of accreditation of security training institutions by relevant institutions or bodies charged with such functions.

Once so accredited, not only do the programs offered by the training institutions become nationally and internationally recognized, but also the certificates or other forms of award gain professional status commensurate with those awarded by other national/international institutions of higher learning. The accreditation of security agency training institutions is now a common practice in a number of African countries as well as other parts of the world. Partner States could take advantage of this emerging trend and best practices.

10.1.1. Strategies

- (i) Harmonize Partner States training syllabi;
- (ii) Conduct specialist trainer exchange;
- (iii) Conduct study visits within the Partner States;
- (iv) Work out modalities to have Partner States security training institutions accredited by relevant national accreditation authorities;
- (v) Designate and operationalize various centres of excellence in Partner States; and
- (vi) Develop specialized trainers Cadre.

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12. Goal 9: Establish Regional Disaster Management Mechanism

12.1. Objectives

- (i) Identify potential disasters;
- (ii) Establish disaster management centres; and

- (iii) Develop efficient and rapid disaster response teams to ensure timely response

Background

Partner States are potentially faced with natural, man-made disasters and complex emergencies such as drought, floods, landslides, famine, disease outbreaks; accidents, conflicts, fire, terrorism, Tsunami among others.

The occurrences of disasters pose severe negative impacts on livelihood and the environment. The dangers to human life and development are so great and cannot be underrated. The features, which distinguish disasters from severe events, need to be clearly stated to attract attention from those outside the affected areas in order to mitigate the outcomes. It is imperative that measures be undertaken towards disaster management from the perspective of prevention, mitigation, preparedness, response and recovery.

12.1.1. Strategies

- (i) Develop an early warning mechanism for commonly occurring disasters in the region; and
- (ii) Establish national databases for disaster management.

12.2. Establish Disaster Management Centres

Background

Aware of the fact that disasters respect no boundaries, there is need to have a multi-disciplinary approach in addressing the problems. The main focus therefore should be establishment of regional disaster management mechanisms, which will harmonize technical co-operation and support.

Disaster threats are almost common to every country among the Partner States in the region. This therefore calls for the need to develop a comprehensive approach to disaster management. This approach should cover all aspects of the disaster risk management cycle i.e. prevention, mitigation, preparedness, rapid response, recovery and reconstruction.

12.2.1. Strategies

- (i) Partner States to establish and operationalise disaster management centres;
- (ii) Develop robust national disaster management and contingency plans;
- (iii) Establish and operationalise EAC Centre of Excellence in Disaster Management; and
- (iv) Integrate the national disaster management centres to the regional disaster management co-ordination centre;

12.3. Develop efficient and Rapid Disaster Response Teams and Ensure Timely Response

Background

Effective and efficient disaster management and timely response mechanisms is an important ingredient in Disaster management and depends on policy in place and understanding the priorities of the disaster challenges. This entails improving on the existing capabilities prior to the threats. An effective policy entails interdisciplinary collaboration among the government, nongovernmental organizations, research and training institutions, commercial sector and the public likely to be affected by the disasters. To achieve this, local, national and regional co-ordination is required.

12.3.1. Strategies

- (i) Promote public awareness on Disaster Management;
- (ii) Develop capacity to manage disasters;
- (iii) Develop efficient and rapid response teams;
- (iv) Develop Standing Operating Procedures; and
- (v) Conduct joint exercises to enhance interoperability.

13. Goal 10: Formulate Security Measures to Prevent and Combat Terrorism

13.1. Objective

Develop and operationalize mechanisms to prevent and combat terrorism

Background

There is an apparent large gap between political commitment, policy and legislations and practical implementation of legislation between member states in the region. This is seen in light of the UN resolution 1373 on Prevention and Suppression of Terrorism Financing, (to check on other UN resolution on Terrorism) of which the African Heads of State and Governments adopted in 1999 and the 'Algiers convention on the prevention and combating of terrorism'.

This, followed by 'Plan of Action on the prevention and combating of terrorism' of September 2002 reflects African realities.

13.1.1. Strategies

- (i) Enact EAC legislation on preventing and combating terrorism;
- (ii) Enhance institutional capacity to combat terrorism;
- (iii) Exchange information on terrorism;
- (iv) Operationalise the regional forensic referral centre;
- (v) Enhance security of borders and entry points;
- (vi) Countering Radicalization; and

- vii. Conduct joint operations to combat terrorism.

14. Goal 11: Establish Measures to Combat Cattle Rustling

14.1. Objective

Establish mechanisms and strengthen capacity to combat cattle rustling.

Background

Cattle rustling and stock theft are a threat to peace and security in the Eastern African Region in particular in the border areas. It often involves organized cattle raids using Small Arms and Light Weapons (SALWS) with concomitant violent skirmishes, loss of life and properties. The practice of cattle rustling in some ethnic groups is culturally ingrained while in modern times it has taken economic motives dimensions through organized raids. On the basis of its threats on peace and security in the region several initiatives at national and regional laws have been taken including making it a serious criminal act, instituting legislation and mechanisms to stop and eradicate it.

Some of these initiatives need to be adopted and implemented by all Partner States and their neighbouring countries. The EAC Protocol on Peace and Security under Article 13 urges Partner States to develop and adopt policies, strategies, legislation and mechanisms to prevent and combat cattle rustling as well as harmonize these laws and strategies. This augurs well with the Eastern Africa Police Chiefs Coordination Organization (EAPCCO) Protocol on the Prevention, Combating and Eradication of Cattle Rustling in Eastern Africa that is yet not ratified by any of the Partner States. Partner States have different laws that deal with cattle rustling separately. Legislative bodies from Partner States should therefore harmonize policies, laws and strategy to address cattle rustling.

14.1.1. Strategies

- (i) Ratify and domesticate the EAPCCO 'Protocol on the Prevention, Combating and Eradication of Cattle Rustling in Eastern Africa';
- (ii) Harmonize policies, laws and strategies to prevent and combat cattle rustling;
- (iii) Establish and/or strengthen Stock Theft Prevention Units in Partner States;
- (iv) Develop and implement harmonised livestock identification and traceability systems as a tool to discourage and prevent cattle rustling;
- (v) Institute alternative means of livelihood of livestock dependent communities to discourage cattle rustling practice; and
- (vi) Implement measures to control and manage cross-border livestock movements and trade

15. Goal 12: Establish Measures to Combat the Proliferation of Illicit Small Arms and Light Weapons

15.1. Objective

Improve management and control of SALW

Background

The Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons (SALW) in the Great Lakes Region and Horn of Africa and other International and Regional instruments mandate Partner States to establish National Focal Points as co-ordinating agencies to provide institutional mechanisms to promote and co-ordinate implementation of comprehensive measures to tackle illicit small arms and light weapons.

The Regional and International instruments/obligations require Partner States to develop and implement National Action Plans that guide national interventions towards tackling problems of illicit Small Arms and Light Weapons. These will include development of the national policies guide strengthening the management and control of SALW.

15.1.1. Strategies

- (i) Develop and implement National Action Plans;
- (ii) Harmonise laws relating to small arms and light weapons;
- (iii) Establish national databases; and
- (iv) Create public awareness through political, civic and clan leaders.

16. Goal 13: Develop Mechanisms to Combat Security Challenges on EAC Shared Inland Water Bodies

16.1. Objectives

- (i) Institute measures to combat smuggling and thefts on the shared inland water bodies; and
- (ii) Establish mechanisms to control pollution and promote sustainable utilization of natural resources on the shared inland water bodies.

16.2. Institute measures to combat smuggling and thefts on the shared inland water bodies

Background

Under Article 12 of the EAC Protocol on Peace and Security, Partner states are urged to put in place measures to combat transnational and cross border crimes that also occur on the shared inland water bodies. Smuggling, thefts and robberies activities take place on the shared inland water bodies and pose threats to peace and security. In smuggling, smugglers are using the lake to bring in goods and merchandise from neighbouring countries

to evade taxes causing the governments to lose a lot of revenue as well as failing genuine importers to market their commodities. In addition to smuggling there are reported incidences of fish boats thefts and boat passengers being robbed.

These felonies not only threaten peace and security but also impact negatively on investment climate on and around the shared water bodies' areas of the Partner States. The need for joint operations among the Partner States on the shared inland water bodies is paramount and will go a long way in ensuring security on the lake. At the moment Partner States are operating independently and uncoordinated, a situation the criminals are finding very easy to exploit. Joint surveillance by Partner States will lead to sharing of information, as criminals on the lake tend to operate across the borders.

It will also ensure a cost effective monitoring system. Also, Partner States have not fully established inter-agency security committees to handle security on the shared water bodies as such security agencies are operating in isolation of one another and yet their roles are complimentary. Combating smuggling and thieving on shared water bodies through addressing these concerns will ensure peace and security and thereof provide a good and conducive environment for development where all the Partner States will benefit.

Other challenges include reducing fishing pressure and incidences of illegal, unregulated and unreported (IUU) through putting in place and implementing mechanisms and measures that will promote sustainable utilization of natural resources abounding in the shared inland water bodies.

16.2.1. Strategies

- (i) Strengthen surveillance and monitoring of peace and security on the EAC shared Inland water bodies;
- (ii) Establish inter agency cooperation committees for security organs; and
- (iii) Combat smuggling theft and robberies on shared inland water bodies.

16.3. Establish mechanisms to control pollution and promote sustainable utilization of natural resources abound in the shared Inland Water bodies

Background

Sustainable availability of fish resources in the shared water bodies in East Africa is an important factor and concern for peace and security in the region. It is important to maintain and ensure sustainable availability of fish resources in the shared water bodies by balancing reproduction, production (growth) and harvesting of fish through regulating fishing

efforts and capacity. Depleted fish resources in the shared water bodies are threats to food security, poverty alleviation, standard of living and peace and security.

Partner States, therefore, should put in place mechanisms to manage and control fishing pressure in the shared water bodies. Such mechanisms include harmonizing fishing policies and laws, developing and strengthening community involvement in management of fisheries resources through Beach Management Units, strengthening mechanisms to regulate fishing efforts, promoting alternative sources of income for the fishing dependent communities and promoting fish farming (aquaculture) to reduce pressure on capture fisheries.

16.3.1. Strategies

- (i) Harmonize pollution control and fisheries policies and legislation;
- (ii) Establish mechanisms to control and reduce pollution and environmental degradation;
- (iii) Establish measures to reduce fishing pressure; and
- (iv) Institute public awareness and education campaigns.

17. Goal 14: Operationalise the East African Community Conflict Prevention, Management and Resolution Mechanism

17.1. Objective

Prevent, manage and resolve disputes or conflicts within and between/ amongst Partner States or with foreign countries.

Background

The Partner States have witnessed several conflicts internally, regionally and globally. This calls for a mechanism for peaceful resolution of disputes and conflicts within and between Partner States and a forum under which the EAC can participate in resolution of disputes within and between Partner States and with foreign countries.

An effective mechanism for consultations and co-operation geared towards peaceful settlement of disputes in order to maintain and consolidate peace and this leads to improved well-being of the people of East Africa.

17.1.1. Strategies

- (i) Develop capacities to anticipate, mediate, negotiate and mitigate disputes and conflicts;
- (ii) Develop modalities for peace support operations;
- (iii) Develop framework for facilitation of post-conflict recovery and sustainable peace, security and development;
- (iv) Sensitize and popularize EAC CPMR initiatives and promotion and enhancing peaceful social co-existence in the region, including women, youth, civil society, private sector and other interest

- groups;
- (v) Establish similar mechanisms for conflict management at national, sub-national and local community level;
- (vi) Operationalise the EAC Peace Facility;
- (vii) Use traditional mechanisms of preventing and resolving conflicts; and
- (viii) Cooperate and collaborate and alliances with other bilateral, multilateral organizations and countries in conflict management within EAC.

18. Goal 15: Operationalize the East African Community Early Warning Mechanism

18.1. Objective

Facilitate the anticipation, preparedness and early responses to prevent, contain and manage conflict and crises.

Background

In order to prevent, mitigate and manage conflicts and threats in the region, there is need to ensure timely collection of data and relevant information that decision makers and other stakeholders can use. This calls for a sound mechanism that will facilitate collection, verification and analysis of such information and communicate the results to decision makers.

18.1.1. Strategies

- (i) Develop indicators and other analytical tools for the Early Warning;
- (ii) Gather, verify, analyze and disseminate information on potential areas that may pose threat to peace and security and recommending timely and appropriate measures, strategies and policies;
- (iii) Establish National Early Warning Centre's and Focal Points and promote collaboration and cooperation among Partner States on Early Warning and Response on issues affecting peace and security in the region;
- (iv) Conduct research on potential security threats in the region and build regional data base;
- (v) Develop capacities including human resources and installation of appropriate communication and data analysis equipment both at national and regional level; and
- (vi) Collaborate with the Continental Early Warning System (CEWS).

19. Goal 16: Enhance Cooperation within Prisons/ Correctional Services in the Region

19.1. Objectives

- (i) Develop a governance and management Framework;
- (ii) Enhance Technical Cooperation;
- (iii) Enhance Human Resource Management and development

- (HMRD);
- (iv) Strengthen Education and training;
- (v) Promote Research, enhance data collection and information sharing on prisons/ correctional services;
- (vi) Enhance Learning and knowledge exchange; and
- (vii) Enhance Confidence building initiatives

19.2. Develop a Governance and Management Framework

Background

Currently there exist different standards, philosophies and strategies in regard to governance, management of institutions and treatment of inmates/offenders/juveniles. As a result there are no commonalities in management and governance of Prisons/correctional services. The development of governance and management framework, therefore, entails the establishment of common standards on the governance, management of Services and treatment of inmates/offenders/juveniles in view of continental and global mandates pertaining to Prisons/Correctional Services; and the dictates of the EAC regional environment.

19.2.1. Strategies

- (i) Ensure Partner States harmonise/approximate their laws and policies relating to prisons/correctional services;
 - (ii) Develop Common Prisons/Correctional Services Operating Procedures;
 - (iii) Establish joint planning and operations for Prisons/Correctional Services;
 - (iv) Design common approaches to participation of Prisons/Correctional Services in peace support operations; and
 - (v) Establish collaboration mechanisms between agencies within the criminal justice system and other stakeholders.
- ...

19.3.1. Strategies

- (i) Develop modalities for sharing experiences, skills and expertise;
 - (ii) Establish a framework for regional offender integrated management information system (IMIS);
 - (iii) Develop a framework for collaboration in modern technology for Prisons/Correctional Services;
 - (iv) Design a common approach to reduction and management of infectious and contagious diseases including, disasters, epidemics and emergencies; and
 - (v) Partner States to harmonise prisoners' / offenders' /juveniles' regimes and utilization of resultant outputs
- ...

20. Goal 17: Detection, Prevention, Mitigation and Stopping of Genocide

20.1. Objective

Develop appropriate mechanisms to detect, prevent, mitigate and stop genocide.

Background

Genocide is defined as a crime under international law in the Genocide Convention of 1948. The Convention makes it a crime to commit genocide, plan or conspire to commit genocide, incite or cause other people to commit genocide or be complicit or involved in any act of genocide.

The need to prevent genocide and punish those responsible is inevitable and this has been of concern to the international community since the end of the Second World War. Preventing genocide is a collective obligation; therefore Partner States are bound to develop mechanisms aimed at preventing any possibility of occurrence of genocide.

20.1.1. Strategies

- (i) Designate a regional documentation centre of excellence on Genocide;
- (ii) Exchange relevant information and intelligence on tendencies of genocide;
- (iii) Carry out national and regional sensitization campaigns against genocide and genocide ideology;
- (iv) Ratify International conventions, treaties and protocols pertaining to Genocide;
- (v) Establish a research team on genocide within EAC;
- (vi) Set up a national fund for the support of the victims of genocide to improve their living conditions;
- (vii) Establish and promote counseling and victim support centers;
- (viii) Establish, re-enforce structures and processes for protecting victims and witnesses of Genocide; and
- (ix) Organize commemoration ceremonies of genocide victims at regional level.

21. Goal 18: Combatting and Suppressing Piracy for Maritime Safety and Security

21.1. Objective:

Enhance Safety and Security in the Maritime Domain

Background

Piracy has continued to undermine the socio-economic development in the region. The threat has the potential of compromising development

and regional integration.

Piracy undermines the security of the region and its ports and their continued development as a commercial hub in the global economy. It weakens the integration of the region by reducing the competitive advantage of its wealth and natural resources. Piracy increases the costs of insurance and transport, hence the costs of doing business in the region.

Despite the above situation, the region is lacking an effective maritime security strategy and deep-water maritime surveillance capability to protect commerce and shipping. The threat has also increased the risks of human and drugs trafficking, arms proliferation, money laundering and terrorism. It is against this background that EAC Partner States are compelled to collectively develop strategies to combat the threat since no single country in the region is able to tackle the problem alone.

21.1.1. Strategies

In addressing the MSS threats in the region, the following strategies need to be adopted;

- (i) Mobilize Resources for Maritime Security and Safety;
- (ii) Create awareness on Maritime Domain;
- (iii) Develop an Institutional Maritime Governance;
- (iv) Protect Maritime Economy;
- (v) Build Maritime Institutional Capacity; and
- (vi) Enhance Cooperation, coordination and collaboration.

22. Goal 19: Enhancing Measures to Detect Prevent and Combat Cyber Crime

22.1. Objective

Develop mechanisms to detect and combat cyber crime

Background

The development and adoption of ICT technologies within the region have tremendously grown. With this growth, risks of cyber attacks have also become imminent and the challenges of cybercrime continue to rise. It is a transnational threat affecting people and their rights, generating large amounts of crime proceeds, causing major damage, and targeting economic, social-economic and security interests of societies within the region and worldwide.

In order to ensure safety in the cyber space, partner states need to develop measures to protect infrastructure against or prevent intentional and nonintentional cyber incidents and attacks.

22.1.1. Strategies

- (i) Increase public awareness on safety and security on the internet;
- (ii) Ratify and implement relevant International Conventions on

- Combating Cyber Crime;
- (iii) Enact and/or harmonize laws relating to cyber crime among partner states;
 - (iv) Build capacity for law enforcement agencies and Judiciary by ensuring appropriate tools and skills are put in place;
 - (v) Enhance International Cooperation through sharing of information and intelligence on cyber crime; and
 - (vi) Enhance Intra and Inter-Agency cooperation in Partner States.

23. Goal 20: Enhance Measures to Combat Human Trafficking, Illegal Migration and Smuggling of Migrants in the Region

23.1. Objective

Eradicate human trafficking, illegal migration and smuggling of migrants in the EAC region.

Background

The world over, there are people who fall victim to human trafficking and smuggling of migrants in countries which act either as source, transit or destination. Various studies have assessed the extent of human trafficking, illegal immigration, and smuggling of migrants in East Africa Partner states and have confirmed that are not only prevalent, but also rampant. The region has been a source, point of transit and destination for trafficked and smuggled men, women and children.

Virtually, every country in the world is affected by these crimes. The challenge for all countries, rich and poor alike is to target criminals who exploit desperate people and to protect and assist victims of trafficking and smuggling many of whom endure unimaginable hardships in their bid for better life.

Internationally there are initiatives that have been undertaken to combat these crimes. United Nations has enacted the Convention against Transnational Organized Crime and its supplement Protocols on Trafficking in Persons and Smuggling of Migrants of 2000. These pieces of legislation which EAC Partner states are signatory are international instruments addressing this phenomenon. The part played by East Africa partner States is still limited in a way states are acting as destination or conduit point to other destinations.

The partner states partly comply with the requirements of the relevant international protocols to tackle these challenges. Each state has established its own mechanism of fighting transnational crimes. However, the mechanisms established are ineffective and unsustainable for successful fighting against those crimes. It is from that background that organized efforts are needed for the states to be able to wage a timely battle against the foregoing crimes in our region.

23.1.1. Strategies

- (i) Prevent human trafficking, illegal immigration and smuggling of migrants;
- (ii) Protect and assist victims of human trafficking and smuggling; and
- (iii) Promote coordination in counter human Trafficking, and smuggling of migrants within the region.

24. Goal 21: Enhance Co-Operation in Combatting Environmental Crimes

24.1. Objective

Jointly protect the environment.

Background

An environmental crime can be defined as a grave act against the environment that results in the infringement of the right of citizens to a clean and healthy environment. For such an act to constitute a crime, it must contravene laid-down legislation in the various sectors of the environment, such as forestry, water and wildlife. Environmental offences have, for a long time, been treated as misdemeanors, and not felonies.

Environmental crime is a serious and growing concern, leading to the near extinction of valuable wildlife species, and significantly impacting on the biological integrity of the planet.

It contributes to environmental degradation, which in turn affects the quality and quantity of environmental resources. By doing so, it leads to unhealthy competition for these scarce resources, and subsequently to volatile situations and even resource-use conflicts. As such, environmental crime impacts on human livelihoods.

Environmental crimes include illegal fishing, illegal harvest of the forest, poaching either for the purpose of eating or selling, bush burning, electronic (e-waste), radioactive, industrial waste and other forms of waste dumping.

For effective management of environment there is need for EAC to harmonize the laws. An example, the usage of polythene paper and other related material in one of the Partner State is illegal where as other Partner States the usage of polythene is legal and more other examples hence necessitating the harmonization of the legislation.

Some environmental crimes are trans-boundary in nature for example the importation and exportation of e-wastes and pollution of water bodies thus the need for collaborative monitoring and enforcement of the laws among EAC Partner States.

24.1.1. Strategies

- (i) Harmonize Partner States environmental laws;
- (ii) Develop a coordination mechanism among environmental authorities within the EAC Partner States;
- (iii) Information sharing on best practices for environmental protection and cross border waste control;
- (iv) Develop and implement awareness/sensitization programmes;
- (v) Strengthen security at border posts and check points to prevent and localize environmental crimes; and
- (vi) Establish and/or strengthen mechanism to safe guard inland water bodies and the sea from environmental pollution.

25. Goal 22: Strengthen Cooperation Amongst Partner States on Antimoney Laundering and Counter Financing of Terrorism (AMI/CFT) Initiatives

25.1. Objective

Eradicate money laundering and financing of terrorism in the region.

Background

Money laundering is fundamentally a means to process proceeds of crime to disguise its illegal origin. Terrorist financing is also a major concern. Terrorism may be financed by dirty money (proceeds of crime) as well as clean money. The war against terrorism has two components. The first component concerns having strategies and measures in place to prevent acts of terrorism, and this component are usually handled by security and armed forces.

The second component concerns the financing part of terrorism. This involves having strategies and measures in place to prevent terrorists from transacting and financing their acts of terrorism. This component is usually handled by Financial Intelligence Units and regulators of reporting person such as central banks, regulators of NGOs and Accountants and auditors. This is all in line with the Financial Action Task Force (FATF) forty Recommendations.

In this regard, Partner states need to have in place a policy, legal and institutional framework to fight money laundering and the financing of terrorism, taking into account international AML/CFT standards and best practices.

Fighting money laundering and terrorism financing need concerted efforts since perpetrators of these crimes use sophisticated methods, which most of the time spread across countries. In order to be able to deal with these crimes effectively, there is a need for regional and international cooperation.

25.1.1. Strategies

- (i) Develop standard capacity building programs on AML/CFT for FIUs, law enforcement agencies, Judiciary and Regulators;
 - (ii) Develop a regional policy framework for combating Money Laundering and the Financing of Terrorism;
 - (iii) Harmonize Partner States laws on AML/CFT;
 - (iv) Ratify and implement relevant International Conventions and Resolutions on AML/CFT;
 - (v) Strengthen International Regional and Inter-agency cooperation;
 - (vi) Enhance surveillance controls and reporting systems at border and all entry points to deter illicit activities and intercept flows of dirty money; and
 - (vii) Establish and enhance mechanisms for information sharing among Partner State
- ...
-

See also:

- Declaration of the 12th Summit of EAC Heads of State and Government on Food Security and Climate Change (2 December 2010) available online at: <https://bit.ly/38HhcDs>
- EAC Development Strategy (2011/12 – 2015/16) (August 2011) available online at: <https://bit.ly/3fdLgJl>
- East African Community (EAC) Vision 2050 | Regional Vision for Socio-Economic Transformation and Development (August 2015, Arusha, Tanzania) available online at: <https://bit.ly/2ClaxCE>
- One Health Regional Risk and Crisis Communication Strategy (2018/2019 – 2022/2023) (2017) available online at: <https://bit.ly/2ZPh6FW>
- The East African Community Regional Contingency Plan for Epidemics due to Communicable Diseases, Conditions and Other Events of Public Health Concern 2018-2023 (2018) available online at: <https://bit.ly/3gAMAWS>

Documents of the Eastern Africa Police Chiefs Organisation (EAPCOO):

- Protocol on the Prevention, Combatting and Eradication of Cattle Rustling in Eastern Africa (2008) available online at: <https://bit.ly/2Za7Gpk>
- Agreement in Respect of Cooperation and Mutual Assistance in the Field of Crime Combatting

- Agreement in the Field of Combatting Terrorism

Selected Resolutions of the East Africa Community Legislative Assembly (EALA):

- Resolution Urging the Summit of EAC Heads of State to Intervene and Resolve the Conflict between South Sudan and Sudan and Related Matters (31 May 2012, EALA Resolution: EALA/RES/06/2012) available online at: <https://bit.ly/3eeWD2c>
- Resolution on the Security Situation in Eastern DRC and EAC neighbouring Countries (6 July 2012) available online at: <https://bit.ly/321927p>
- Resolution to Commemorate the Genocide Against the Tutsi (17 April 2013, EALA Resolution: EALA/RES/3/05/2013) available online at: <https://bit.ly/3iIwrAB>
- Resolution Urging the Summit to Institute Mechanisms to Stop the Perpetuation of Genocide Ideology and Denial in the Region (22 August 2013, EALA Resolution: EALA/RES/3/12/2013) available online at: <https://bit.ly/2ALM7C4>
- Resolution for the Establishment of the East African Parliamentary Centre for Peace and Security (EAPCPS) (28 January 2015, EALA Resolution: EALA/RES/3/2/2015) available online at: <https://bit.ly/2ZcCJAM>
- Resolution Urging EAC Partner States to Adopt the African Charter on Democracy, Elections and Governance (29 January 2015, EALA Resolution: EALA/RES/3/3/2015) available online at: <https://bit.ly/2ZR1sK6>
- Resolution Urging Action to Prevent Trafficking in Persons, Protect Victims thereof, and Prosecute Perpetrators (20 August 2015, EALA Resolution: EALA/RES/3/5/2015) available online at: <https://bit.ly/38EfFOB>
- Resolution Condemn the Killing of Hon. HAFSA Mossi (EALA Resolution: EALA-RES-3-05-2016) (21 July 2016) available online at: <https://bit.ly/2OaCoZ6>

Selected communiques, decisions and reports relating to peace and security in the region:

- Communique of the Joint ICGLR-EAC Meeting (28 March 2017, Bujumbura, Burundi) available online at: <https://bit.ly/2BVZj7Z>
- Report of the EAC Council of Ministers to the East African Legislative Assembly on Progress made by the Community in the Development of its Common Foreign and Security Policies (July 2018, Arusha, Tanzania) available online at: <https://bit.ly/2ZQMeVw>
- Joint Statement by the Ministers Responsible for Health and East African Community Affairs issued on 25th March 2020 on COVID-19 Preparedness and Response in East African Community Region (25 March 2020) available online at: <https://bit.ly/2ZUMG1l>

On the Burundi crisis of 2015

- Official Statement, 'Consultative meeting do deliberate on the way forward on the Situation in Burundi' (6 January 2016, Arusha, Tanzania) available online at: <https://bit.ly/3gGmhyv>
- Official Statement, 'Status of EALA Public Hearing Workshop on the deteriorating Human Rights and Humanitarian Situation in the Republic of Burundi held on 13-16th January 2016 in Arusha' (13 January 2016, Arusha, Tanzania) available online at: <https://bit.ly/3fgveyj>
- Official Statement, 'EALA Public Hearing Workshop on the deteriorating human rights and humanitarian situation in the Republic of Burundi concludes in Arusha' (25 January 2016, Arusha, Tanzania) available online at: <https://bit.ly/3ecIF0Q>

Chapter 7

The Economic Community of Central African States

1 Introduction

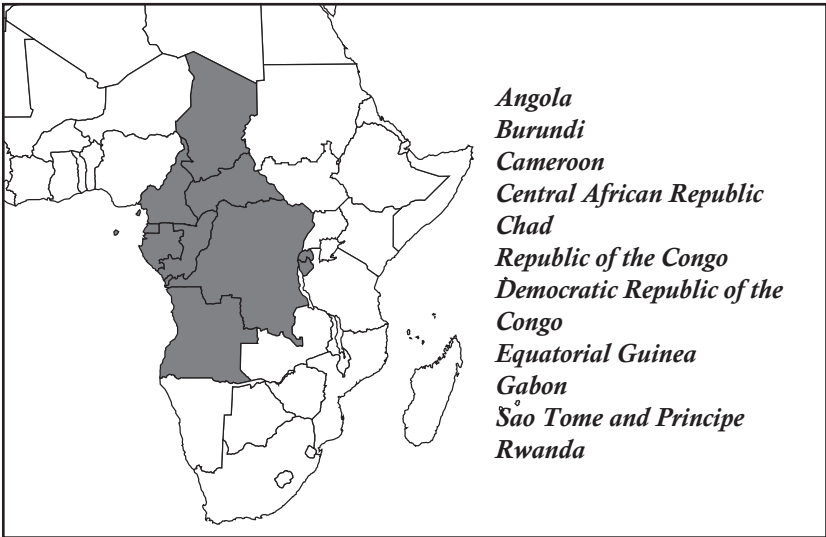
In December 1981, leaders of the Customs and Economic Union of Central Africa (*Union Douanière et Économique de l'Afrique Centrale (UDEAC)*) decided on a wider regional economic integration strategy. On 18 October 1983 in an attempt to realise their efforts and together with the Economic Community of 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,

...

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>

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>

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
Ebobrah and Armand Tanoh (2010, Pretoria University Law Press).

Excerpts

...

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

- provisions of the international legal instruments in force;
- (m) 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.
- ...

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.

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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.
- ...

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.

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.

...

**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.

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.

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*

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

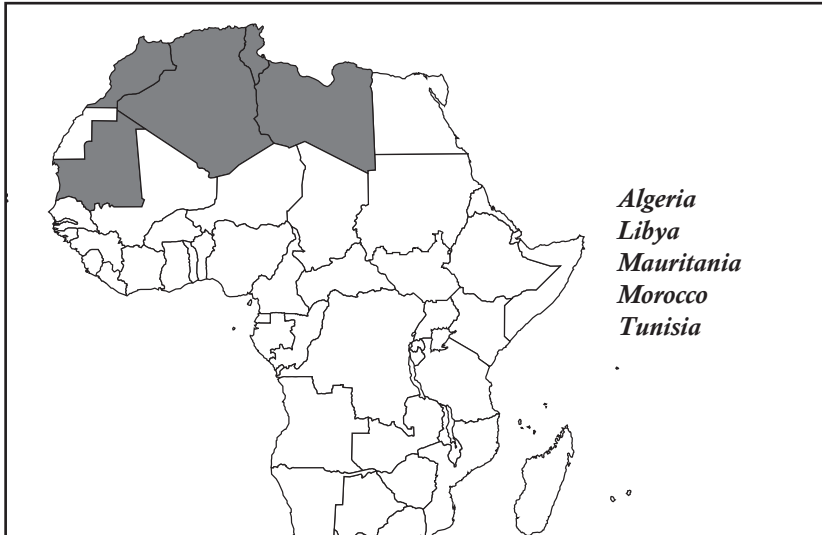
2.1 Introduction

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

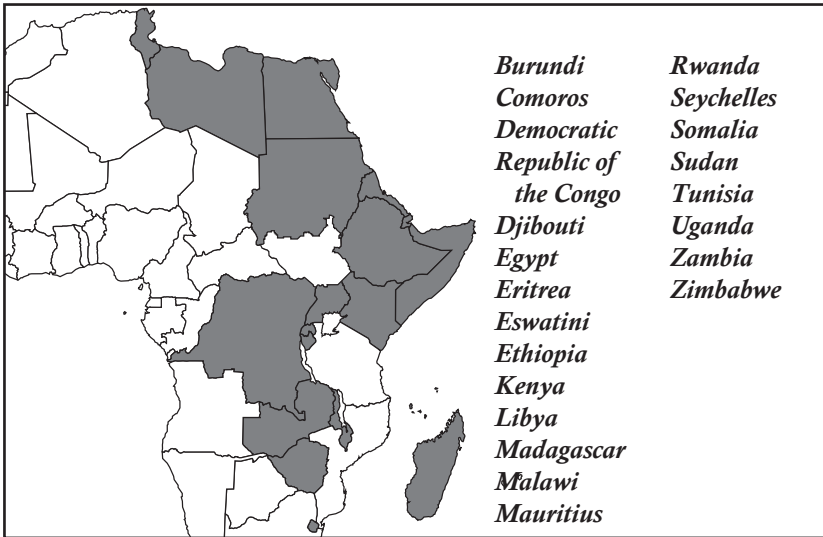
3.1 Introduction

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 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.

...

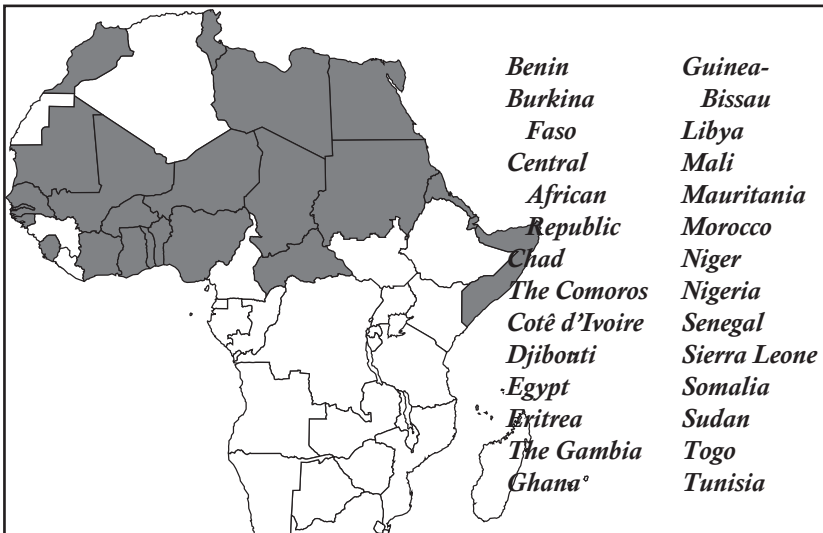
4 The Community of Sahel-Saharan States

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.

Chapter 9

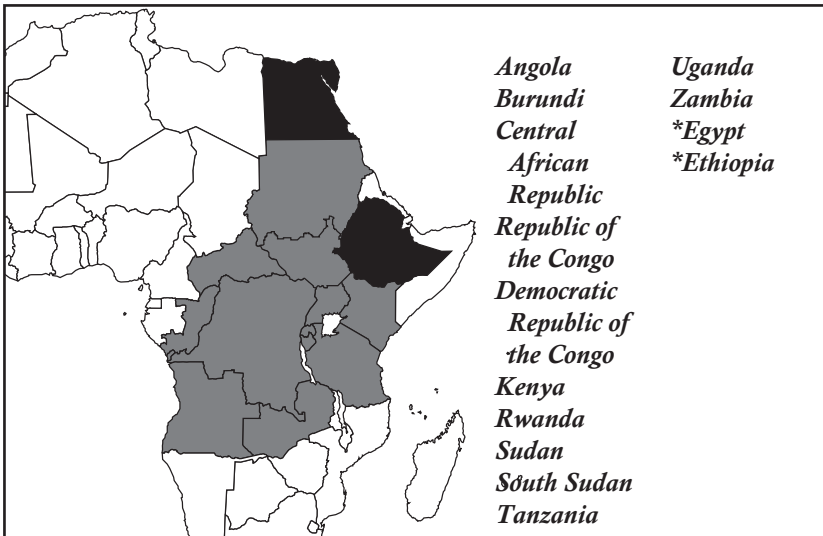
The International Conference on the Great Lakes Region

1 Introduction

The International Conference on the Great Lakes Region (ICGLR) is an intergovernmental organisation in the Great Lakes Region founded to enhance peace and security cooperation. The ICGLR was founded in 2004 pursuant to United Nations Security Council Resolutions 1291 (2000) and 1304 (2000) which first called for an international conference on peace and security in the Great Lakes Region. At the first Summit of Heads of State and Government held in Dar-es-Salaam between 19-20 November 2004, the ICGLR was formally established with the adoption of the Dar-es-Salaam Declaration on Peace, Security and Development in the Great Lakes Region. Since its founding, the ICGLR has adopted several instruments on regional peace and security including a non-aggression and mutual defence pact and a protocol on democracy and good governance.

The ICGLR is based on four founding priority policy options and guiding principles, namely cooperation in the fields of: peace and security; democracy and good governance; economic development and regional integration; and humanitarian and social issues. The ICGLR consists of four principal organs: the Summit, composed of the Heads of State and Government of the member states and is the supreme decision-making organ of the ICGLR; the Regional Inter-Ministerial Committee, the executive organ of the ICGLR; and the Executive Secretariat. The ICGLR consists of 11 states, with Ethiopia and Egypt as coopt members (indicated by an asterisk below).

Member States



2 Treaties

Dar-es-Salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region (2004/2004)

Full title: Das-es-Salam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region

Date/place of adoption/conclusion: 20 November 2004, Dar es Salam, Tanzania

Entered into force (EIF): 20 November 2004

EIF provision: Paragraph 82

Authentic texts: Arabic, English, French, Portuguese

Available online at: <https://bit.ly/2W0W1XW>

*Excerpts***I. Preamble**

1. We, the Heads of State and Government of Member countries of the International Conference on the Great Lakes Region, meeting in Dar-es-Salaam, on 19 and 20 November 2004, under the auspices of the United Nations and the African Union;
2. **Deeply concerned** about the endemic conflicts and persistent insecurity caused or aggravated by, inter alia, economic stagnation and poverty aggravation, mistrust and suspicion between governments, massive violations of human rights and other policies of exclusion and marginalisation, gender inequality, use of violence for conquering and conserving power, impunity of crimes of genocide, crimes against humanity, war crimes, illicit trafficking of small arms and light weapons, proliferation of armed groups, organized crime and illegal exploitation of natural resources; **recognising** the efforts undertaken at national, regional and international level to resolve these endemic problems;
3. **Recalling** that the causes of conflict and insecurity in the region can also be found in our history, including, inter alia, pre-colonial, colonial and post-colonial eras;
4. **Aware** of the need to respect democracy and good governance, the fundamental principles enshrined in the UN Charter and the Constitutive Act of the AU such as territorial integrity, sovereignty, non-interference and non-aggression, prohibition of any Member State from allowing the use of its territory as a base for aggression and subversion against another Member State, as well as the need for effective and sustained political will to jointly seek peaceful solutions and especially to honour our commitments in a spirit of mutual trust;
5. **Conscious** that the crises and conflicts affecting one country can rapidly spread to another, and even to the entire region, owing to the close links existing between our peoples;
6. **Deeply concerned** about the humanitarian and social consequences of crises and armed conflicts especially violations of the human rights of women, children, the elderly, the disabled and youth, the recruitment and use of child soldiers in armed conflicts, the sexual violence and exploitation of girls and women and their use as sexual slaves, the forced displacement of populations, the vulnerability of communities living at the borders, the destruction of basic services, especially the health and education infrastructures, the food insecurity and subsequent malnutrition of populations, the degradation of the eco-system and human settlements, and the strain on the allocation of national resources between the security and social sectors;

7. **Concerned** about the impact of armed conflicts on the environment, particularly the effect of refugees and internally displaced persons on the degradation of the ecosystem of the Congo River Basin and the African Great Lakes region, and **fully aware** of the link between peace, environment and development;
8. **Deeply concerned** over the lack of full application of essential legal instruments contained in International Humanitarian Law and some basic principles, notably those concerning refugees and displaced persons, leading to serious breaches in the protection of, and delivery of humanitarian assistance to, affected populations;
9. **Concerned** over the HIV/AIDS scourge, the spread of Malaria, Tuberculosis and other infectious diseases, the high illiteracy rate, and their consequences on human development;
10. **Aware** of the lag in economic development and regional integration linked to, among other factors, unsound policy choices, mixed results of structural adjustment programmes, the mismanagement of public resources, the unsustainable debt burden and the destructive effects of war;
11. **Considering** that the discrimination against women, particularly at decision-making levels, in the areas of peace and security, democracy and political, economic and social governance calls for a deliberate, immediate and sustainable redress;
12. **Aware** of the fact that political leaders need to work individually and collectively towards reconstruction and development of the region and to promote a future of peace, stability and prosperity;
13. **Convinced** that the best way to build a viable future for all is through reestablishment of interstate and intrastate relations based on trust, revitalisation of cooperation and integration, within the framework of a regional and inclusive vision for the promotion of sustainable peace, security, democracy and development;

II. Vision

14. **Declare** our collective determination to transform the Great Lakes Region into a space of sustainable peace and security for States and peoples, political and social stability, shared growth and development, a space of cooperation based on the strategies and policies of convergence within the framework of a common destiny which we are determined to build, in line with the aspirations of our peoples, in conformity also with the AU Vision and Mission, with the full participation of all our peoples, and in partnership with the United Nations, the African Union, and the International Community as a whole;
15. **Reaffirm** our commitment to achieving this common destiny with strict compliance to the UN Charter, the Constitutive Act of

the African Union, the Universal Declaration on Human Rights, the African Charter on Human and Peoples' Rights, as well as all relevant international and regional legal instruments;

16. **Commit** ourselves to build a Great Lakes Region that is open to other regions of the Continent, by building our cooperation on priority areas: Peace and Security, Democracy and Good Governance, Economic Development and Regional Integration, Humanitarian and Social Issues and to achieve our vision through the priority policy options, guiding principles and mechanisms hereunder;

III. Priority Policy Options and Guiding Principles

Peace and Security

Commit ourselves to:

17. **Fully support** the national peace processes in the region and refrain from any acts, statements or attitudes likely to negatively impact them, including through the media;
18. **Strengthen** bilateral and regional cooperation, through the adoption and effective implementation of Non-Aggression and Common Defence Pacts;
19. **Establish** an effective regional security framework for the prevention, management and peaceful settlement of conflicts and, to this end, evaluate regularly relevant sub-regional initiatives and mechanisms and adapt them while encouraging appropriate traditional structures;
20. **Fight** genocide in the Great Lakes region and hereby **undertake** to neutralize, disarm, arrest and transfer to relevant international tribunals the perpetrators of genocide, including the forces that committed genocide in Rwanda in 1994, and any such other forces that may occur in future in accordance with the 1948 Genocide convention and relevant United Nations Security Council resolutions;
21. **Strengthen** cooperation in the area of defence and security and promote confidence building by establishing policies, measures and mechanisms aimed at enhancing good neighbourliness and multi-sectoral cooperation;
22. **Promote** common policies to put an end to the proliferation of illicit small arms and light weapons, as well as anti-personnel mines and, in that regard, **harmonize** and ensure the implementation of existing agreements and mechanisms;
23. **Ensure** security at common borders within the context of trans-border proximity management strategies, in consultation with the populations of these areas;
24. **Prevent** any direct or indirect support, delivery of arms or any other form of assistance to armed groups operating in the region, and **deny**

- use** of any territory by armed groups to carry out acts of aggression or subversion against other Member States;
25. **Adopt and implement**, in an effective and sustainable way, national disarmament, demobilisation and reintegration programmes (DDR) and, where applicable, **ensure** regional coordination for repatriation and resettlement components (DDRRR), taking into account the special needs of former child soldiers and female ex-combatants;
 26. **Intensify** the fight against trans-border crime and terrorism and, to this end, implement measures against impunity through regional mechanisms set up to monitor the enforcement of relevant international Conventions;
 27. **Protect** vulnerable groups, women, children, the elderly, the disabled and the sick, the refugees and displaced persons, involving them in our peace efforts, addressing issues of sexual violence, implementing a Regional Strategy against the HIV/AIDS pandemic as a peace and security issue, in conformity with the relevant regional and international political and legal mechanisms, including Resolutions 1308 and 1325 of the United Nations Security Council, creating conditions for protecting the youth from all sorts of manipulation, particularly during armed conflicts;

Democracy and Good Governance

Commit ourselves to:

28. **Promote**, in our States and in the region, policies and strategies based on respect of values, principles and norms of democracy and good governance, as well as observance of human rights;
29. **Combat** all discriminatory ideologies, policies and practices and any acts of genocide, massacres, terrorism, racism, ethnicism, exclusion, as well as any other forms of violence or crime;
30. **Develop** common policies and programmes in civic education, free movement of persons, freedom of expression and free exchange of ideas and information;
31. **Promote** policies of national unity based on multiculturalism, tolerance, the culture of peace and dialogue, to build a common destiny on shared African cultural values;
32. **Put in place** national and regional policies based on democracy and good governance aimed at consolidating the rule of law, building capacity in leadership, ensuring the transparency of electoral processes, strengthening the efficiency of legal and security services, promoting new Information and Communication Technologies (ICT);
33. **Promote** effective participation of the different socioeconomic actors, specifically the private sector, civil society, women and youth

- in the consolidation of democracy and good governance, particularly through the promotion of good governance at local level, and the emergence of independent and responsible media;
34. **Encourage** the Member States of the Conference to adhere to the NEPAD African Peer Review Mechanism and **establish** regional bodies on adherence to international conventions on human rights and on criminal practices such as illicit trafficking of small arms and light weapons and on the illegal exploitation of natural resources in the Great Lakes Region;
 35. **Adopt** deliberate policies and mechanisms for promoting gender equality at all levels and in all sectors, at the national and regional levels, in accordance with the Millennium Declaration, the UN Security Council Resolution 1325 (2000), the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), the African Charter on Human and Peoples' Rights, the Protocol on the Rights of Women in Africa, the Beijing Platform for Action and the African Union's Declaration on Gender Equality in Africa;
 36. **Encourage** political and legal cooperation between States of the region to address crimes, particularly genocide, crimes against humanity, war crimes and terrorism;

Economic Development and Regional Integration

Commit ourselves to:

37. **Promote** a shared vision of economic development and regional integration that supports comprehensive and sustainable development;
38. **Attain** regional integration through working towards the harmonisation of economic cooperation instruments, and **adopt** strategies for macro-economic convergence, and the implementation of regional policies for the free movement of people, goods and services;
39. **Cooperate** in enhancing economic growth through economic integration and addressing the major challenges faced by the countries, particularly by incorporating an integrated strategy to ensure regional reconstruction of productive sectors and infrastructure;
40. **Establish or strengthen** regional legal, administrative and institutional frameworks and develop capacity for regional integration;
41. **Build** a unified economic space for enhanced economic efficiency and for the eradication of poverty, and achieving sustainable economic development;
42. **Promote** growth and development through revitalisation and harmonization of existing regional integration organisations and the

- establishment of trans-border poles/zones;
43. **Adopt** regional policies for the promotion of a vibrant, socially responsible private sector within an environment that is conducive to investments through, inter alia, a mechanism for the integration of the informal sector into the mainstream economy;
 44. **Promote** regional policies and strategies for the diversification and enhancement of sources of income, competitiveness of productive sectors, rational management of land resources, sustained and sound management of vital regional natural and environmental resources such as aquatic ecosystems, mineral deposits and forests of the Congo Basin, as well as sustainable human settlements;
 45. **Promote** regional cooperation in trade, monetary policies, energy, transport, tourism, culture, environment, Information and Communication Technologies, as well as in telecommunications, with an emphasis on railways, oil pipelines, submarine cables and optic fibre network interconnections;
 46. **Elaborate** a regional strategy for the development of agriculture, fisheries, livestock breeding and agro-industry, as well as irrigation policies aimed at reducing dependence on rainfall patterns and climatic changes;
 47. **Promote** cooperation in scientific research and in the social sector, particularly in the fields of education and health, with a view to harmonizing programmes or policies, promoting exchange, fostering rational management of human resources, curbing brain drain and improving living conditions;
 48. **Formulate** national and regional policies that promote the employment of women and youth and **develop** appropriate regional financing mechanisms so as to give them more access to micro-finance institutions, investment opportunities in trade and control of factors of production such as land, property and capital;
 49. **Formulate** policies and strategies for increased added value through the processing of our raw material and **promote** knowledge-based activities, as well as service industries, such as tourism, banking and insurance;
 50. **Harmonise** regional policies and mechanisms for the management of the environment, especially of national parks and protected ecosystems, in respect of international conventions and norms on the matter;
 51. **Pursue** a collective regional strategy on enhanced access to international markets as well as accelerated integration of the regional market;
 52. **Adopt, promote and support** the formulation of balanced rural and urban development strategies and policies at national and regional levels;

53. **Engage** the International Community, especially the UN and all its agencies, the AU and relevant Regional Economic Communities, International Financial Institutions, the Group of Friends of the Great Lakes Region and other Development Partners, to support the countries of the region in declaring the Great Lakes Region a “Specific Reconstruction and Development Area” with a Special Fund for Reconstruction and, within this framework, **pledge** to mobilise resources available in the region;
54. **Strongly appeal** to partners for total debt cancellation given the special post-conflict problems of reconstruction and development in the region;
55. **Establish and strengthen** national and regional mechanisms to mainstream gender issues in all sectors of economic development;

Humanitarian and Social Issues

Commit ourselves to:

56. **Strictly comply** with obligations and principles of the Universal Declaration of Human Rights, and **ratify, implement** at the national level and **operationalise** all relevant and related international and regional human rights instruments;
57. **Comply** with the obligations and principles of the 1951 UN Convention Relating to the Status of Refugees and the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa;
58. **Respect and use** the Guiding Principles on Internally Displaced Persons as proposed by the UN Secretariat, **harmonise** all the relevant pieces of legislation and **define** a national and regional framework for the monitoring and follow-up of the standards contained therein and which relate to the access and protection of disaster victims, internally displaced persons, women and children who are victims of conflicts;
59. **Strictly adhere** to the norms and principles of International Humanitarian Law and related conventions, inter-alia, the Geneva Conventions of 1949 on the protection of civilians in times of conflict and the provision of humanitarian assistance, including full and free access to all persons requiring assistance;
60. **Guarantee** the safety of humanitarian personnel in accordance with the 1994 Convention on the Safety of United Nations and Associated Personnel, and Resolution 1502 of the United Nations Security Council, with the understanding that international humanitarian organisations respect the national laws of the countries where they intervene;
61. **Address** the root causes of and **find** lasting solutions to, the

- protracted problems of displaced and refugee populations, notably with regard to their peaceful co-existence with resident populations, their voluntary repatriation and return or local integration, with the full involvement of the local authorities and host populations, and within the framework of tripartite agreements where applicable; **encourage** countries of origin to create the conditions conducive to the return of refugees;
62. **Encourage** the International Community in assisting host communities and refugee affected areas, in the spirit of burden sharing, in mitigating the adverse effects of protracted refugee presence;
 63. **Establish** a regional mechanism and national systems enabling the identification, disarmament and separation of combatants from civilian refugees and displaced persons, and their confinement in distinct facilities to prevent them from manipulating refugees and displaced persons for political or military purposes;
 64. **Apply** the Ottawa Convention on anti-personnel landmines and **ensure** the clearing of mines, including in areas inhabited by refugees, returnees and displaced persons and locate camps at a reasonable distance from the borders, as stipulated in the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa and relevant conclusions of the Executive Committee of the Programme of the UN High Commissioner for Refugees endorsed by the UN General Assembly;
 65. **Establish** a regional early warning and rapid response mechanism for natural and man-made disasters and build capacities for environmental restoration in areas degraded by the settlement of refugee and displaced populations;
 66. **Prohibit** the recruitment of children into armed forces or their participation in any manner in hostilities, including support roles, and to this end, accede to and implement, through domestic legislation in internal legal systems, the relevant provisions of the African Charter on the Right and Welfare of the Child, the optional Protocol to the Convention of the Rights of the Child and the relevant recommendations of the Special Representative of the UN Secretary-General on Children in Armed Conflict; **take** all necessary measures to ensure that former child soldiers are exempted from compulsory military service, reunited with their families, reintegrated into their communities, rehabilitated, counselled and resettled;
 67. **Set up** regional mechanisms, including relevant traditional support mechanisms, aimed at providing psychosocial support, medical and legal assistance to women and girls who are victims of rape as well as other acts of sexual violence and exploitation;
 68. **Adopt** a common regional approach for the ratification and

- implementation of the UN Conventions on Statelessness, **harmonize** related national laws and standards, and **provide** refugees and displaced persons with identification documents enabling them to have access to basic services and exercise their rights;
69. **Ensure** that refugees and displaced persons, upon return to their areas of origin, recover their property with the assistance of the local traditional and administrative authorities;
 70. **Allocate** funds from debt cancellation with priority given to programmes of rehabilitation and reconstruction of social and educational infrastructure, as well as rural development;
 71. **Promote** preventive strategies to curb the spread and reduce the impact of endemic diseases such as HIV/AIDS, Malaria and Tuberculosis, and **reduce** the impact of the said diseases by strengthening regional initiatives, especially the Great Lakes Initiative on AIDS (GLIA), the Congo-Ubangui and Chari River Countries Initiative on HIV/AIDS, to facilitate access to medical intervention and to reinforce the collaboration, coordination and sharing of information among the region's States;
 72. **Make** the Millennium Development Goals (MDGs) a reference for the development of integrated policies aimed at eradicating poverty phenomena;
 73. **Develop and promote** comprehensive curricula on the culture of Peace in the educational systems;
 74. **Promote** the use of Kiswahili as a working language in the Great Lakes region;

IV. Follow-Up Mechanism

We decide to:

75. **Give meaning** to our shared vision for the Great Lakes Region and, to this end, **hold** more regular political consultations to consolidate and materialize our cooperation in the form of a Pact on Security, Stability and Development to be adopted at the Second Summit of the International Conference on the Great Lakes Region scheduled for 2005 in Nairobi;
76. **Set up** a Regional Inter-Ministerial Committee, mandated to prepare selected, concrete, achievable and measurable draft Protocols and programmes of action together with specific short, medium and long-term objectives; the Committee is assisted by the Regional Preparatory Committee, enhanced with representatives of the Civil Society, women, youth and other reputable experts with at least one third of women representatives; the Draft Protocols and Programmes of Action will be submitted to the Second Summit and will form with this Declaration, the Pact on Security, Stability and Development in the Great Lakes Region;

77. **Direct** the Regional Inter-Ministerial Committee to take into account the recommendations emanating from the meetings of the Regional Preparatory Committee, other special regional meetings as well as meetings related to the preparation of the Conference, including the First Ladies Forum;
78. **Further direct** the Regional Inter-Ministerial Committee to include in the Draft Protocols and programmes of action, practical modalities for the implementation, regular monitoring and periodic evaluation of the different components of the Pact, at national and regional levels;
79. **Recommend** that the Regional Inter-Ministerial Committee work in close collaboration with the UN, the AU, relevant Regional Economic Communities, development partners and the Group of Friends of the Great Lakes Region;

V. Final Provisions

80. **Invite** the Group of Friends of the Great Lakes Region to continue their commendable diplomatic, political, technical and financial support in order to help create conditions conducive to the implementation of this Declaration and for the requisite preparation of decisions of the Second Summit;
 81. **Further invite** the UN and the AU in consultation with the host country of our First Summit and with the support of the Group of Friends of the Great Lakes Region, to assist Member States of the Conference to implement the Declaration until the Second Summit of the Conference;
 82. **Declare** that the present Declaration takes effect immediately and undertake to respect and implement its provisions.
-

Pact on Security, Stability and Development in the Great Lakes Region (2006/2008)

Full title: Pact on Security, Stability and Development in the Great Lakes Region

Date/place of adoption/conclusion: 15 December 2006, Nairobi, Kenya

Entered into force (EIF): 21 June 2008

EIF provision: Article 33

Authentic texts: Arabic, English, French, Portuguese, Kiswahili

Available online at: <https://bit.ly/3iJeIcg>

Excerpts

Preamble

We, Heads of State and Government of the Member States of the International Conference on the Great Lakes Region;

Mindful of the need to respect democracy and good governance, the fundamental principles enshrined in the UN Charter and the African Union Constitutive Act, notably territorial integrity, national sovereignty, non-interference and non-aggression, prohibition of any Member State from allowing the use of its territory as a base for aggression or subversion against another Member State;

Mindful of the need for an effective and sustained political will to jointly seek peaceful solutions to disputes and more especially to honor our commitments in a spirit of mutual trust;

Reaffirming our individual and collective determination to base the relations between our States on international legal instruments and universal fundamental principles, the priority political options and the guiding principles referred to in the Dar-es-Salaam Declaration, as well as to transform the Great Lakes Region, in the framework of our common destiny, into a space of durable peace and security, of political and social stability, and of economic growth and shared development by multi-sector cooperation and integration for the sole benefit of our peoples;

Determined to ensure the strict observance of the standards and principles of international humanitarian law, notably those relating to the protection and assistance of women, children, refugees and displaced persons, the violations of which have seriously affected the populations concerned;

Reaffirming our decision taken at Dar-es-Salaam to declare the Great Lakes Region a specific zone of reconstruction and development and jointly determined to meet the challenge of reconstruction and development with

the full participation of all our peoples, particularly in partnership with the civil society organizations, young people, women, the private sector and religious organizations, as well as in close cooperation with the relevant regional organizations, the African Union, the United Nations, and the international community in general;

Determined to adopt and implement collectively the appropriate Programmes of Action, the Protocols and mechanisms to translate into reality the priority political options and the guiding principles of the Dar-es-Salaam Declaration;

Hereby solemnly agree:

Chapter I. General Provisions

Article 1: Definitions

1. For the purpose of this Pact, unless the context otherwise requires, the following mean:
 - (a) **Conference:** The International Conference on the Great Lakes Region;
 - (b) **Great Lakes Region:** The region composed of the whole of the territories of the twelve core Member States of the Conference;
 - (c) **Dar-es-Salaam Declaration:** The Declaration on Peace, Security, Democracy and Development in the Great Lakes region, adopted and signed at the first Summit of the Conference in Dar-es-Salaam (United Republic of Tanzania) on 20 November 2004;
 - (d) **Member States:** The twelve core Member States of the International Conference on the Great Lakes Region, namely: Republic of Angola, Republic of Burundi, Central African Republic, Republic of the Congo, Democratic Republic of the Congo, Republic of Kenya, Republic of Rwanda, Republic of South Sudan, Republic of the Sudan, United Republic of Tanzania, Republic of Uganda, and the Republic of Zambia;
 - (e) **National Coordination Mechanisms:** National Mechanisms responsible for facilitating the implementation of the Pact in the Member States;
 - (f) **Summit:** The organ composed of The Heads of State and Government of the Member States;
 - (g) **Regional Inter-Ministerial Committee:** The organ composed of the Ministers of the Member States in charge of the Conference;
 - (h) **Conference Secretariat:** The Secretariat of the International Conference on the Great Lakes Region;
 - (i) **Pact:** The Pact on Security, Stability and Development for the Great Lakes Region;
 - (j) **Protocols:** The Protocols adopted or subsequently adopted under this Pact;
 - (k) **Programmes of Action:** The Programmes of Action adopted under this Pact;

- (l) **Projects:** The Projects adopted or subsequently adopted under this Pact;
- (m) **Follow-up Mechanism:** The Regional Follow-up Mechanism adopted under this Pact;
- (n) **Fund:** The Special Reconstruction and Development Fund established under this Pact.

Article 2: Objectives

The Objectives of this Pact are to:

- (a) Provide a legal framework governing relations between the Member States to which this Pact applies as provided for in Article 4;
- (b) Implement the Dar-es-Salaam Declaration, the Protocols, Programmes of Action, the Regional Follow-up Mechanism, and the Special Reconstruction and Development Fund as adopted under Article 3;
- (c) Create the conditions for security, stability, and sustainable development between the Member States.

Article 3: Content

1. The Dar-es-Salaam Declaration, the Protocols, the Programmes of Action, the Regional Follow-up Mechanism, and the Fund, shall constitute integral parts of this Pact;
2. All references to the Pact shall necessarily refer to all the integral parts of this Pact.

Article 4: Field of Application and Fundamental Principles

1. This Pact governs legal relations between the Member States who will have ratified it, in the framework and within the limits of the priority areas selected in matters of peace and security, democracy and good governance, economic development and regional integration, as well as humanitarian, social and environmental issues.
2. The Member States undertake to base their relations on respect for the principles of national sovereignty, of territorial integrity, of non-interference in the internal affairs of other Member States, of non-aggression, of cooperation and of peaceful settlement of disputes.

Chapter II. The Protocols

Article 5: Protocol on Non-aggression and Mutual Defence in the Great Lakes Region

1. The Member States undertake to maintain peace and security in accordance with the Protocol on Non-aggression and Mutual Defence in the Great Lakes Region, and in particular:
 - (a) To renounce the threat or the use of force as policies means or instrument aimed at settling disagreements or disputes or to achieve

- national objectives in the Great Lakes Region;
- (b) To abstain from sending or supporting armed opposition forces or armed groups or insurgents onto the territory of other Member States, or from tolerating the presence on their territories of armed groups or insurgents engaged in armed conflicts or involved in acts of violence or subversion against the Government of another State;
 - (c) To cooperate at all levels with a view to disarming and dismantling existing armed rebel groups and to promote the joint and participatory management of state and human security on their common borders.
 - (d) If any Member State fails to comply with the provisions of this Article, an extraordinary Summit shall be convened to consider appropriate action.

Article 6: Protocol on Democracy and Good Governance

The Member States undertake to promote and observe democracy and good governance in accordance with the Protocol on Democracy and Good Governance, and in particular:

- (a) To promote and observe democratic principles and standards;
- (b) To set up institutions to promote good governance, the rule of law and the respect for human rights through constitutional systems based on the separation of powers, political pluralism, the regular organisation of free, democratic and credible elections, the participatory, transparent and responsible management of business, institutions and public property.

Article 7: Protocol on Judicial Cooperation

The Member States undertake, in accordance with the Protocol on Judicial Cooperation, to cooperate in matters of extradition, judicial investigation and prosecution.

Article 8: Protocol for the Prevention and the Punishment of the Crime of Genocide, War Crimes and Crimes against Humanity and all forms of Discrimination

The Member States, in accordance with the Protocol on the Prevention and the Punishment of the Crime of Genocide, War Crimes and Crimes against Humanity and all forms of Discrimination, recognize that the crime of genocide, war crimes, and crimes against humanity are crimes under international law and against the rights of peoples, and undertake in particular:

- (a) To refrain from, prevent and punish, such crimes;
- (b) To condemn and eliminate all forms of discrimination and discriminatory practices;
- (c) To ensure the strict observance of this undertaking by all national, regional and local public authorities and institutions;
- (d) To proscribe all propaganda and all organisations which are

inspired by ideas or theories based on the superiority of a race or a group of people of a particular ethnic origin, or which try to justify or encourage any form of ethnic, religious, racial or gender based hatred or discrimination.

Article 9: Protocol Against the Illegal Exploitation of Natural Resources

The Member States agree, in accordance with the Protocol Against the Illegal Exploitation of Natural Resources, to put in place regional rules and mechanisms for combating the illegal exploitation of natural resources which constitute a violation of the States' right of permanent sovereignty over their natural resources and which represent a serious source of insecurity, instability, tension and conflicts, and in particular:

- (a) To ensure that any activity bearing on natural resources must scrupulously respect the permanent sovereignty of each State over its natural resources and comply with harmonised national legislation as well as the principles of transparency, responsibility, equity, and respect for the environment and human settlements;
- (b) To put to an end, through national and international legal means, to impunity in the illegal exploitation of natural resources by natural persons and legal entities;
- (c) To put in place a regional certification mechanism for the exploitation, monitoring and verification of natural resources within the Great Lakes Region.

Article 10: Protocol on the Specific Reconstruction and Development Zone

The Member States agree, in accordance with the Protocol on the Specific Reconstruction and Development Zone, to implement, an economic development and local regional integration process, pursuant to the decision contained in the Dar-es-Salaam Declaration to declare the Great Lakes Region as a Specific Reconstruction and Development Zone, and for this purpose, to institute in particular:

- (a) Transborder development basins to promote local regional integration of the border populations;
- (b) A Special Reconstruction and Development Fund for the purpose of supporting the implementation of the Protocols and Programmes of Action selected in the priority areas of peace and security, democracy and good governance, economic development and regional integration, and humanitarian, social and environmental issues.

Article 11: Protocol on the Prevention and Suppression of Sexual Violence Against Women and Children

The Member States undertake, in accordance with the Protocol on the Prevention and Suppression of Violence Against Women and Children, to combat sexual violence against women and children through preventing, criminalizing and punishing acts of sexual violence, both in times of peace and in times of war, in accordance with national laws and international criminal law.

Article 12: Protocol on the Protection and Assistance to Internally Displaced Persons

The Member States undertake, in accordance with the Protocol on the Protection and Assistance to Internally Displaced Persons, to provide special protection and assistance to internally displaced persons and in particular to adopt and implement the Guiding Principles on Internal Displacement as proposed by the United Nations Secretariat.

...

Chapter III. The Programmes Of Action

Article 16: Objectives of the Programmes of Action

The Member States undertake to promote the joint strategies and policies outlined in the Dar-es-Salaam Declaration within the framework of the objectives of the sector Programmes of Action.

Article 17: The Programme of Action for Peace and Security

The Member States undertake to ensure sustainable peace and security in the whole Region of the Great Lakes, in the framework of the Programme of Action for Peace and Security, which is aimed at:

- (a) Promoting the joint management of the security of common borders;
- (b) Promoting, maintaining and enhancing cooperation in the fields of peace, conflict prevention and the peaceful settlement of disputes;
- (c) Promoting inter-State cooperation on general security issues including combating the illicit proliferation of small arms and light weapons, preventing and combating organized transnational criminal activities and terrorism.

Article 18: The Programme of Action for Democracy and Good Governance

1. The Member States undertake to entrench values, principles and norms on democracy, good governance, and respect for human rights, in the framework of the Programme of Action for Democracy and Good Governance, which aims, in particular, to:

- (a) Establish regional mechanisms which work together to strengthen the rule of law in the region, to promote human rights, and to combat impunity;
- (b) Consolidate the democratization process by enhancing institutional capacity, by promoting political participation of all segments of society, and by developing and implementing communication and information strategies;
- (c) Harmonize and coordinate policies on the protection and rational management of natural resources in the region.

...

Article 20: Programme of Action on Humanitarian, Social and Environmental Issues

1. The Member States undertake to find lasting solutions to guarantee protection and assistance to populations affected by political conflicts in the Great Lakes Region, as well as by humanitarian, social, and environmental catastrophes, by implementing a Programme of Action on Humanitarian, Social and Environmental Issues, which is aimed at:
 - (a) Promoting policies aimed at disaster prevention, protection, assistance, and the search for durable solutions for refugees and internally displaced persons, as well as their environment;
 - (b) Promoting relevant policies to guarantee access to basic social services by the populations affected by conflicts and effects of natural disasters.

Chapter IV. The Special Fund For Reconstruction and Development

Article 21: Legal framework

1. A Special Fund for the reconstruction and development of the Great Lakes Region shall be created in accordance with the Protocol on the Specific Reconstruction and Development Zone, but the legal status of such a Fund shall be defined in a separate document;
2. The modality of the operation of the Fund shall be determined by a specific legal framework to be agreed with the African Development Bank, which shall manage the said Fund;
3. The financing of the Fund shall be ensured by mandatory contributions from the Member States as well as by voluntary contributions from cooperating and development partners.

Chapter V. The Regional Follow-up Mechanism

Article 22: Establishment

1. The Member States agree to create a Regional Follow-up Mechanism which shall consist of the Summit of Heads of State and Government, the Regional Inter-Ministerial Committee, the Conference Secretariat, the National Coordination Mechanisms and the Collaborative Mechanisms and other specific structures or forums if necessary, in order to ensure the implementation of this Pact;
2. The Regional Follow-up Mechanism shall be based upon the principles of best practice, complementarity, linkages, and collegial ownership by the Member States, in cooperation with the African Union and the United Nations and other partners.

Article 23: The Summit

1. The Summit shall be the Supreme organ of the Conference and it shall be chaired by a Head of State or Government of a Member State in rotation;
2. The Summit shall be held once every two years. An extraordinary session of the Summit may be convened at the request of one Member State and upon the consent of the qualified majority of eight of the majority of the ratifying Member States present and voting;
3. The Summit shall direct the implementation of this Pact, approve budgetary resources on the recommendation of the Inter-Ministerial Committee, allocate additional resources and assess progress made in the implementation of the Pact;
4. The Summit shall approve the appointment of the Executive Secretary of the Conference Secretariat on the recommendation of the Inter-Ministerial Committee, and decide on the location of the Conference Secretariat's headquarters;
5. The Conference Chairperson, in the exercise of his or her functions between the ordinary sessions of the Summit, shall ensure the respect for and the implementation of the Pact by the Member States, and seek the support of the Region's development partners to achieve the Conference's objectives. He or she shall be assisted in his activities by his predecessor and his future successor in the framework of a « Troika »;
6. A Member State that is unable or unwilling to honour its obligations under this Pact shall account for its failure before the Summit which will determine the consequences for such failure;
7. Decisions of the Summit shall be taken by consensus. In the event of failure to reach a consensus, decisions shall be taken by a qualified

majority of eight of the twelve Member States present and voting in cases of non-procedural matters, and by an absolute majority of the Member States present and voting, in cases of procedural matters.

Article 24: The Regional Inter-Ministerial Committee

1. The Inter-Ministerial Committee shall be the Executive organ of the Conference. It shall meet in ordinary session twice a year. It may meet in extraordinary session on the request of one Member State with the consent of the absolute majority of Member States;
2. The meetings of the Inter-Ministerial Committee shall be chaired by a Minister of a Member State in rotation, following the sequence of the ordinary periodical sessions of the Summit. Each meeting of the Inter-Ministerial Committee shall be preceded by a meeting of senior officials of the Member States;
3. The Committee shall determine strategies for implementing this Pact and shall carry out regular monitoring of its implementation;
4. It shall submit to the Summit a periodic report on the implementation of the Pact;
5. It shall recommend to the Summit candidates for the position of the Executive Secretary of the Conference and approve nominations of senior staff for the Conference Secretariat on the recommendations of the Executive Secretary;
6. It shall examine and submit to the Summit the draft budget as well as the reports and the work plans of the Conference Secretariat and affiliated institutions;
7. It may, in the interval between the ordinary sessions of the Summit, make such budgetary, administrative and operational adjustments as the Summit may delegate;
8. Decisions of the Inter-Ministerial Committee shall be taken by consensus. In the event of failure to reach a consensus, decisions shall be taken by a qualified majority of eight of the twelve Member States present and voting in cases of nonprocedural matters, and by an absolute majority of the Member States present and voting, in cases of procedural matters.

Article 25: Ad-hoc Group of Experts

The Inter-Ministerial Committee may nominate an ad-hoc group of a maximum number of six independent experts composed of men and women in equal numbers and of high moral integrity, whose mission shall be to:

- (a) Prepare and submit to the Summit a special report on the specific problems encountered by the Member States in implementing the Pact;
- (b) Fulfill any other functions as determined by the Summit.

Article 26: Conference Secretariat

1. The Conference Secretariat shall be the technical arm and coordinating body of the Conference. It shall be headed by an Executive Secretary whose mandate shall be for a period of four years not subject to renewal;
2. The Executive Secretary shall be responsible for:
 - (a) Ensuring the implementation of the decisions of the Summit and the Inter-Ministerial Committee, and reporting on it;
 - (b) Ensuring the promotion of the Pact and the execution of the Programmes of Action, Protocols and activities falling under his direct responsibility;
 - (c) Organising the meetings of the Summit, the Inter-Ministerial Committee and of the other Conference structures and forums;
 - (d) Harmonizing the implementation of the Conference activities falling under the responsibility of the relevant regional economic communities, as well as the decentralised and affiliated institutions;
 - (e) Drawing up programmes of activities and the budget of the Conference Secretariat, and ensuring their implementation after approval by the Inter-Ministerial Committee.
3. The Executive Secretary may seek technical assistance from the African Union, the United Nations, and cooperating partners and organisations;
4. The operating budget of the Conference Secretariat shall be proposed every two years by the Executive Secretary and approved by the Summit on the recommendation of the Inter-Ministerial Committee. It shall be funded by mandatory annual contributions of the Member States and by resources mobilized from cooperation and development partners of the Great Lakes Region and by any other resources identified by the Conference;
5. The method of calculating the contributions of Member States and the currency in which they are paid shall be determined by the Inter-Ministerial Committee;
6. The recruitment of senior officials of the Secretariat shall respect the principle of the balanced representation, and will be done on a rotating basis among citizens of the Member States.

Article 27: National Coordination Mechanisms and Collaborative Mechanisms

1. Each Member State shall establish a National Coordination Mechanism to facilitate the implementation of this Pact in that Member State;
2. Collaborative Mechanisms shall be established by the Inter-Ministerial Committee to coordinate the implementation of the Pact in cooperation with the Member States, the regional economic communities and the relevant regional institutions.

Chapter VI. Peaceful Settlement Of Disputes

Article 28: The duty to Settle Disputes Peacefully

1. The Member States undertake to settle their disputes peacefully;
2. For this purpose, the Member States undertake to settle disputes through negotiation, good offices, investigation, mediation, conciliation or any other political means within the framework of the Conference's Regional Follow-up Mechanism;
3. The Member States undertake to have recourse to the means of settling disputes described in paragraph 2 above before having recourse to any other political, diplomatic or judicial mechanisms;
4. The Member States may resort to the means of peaceful settlement provided for in the United Nations Charter and in the Constitutive Act of the African Union after recourse to the peaceful settlement of disputes in paragraphs 2 and 3 above.

Article 29: Disputes Concerning the Interpretation and Application of the Pact

The Member States agree to submit any dispute which may arise between them in relation to the interpretation or application of all or part of the Pact to the African Court of Justice if recourse to the means referred to in Article 28 (2),(3)(4) turn out to be unsuccessful.

...

Article 31: Non-selectivity and Reservations

1. The Member States agree to apply all the provisions of this Pact according to the principle of non-selectivity;
2. No reservations may be entered to this Pact.

Article 32: Deposit and Registration

1. The United Nations Secretary General shall be the depositary of this Pact;
2. The Conference Secretariat shall make arrangements for depositing this Pact, upon its entry into force, with the Secretary General of the United Nations and with the Chairperson of the Commission of the African Union.

Article 33: Entry into force

1. This Pact shall enter into force thirty days after the receipt by the Conference Secretariat of the eighth instrument of ratification;
2. For any State which has ratified the Pact after the date on which the eighth instrument of ratification has been received by the depositary, this Pact shall enter into force on the thirtieth day after the date of

receipt by the Conference Secretariat of its instrument of ratification.

Article 34: Amendments and Revision

1. Any Member State that has ratified this Pact may propose amendments to, or revision, of this Pact;
2. A proposal for amendment or revision shall be submitted in writing to the Conference Secretariat that shall forthwith inform the other Member States of such a proposal;
3. The proposal for amendment or revision of the Pact shall be submitted to the Member States at least six months before the next session of the Summit at which it is proposed for adoption;
4. The decision to amend or revise the Pact shall be agreed by a qualified majority of eight of the twelve Member States present and voting;
5. An Amendment or revision adopted in accordance with paragraph 4 of this Article shall be circulated by the Conference Secretary to all the Member States for their acceptance. Instruments of acceptance of amendments or revision shall be deposited with Conference Secretariat;
6. The revision or amendment shall enter into force in respect of all the Member States 30 days after the receipt by the Conference Secretariat of the eighth instrument of acceptance;
7. Never the less, projects and budgets agreed within the framework of the Programmes of Action, Protocols, and the Regional Follow-up Mechanism may be amended without recourse to the amendment or revision procedure provided for above.

Article 35: Withdrawal

1. A Member State that has ratified this Pact may withdraw from it at any time after ten years from the date on which this Pact entered into force in relation to such a Member State, by giving written notification of the decision to withdraw to the depositary;
2. Any such withdrawal shall take effect after one year from the date of receipt by the depositary of the notification of withdrawal.

...

Protocol on Non-Aggression and Mutual Defence in the Great Lakes Region (2006/2008)

Full title: Protocol on Non-Aggression and Mutual Defence in the Great Lakes Region

Date/place of adoption/conclusion: 30 November 2006

Entered into force (EIF): 21 June 2008 (for those member states who ratified the Pact)

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Excerpts

Preamble

We, Heads of State and Government of the member States of the International Conference on the Great Lakes Region:

Deeply concerned by the recurrent conflicts and persistent insecurity within and between the States of the Great Lakes Region, while recognising the efforts and initiatives undertaken at the national, regional and international level to resolve these conflicts and promote security;

Reaffirming our commitment, subscribed to in the Declaration on Peace, Security, Democracy and Development in the Great Lakes Region, adopted in Dar-es-Salaam (United Republic of Tanzania) on 20 November 2004 to make this region "... a space of sustainable peace and security for States and peoples, political and social stability, shared growth and development";

...

Reaffirming that the obligation of non-interference in the internal affairs of any State and that of refraining in international relations from any military, political, economic or other form of coercion aimed against the sovereignty, political independence or territorial integrity of any State in accordance with international law, are essential conditions for ensuring peace, security, stability and development in the Great Lakes Region;

Mindful of the responsibility of States to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, and gross violations of human rights in the Great Lakes Region;

Reaffirming the strict obligation of each State not to permit the use of its territory as a base for subversion or aggression against other States;

Reaffirming further the duty of all States to settle their international

disputes by peaceful means in accordance with international law;

Agree as follows:

Article 1: Definitions

In this Protocol, unless the context otherwise requires, the following mean:

1. **Acts of Subversion:** any act that incites, aggravates or creates dissension within or among Member States with the intention or purpose of destabilizing or overthrowing the existing regime or political order by, among other means, fomenting racial, religious, linguistic, ethnic or other differences, in a manner inconsistent with the Constitutive Act of the African Union, the African Union Non-Aggression and Common Defence Pact, or the Charter of the United Nations.
2. **Aggression:** the use, intentionally and knowingly, of armed force or any hostile act, as referred to in Article 1(3)(g to k), perpetrated by a State, a group of States, an organization of States or an armed group or by any foreign or external entity, against the sovereignty, political independence, territorial integrity and human security of the population of a Member State, contrary to the Constitutive Act of the African Union, the African Union Non-Aggression and Common Defence Pact or the Charter of the United Nations.
3. The following shall constitute acts of aggression, regardless of a declaration of war by a State, group of States, organization of States, or armed groups, or by any foreign entity whatsoever:
 - (a) a. The use of armed forces against the sovereignty, territorial integrity and political independence of a State, or any other act inconsistent with the provisions of the Constitutive Act of the African Union, the African Union Non-Aggression and Common Defence Pact, or the Charter of the United Nations;
 - (b) b. The invasion or attack by armed forces against the territory of a Member State, or military occupation, however temporary, resulting from such an invasion or attack, or any annexation by the use of force of the territory of a Member State or part thereof;
 - (c) c. The bombardment of the territory of a Member State or the use of any weapon against the territory of a Member State;
 - (d) d. The blockade of the ports, coasts or airspace of a Member State;
 - (e) e. The attack by the armed forces of a State on the land, sea or air forces, or marine and air fleets of a Member State;
 - (f) f. The use of the armed forces of a Member State which are within the territory of another Member State with the agreement of the latter, in contravention of the conditions provided for in the African Union Non-Aggression and Common Defence Pact;
 - (g) g. The action of a Member State in authorising its territory, to be

- used by another Member State for committing an act of aggression against a third State;
- (h) h. The sending by, or on behalf of a Member State, or the provision of any support to armed groups, mercenaries, and other organized transnational criminal groups which might carry out hostile acts against a Member State, of a gravity comparable to the acts listed above, or its substantial involvement therein;
 - (i) i. Acts of espionage which could be used, contrary to Article 7(4), for military aggression against a Member State;
 - (j) j. Technological assistance of any kind, intelligence and training given to another State for use, contrary to Article 7(4), with the aim of committing acts of aggression against another Member State; and
 - (k) k. The encouragement, support, harbouring or provision of any assistance for the commission of terrorist acts and other violent trans-national organized crimes against a Member State.
4. **Armed groups:** any armed groups that do not belong to, or are not officially incorporated into, the defence and security forces of Member States.
5. **Designated border security zones:** the following common border zones:
- (a) a. **Zone 1**, comprising the East of the Democratic Republic of Congo, the West of Uganda and the West of Rwanda;
 - (b) b. **Zone 2**, comprising the North of the United Republic of Tanzania, the South of Uganda, and the South-West of Kenya;
 - (c) c. **Zone 3**, comprising the North-East of Uganda, the North-West of Kenya, and the South-East of Sudan;
 - (d) d. **Zone 4**, comprising the North-West of Uganda, the North-East of the Democratic Republic of Congo, and the South-West of Sudan in the West Nile border triangle;
 - (e) e. **Zone 5**, comprising the North of the Democratic Republic of Congo, the South-West of Sudan, and the South-East of the Central African Republic;
 - (f) f. **Zone 6**, comprising the North-West of the Democratic Republic of Congo, the North-East of the Republic of Congo, and the South-West of the Central African Republic;
 - (g) g. **Zone 7**, comprising the North-West of Angola, the West of the Democratic Republic of the Congo and the South of the Republic of Congo;
 - (h) h. **Zone 8**, comprising the North-West of Zambia, the South of the Democratic Republic of Congo, and the East of Angola;
 - (i) i. **Zone 9**, comprising the West of the United Republic of Tanzania, the South of Burundi, the North of Zambia and the South-East of the Democratic Republic of Congo;
 - (j) j. **Zone 10**, comprising the East of the Democratic Republic of Congo, the West of Burundi, and the West of Rwanda;
 - (k) k. **Zone 11**, comprising the North-West of the United Republic of Tanzania, the South-West of Uganda, and the East of Rwanda;

- and
- (l) 1. **Zone 12**, comprising North-West of the United Republic of Tanzania, the South-East of Rwanda, and the North-East of Burundi.

Article 2: Objectives

The objectives of this Protocol are to:

1. Resolve and prevent internal and inter-state armed conflicts, subversive activities and serve as a legal framework for eradicating persistent insecurity of any kind within and between Member States;
2. Eliminate threats to peace, security, stability and sustainable development in the Great Lakes Region through collective security;
3. Ensure respect for the sovereignty and security of States, the inviolability of borders and the territorial integrity of States;
4. Safeguard human and people's rights, gender equity, the rule of law, democracy, and sustainable development in the Great Lakes Region;
5. Ensure that disputes between Member States and, between Member States and armed groups are resolved by peaceful means;
6. Ensure that any Member State is prevented from permitting the use of its territory as a base for aggression or subversion perpetrated against another Member State;

Article 3: Renunciation of the Threat or Use of Force by Member States

1. Member States agree to renounce any resort to the threat or use of force as policies, means, or instrument of settling any differences, disputes, or the pursuit of national objectives.
2. This renunciation is without prejudice to the primary responsibility of Member States to preserve the integrity of their sovereignty and to protect the lives and human rights of all persons and all peoples, including women and children, residing within their territories.
3. Member States shall assume primary responsibility for not permitting the use of their territories as a base for any form of aggression or subversion against another Member State.
4. Member States undertake to criminalize any act of aggression or subversion against other States by individuals or groups operating in their respective States.

Article 4: Prohibition on the Threat or Use of Force by Member States

1. Member States undertake to refrain, in their international relations, from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Charter of the United Nations, the Constitutive Act of the African Union, the relevant resolutions of the Security

Council of the United Nations and the African Union Peace and Security Council.

2. Member States agree strictly to abide by the duty of non-interference in matters which are within the domestic jurisdiction of any State, in accordance with international law, the Charter of the United Nations, and the Constitutive Act of the African Union.
3. Any act, by a Member State, of sending its armed forces or armed or insurgent groups across the frontier of another State, without the agreement of that State, shall constitute a breach of the prohibition on the threat or use of force and the duty not to intervene in matters which are within the domestic jurisdiction of any State.
4. Any act by a Member State, of harbouring within its territory armed or insurgent groups engaged in armed conflict, violence, or subversion against the government of another State shall constitute a breach of the prohibition on the threat or use of force and the duty not to intervene in matters which are within the domestic jurisdiction of the said State.
5. Any act, by a Member State, of providing direct or indirect support whatsoever to armed groups engaged in armed conflict, violence, and/or, the unconstitutional overthrow of a Government of another State shall constitute a breach of the prohibition on the threat or use of force and the duty not to intervene in matters which are within the domestic jurisdiction of any State.
6. Member States undertake to refrain from acts of reprisal involving the threat or use of force against other States.
7. Member States agree that a breach of the obligations contained in the provisions of this article shall entail State responsibility for such a breach.
8. Member States agree that the provisions of this Article and Article 5 of this Protocol shall not impair the exercise of their responsibility to protect populations from genocide, war crimes, ethnic cleansing, crimes against humanity, and gross violations of human rights committed by, or within, a State. The decision of the Member States to exercise their responsibility to protect populations in this provision shall be taken collectively, with due procedural notice to the Peace and Security Council of the African Union and the Security Council of the United Nations.

Article 5: Non-Aggression

1. Member States have a duty to refrain from acts and threats of aggression as defined in Article 1 (2) and (3) of this Protocol, as well as any propaganda related to such acts and threats.
2. Any use or threat of the use of force against the sovereignty, territorial integrity and political independence of a State, contrary

to Article 4, or in any manner not authorised by the Charter of the United Nations and the Constitutive Act of the African Union, shall amount to an act of aggression.

3. An act of aggression shall be punishable individually as an international crime against peace as set out in the regional and international legal instruments defining such a crime.
4. Member States shall counter acts of aggression committed against any one of them by armed groups, taking into account the provisions of Articles 6 and 8 of this Protocol.

Article 6: Mutual Defence

1. Member States retain the inherent right to individual or collective self-defence in the event of an armed attack, according to Article 51 of the Charter of the United Nations.
2. A Member State which resorts to self-defence shall determine that its territory has been subject to an armed attack, and shall notify the other Member States, the Peace and Security Council of the African Union, and the Security Council of the United Nations of such an attack.
3. Member States agree that any armed attack against one or more of them shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defence will assist the State or States so attacked by taking forthwith, individually or in concert with the other Member States, such action as it deems necessary, including the use of armed force, to restore and maintain the peace, security, stability, and development of the Great Lakes Region.
4. Member States agree to build their joint capacity for mutual assistance and defence aimed at enabling collective and effective responses to armed attacks against one or more of them by utilising the command structures of the African Intervention Force.
5. Member States shall promote and enhance mutual defence by creating a climate of confidence, trust, and good faith between themselves and their peoples by formulating policies, measures and mechanisms aimed at enhancing good neighbourliness and multi-sectoral cooperation.

Article 7: Regional Responsibility for Managing Common Border Security

1. Member States undertake to assume regional responsibility for the management of the security of their common borders within the context of trans-border proximity management strategies, with the active participation of the populations or communities straddling

border areas, according to Article 23 of the Dar-es-Salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region.

2. Member States agree that the existing bilateral arrangements or instruments on border security are integrated into the framework of this Protocol.
3. Member States agree that the management of border security shall be undertaken on the basis of joint regional responsibility and the pooling of resources in each of the designated border security zones.
4. Member States undertake in particular to pool intelligence, resources, capacities and competences, in order to secure their common borders effectively and efficiently in all the designated border security zones, in a spirit of good faith, cooperation, mutual respect, trust, confidence and good neighbourliness.
5. Member States agree to establish border security patrols along their common border zones.
6. Member States agree that the following principles are applicable to maintain border security in all zones:
 - (a) a. The intangible character of the boundaries existing at the time of independence;
 - (b) b. The duty of neighbouring States to delimit and to demarcate existing boundaries strictly in keeping with the territorial frontiers in existence at the time of independence;
 - (c) c. The role of borders in setting the outer limits to the sovereignty, authority, competence, and jurisdictions of neighbouring States;
 - (d) d. The duty to respect and to maintain the inviolability of borders by ensuring that armed forces and armed groups do not cross the borders of a Member State without the notification and consent of the neighbouring State concerned;
 - (e) e. The duty to refrain, subject to the right of individual or collective self-defence, from the threat or use of force in violation of the existing international borders of another State to resolve any disputes, particularly territorial disputes and frontier incidents.
7. Member States agree to establish mechanisms for the joint control, surveillance and management of common borders, such as the Joint Border Commissions.

Article 8: Measures against Armed Groups

1. Member States hereby denounce all armed groups in the Great Lakes Region and repudiate any association with such groups, and agree to strictly combat all activities undertaken by such groups.
2. Member States guarantee to prohibit armed groups from using their territories as a base for carrying out armed attacks, committing acts of aggression or subversion, against the sovereignty, security, territorial integrity and political independence of any Member State.

3. Member States undertake not to give any help, directly or indirectly, actively or passively, to armed groups operating against any Member State.
4. Member States undertake to apprehend and disarm, far from their common borders, members of armed groups who use, or attempt to use, their territories to prepare, or mount armed attacks, and/or, conduct subversive activities against other States.
5. Member States undertake to intercept and disarm members of armed groups fleeing across their common borders, without prejudice to the obligations concerning the protection of refugees and the free movement of persons within the Great Lakes Region.
6. A Member State whose armed forces are engaged in the hot pursuit of armed groups shall inform and notify Member States towards whose territory the armed groups are fleeing, and shall request any such Member States to intercept, apprehend and disarm them.
7. A Member State unable or unwilling to intercept armed groups in flight or operating on its territory shall be encouraged to enter into bilateral agreements which specify the conditions under which the armed forces of another Member State may undertake the hot pursuit of the said armed groups, provided that such agreements shall be consistent with the objectives of this Protocol.
8. Member States shall ensure that all the members of an armed group which resorts to the threat or use of force as a policy to attain its objectives, or as a means of settling its disputes with a Member State, shall incur individual and collective criminal responsibility for the acts or omissions of the said armed group.
9. Member States agree to accord each other mutual assistance in prosecuting armed groups throughout the Great Lakes Region.
10. Nothing in the provisions of this Article shall affect the right of individual or collective self-defence in the event of an armed attack, or the failure, after notification or request, to intercept and disarm members of an armed group pursued by the defence and security forces of a Member State.
11. Member States agree that the failure by a Member State to abide by its obligations under paragraphs 1-6 of this Article shall constitute a fundamental breach of this Protocol and a threat to regional peace and security, for which such a Member State shall be held responsible by the other Member States or has to account for itself before the Summit of the Conference.

Article 9: Small arms and Light Weapons

1. Member States agree that the illicit proliferation of small arms and light weapons, including anti-personnel mines constitutes a threat to peace, security, and stability in the Great Lakes Region, and undertake

to promote common policies and strategies aimed at putting an end to this proliferation in accordance with the international agreements in force.

Article 10: Final provisions

1. This Protocol shall be an integral part of the Pact and shall not be subject to separate signature and ratification by the Member States.
2. For any Member State which has ratified the Pact in terms set out in Article 30 of the Pact, this Protocol shall automatically enter into force at the same time as the Pact in accordance with Article 33 of the Pact.
3. Nothing contained in this Protocol shall be construed to be contrary to the provisions of the Pact, the Constitutive Act of the African Union, and the Charter of the United Nations.

Protocol on Democracy and Good Governance (2006/2008)

Full title: Protocol on Democracy and Good Governance

Date/place of adoption/conclusion: 1 December 2006

Entered into force (EIF): 21 June 2008 (as per entry into force of the Pact)

EIF provision: Article 51

Available online at: <https://bit.ly/38GFJbV>

Excerpts

Preamble

We, Heads of State and Government of the Member States of the International Conference on the Great Lakes Region;

Referring to the Dar-es-Salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region adopted and signed in Dar-es-Salaam (United Republic of Tanzania) on 20 November 2004;

Mindful that the Dar-Es-Salaam Declaration lays the foundations for lasting peace and stability;

Affirming that, in accordance with the Constitutive Act of the African Union the scourge of conflicts in Africa is a major obstacle to the socio-economic development of the continent and that it is necessary to promote peace, security and stability, the preconditions to implementing

development and integration programmes;

Conscious of the fact that the accumulated deficits in the matter of democratization are at the origin of the conflicts in the Great Lakes Region;

Considering that the respect for human rights guarantees the consolidation of peace and security in the Great Lakes Region;

Mindful that the Universal Declaration on Human rights, on one hand the African Charter on Human and Peoples' Rights, on the other hand, have stipulated that everyone can enjoy all the rights and freedoms stated therein, without any distinction, in particular of race, colour, sex, language, religion, political opinion or any other opinion, national or social origin, wealth, birth or any other situation;

Considering the solemn commitment contained in the Dar-Es-Salaam Declaration to build a Great Lakes Region that is open to other regions of the continent by building cooperation on priority areas: peace and security, democracy and good governance, economic development and regional integration and humanitarian and social issues;

Reaffirming the commitment expressed in the Dar-Es-Salaam Declaration to respect the principles of democracy and good governance, as well as the basic principles of the United Nations Charter and the Constitutive Act of the African Union including territorial integrity, sovereignty, non interference and non aggression, prohibition of any Member State from permitting the use of its territory by armed groups as a base for aggression and subversion against another Member State, as well as the need for effective and sustainable political will to jointly seek peaceful solutions and in particular, to honour the commitments made by States Party in the spirit of mutual trust, in accordance with the Dar es Salaam Declaration;

...

Recalling the Declaration of the African Union governing democratic elections in Africa and the relevant resolutions of the United Nations General Assembly;

Determined to consolidate democratic institutions and culture, to promote good governance and the rule of law and to promote and protect human and people's rights;

Agree as follows:

...

Chapter II The Principles of Constitutional Convergence

Article 2

The Member States undertake to abide by the following constitutional principles:

- (a) The separation of powers;

- (b) The accession to power through regular, free, fair and transparent elections;
 - (c) The prohibition of unconstitutional change and any other undemocratic means of acceding to or maintaining power;
 - (d) The public participation in decision-making process in accordance with democratic principles and decentralization;
 - (e) The decentralisation of power at all levels of governments;
 - (f) The non-partisan character of the defence and security forces;
 - (g) The secular nature of the state and its institutions;
 - (h) The promotion of national unity of the state and its institutions;
 - (i) The prohibition of any ethnic, religious, racial, gender or regional discrimination;
 - (j) The equality of men and women, including through affirmative action policies;
 - (k) The political pluralism;
 - (l) The freedom of association, assembly and peaceful demonstration;
 - (m) The freedom of expression;
 - (n) The freedom of movement and prohibition of forced exile.
- ...

Article 11: Resolution of Electoral Disputes

A credible electoral dispute resolution mechanism pertaining to the financing, organizing and conducting of elections and declaring of the results shall be put in place.

...

Article 13: Participation of the Conference

At the request of any Member State, the International Conference may provide help and assistance in organising and running any election in the requesting Member State;

Similarly, the Conference may send an election monitoring or observation mission to the country concerned.

Article 14: Observer Mission

1. The Conference shall appoint the head and the members of the observer mission who shall be independent and of a nationality other than that of the State in which the elections are to be held.
2. The observer missions shall respect the principle of gender parity in their composition.

Article 15: Duration of the Mission

1. The observer mission shall arrive in the Member State concerned at least seventy- two hours prior to the date of the elections.
2. The observer mission shall cover the entire duration of the elections up to the declaration of the results.

...

Chapter IV: The Role of the Defence and the Security Forces in a Democratic System

Article 20: The Role of Defence and Security Forces

1. Defence and security forces shall maintain their republican status and shall be at the service of the Member States to which they belong.
2. Their role is to defend the Member State's sovereignty, territorial integrity and their democratic institutions and may be deployed for tasks of national development.
3. The role of the security forces is to enforce law and order and protect people and property.

Article 21: The Non-partisan and Professional Nature of the Defence and Security Forces

1. Defence and security forces shall be non-partisan and shall be answerable to legitimate civil authorities
2. Civil authorities shall respect the neutrality of the defence forces. Members of defence and security forces shall not take active part in political activity or propaganda.

Article 22: Individual Member Rights

Subject to the rules and regulations governing their establishment, members of the defence and security forces shall enjoy all the rights of citizens as guaranteed by the constitution.

Article 23: Use of Force

1. The use of any type of weapon to disperse non-violent meetings or demonstrations is prohibited.
2. In the case of a violent demonstrations, the minimal use of force may be authorised to the extent necessary to maintain order and security.

Article 24: Prohibition of Torture and Arbitrary Practices

1. Defence and security forces shall not resort to torture and other cruel, inhuman and degrading treatment.
2. Defence and security forces shall not harass or arbitrarily arrest parents, members of the family or relatives of the suspect during investigations.

Article 25: Civic Education

1. Defence and security forces training curriculum shall include education in constitutional values, international humanitarian law and international human rights as well as principles of the rule of law and democracy.
2. Each Member State shall endeavor to establish joint training and education programmes between members of defence and security forces and other sectors of society.
3. Similarly, joint regional training with armies of Member States and with the police forces and civil society shall be organised.

Chapter V: Eradication of Extreme Poverty and Promotion of Dialogue

Article 26: Recognition

Member States hereby recognise that the eradication of extreme poverty and the promotion of dialogue are essential factors for peace and stability in the region.

...

Chapter VI: Education, Culture and Religion

Article 30: Role of Education, Culture and Religion

1. Member States recognise that education, culture as well as religion are essential factors of peace, stability and development in each Member State.

...

Article 34: Religious Tolerance

1. Member States undertake to take measures to promote religious tolerance as well as inter religious dialogue with a view to preventing religious conflicts.
2. To this end, Member States shall endeavour to encourage and support the establishment of permanent religious consultative forums at national and regional levels.

Chapter VII: Good Governance, the Rule of Law and Human Rights

Article 35: Undertaking

Member States undertake to promote good governance, the rule of law and human rights as the foundations of democracy.

Article 36: Good Governance

1. Member States recognize that good governance is essential for ensuring social justice, prevention of conflict, safeguarding political stability and peace as well as strengthening democracy.
2. Member States undertake to promote the protection of the environment through institutional capacity building in environmental management and good governance, and to coordinate environmental activities related to human settlement by raising awareness both with governmental and society level.

Article 37: Rule of Law

Member States recognize that the rule of law not only implies equality before the law and equal protection by the law, but also an independent judicial system, and an efficient and transparent public administration.

Article 38: Human Rights

Member States recognize that respect for human rights is the best guarantee against threats to peace, political stability and development.

...

Article 40: Mediation

1. Member States undertake to put in place regional mediation mechanisms in order to facilitate access to justice, conflict resolution and reconciliation.
2. Member States further undertake to provide the necessary support to ensure that mediation mechanisms discharge their duties effectively.

...

Article 43: Fight against Corruption

1. Member States recognize that corruption is an offence and a major obstacle to development, peace and stability in the region.
2. To this end, Member States undertake to fight corruption and ensure transparency in the management and equitable distribution of resources.
3. In this context, Member States undertake to strengthen and/or establish independent anticorruption bodies with adequate resources and to adopt effective policies and laws to address the problem of corruption at the national and regional levels.
4. Member States undertake to cooperate in order to guarantee the return of stolen goods and misappropriated funds at the expense of a state or member state.
5. To this end, Member States shall secure the cooperation of the African Union and other relevant organizations.

Chapter VIII: Women, Children and Youth

Article 44: Protection of Women's Rights

1. Member States recognize that empowerment of women and protection of their rights guarantee development and peace in society.

...

Article 45: Children's Rights

...

2. To this end, Member States shall guarantee access to education for all children and put in place a mechanism to prevent trafficking in children.

...

Chapter X: Urgent Measures and Sanctions in case of Threats or Breakdown of Democracy

Article 48: Urgent Measures

In the event of threats to democracy and a beginning of its breakdown by whatever process and in the event of massive violations of human and peoples' rights in a Member State, the Summit shall convene an extraordinary session in order to adopt urgent and appropriate measures to put an end to the situation, including the measures and sanctions described in Article 49 .

Article 49: Sanctions

1. The Conference shall take one or more of the following measures against the Member State concerned:
 - (a) Referring the matter to the African Union and the United Nations for action in accordance with established procedures;
 - (b) Refusal to support the candidatures to elective positions in international organisations presented by the Member State concerned;
 - (c) Refusal to hold any meeting of the International Conference in the Member State concerned;
 - (d) Suspension of the Member State concerned in all bodies of the Conference; during the suspension, the Member State concerned will continue to be bound to pay its contributions for the period of the suspension.
2. The Inter-Ministerial Committee will continue to monitor, encourage and support any effort made by the suspended Member State with a view to returning to normal institutional life and the respect of human rights.

Article 50: Practical Modalities of Application

1. Member States undertake to establish national and regional programs on practical modalities of application to ensure the effectiveness of the rule of law, human rights and good governance.
 2. Member States undertake to ensure responsibility, professionalism, competence and transparency in public and private sectors.
- ...

Protocol for the Prevention and the Punishment of the Crime of Genocide, War Crimes and Crimes Against Humanity and all forms of Discrimination (2006/2008)

Full title: Protocol for the Prevention and Punishment of the Crime of Genocide, War Crimes and Crimes Against Humanity and all forms of Discrimination

Date/place of adoption/conclusion: 29 November 2006

Entered into force (EIF): 21 June 2008 (as per entry into force of the Pact)

EIF provision: Article 43

Available online at: <https://bit.ly/2BU64qH>

Protocol on the Protection and Assistance to Internally Displaced Persons (2006/2008)

Full title: Protocol on the Protection and Assistance to Internally Displaced Persons

Date/place of adoption/conclusion: 30 November 2006

Entered into force (EIF): 21 June 2008 (as per entry into force of the Pact)

EIF Provision: Article 7

Available online at: <https://bit.ly/2W3im77>

*See specifically the 'Annex to the Protocol: Guiding Principles on Internal Displacement'.

3 Declarations, frameworks and policies

Declaration of the Summit of Heads of State and Government of the International Conference on the Great Lakes Region (ICGLR) on the Promotion of Peace, Security, Stability and Development in the Great Lakes Region (2014)

Full title: Declaration of the Summit of Heads of State and Government of the International Conference on the Great Lakes Region (ICGLR) on the Promotion of Peace, Security, Stability and Development in the Great Lakes Region

Date/place of adoption/conclusion: 15 January 2014, Luanda, Angola

Available online at: <https://bit.ly/2CfEtAe>

* Adopted at the Fifth Ordinary Summit of the Heads of State and Government of the ICGLR, 14 January 2014, Luanda, Angola.

Excerpts

Preamble

Taking note of the progress made in the implementation of the Pact over the last 2 years since our last Summit,

Deeply concerned with the recent outbreak of violence and worsening security and humanitarian situation in the Republic of South Sudan and in the Central African Republic that has resulted in the death, displacement and disruption of livelihoods of thousands of populations;

Having received reports from the meetings of the Regional Inter Ministerial Committee (RIMC) and the Meeting of the Committee of Ministers of Defence on the progress in the implementation of the Pact and the prevailing security situation in the region respectively;

Welcoming and strongly supporting the ongoing mediation of the South Sudan conflict spearheaded by the Intergovernmental Authority on Development (IGAD) in Addis Ababa, Ethiopia and the ongoing African Union led efforts to stabilize the Central African Republic;

...

Hereby decide as follows:

I. On the Security Situation in the Great Lakes Region:

I.1. Security situation in the Democratic Republic of the Congo (DRC)

1. Express appreciation for the support provided to the FARDC by MONUSCO in defeating the M23, and in view of the increasing threats posed by other negative forces after the defeat of M23, urge MONUSCO to urgently intensify its operations to eradicate FDLR, ADF and all the other negative forces operating in Eastern DRC considering that their activities not only threaten the security of the DRC but also that of the Great Lakes Region;
2. Commended His Excellency Yoweri Museveni, outgoing ICGLR President in his capacity as Mediator, for his peace efforts and the outcome of the Kampala Dialogue, including the signing in Nairobi on 12 December 2013 of the Declarations by the DRC Government and the ex-M23 regarding their respective commitments, as well as the final Joint Communiqué by the ICGLR Chairman and Her Excellency President Joyce Banda, in her capacity as SADC Chairperson;
- ...
7. Direct the Joint Intelligence Fusion Centre (JIFC) to provide information on the link between the negative force ADF and the Al Shabaab Terrorist group during their next report and to analyse the threats related to terrorism in the Great Lakes region in consultation with other Member States and propose means and ways to effectively address them;

I.2. Security situation in the Central African Republic and in South Sudan

8. Urge the African Union and its partners to strengthen the International Mission for the Stabilisation of Central African Republic (MISCA) by availing resources and logistical support to enable it to fulfil its mandate, and congratulate the Member States that have contributed troops for the MISCA.
9. Express support to the ongoing initiatives by the African Union and its partners to address the worsening humanitarian situation in South Sudan and CA&
10. Commit to continue offering political and other forms of support to the ongoing mediation efforts on the Republic of South Sudan led by the Inter-Governmental Authority on Development (IGAD);
11. Denounce the perpetrators of atrocities, war crimes, crimes against humanity, sexual violence and recruitment of child soldiers in South Sudan for which they should be held accountable.

II. On Humanitarian Issues: Refugees and Internal Displaced persons

12. Congratulate the Republic of Burundi for its contribution to the ICGLR Humanitarian Trust Fund and invite other Member States to fulfil their commitments.

III. On the Implementation of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region

13. Commend H.E. Mrs. Mary Robinson the Special Envoy of the UN Secretary General to the Great Lakes Region as well as the entire team of special and envoys and representatives for the progress made in the implementation of the Peace, Security and Cooperation Framework for the DRC and the Region, and welcome her joint initiative with the ICGLR to organize a Private Sector Investment Forum on the Great Lakes Region;
14. Welcome the Plan of Action for the implementation of Regional Commitments, including its priority activities, prepared by the Technical Support Committee of the Regional Oversight Mechanism and call upon countries in the region for its implementation;
15. Commit to continue the implementation of the Peace, Security and Cooperation Framework for the DRC and the Region;
16. Urge Member States to respect the spirit and the letter of the Protocol on Non-Aggression and Mutual Defence that forbids Member States from supporting negative forces operating in neighbouring States.

...

VIII. Implementation of the Protocol on Prevention and Punishment of Genocide, War Crimes, Crimes against Humanity and other Forms of Discrimination

37. Direct the Committee on the Prevention and Punishment of Genocide, War Crimes, Crimes against Humanity and other Forms of Discrimination to undertake audits in South Sudan and CAR and to report as soon as possible.

...

See also:

- Framework for Durable Solutions to the Humanitarian, Social and Environmental Issues in the Great Lakes Region (Regional Programme of Action on Humanitarian and Social Issues) (August

- 2006) available online at: <https://bit.ly/2AJbNiL>
- Protocol on the Prevention and Suppression of Sexual Violence against Women and Children (30 November 2006) available online at: <https://bit.ly/2VZ9TBK>
 - Annex to the Protocol | Model Legislation on the Prevention and Suppression of Sexual Violence against Women and Children (5-7 September 2006, Nairobi, Kenya) available online at: <https://bit.ly/2Om16pD>

ICGLR Regional Programme of Action for Peace and Security Sub Programme of Action for Joint Security Management of Common Borders

- Project No 1.1.1. Disarmament and Repatriation of All Armed Groups in Eastern DRC (21 September 2006) available online at: <https://bit.ly/38HkOp0>
- Project No 1.1.2. Disarmament of Armed Nomadic Pastoralists and the Promotion of Sustainable Development in Zone 3 (21 September 2006) available online at: <https://bit.ly/3214KgE>
- Project No 1.1.3. Development of Border Zones and Promotion of Human Security (21 September 2006) available online at: <https://bit.ly/3ff0vBR>
- Project No 1.1.4. Demining and Mine Action in the Great Lakes Region (20 September 2006) available online at: <https://bit.ly/2ZcFrWY>

Sub Programme of Action for Promotion of Inter-State Cooperation on Peace and Security

- Project No 1.2.1. Coordination of Activities and Reinforcement of Capacities in the Sub-Region to Fight Illicit Proliferation of Small Arms and Light Weapons (19 September 2006) available online at: <https://bit.ly/3ffRcS1>
- Project No 1.2.2. Fighting Transnational Crime and Terrorism (19 September 2006) available online at: <https://bit.ly/31ZzUVx>

Chapter 10

Other Regional and Sub-Regional Institutions Addressing Peace and Security

1 Introduction

Beyond those organisations and their corresponding legal instruments examined in the previous nine chapters, there remain several additional instruments worth addressing on a regional and sub-regional level. While the institutions addressed herein are not regional economic communities recognised by the African Union, nor may they be dedicated entirely to peace and security, they nonetheless possess security related interest in their respective regions. The institutions addressed in this chapter include: the Great Lakes Region and Horn of Africa Conference on the Proliferation of Small Arms and Light Weapons; the Gulf of Guinea Commission; the Economic and Monetary Community of Central Africa; the Eastern Africa Standby Force; the G5 Sahel; the Indian Ocean Commission and the Mano River Union.

2 Great Lakes Region and Horn of Africa Conference on the Proliferation of Small Arms and Light Weapons

In March 2000, the Foreign Ministers of ten countries based in the Great Lakes Region and the Horn of Africa met for a four-day conference in Nairobi, Kenya, to discuss issues of small arms and light weapons. The result of this conference was the signing of the Nairobi Declaration on the Problem of Proliferation of Illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa. The principal objective of the declaration (as well as several protocols signed thereafter) is to address key issues surrounding small arms and light weapons, including: their availability, proliferation, prevention thereof, and contribution to conflict in the region. The ten original signatories to the declaration are: Burundi, Djibouti, Democratic Republic of the Congo, Eritrea, Ethiopia, Kenya, Rwanda, Sudan, Tanzania and Uganda. Seychelles and Somalia signed the declaration in 2004 and 2005 respectively.

Nairobi Declaration on the Problem of the Proliferation of Illicit SALW (2000)

Full title: The Nairobi Declaration on the Problem of the Proliferation on Illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa

Date/place of adoption/conclusion: 15 March 2000, Nairobi, Kenya

Available online at: <https://bit.ly/2BJxhfZ>

* Adopted on the occasion of the Great Lakes Region and Horn of Africa Conference on the Proliferation of Small Arms and Light Weapons, 12-15 March 2000, Nairobi, Kenya.

** Adopted by the Ministers of Foreign Affairs of Burundi, Democratic Republic of the Congo, Djibouti, Ethiopia, Eritrea, Kenya, Rwanda, Sudan, Uganda and Tanzania.

We, the Ministers for Foreign Affairs of the countries of the Great Lakes Region and the Horn of Africa namely, Burundi, Democratic Republic of Congo, Djibouti, Ethiopia, Eritrea, Kenya, Rwanda, Sudan, Uganda and United Republic of Tanzania, meeting at Nairobi on 12-15 March 2000 on the occasion of the Great Lakes Region and the Horn of Africa Conference on the Proliferation of Small Arms pursuant to UNGA resolutions regarding the convening of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in all its Aspects in June-July 2001 and in particular A/C.1/54/L.24 /Rev 1 of December 1999, as well as the African common position contained in the OAU decision AHG/DEC 137(LXX) adopted by the OAU summit in Algiers in July 1999, fully share the growing international concern that the easy availability of illicit small arms and light weapons escalates conflicts and undermines political stability and has devastating impacts on human and state security.

- *Re-affirming* the inherent right of states to individual or collective self-defence as recognised in Article 51 of the United Nations Charter;
- *Gravely* concerned with the problem of the proliferation of illicit small arms and light weapons in the Great Lakes and Horn of Africa Region and the devastating consequences they have had in sustaining armed conflict and abetting terrorism, cattle-rustling and other serious crimes in the region;
- *Recognising* that the problem derives mainly from past and ongoing armed conflicts in the region, as well as from illicit trade and terrorist activities by which these arms are infiltrated into the region;
- *Recognising* also that the inadequate capacity of states in the region

to effectively control and monitor their borders, poor and sometimes open immigration and customs controls, as well as mass movement of armed refugees across national borders in certain countries, have greatly contributed to the proliferation of illicit small arms and light weapons;

- *Acknowledging* that the problem of the proliferation of illicit small arms and light weapons in the region has been exacerbated by internal political strife and extreme poverty, and that a comprehensive strategy to arrest and deal with the problem must include putting in place structures and processes to promote democracy, the observance of human rights, the rule of law and good governance, as well as economic recovery and growth;
- *Underlining* that a sustainable solution to the problem requires active and concerted regional effort, as well as international understanding and support;
- *Considering* the international concern regarding the problem of illicit small arms and light weapons;
- *Acknowledging* the work of the United Nations, the Organisation of African Unity, the European Union, the Organisation of American States, as well as the efforts in West and Southern Africa to address problems associated with illicit small arms and light weapons;
- *Considering* also the impact on crime and security in the subregion exacerbated by the problem of illicit small arms and light weapons which emanate from outside the region;
- *Appalled* by the devastating effects of armed conflicts particularly on women and children, and by the unconscionable exploitation of children in armed conflicts;
- *Considering* that peace, stability, and security are prerequisites for sustainable development in the subregion, and that the prevailing conflicts hinder the prospects of realising the full economic potential of this geo-strategically important region;
- *Recognising* the relationship between security and development and the need to develop comprehensive and effective peacebuilding and other measures aimed at reducing the resort to arms and to help curb the problem of illicit small arms and light weapons within the region;
- *Acknowledging* also that the resolution of ongoing conflicts in the region requires the nurturing of environments in which root causes of conflicts can be adequately addressed and durable stability established;
- *Emphasising* the need to pursue negotiated solutions to conflicts so as to ensure their peaceful resolution, to promote a culture of peace, and to encourage education and awareness-raising programmes on the problem of illicit small arms, involving all sectors of society;
- *Conscious* of the need for effective controls of arms transfers by suppliers outside the region, including measures against transfers of

- surplus arms to prevent the problem of illicit small arms;
- *Acknowledging* the difficulties in addressing the question of illicit trade and accumulation of illicit small arms and light weapons due to different situations obtaining in the respective countries;
- *Welcoming* the Nairobi Initiative on Small Arms and Light Weapons for state and human security as a significant step in addressing the problem of illicit small arms and light weapons and their socioeconomic and political impacts on the people of the region;

Having deliberated in depth on the subject, decide to:

- (i) Rededicate ourselves to continue our efforts towards the peaceful resolution of the conflicts in the region and towards this end, call for the genuine and serious commitment of all parties concerned, as well as the international community;
- (ii) Seize this opportunity to comprehensively address the problem of the proliferation of illicit small arms and light weapons in the subregion;
- (iii) Join efforts to address the problem, recognising the need for information-sharing and co-operation in all matters relating to illicit small arms and light weapons including the promotion of research and data collection in the region and encouraging co-operation among governments and civil society;
- (iv) Encourage a concrete and co-ordinated agenda for action for the subregion to promote human security and ensure that all states have in place adequate laws, regulations and administrative procedures to exercise effective control over the possession and transfer of small arms and light weapons through measures, inter alia, to:-
 - Pursue positive policies and measures to create social, economic and political environments to reduce the resort to arms by individuals and communities;
 - Urge the strengthening and where they do not exist, the adoption of national laws, regulations and control mechanisms to govern civilian possession of arms;
 - Call on states to co-ordinate and publicise their policies, regulations and laws relating to the possession of arms by civilians;
 - Urge source countries to ensure that all manufacturers, traders, brokers, financiers and transporters of small arms and light weapons are regulated through licensing;
 - Urge also the States in the sub-region to monitor and effectively control all transactions relating to small arms and light weapons to licensed entities;
 - Call on states to strengthen subregional co-operation among police, intelligence, customs and border control officials in combating the illicit circulation and trafficking in small arms and light weapons and suppressing criminal activities relating to the use of these weapons;
 - Call upon states to strengthen or establish national mechanisms to

deal with the problem of illicit small arms, as well as to implement the Nairobi Declaration and invite them to hold regular meetings in this regard;

- Invite the UN in co-operation with the OAU and other regional and international organisations to assist countries of the region to carry out a detailed study on the problem of illicit arms within the region and to draw up appropriate programmes for the collection and destruction of illicit small arms and light weapons. The states parties to this Declaration will define the parameters of the study.
- (v) Recognising that the effective implementation of this declaration by individual states requires the co-operation of the UN, international organisations, regional organisations, as well as participation by civil society in preventing and reducing the problem of illicit small arms and light weapons, we further decide to:-
- Appeal for the support of other subregions in the continent, as well as the international community in order to effectively implement the measures agreed upon in this Declaration;
 - Appeal also for increased international support for programmes and initiatives that advance human security and promote conditions conducive to long-term peace, stability and development in the subregion;
 - Call for the effective implementation of the relevant decisions of the UN, the OAU and other regional arrangements to address the problem of illicit small arms and light weapons in the subregion;
 - Appeal for financial, technical and political support from the international community for the effective implementation of this Declaration;

Designate the Kenyan government to co-ordinate the follow-up to the Nairobi Declaration in consultation with states' respective national mechanisms dealing with the problem of illicit arms and light weapons.

Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa (2004/2005)

Full title: Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa

Date/place of adoption/conclusion: 21 April 2004, Nairobi, Kenya

Entered into force (EIF): 5 May 2005

EIF provision: Article 23

Authentic texts: Arabic, English, French

Available online at: <https://bit.ly/3gG0y9Z>

* Adopted by the Ministers of Foreign Affairs of Burundi, Democratic Republic of the Congo, Djibouti, Ethiopia, Eritrea, Kenya, Rwanda, Seychelles, Sudan, Tanzania and Uganda.

Excerpts

Preamble

We, the Ministers of Foreign Affairs and other plenipotentiaries of

...

Reaffirming the inherent right of states to individual or collective self-defence as recognized in Article 51 of the United Nations Charter;

Gravely concerned with the problem of the proliferation of illicit small arms and light weapons in the Great Lakes Region and the Horn of Africa and the devastating consequences they have had in sustaining armed conflict and armed crime, degrading the environment, fuelling the illegal exploitation of natural resources and abetting terrorism and other serious crimes in the region;

Concerned about the supply of small arms and light weapons into the region and conscious of the need for effective controls of arms transfers by suppliers and brokers outside the region (including measures against transfer of surplus arms) to prevent the problem of illicit small arms and light weapons;

Aware of the urgent need to prevent, combat and eradicate the illicit manufacturing of, excessive and destabilising accumulation of, trafficking in, illicit possession and use of small arms and light weapons, ammunition, and other related materials, owing to the harmful effects of those activities on the security of each state and the subregion and the danger they pose to the well-being of the population in the subregion, their social and economic development and their right to live in peace;

Acknowledging that the problem of proliferation of illicit small arms and light weapons in the region has been exacerbated by internal political strife, terrorist activities and extreme poverty, and that a comprehensive strategy to arrest and deal with the problem must include putting in place structures and processes to promote democracy, the observance of human rights, the rule of law and good governance, as well as economic recovery and growth;

Recognising also that the inadequate capacity of states in the region to effectively control and monitor their borders, poor and sometimes open immigration and customs controls, as well as movement of armed refugees across national borders in certain countries, have greatly contributed to the proliferation of illicit small arms and light weapons;

Recommending that States Parties should consider becoming parties to international instruments relating to the prevention, combating and eradication of illicit manufacturing of, excessive and destabilising accumulation of, trafficking in, illicit possession and use of small arms and light weapons and to implement such instruments within their jurisdiction;

Acknowledging the work of the United Nations, the African Union, the European Union, the Organisation of American States, as well as the efforts in Africa to address problems associated with illicit small arms and light weapons;

Agreeing that they shall fulfil their obligations and exercise their rights under this Protocol in a manner consistent with the principles of sovereign equality, territorial integrity of States and non-intervention in the domestic affairs of States Parties;

With the purpose of reaffirming the goals of, and implementing, the Nairobi Declaration and the Coordinating Agenda for Action,

Hereby agree as follows:

...

Article 2: Objectives

The objectives of this Protocol are to –

- (a) prevent, combat and eradicate the illicit manufacturing of, trafficking in, possession and use of small arms and light weapons in the sub-region.
- (b) prevent the excessive and destabilising accumulation of small arms and light weapons in the sub-region.
- (c) promote and facilitate information sharing and cooperation between the governments in the sub-region, as well as between governments, inter-governmental organisations and civil society, in all matters relating to the illicit trafficking and proliferation of small arms and light weapons.
- (d) promote cooperation at the sub-regional level as well as in

international fora to effectively combat the small arms and light weapons problem, in collaboration with relevant partners.

- (e) encourage accountability, law enforcement and efficient control and management of small arms and light weapons held by States Parties and civilians.

Article 3: Legislative Measures

- (a) Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its national law the following conduct, when committed intentionally:
 - (i) Illicit trafficking in small arms and light weapons.
 - (ii) Illicit manufacturing of small arms and light weapons.
 - (iii) Illicit possession and misuse of small arms and light weapons.
 - (iv) Falsifying or illicitly obliterating, removing or altering the markings on small arms and light weapons as required by this Protocol.
- (b) States Parties that have not yet done so shall adopt the necessary legislative or other measures to sanction criminally, civilly or administratively under their national law the violation of arms embargoes mandated by the Security Council of the United Nations and/or regional organisations.
- (c) States Parties undertake to incorporate in their national laws:
 - (i) the prohibition of unrestricted civilian possession of small arms;
 - (ii) the total prohibition of the civilian possession and use of all light weapons and automatic and semi-automatic rifles and machine guns;
 - (iii) the regulation and centralised registration of all civilian-owned small arms in their territories (without prejudice to Article 3 c (ii));
 - (iv) measures ensuring that proper controls be exercised over the manufacturing of small arms and light weapons;
 - (v) provisions promoting legal uniformity and minimum standards regarding the manufacture, control, possession, import, export, re-export, transit, transport and transfer of small arms and light weapons;
 - (vi) provisions ensuring the standardised marking and identification of small arms and light weapons;
 - (vii) provisions that adequately provide for the seizure, confiscation, and forfeiture to the State of all small arms and light weapons manufactured or conveyed in transit without or in contravention of licenses, permits, or written authority;
 - (viii) provisions for effective control of small arms and light weapons including the storage and usage thereof, competency testing of prospective small arms owners and restriction on owners' rights to relinquish control, use, and possession of small arms;
 - (ix) the monitoring and auditing of licenses held in a person's possession, and the restriction on the number of small arms that may be owned;
 - (x) provisions prohibiting the pawning and pledging of small arms and light weapons;

- (xi) provisions prohibiting the misrepresentation or withholding of any information given with a view to obtain any license or permit;
- (xii) provisions regulating brokering in the individual State Parties; and
- (xiii) provisions promoting legal uniformity in the sphere of sentencing.

Article 4: Operational Capacity

States Parties shall:

- (a) strengthen sub-regional co-operation among police, intelligence, customs and border control officials in combating the illicit circulation and trafficking in small arms and light weapons and suppressing criminal activities relating to the use of these weapons;
- (b) enhance the capacity of national law enforcement and security agencies, including appropriate training on investigative procedures, border control and law enforcement techniques, and upgrading of equipment and resources;
- (c) establish and improve national databases, communication systems and acquire equipment for monitoring and controlling small arms and light weapons movements across borders;
- (d) establish or enhance inter-agency groups, involving police, military, customs, home affairs and other relevant bodies, to improve policy co-ordination, information sharing and analysis at national level;
- (e) develop or improve national training programmes to enhance the capacity of law enforcement agencies to fulfil their roles in the implementation of the agenda for action.

Article 5: Control of Civilian Possession of Small Arms and Light Weapons

- (a) States Parties undertake to consider a co-ordinated review of national procedures and criteria for issuing and withdrawing of small arms and light weapons licenses, and establishing and maintaining national databases of licensed small arms and light weapons, small arms and light weapons owners, and commercial small arms and light weapons traders within their territories.
- (b) State Parties undertake to:
 - (i) introduce harmonised, heavy minimum sentences for small arms and light weapons crimes and the carrying of unlicensed small arms and light weapons;
 - (ii) register and ensure strict accountability and effective control of all small arms and light weapons owned by private security companies;
 - (iii) prohibit the civilian possession of semi-automatic and automatic rifles and machine guns and all light weapons.

Article 6: Control and Accountability of State-owned Small Arms and Light Weapons

States Parties undertake to:

- (a) establish and maintain complete national inventories of small arms and light weapons held by security forces and other state bodies, to

- enhance their capacity to manage and maintain secure storage of state-owned small arms and light weapons;
- (b) ensure strict national accountability and the effective tracing of all small arms and light weapons owned and distributed by the state.

Article 7: Marking and Tracing of Small Arms and Light Weapons and Record-keeping

States Parties undertake to:

- (a) mark each small arm or light weapon at the time of manufacture, with a unique marking providing the name of the manufacturer, the country or place of manufacture and the serial number. The marking should be on the barrel, frame and, where applicable, the slide.
- (b) mark each small arm or light weapon at the time of import, with a simple marking permitting identification of the country of import and the year of import, and an individual serial number if the small arm or light weapon does not bear one at the time of import so that the source of the small arm or light weapon can be traced.
- (c) ensure that all small arms and light weapons in the possession of the state are marked with a unique mark.
- (d) ensure the maintenance, for not less than ten years, of information in relation to small arms and light weapons that is necessary to trace and identify those small arms and light weapons which are illicitly manufactured or trafficked and to prevent and detect such activities. Such information shall include:
- (i) the appropriate markings required by this Article;
- (ii) in cases involving international transactions in small arms and light weapons, the issuance and expiration dates of the appropriate licenses or authorisations, the country of export, the country of import, the transit countries, where appropriate, and the final recipient and the description and quantity of the articles.

Article 8: Disposal of State-owned Small Arms and Light Weapons

States Parties undertake to identify and adopt effective programmes for the collection, safe-storage, destruction and responsible disposal of small arms and light weapons rendered surplus, redundant or obsolete, in accordance with domestic laws, through, inter alia, peace agreements, demobilisation or (re-)integration of ex-combatants, or re-equipment of armed forces or other armed state bodies. States Parties shall accordingly:

- (a) develop and implement, where they do not exist, national programmes for the identification of surplus, obsolete and seized stocks of small arms and light weapons in possession of the state;
- (b) ensure that small arms and light weapons rendered surplus, redundant or obsolete through the implementation of a peace process, the re-equipment or reorganisation of armed forces and/or other state bodies are securely stored, destroyed or disposed of in a way that prevents them from entering the illicit market or flowing

into regions in conflict or any other destination that is not fully consistent with agreed criteria for restraint.

Article 9: Disposal of Confiscated or Unlicensed Small Arms and Light Weapons

States Parties undertake to:

- (a) adopt within their domestic legal systems, such measures as may be necessary to enable confiscation of small arms and light weapons that have been illicitly manufactured or trafficked;
- (b) maintain and further develop joint and combined operations across the borders of States Parties to locate, seize and destroy caches of small arms and light weapons left over after conflicts and civil wars;
- (c) encourage law enforcement agencies to work with communities to identify small arms and light weapons caches and remove them from society;
- (d) establish an effective mechanism for storing impounded, recovered or unlicensed illicit small arms and light weapons pending the investigations that will release them for destruction.

Article 10: Import, Export, Transfer and Transit of Small Arms and Light Weapons

- (a) Each State Party shall establish and maintain an effective system of export and import licensing or authorisation, as well as of measures on international transit, for the transfer of small arms and light weapons.
- (b) Before issuing export licences or authorisations for shipments of small arms and light weapons, each State Party shall verify:
 - (i) that the importing States have issued import licences or authorisations; and
 - (ii) that, without prejudice to bilateral or multilateral agreements or arrangements favouring landlocked States, the States have, at a minimum, given notice in writing, prior to shipment, that they have no objection to the transit.
- (c) The export and import licence or authorisation and accompanying documentation together shall contain information that, at a minimum, shall include the place and the date of issuance, the date of expiration, the country of export, the country of import, the final recipient, a description and the quantity of the small arms and light weapons and, whenever there is transit, the countries of transit. The information contained in the import licence must be provided in advance to the transit States.
- (d) The importing State Party shall inform the exporting State Party of the receipt of the dispatched shipment of small arms and light weapons.
- (e) Each State Party shall, within available means, take such measures as may be necessary to ensure that licensing or authorisation procedures

- are secure and that the authenticity of licensing or authorisation documents can be verified or validated.
- (f) States Parties may adopt simplified procedures for the temporary import and export and the transit of small arms and light weapons for verifiable lawful purposes such as hunting, sport shooting, evaluation, exhibitions or repairs.

Article 11: Dealers, Brokers and Brokering

State Parties, that have not yet done so, shall establish a national system for regulating dealers and brokers of small arms and light weapons. Such a system of control shall include:

- (i) regulating all manufacturers, dealers, traders, financiers and transporters of small arms and light weapons through licensing;
- (ii) registering all brokers operating within their territory;
- (iii) ensuring that all registered brokers seek and obtain authorisation for each individual transaction taking place;
- (iv) ensuring that all brokering transactions provide full disclosure on import and export licenses or authorisation and accompanying documents of the names and locations of all brokers involved in the transaction; and
- (v) licensing, registering and checking regularly and randomly all independent manufacturers, dealers, traders and brokers.

Article 12: Voluntary Surrender

States Parties shall introduce programmes to encourage:

- (a) small arms and light weapons in lawful civilian possession may be voluntarily surrender their small arms and light weapons for destruction/disposal by the State in accordance with its domestic laws;
- (b) illegal small arms and light weapons holders shall surrender their small arms and light weapons for destruction. In such cases, the State may consider granting immunity from prosecution.

Article 13: Public/Community Education and Awareness Programmes

States Parties undertake to develop local, national and regional public/community education and awareness programmes to enhance the involvement of the public and communities and support for efforts to tackle the proliferation and illicit trafficking of small arms and light weapons, and to encourage responsible ownership and management of small arms and light weapons. These programmes shall:

- (a) Promote a culture of peace;
- (b) Involve, and cooperate with, all sectors of society.

Article 14: Mutual Legal Assistance

- (a) States Parties shall engage in the creation of a mutual legal assistance system in order to cooperate with each other to afford mutual legal

assistance in a concerted effort to eradicate the illicit manufacturing and trafficking of, and control the possession and use of, small arms and light weapons. Mutual legal assistance shall, inter alia, include the following:

- (i) investigation and detection of offences;
 - (ii) obtaining evidence and/or statements;
 - (iii) execution of searches and seizures;
 - (iv) communication of information and transfer of exhibits;
 - (v) inspection of sites or examination of objects and/or documents;
 - (vi) request for judicial documents;
 - (vii) service of judicial documents;
 - (viii) communication of relevant documents and records;
 - (ix) identification or tracing of suspects or proceeds of crime; and
 - (x) application of special investigative techniques, such as forensics, ballistics and fingerprinting.
- (b) States Parties may further agree upon any other form of mutual assistance consistent with their national laws.
- (c) States Parties shall designate a competent authority which shall have the responsibility and power to execute and monitor requests for mutual legal assistance.
- (d) Requests for mutual legal assistance shall be made in writing to the competent authority and shall contain:
- (i) the identity of the authority making the request;
 - (ii) the subject matter and nature of the investigation or prosecution to which the request relates;
 - (iii) the description of the assistance sought;
 - (iv) the purpose for which the evidence, information or action is sought; and
 - (v) all relevant information available to the requesting State Party and which may be of use to the requested State Party.
- (e) A State Party may seek any such additional information, which might be necessary for the execution of the request in accordance with its national laws.

Article 15: Law Enforcement

- (a) States Parties shall establish appropriate mechanisms for cooperation among law enforcement agencies to promote effective law enforcement including:
- (i) strengthening regional and continental cooperation among police, customs and border control services to address the illicit proliferation, circulation and trafficking of small arms and light weapons. These efforts should include, but not be limited to, training, the exchange of information to support common action to contain and reduce illicit small arms and light weapons trafficking across borders, and the conclusion of necessary agreements in this regard;
 - (ii) establishing direct communication systems to facilitate free and fast

- flow of information among the law enforcement agencies in the sub-region;
- (iii) establishing multi-disciplinary/specialized law enforcement units for combating the illicit manufacturing of and trafficking in, possession and use of small arms and light weapons;
 - (iv) promoting cooperation with international organisations such as the International Criminal Police Organisation (INTERPOL) and the World Customs Organisation (WCO) and to utilise existing data bases such as the Interpol Weapons and Explosives Tracing System (IWETS);
 - (v) introducing effective extradition arrangements.

Article 16: Transparency, Information Exchange and Harmonisation

States Parties undertake to:

- (a) establish National Focal Points to, inter alia, facilitate the rapid information exchange to combat cross-border small arms and light weapons trafficking;
- (b) develop and improve transparency in small arms and light weapons accumulations, flows and policies relating to civilian-owned small arms and light weapons, including serious consideration to the development of a sub-regional small arms and light weapons register on civilian possession;
- (c) encourage the exchange of information among law enforcement agencies on criminal groups and their associates, types of small arms and light weapons, sources, supply routes, destinations, methods of transportation and financial support of these groups;
- (d) establish national small arms and light weapons databases so as to facilitate the exchange of information on small arms and light weapons imports, exports and transfers;
- (e) establish systems to verify the validity of documents issued by licensing authorities in the sub-region;
- (f) establish a sub-regional system to facilitate intelligence exchange on small arms and light weapons violations and trafficking;
- (g) establish a sub-regional system to harmonise relevant import, export and transfer documents and end-user certificates.

Article 17: Corruption

States Parties shall institute appropriate and effective measures for cooperation between law enforcement agencies to curb corruption associated with the illicit manufacturing of, trafficking in, illicit possession and use of small arms and light weapons.

Article 18: Institutional Arrangement

- (a) States Parties mandate the Nairobi Secretariat to oversee the implementation of this Protocol.
- (b) In this regard the Nairobi Secretariat shall be responsible for:
 - (i) development and issuance of guidelines and instructions for

the implementation of, monitoring the implementation of, the execution of, and the evaluation of this Protocol, in liaison with law enforcement agencies, and ensuring adherence to the standards set out therein informing Ministers on a regular basis of progress thereof;

- (ii) attending to the difficulties experienced in the application of this Protocol.

Article 19: Settlement of Disputes

Disputes arising out of the interpretation or application of this Protocol, which are not settled amicably, shall be settled in accordance with the principles of public international law.

...

3 Gulf of Guinea Commission

In July 2001, five states in the Gulf of Guinea established the Gulf of Guinea Commission, signing the founding treaty on 3 July 2001 in Libreville, Gabon. The Gulf of Guinea Commission is a joint institutional framework among member states which border the Gulf of Guinea for the promotion and enhancement of common interests related to peace, security, stability, and socio-economic issues. The founding member states were Angola, the Republic of the Congo, Gabon, Nigeria and Sao Tome and Principe. In 2008, Cameroon and the Democratic Republic of the Congo joined the Commission. The Gulf of Guinea Commission is composed of the following organs: the Assembly, the supreme decision-making organ composed of the Heads of State and Government of the member states; the Council of Ministers, composed of the Foreign Affairs Ministers of the member states; the Executive Secretariat; Specialised Committees, as established by the Assembly; and the Ad Hoc Arbitration Commission.

Treaty Establishing the Gulf of Guinea Commission (2001)

Full title: Treaty Establishing the Gulf of Guinea Commission

Date/place of adoption/conclusion: 3 July 2001, Libreville, Gabon

EIF provision: Article 26

Authentic texts: English, French, Portuguese, Spanish

Available online at: <https://bit.ly/3ehImSI>

Excerpts

Preamble

...

Resolved to remove obstacles likely to impede our cooperation, to create and maintain conditions of peace and security among our countries;

...

Convinced in this regard that our common and concerted action is the sure guarantee for a harmonious, rational and peaceful exploitation of our natural resources;

Desirous to harmonise our economic policies, bearing in mind the sovereignty of our States;

...

Anxious to settle our disputes by peaceful means;

...

Conscious of the need to put in place an appropriate dialogue and consultation mechanism for the prevention, management and resolution of conflicts connected to the delimitation of borders, to the economic and commercial exploitation of the natural resources within the territorial boundaries, particularly in the overlapping Exclusive Economic Zones (EEZ) of our States.

Hereby agree as follows:

Article 2: Establishment of the Gulf of Guinea Commission

A Commission, hereinafter referred to as the Gulf of Guinea Commission (GGC) shall be established.

The membership of the Commission shall be sovereign States bordering the Gulf of Guinea and parties to the present Treaty.

The Commission shall constitute a framework of consultation among the countries of the Gulf of Guinea for cooperation and development, as well as for the prevention, management and resolution of conflicts

that may arise from the delimitation of borders and the economic and commercial exploitation of natural resources within the territorial boundaries, particularly in the overlapping Exclusive Economic Zones (EEZ) of our States.

Article 3: Objectives

The objectives of the Commission shall be:

- (a) To strengthen ties of cooperation and solidarity existing among Member States;
- (b) To create conditions of mutual confidence, peace and security conducive to the harmonious development of States;
- ...
- (f) To protect, preserve and improve the natural environment of the Gulf of Guinea and cooperate in the event of natural disaster;
- (g) To formulate a concerted immigration policy and find appropriate solutions to the problem which might arise there from;

Article 4: Principles

In pursuit of the objectives stated above, the High Contracting Parties solemnly reaffirm their firm commitment to respect principles enshrined in the Charters of the United Nations and of the OAU/Constitutive Act of African Union, particularly:

- (a) Sovereign equality of all Member States;
- (b) Non-interference in the internal affairs of Member States;
- (c) Peaceful settlement of disputes;
- (d) Inviolability of borders inherited from colonialism;
- (e) Non-aggression;
- (f) Non-utilisation of the territory of one State for activities directed against the sovereignty and territorial integrity of another Member State.

Article 5: Areas of Cooperation

In pursuit of the objectives stated above, the High Contracting Parties undertake to pool their efforts towards the harmonization of their respective policies in the areas of common interest. To this end, they pledge to identify areas of common interest in the geographical area of the Gulf and map out common policies, particularly in the areas of peace and security, exploitation of hydrocarbons, fishery and mineral resources, the environment, the movement of people and goods, development of communications, promotion of the economic development and integration of the Gulf region.

Article 6: Organs

For the purpose of the Implementation of the above objectives, the following organs shall be established:

- (a) The Assembly of Heads of State and Government;

- (b) The Council of Ministers;
- (c) The Secretariat;
- (d) The Ad Hoc Arbitration Mechanism.

...

Article 20: Settlement of Disputes

Member States shall act collectively to guarantee peace, security and stability as prerequisites to the realization of the objectives set forth in this Treaty. To this end they undertake to settle their disputes amicably. Failing which either party shall refer the matter to the Ad Hoc Arbitration Mechanism of the Treaty or any mechanism for peaceful resolution of conflicts stated by the Charters of the United Nations, the Organisation of African Unity and the African Union.

...

Luanda Declaration on Peace and Security in the Gulf of Guinea Region (2012)

Full title: Luanda Declaration on Peace and Security in the Gulf of Guinea Region

Date/place of adoption/conclusion: 29 November 2012

Authentic texts: English, French, Portuguese, Spanish

Available online at: <https://bit.ly/2ObqGxn>

Excerpts

I. Preamble

Inspired by the will to develop and build on the good neighbourly relations among the Gulf of Guinea States and **resolved** to remove the obstacles that may hamper their cooperation and the maintenance of the conditions of peace and security among them, the Republic of Angola, the Republic of Cameroon, Republic of the Congo, the Democratic Republic of the Congo, the Republic of Gabon, the Republic of Equatorial Guinea, the Federal Republic of Nigeria and the Democratic Republic of São Tomé and Príncipe, signed on 3 July 2001, in Libreville, a Treaty establishing the Gulf of Guinea Commission as a permanent framework for collective action, with a view to ensure peace, security and stability as key conditions for economic development and social progress of its peoples.

Within this framework,

...

1. Considering that under Article 1 of the United Nations Charter, the Organization's main purpose is to maintain world peace and security;
2. Considering that Article 2 of the United Nations Charter provides that Member States shall settle their disputes by peaceful means so as not to endanger international peace and security, as well as justice;
3. Recognizing as valid the concept that states that "peace is more than strict absence of armed conflict" and that peace is related to the suppression of all kinds of violence directly or otherwise, including political, economic, social and cultural.

...

5. Considering the commitments made by African States to peace and security in the region through the Charter of the Organization of African Unity (OAU), reiterated by the Constitutive Act of the African Union (AU), the African Charter on Human and Peoples' Rights and the Protocol on Peace and Security Council of the African Union;

...

7. Convinced that without peace and security, it is not possible the harmonized development of regional states;
8. Concerned over the recurrence of armed conflicts in some states in the Gulf of Guinea Commission region, which endanger peace and security throughout the region and the continent;
9. Convinced that the deterioration of the natural environment of the region can contribute to the degeneration of the conditions of welfare of the people of the region and thus create situations that affect peace and security;
10. Convinced that immigration out of the national standards set by each country can generate conflicts that may affect the environment of peace and security in the region;
11. Concerned with the increasing inclusion of the region, on the route of drug trafficking and transnational organized crime of another kind;
12. Concerned with the increase in frequency and territorial extension of cases of piracy and armed robberies on the coastal seas of the region;
13. Convinced that respect for the territorial integrity, sovereignty, interests and objectives of the regional states is a prerequisite for the establishment, maintenance and development of an environment of peace and security, to facilitate economic and social progress of the region;
14. Convinced of the linkage between the theft of oil resources and

the increase in the number and violent nature of piracy attacks in the region aided by international syndicates that facilitate the sale thereof;

15. Considering the provisions of UNSC Resolutions 2018 (2011) and 2039 (2012);
16. Convinced that building a future of peace and security in the region requires the establishment of relations among member states, based on trust, solidarity, cooperation and integration within the framework of a comprehensive regional vision, as well as the promotion of a culture of peace among its citizens;

II. We urge the States of the Gulf of Guinea, international partners, both States and relevant international organizations, to

17. Support fully, and in all circumstances, the processes leading to the establishment of peace in the region, encourage actions towards deepening these processes and refrain from any attitude that may affect them negatively.

18. Develop concrete actions towards the materialization in the region, the “AU Pact of Non-Aggression and Common Defence”, with the aim of promoting cooperation and non-aggression between states, the common defence, promote peaceful coexistence, prevention of both inter-state and intra-state conflicts and ensure that disputes are resolved through peaceful means, meaning dialogue and negotiations.

19. Promote trust among regional states and between these regional states with those of other regions, through the establishment of policies, measures and mechanisms that strengthen good neighbourly relations and multilateral cooperation, based on the perception of absence of military threat, pressure, political coercion or other acts against the region or any of its members and that could jeopardize the lives of its citizens, the cultural values of the community, as well as its sustained development and the ability to promote the region as an international actor.

20. Initiate and canvass for an international framework against the purchase of stolen crude oil and develop national framework to prosecute and punish perpetrators of these illegal acts;

21. Develop common policies to prevent the proliferation and trafficking of small arms and light weapons and ensure implementation of agreements and other existing mechanisms.

22. Promote the development of concerted migration policies and measures that will encourage legal migration that guarantees the rights of migrants and the security of states.

23. Intensify the fight against cross-border crime and international terrorism, by harmonizing and/or establishing common policies and laws on the subject.

24. Promote a political, economic and social environment in the region,

based on the values of democracy, respect for human rights and good governance, by combating any ideology, policy or practice that promotes racism, ethnicity, or any other form of segregation and/or violence, and to ensure an improved efficiency of judicial services, consolidation of the rule of law and transparency of electoral processes.

25. Promote an effective participation of the civil society in strengthening democracy and good governance of the states in the region, particularly through the promotion of their participation at the local level and the implementation of policies for the development of a free, pluralistic and responsible media.

26. Engage in promoting policies that, apart from strengthening the national unity of States in the region in the context of multiculturalism, develop a culture of peace, dialogue and tolerance between people of the region.

...

30. Observe strictly the norms and principles of International Humanitarian Law and relevant conventions, particularly the Geneva Conventions of 1949 on the protection of civilians in conflict areas.

31. Be open to international cooperation at the global level, with all states and organizations concerned in maintaining and consolidating peace, security, democracy and good governance in the Gulf of Guinea.

32. Work together to develop and implement a comprehensive (long term) strategy for peace, security and development of the Gulf of Guinea region, on both sea and land, by the sub-regional organizations of ECCAS, ECOWAS and GGC, in close collaboration with AU, ZOPACAS and UN.

33. Consider the possibility of establishing a permanent mechanism to monitor and enforce peace and security in the region.

...

Additional Protocol to the Treaty Establishing the Gulf of Guinea Commission (GGC) Relating to the Ad Hoc Arbitration Mechanism (2013)

Full title: Additional Protocol to the Treaty Establishing the Gulf of Guinea Commission (GGC) Relating to the Ad Hoc Arbitration Mechanism

Date/place of adoption/conclusion: July 2013, Malabo, Equatorial Guinea

Available online at: <https://bit.ly/2DpzSMu>

*Excerpts****Article 1: General Conditions***

1. There is hereby created an ad hoc Arbitration Mechanism within the Gulf of Guinea Commission, in accordance with the provisions of the Treaty, and aimed at ensuring the prevention, management and resolution of conflicts arising from border disputes and the economic exploitation and commercialization of the natural resources of the Member States of the Gulf of Guinea Commission.
2. To this end, the parties shall undertake to settle all disputes amicably. Where this fails, they shall refer the matter to the ad hoc Arbitration Mechanism or any other mechanism for the peaceful resolution of conflicts provided for in the United Nations Charter and the Treaty of the African Union.
3. The Rules of Procedure and any other matters concerning the ad hoc Arbitration Mechanism shall be drawn up by council and approved by the Assembly.
4. The structure created by the Mechanism shall adopt their own Rules of Procedure.

Article 2: Composition

- (a) The Members of the ad hoc Arbitration Mechanism shall be elected by the Heads of State and Government
- (b) Each Member State of the Commission shall have one Representative within the Mechanism
- (c) Members of the Mechanism shall be eminent persons of recognized competence
- (d) Each Member State of the Commission shall be entitled to propose a candidate for membership of the Mechanism e. The Executive Secretary shall draw up a list of candidate proposed by the Member States for the consideration of the Heads of States and Government

Article 3: Duration of Mandate

1. Members of the Mechanism shall be elected for a renewable period of..... years
2. Members of the Mechanism shall retain their positions until the election of new members
3. Outgoing Members shall continue to serve until the conclusion of the process in which they are engaged.

Article 4: Organisation and Functioning

The Mechanism shall comprise a Chairperson and Vice Chairperson, who shall be chosen by the Assembly from among its Member;

The Chairperson and Vice chairperson may not be re-elected to the same positions;

A secretary and other staff shall be recruited by the Mechanism;

Conditions of service of the Secretary and other Staff of the Mechanism shall be laid down by its Rules and Procedure.

...

Article 10: Procedure for Acceptance of the Jurisdiction of the Mechanism

Willingness of one of the Parties to a conflict to accept the jurisdiction of the Mechanism may be indicated in the following manner:

- (a) Through a written understanding signed by the other Part, expressing its readiness to accept recourse to mediation, reconciliation or arbitration
- (b) Through a submission made to the Mechanism by the other Party
- (c) Acceptance of the intervention of the Mechanism by the Party which will have brought the issue under contention before the bodies enumerated in Article 9, paragraph 1 above.

Article 11: Enquiries and Investigations

If, in the process of resolving a conflict, there should be a need to conduct an investigation or enquiry into the facts of the matter, or to clarify certain issues relating to the conflict, the interested Parties and the Member States shall assist in the conduct of the enquiry or investigation.

Member States shall refrain from any act of commission or omission which may aggravate a situation brought before the Mechanism.

Article 12: Modalities for Conflict Resolution

In the event of conflict between Member States, the parties may agree to resolve issues through mediation, conciliation or arbitration.

Article 13: Mediation

When a situation of conflict between member States s brought before the Mechanism for mediation, the Chairperson shall, in collaboration with the interested Parties, set up a special mediation committee comprising three neutral members of the mechanism, who shall serve as mediators in the conflict. The committee may request necessary technical assistance from the Executive Secretariat.

...

Article 15: Conciliation

1. Where one or more Parties to a conflict opt(s) for a settlement by conciliation under the auspices of the mechanism, it/they may present a request to this effect to the Chairperson.

2. If such a request is presented by one of the Parties, it must indicate that prior notification of the fact has been made in writing to the other Party.
3. The request shall indicate the underlying reasons for the conflict.
- ...

Article 18: Arbitration

1. When all parties have agreed to seek arbitration, a panel of Arbitration shall be set up as follows:
 - (a) Each party shall designate an arbiter with legal qualifications from among the Members of the Mechanism
 - (b) The two arbiters shall agree on the choice of a third person from the Members of the Mechanism to preside over the Panel
 - (c) If, by the end of one month the two arbiters have failed to agree on the designation of a Chairperson for the Panel, the choice shall be made by the Bureau of the Gulf of Guinea Commission.
2. The Chairperson of the panel may, in agreement with the Parties, appoint two or more arbiters who may not necessarily be Members of the Mechanism, but who shall have the same powers as the other Members of the Panel.
3. The arbiters not be nationals of a Party State, residents of a Party State, in the employment of a Party State, or already have served as Mediator or Conciliator in the same conflict. The arbiters must all be different nationalities.
- ...

**Declaration on Maritime Safety and Security in the Common
Maritime Domain (Yaoundé Declaration) (2013)**

Full title: Declaration of the Heads of State and Government of Central and West African States on Maritime Safety and Security in the Common Maritime Domain

Date/place of adoption/conclusion: 25 June 2013, Yaoundé, Cameroon

Available online: <https://bit.ly/31YKRXt>

* Adopted by the Joint Summit of the Heads of State and Government of Central and West African States, 24-25 June 2013, Yaoundé, Cameroon.

Excerpts

1. We, the Heads of State and Government of Central and West African States, meeting on June 24-25, 2013 in Yaoundé, Republic of Cameroon, at the Joint Summit on the regional strategy to combat piracy, armed robbery, and other illicit activities committed at sea in the Gulf of Guinea.
 - 1.1. **Considering** the United Nations Security Council Declaration of 30 August 2011 and Resolution 2018 of 31 October 2011 on acts of piracy and armed robbery in the Gulf of Guinea,
 - 1.2. **Recalling** the United Nations Security Council Resolution 2039 of 29 February 2012 which urges the Economic Community of West African States (ECOWAS), the Economic Community of Central African States (ECCAS) and the Gulf of Guinea Commission (GGC) to work together to develop a regional strategy to fight against piracy, armed robbery, and other illicit activities committed at sea, in collaboration with the African Union (AU),
 - 1.3. **Recognizing** that maritime piracy, armed robbery and other illegal activities at sea have become worrying threats in the maritime area of West and Central Africa and constitute a violation of the International Law of the Sea,
 - 1.4. **Concerned** about the serious threats that transnational organised crime, including trafficking in arms and drugs, human trafficking, piracy and armed robbery at sea, pose to international shipping, security, socio-economic development of coastal countries, as well as international peace and stability,
 - 1.5. **Recognizing** the fact that the economic development of West and Central African countries depends largely on their ability to create wealth through sustainable governance of their maritime areas and implementation of a green economy,
 - 1.6. **Recognizing also** the important role of international Partners in the capacity building of States and Regional Organisations to fight against piracy, armed robbery, and other illegal activities at sea,
 - 1.7. **Reaffirming** their commitment to the sovereignty and territorial integrity of ECCAS and ECOWAS Member States,
 - 1.8. **Recalling** that the provisions of this Declaration apply to the entire maritime area of West and Central Africa,
 - 1.9. **Encouraging** the implementation of a transitional Code of Conduct in view of facilitating the adoption of a binding multilateral agreement aimed at eradicating illegal activities off the coast of West and Central Africa,
 - 1.10. **Acknowledging** the possibility for Member States of ECCAS, ECOWAS and GGC to conclude bilateral binding agreements on maritime safety and security,

- 1.11. **Welcoming** the contribution of representatives of the United Nations, African Union and strategic partners in the fight against piracy, armed robbery, and other illegal activities in the West and Central African maritime area,
- 1.12. **Welcoming also** the contribution of the International Maritime Organisation (IMO) and the Maritime Organisation of West and Central Africa (MOWCA) to ensure cooperation in maritime safety and security,

...

2. Declare to:

- 2.1. **Fully commit** to work for the promotion of peace, security and stability in the West and Central African maritime area through the mobilisation of adequate operational resources both at the institutional level and in terms of logistics;
- 2.2. **Support** the initiative of the African Union to develop and implement a 2050 African integrated maritime strategy (2050 AIM Strategy),
- 2.3. **Request** ECCAS, ECOWAS and GGC to promote activities aimed at cooperation, coordination, pooling together and interoperability of resources between Member States by:
 - (a) Establishing between them an inter-Community framework for cooperation in maritime safety and security;
 - (b) Monitoring the maritime sector by developing joint operational procedures;
 - (c) Facilitating the harmonisation of the legal and institutional frameworks of Member States;
 - (d) Establishing a common mechanism for sharing information and intelligence;
 - (e) Institutionalising a conference on development and maritime security;
 - (f) Putting in place a contribution-based funding mechanism;
- 2.4. **Request also** each Regional Economic Community and the GGC to:
 - (a) Develop and adopt a regional strategy to fight against piracy, armed robbery, and other illegal activities at sea, consistent with the 2050 AIM Strategy,
 - (b) Continue the implementation and operationalization of coordination mechanisms to enable their Member States to effectively take action against all maritime threats,
- 2.5. **Commit** the Member States to:
 - (a) Mutually collect and share information between themselves, with regional coordination mechanisms and the support of strategic partners;
 - (b) Build the capacities of persons responsible for enforcing maritime safety and security laws;
 - (c) Raise awareness on the maritime sector;
 - (d) Develop and implement relevant national laws;
 - (e) Develop national policies on the fight against piracy, armed

- robbery, and other illegal activities at sea;
- (f) Establish national agencies to coordinate the activities of the State at sea with sufficient powers to carry out their roles,
 - (g) Put in place national mechanisms for financing policies against piracy, armed robbery, and other illegal activities at sea;
 - (h) Oversee the acquisition and maintenance of major maritime equipment in their respective maritime areas;
- 2.6. **Exhort** international strategic partners to support the initiatives relating to the implementation of this regional cooperation,
- 2.7. **Call on** the United Nations' Secretary-General and the President of the AU Commission to support efforts for the mobilisation of the resources required for the implementation of this Declaration,
- ...

Memorandum of Understanding Among ECCAS, ECOWAS and the Gulf of Guinea Commission (GGC) on Maritime Safety and Security in Central and West Africa (2013)

Full title: Memorandum of Understanding Among the Economic Community of Central African States, the Economic Community of West African States and the Gulf of Guinea Commission (GGC) on Maritime Safety and Security in Central and West Africa

Date/place of adoption/conclusion: 25 June 2013, Yaoundé, Cameroon

Available online at: <https://bit.ly/322PQpY>

Excerpts

Preamble

...

Considering that the objective of the ECCAS is to promote and reinforce a harmonious cooperation and a balanced and self-sufficient development in every area of economic and social activity, to increase and to maintain economic stability, to reinforce the close and peaceful relations between member states and to contribute to the progress and the development of Africa,

Considering that the main objective of ECOWAS is to promote cooperation, integration and maintain regional stability in order to establish an economic and monetary union in West Africa,

Considering the provisions of the Protocol establishing the Peace and

Security Council of the African Union (AU) adopted by the first session of the Conference of the AU at Durban on 9 July 2002,
 Considering also the provisions of the Memorandum of Understanding on Cooperation in the area of Peace and Security between the AU, Regional Economic Communities and the regional mechanisms adopted on 28 June 2008,
 Considering in addition the Luanda Declaration on Peace and Security in the Gulf of Guinea Region of 29 November 2012,
 Recalling the relevant provisions of Resolutions 2018 of 31 October 2011 and 2039 of 29 February 2012 of the United Nations (UN) Security Council, calling for the development and implementation of regional, sub-regional and national strategies on maritime safety and security,
 Recalling the relevant provisions of the UN Charter and the Constitutive Act of the AU,
 Conscious of the fact that piracy, armed robbery and the other illegal activities perpetrated at sea in the maritime area of Central and West Africa, constitute an obstacle to regional integration and the sustainable economic development of their regions,
 Taking into account the Declaration of Heads of State and Government of ECCAS, ECOWAS and GGC on maritime safety and security in their common maritime domain signed in Yaounde (Cameroon) on 25 June, 2013,
 Recalling the objectives of the 2050 Africa Integrated Maritime Strategy (AIM 2050 Strategy) adopted in Addis-Ababa on 6 December 2012,
 Determined to strengthen cooperation and coordination of their activities, with a view to ensuring safety and security in the West and Central Africa maritime area,
 Having taken note of the recommendations of the UN Evaluation Mission report on piracy in the Gulf of Guinea dated 24 November, 2011.

Hereby agree as follows:

Chapter I: Definitions, Specific Objectives

Article 2: Objectives

This Memorandum of Understanding is established in order to achieve better cooperation among the regional ECCAS, ECOWAS and GGC maritime centres. The cooperation shall seek to promote synergy through the pooling and interoperability of Community resources.

To this end, it shall have the following specific objectives:

- (a) coordination and implementation of joint activities,
- (b) promotion of close partnership among the Parties,
- (c) regular exchange of information and experience sharing,

- (d) harmonisation of control procedures for ships, port installations sea farers, ship owners and insurers in the area of maritime safety and security,
- (e) harmonisation of laws on piracy and other illegal activities at sea,
- (f) adoption and implementation of a methodology for Automatic Identification of ships (AIS),
- (g) strengthening of cooperation with the International Criminal Police Organisation ICPO-INTERPOL),
- (h) promotion of the fight against crimes at sea.

Chapter II: Principles and Areas of Cooperation

Article 3: Principles

The implementation of this Memorandum shall be guided by the principles of International Law stated below:

- (a) subsidiarity
- (b) complementarity
- (c) equality
- (d) independence
- (e) consensus
- (f) cooperation
- (g) rights-based approach to contractual relations among the Parties

Article 4: Areas of Cooperation

To achieve the specific objectives stated in Article 2 of this Memorandum, the Parties shall cooperate in all areas regarding maritime safety and security, including:

- (a) technical cooperation
- (b) training and capacity budding
- (c) information management and data collection
- (d) mobilisation of resources necessary to achieve the objectives
- (e) coordination of joint activities
- (f) management of sea borders
- (g) any other area of common interest recognised as relevant by the Parties;

Chapter III: Implementation and Monitoring Mechanism

Article 5: Implementation

1. In the implementation of the provisions of this Memorandum, the Parties agree to:
 - (a) hold annual meetings of the Chief Executives of ECCAS, ECOWAS and GGC which shall provide guidance, monitoring and evaluation of regional cooperation,
 - (b) create an inter-regional Coordination Centre (ICC) for the implementation of the regional strategy for maritime safety and security.

2. The structure and functioning of these platforms shall be specified by supplementary texts.

Article 6: Partner Support

The support of all strategic partners at the international, bilateral and multilateral levels, is envisaged in the implementation of this Memorandum.

Chapter IV: Transitional and Final Provisions

Article 7: Amendment, Termination and Withdrawal

- (a) The Memorandum shall be amended by mutual agreement of the Parties
- (b) Any Party may withdraw from this MoU having given a minimum of three-month notice to the other Signatories without prejudice to activities in progress.
- (c) Withdrawal by one of the Parties shall not prevent the implementation of this Memorandum by the remaining Parties in their maritime areas.

Article 8: Dispute Settlement

All disputes arising from the interpretation and/or implementation of this Memorandum shall be settled through diplomatic means.

Article 9: Entry into force

This Memorandum of Understanding shall enter into force from the date of its signature by the Parties. It shall be produced in twelve (12) copies, three (3) copies each in English, French, Portuguese and Spanish languages, all four texts being equally authentic and handed to each Party.

Article 10: Publication

- This Memorandum of Understanding shall be published in the working languages of the Member countries of ECCAS, ECOWAS and GGC member States.
- It shall also be published in the national gazettes of ECCAS, ECOWAS and GGC Member States.

...



Code of Conduct Concerning the Repression of Piracy, Armed Robbery Against Ships and Illicit Maritime Activity in West and Central Africa (2014)

Full title: Code of Conduct Concerning the Repression of Piracy, Armed Robbery Against Ships and Illicit Maritime Activity in West and Central Africa

Date/place of adoption/conclusion: 25 June 2013, Yaoundé, Cameroon

Entered into force (EIF): Article 20

Authentic texts: English, French, Portuguese, Spanish

Available online at: <https://bit.ly/2ZbjJ5x>

* The Code of Conduct was developed by the Economic Community of Central African States, the Economic Community of West African States and the Gulf of Guinea, with the assistance of the International Maritime Organisation.

Excerpts

The Governments of [Angola, Benin, Burkina Faso, Burundi, Cameroon, Cape Verde, the Central African Republic, Chad, Congo, Côte d'Ivoire, the Democratic Republic of the Congo, Equatorial Guinea, Gabon, the Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Niger, Nigeria, Sao Tome and Principe, Senegal, Sierra Leone, and Togo] (hereinafter referred to as “the Signatories”),

Considering the relevant provisions of the United Nations Millennium Declaration 55/2, in particular Section II on Peace, Security and Disarmament; Section III on Development and poverty eradication; section IV on Protecting our common environment; and section VII on Meeting the special needs of Africa.

Noting Resolution 2018 (2011) and 2039 (2012) of the United Nations Security Council in relation to piracy and armed robbery in the Gulf of Guinea, which, inter alia, welcomes the intention to convene a summit of Gulf of Guinea Heads of State in order to consider a comprehensive response in the region and encourages the States of the Economic Community of West African States (ECOWAS), the Economic Community of Central African States (ECCAS), and the Gulf of Guinea Commission (GGC) to develop a comprehensive strategy, including through:

- (a) the development of domestic laws and regulations, where these are not in place, criminalizing piracy and armed robbery at sea;
- (b) the development of a regional framework to counter piracy and armed robbery at sea, including information-sharing and operational coordination mechanisms in the region;

- (c) the development and strengthening of domestic laws and regulations, as appropriate, to implement relevant international agreements addressing the safety and security of navigation, in accordance with international law;

Noting in particular that resolution 2039 (2012) recognizes the urgent need to devise and adopt effective and practical measures to counter piracy and armed robbery at sea in the Gulf of Guinea; emphasizes the importance of building on existing national, regional and extra regional initiatives to enhance maritime safety and security in the Gulf of Guinea; and welcomes the initiatives already taken by States in the region and regional organizations, including ECCAS, ECOWAS, GGC, and the Maritime Organization for West and Central Africa (MOWCA), to enhance maritime safety and security in the Gulf of Guinea,

Noting also that the General Assembly of the United Nations, at its sixth-seventh session, adopted, on 5 December 2012, resolution 67/78 on Oceans and the Law of the Sea which, inter alia:

- (a) Notes with concern the continuing problem of transnational organized crime committed at sea, including illicit traffic in narcotic drugs and psychotropic substances, the smuggling of migrants and trafficking in persons, and threats to maritime safety and security, including piracy, armed robbery at sea, smuggling, and terrorist acts against shipping, offshore installations and other maritime interests, and deploring the loss of life and adverse impact on international trade, energy security, and the global economy resulting from such activities,
- (b) Recognizes the crucial role of international cooperation at the global, regional, sub-regional, and bilateral levels in combating, in accordance with international law, threats to maritime security, including piracy, armed robbery at sea, terrorist acts against shipping, offshore installations and other maritime interests, through bilateral and multilateral instruments and mechanisms aimed at monitoring, preventing and responding to such threats, the enhanced sharing of information among States relevant to the detection, prevention and suppression of such threats, and the prosecution of offenders with due regard to national legislation, and the need to sustainably build capacity which permits the attainment of these objectives,
- (c) Recognizes the importance of enhancing international cooperation at all levels to fight transnational organized criminal activities, including illicit traffic in narcotic drugs and psychotropic substances within the scope of the United Nations instruments against illicit drug trafficking, as well as the smuggling of migrants, and trafficking in persons and illicit trafficking in firearms and criminal activities at sea falling within the scope of the United Nations Convention against Transnational Organized Crime;
- (d) Recognising the importance of enhancing international cooperation

in the fight against piracy oil theft and safety of offshore infrastructures
Recalling that the United Nations General Assembly, in its resolution 67/79 on sustainable fisheries of December 11, 2012 expressed its serious concern that illegal, unreported and unregulated fishing remains one of the greatest threats to fish stocks and marine ecosystems and continues to have serious and major implications for the conservation and management of ocean resources, as well as the food security and the economies of many States, particularly developing States, and renews its call upon States to comply fully with all existing obligations and to combat such fishing and urgently to take all necessary steps to implement the International Plan of Action to Prevent, Deter and Eliminate illegal, Unreported and Unregulated Fishing;

Recalling the decision Assembly/AU/Dec.252(X111) adopted at the 13th Ordinary Session of the Assembly of Heads of States and Governments of the African Union (AU), held in Sirte, Libya, in July 2009, in which the Assembly expressed its serious concern at the mounting insecurity in Africa's maritime domain, strongly condemned all illegal activities therein and welcomed the initiatives undertaken by the Commission to develop a comprehensive and coherent strategy to address Africa's geostrategic maritime challenges and opportunities;

...

Taking into account the Treaty for an Economic Community of West African States (Treaty of Lagos) on 28 May 1975, as amended by the revised ECOWAS Treaty July 1993; and the ECOWAS Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peace-Keeping and Security, done at Lome on 10 December 1999, and in particular its Chapter X on Sub-Regional Security,

Taking also into account the Treaty Establishing the Economic Community of Central African States; and the ECCAS comprehensive joint maritime security architecture to counter piracy in the Central African sub-region, including the December 2009 Protocol on Maritime Cooperation, the establishment of the Regional Centre for Maritime Security in Central Africa (CRESMAC) in Pointe-Noire, Congo, as well as the multinational coordination centres in the region,

Further taking into account the GGC Treaty establishing as one of its organs the Ad Hoc Arbitration Mechanism,

Recalling that the Memorandum of Understanding on the Establishment of a Sub-Regional Integrated Coast Guard Network in West and Central Africa, adopted in Dakar, Senegal on 30 July 2008, signed by fifteen coastal States from West and Central Africa, provided a framework to promote regional maritime cooperation and a stable maritime environment, contribute to the peace, good order and continuing prosperity of the West and Central Africa,

Recalling the Assembly of IMO, at its twenty-sixth regular session, adopted

on 2 December 2009 resolution A.1025(26) on the Code of Practice for the Investigation of Crimes of Piracy and Armed Robbery against Ships which amongst others invited Governments to develop, as appropriate, agreements and procedures to facilitate co-operation in applying efficient and effective measures to prevent acts of piracy and armed robbery against ships;

Taking into account the Special measures to enhance maritime security adopted on 12 December 2002 by the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 as amended, including the International Ship and Port Facility Security Code;

Inspired by the Code of Conduct Concerning the Repression of Piracy and Armed Robbery Against Ships in the Western Indian Ocean and the Gulf of Aden (“the Djibouti Code of Conduct”) adopted in Djibouti on 29 January 2009;

Inspired also the United Nations Convention on the Law of the Sea (UNCLOS) on 10th December 1982 in its Article 100 in the fight against piracy armed robberies, and illicit activities at sea;

Recalling that the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, 1988 and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, 1988 (hereinafter referred to as “SUA Treaties”) provide, inter alia, for parties to create criminal offences, establish jurisdiction, and accept delivery or persons responsible for or suspected of seizing or exercising control over a ship by force or threat thereof or any other form of intimidation;

Welcoming the initiatives of the United Nations, including the United Nations Regional Offices for West Africa (UNOWA) and Central Africa (UNOCA), United Nations Office on Drugs and Crime, and the United Nations Development Programme, the International Maritime Organization, ECOWAS, ECCAS, GGC, MOWCA, donor States and other relevant international entities to provide training, technical assistance and other forms of capacity building to assist Governments, upon request, to adopt and implement practical measures to apprehend and prosecute those persons engaged in transnational organized crime in the maritime domain, maritime terrorism, and illegal, unreported, and unregulated (IUU) fishing;

Convinced that the following transitional Code of Conduct will promote regional maritime cooperation and a stable maritime environment, contribute to the peace, good order and continuing prosperity of the West and Central Africa;

Have agreed as follows:

Article 1: Definition

For the purposes of this Code of Conduct, the following terms, expressions, and acronyms are understood as specified below unless the context otherwise requires:

1. “**Signatory**” is a State having signed this present Code of Conduct.
2. “**Host Signatory**” is a State having signed this Code of Conduct and that receives the embarked officers of another Signatory State with that State’s authorization.
3. “**Piracy**” consists of any of the following acts:
 - (a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:
 - (i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;
 - (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;
 - (b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;
 - (c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).
4. “**Armed robbery at sea**” consists of any of the following acts:
 - (a) unlawful act of violence or detention or any act of depredation, or threat thereof, other than an act of piracy, committed for private ends and directed against a ship or against persons or property on board such a ship, within a State’s internal waters, archipelagic waters or territorial sea;
 - (b) any act of inciting or of intentionally facilitating an act described in subparagraph (a).
5. “**Transnational organized crime in the maritime domain**” includes but is not limited to any of the following acts when committed at sea:
 - (a) money laundering,
 - (b) illegal arms and drug trafficking,
 - (c) piracy and armed robbery at sea,
 - (d) illegal oil bunkering,
 - (e) crude oil theft,
 - (f) human trafficking,
 - (g) human smuggling,
 - (h) maritime pollution,
 - (i) IUU fishing
 - (j) illegal dumping of toxic waste
 - (k) maritime terrorism and hostage taking
 - (l) vandalisation of offshore oil infrastructure.
6. “**Embarked Officers**” consists of law enforcement officers or other authorized officials embarked on ships or patrol aircraft;
7. “**Pirate ship**” means a vessel effectively controlled by people who intend to use it to commit an act of piracy, or used it to commit such

an act, as long as it remains under the control of such persons;

Article 2: Purpose and Scope

1. Consistent with their available resources and related priorities, their respective national laws and regulations, and applicable rules of international law, the Signatories intend to co-operate to the fullest possible extent in the repression of transnational organized crime in the maritime domain, maritime terrorism, IUU fishing and other illegal activities at sea with a view towards:
 - (a) sharing and reporting relevant information;
 - (b) interdicting ships and/or aircraft suspected of engaging in in transnational organized crime in the maritime domain, maritime terrorism, IUU fishing and other illegal activities at sea;
 - (c) ensuring that persons committing or attempting to commit in transnational organized crime in the maritime domain, maritime terrorism, IUU fishing and other illegal activities at sea are apprehended and prosecuted; and
 - (d) facilitating proper care, treatment, and repatriation of seafarers, fishermen, other shipboard personnel and passengers subjected to transnational organized crime in the maritime domain, maritime terrorism, IUU fishing, and other illegal activities at sea, particularly those who have been subjected to violence.
2. The Signatories intend this Code of Conduct to be applicable in relation to transnational organized crime in the maritime domain, maritime terrorism, IUU fishing and other illegal activities at sea in Central and West Africa.
3. The Signatories should carry out their obligations and responsibilities under this Code in a manner consistent with the principles of sovereign equality and territorial integrity of States and that of non-intervention in the domestic affairs of other States.
4. Operations to suppress transnational organized crime in the maritime domain, maritime terrorism, IUU fishing and other illegal activities at sea in and over the territorial sea of a Signatory are the responsibility of, and subject to the sovereign authority of that Signatory.

Article 3: Guiding Principles

1. The Signatories intend that any measures taken pursuant to this Code of Conduct should be carried out by law enforcement or other authorized officials from warships or military aircraft, or from other ships or aircraft clearly marked and identifiable as being in government service and authorized to that effect.
2. The Signatories recognize that multiple States, including the flag State, State of suspected origin of the perpetrators, the State of nationality of persons on board the ship, and the State of ownership of cargo

may have legitimate interests in cases arising pursuant to Articles 4 and 5. Therefore, the Signatories intend to liaise and co-operate with such States and other stakeholders, and to coordinate such activities with each other to facilitate the rescue, interdiction, investigation, and prosecution.

3. The Signatories intend, to the fullest possible extent, to conduct and support the conduct of investigations in cases of in transnational organized crime in the maritime domain, maritime terrorism, IUU fishing and other illegal activities at sea taking into account the relevant international standards and practices, and, in particular, recommendations adopted by IMO.
4. The Signatories intend to co-operate to the fullest possible extent in medical and decedent affairs arising from operations in furtherance of the repression in transnational organized crime in the maritime domain, maritime terrorism, IUU fishing and other illegal activities at sea.
5. The Signatories intend to ensure that, in seeking the fulfilment of the above objectives, a balance is maintained between the need to enhance maritime security and facilitation of maritime traffic and to avoid any unnecessary delays to international maritime trade in West and Central Africa;

Article 4: Measures at the National Level

1. The Signatories intend to develop and implement, as necessary:
 - (a) Appropriate national maritime security policies to safeguard maritime trade from all forms of unlawful acts;
 - (b) National legislation, practices and procedures, which together provide the security necessary for the safe and secure operation of port facilities and ships at all security levels; and
 - (c) National legislation which ensures effective protection of the marine environment,
2. The Signatories intend to establish, as necessary, a national maritime security committee or other system for co-ordinating the related activities between the departments, agencies, control authorities, and other organizations of the State, port operators, Companies and other entities concerned with, or responsible for the implementation of, compliance with, and enforcement of, measures to enhance maritime security and search and rescue procedures,
3. The Signatories intend to establish, as necessary, a national maritime security plan with related contingency plans (or other system) for harmonizing and co-ordinating the implementation of security measures designed to enhance the security in the international maritime transport sector with those of other modes of transport,
4. The Signatories intend to prosecute, in their domestic courts and in accordance with relevant domestic laws, perpetrators of all forms

- of piracy and unlawful acts against seafarers, ships, port facility personnel and port facilities,
5. The organization and functioning of this national system is exclusively the responsibility of each State, in conformity with applicable laws and regulations.

Article 5: Protection Measures for Ships

The Signatories intend to encourage States, ship owners, and ship operators, where appropriate, to take protective measures against transnational organized crime in the maritime domain, maritime terrorism, and other illegal activities at sea, taking into account the relevant international Conventions, Codes, Standards and Recommended Practices, and guidance adopted by IMO. The Signatories intend to cooperate in the implementation of measures to protect ships.

Article 6: Measures to Repress Piracy

1. Consistent with Article 2, each Signatory to the fullest possible extent intends to co-operate in:
 - (a) arresting, investigating, and prosecuting persons who have committed piracy or are reasonably suspected of committing piracy;
 - (b) seizing pirate ships and/or aircraft and the property on board such ships and/or aircraft; and
 - (c) rescuing ships, persons, and property subject to piracy.
2. Any Signatory may seize a pirate ship beyond the outer limit of any State's territorial sea, and arrest the persons and seize the property on board.
3. Any pursuit of a ship, where there are reasonable grounds to suspect that the ship is engaged in piracy, extending in and over the territorial sea of a Signatory is subject to the authority of that Signatory. No Signatory should pursue such a ship in or over the territory or territorial sea of any coastal State without the permission of that State.
4. Consistent with international law, the courts of the Signatory which carries out a seizure pursuant to paragraph 4 may decide upon the penalties to be imposed, and may also determine the action to be taken with regard to the ship or property, subject to the rights of third parties acting in good faith.
5. The Signatory which carried out the seizure pursuant to paragraph 4 may, subject to its national laws, and in consultation with other interested entities, waive its primary right to exercise jurisdiction and authorize any other Signatory to enforce its laws against the ship and/or persons on board.
6. Unless otherwise arranged by the affected Signatories, any seizure

made in the territorial sea of a Signatory pursuant to paragraph 5 should be subject to the jurisdiction of that Signatory.

Article 7: Measures to Repress Armed Robbery Against Ships

1. The Signatories intend for operations to suppress armed robbery against ships in the territorial sea and airspace of a Signatory to be subject to the authority of that Signatory, including in the case of hot pursuit from that Signatory's territorial sea or archipelagic waters in accordance with UNCLOS.
 2. The Signatories intend for their respective focal points and Centres (as designated pursuant to Article 8) to communicate expeditiously alerts, reports, and information related to armed robbery against ships to other Signatories and interested parties.
- ...

Article 9: Embarked Officers

1. In furtherance of operations contemplated by this Code of Conduct, a Signatory may nominate law enforcement or other authorized officials (hereafter referred to as "the embarked officers") to embark in the patrol ships or aircraft of another Signatory (hereafter referred to as "the host Signatory") as may be authorized by the host Signatory.
2. The embarked officers may be armed in accordance with their national law and policy and the approval of the host Signatory.
3. When embarked, the host Signatory should facilitate communications between the embarked officers and their headquarters, and should provide quarters and messing for the embarked officers aboard the patrol ships or aircraft in a manner consistent with host Signatory personnel of the same rank.
4. Embarked officers may assist the host Signatory and conduct operations from the host Signatory ship or aircraft if expressly requested to do so by the host Signatory, and only in the manner requested. Such request may only be made, agreed to, and acted upon in a manner that is not prohibited by the laws and policies of both Signatories.
5. When duly authorized, embarked officers may:
 - (a) embark on law enforcement vessels of any of the Signatories;
 - (b) enforce the laws of the designating Signatory to suppress transnational organized crime in the maritime domain, maritime terrorism, IUU fishing, and other illegal activities at sea in the waters of the designating Signatory, or seaward of its waters in the exercise of the right of hot pursuit or otherwise in accordance with international law;
 - (c) authorize the entry of the law enforcement vessels on which they are embarked into and navigation within the waters of the

- designating Signatory;
- (d) authorize the law enforcement vessels on which they are embarked to conduct patrols in the waters of the designating Signatory;
- (e) authorize law enforcement officials of the vessel on which the embarked officer is embarked to assist in the enforcement of the laws of the designating Signatory to suppress transnational organized crime in the maritime domain, maritime terrorism, IUU fishing, and other illegal activities at sea; and
- (f) advise and assist law enforcement officials of the other Signatory in the conduct of boardings of vessels to enforce the laws of the other Signatory to suppress transnational organized crime in the maritime domain, maritime terrorism, IUU fishing, and other illegal activities at sea.

...

Article 12: Incident Reporting

1. The Signatories intend to undertake development of uniform reporting criteria in order to ensure that an accurate assessment of the threat of piracy and armed robbery in the West and Central Africa is developed taking into account the recommendations adopted by IMO. The Signatories intend for the Centres to manage the collection and dissemination of this information in their respective geographic areas of responsibility.
2. Consistent with its laws and policies, a Signatory conducting a boarding, investigation, prosecution, or judicial proceeding pursuant to this Code of Conduct should promptly notify the results thereof to any affected flag and coastal States and the Secretary-General of the International Maritime Organization [the Secretary General of ECCAS, the President of the ECOWAS Commission, and the GGC Executive Secretary].
3. The Signatories intend for the Centres to:
 - (a) collect, collate and analyse the information transmitted by the Signatories concerning piracy and armed robbery against ships, including other relevant information relating to individuals and transnational organized criminal groups committing transnational organized crime in the maritime domain, maritime terrorism, IUU fishing or other illegal activities at sea in their respective geographical areas of responsibility; and
 - (b) prepare statistics and reports on the basis of the information gathered and analyzed under subparagraph (a), and to disseminate them to the Signatories, the shipping community, and the Secretary-General of the International Maritime Organization [the Secretary General of ECCAS, the President of the ECOWAS Commission, and the GGC Executive Secretary].

Article 13: Assistance Among Signatories

1. A Signatory may request any other Signatory, through the Centres or

directly, to co-operate in detecting:

- (a) persons who have committed, or are reasonably suspected of committing, transnational organized crime in the maritime domain, maritime terrorism, IUU fishing, and other illegal activities at sea;
 - (b) pirate ships, where there are reasonable grounds to suspect that those ships are engaged in piracy;
 - (c) other ships or aircraft, where there are reasonable grounds to suspect that those ships or aircraft are engaged in transnational organized crime in the maritime domain, maritime terrorism, IUU fishing, or other illegal activities at sea and
 - (d) ships or persons who have been subjected to piracy or armed robbery against ships.
2. A Signatory may also request any other Signatory, through the Centres or directly, to take effective measures in response to reported transnational organized crime in the maritime domain, maritime terrorism, IUU fishing or other illegal activities at sea.
 3. Co-operative arrangements such as joint exercises or other forms of co-operation, as appropriate, may be undertaken as determined by the Signatories concerned.
 4. Capacity building co-operation may include technical assistance such as educational and training programmes to share experiences and best practices.

Article 14: Training and Education

1. The Signatories intend to co-operate on the development and promotion of training and educational programs for the management of the marine environment, particularly for the maintenance of safety and law and order at sea, the preservation and protection of the marine environment, and the prevention, reduction and control of marine pollution. Such cooperation might include:
 - (a) the offer of places on national training courses to other States, subject to payment of relevant costs;
 - (b) sharing curriculum and course information;
 - (c) the exchange of naval and law enforcement personnel, scientists and other experts;
 - (d) the exchange of views on maritime issues;
 - (e) holding conferences, seminars, workshops and symposia on maritime subjects of common interest; and
 - (f) fostering cooperation among maritime training institutions and research centres.
 - (g) the offer of places on national training courses to other States, subject to payment of relevant costs and training provided by the International Seabed Authority;
2. Signatories are invited to institute regular meetings to enhance cooperation and coordination in their maritime enforcement activities.

Article 15: Indictment, Prosecution and Conviction

Signatories are encouraged to incorporate in national legislation, transnational crimes in the maritime domain, as defined in Article 1 (3) of this Code of Conduct, in order to ensure effective indictment, prosecution and conviction in the territory of the Signatories. Signatories are encouraged to develop adequate guidelines for the exercise of jurisdiction, conduct of investigations and prosecution of alleged offenders.

Article 16: Dispute Settlement

The Signatories intend to settle by consultation and peaceful means amongst each other any disputes that arise from the implementation of this Code of Conduct.

Article 17: Consultations

Within three (3) years of the effective date of this Code of Conduct the Signatories intend to consult, at the invitation of the Inter-Regional Coordination Centre to

- (a) Eventually transform this Code of Conduct into a binding multi-lateral agreement.
- (b) Assess the implementation of this Code of Conduct
- (c) Share information and experiences and best practices
- (d) Review activities which National Maritime Security Centres have carried out and recommend actions to be taken thereafter
- (e) Review all other issues concerning Maritime Security in the Gulf of Guinea

...

Article 19: Miscellaneous Provisions

Nothing in this Code of Conduct is intended to:

- (a) create or establish a binding agreement, except as noted in Article [13];
- (b) affect in any way the rules of international law pertaining to the competence of States to exercise investigative or enforcement jurisdiction on board ships not flying their flag;
- (c) affect the immunities of warships and other government ships operated for non-commercial purposes;
- (d) apply to or limit boarding of ships conducted by any Signatory in accordance with international law, beyond the outer limit of any State's territorial sea, including boardings based upon the right of visit, the rendering of assistance to persons, ships and property in distress or peril, or an authorization from the flag State to take law enforcement or other action;
- (e) preclude the Signatories from otherwise agreeing on operations or other forms of co-operation to repress piracy and armed robbery against ships;
- (f) prevent the Signatories from taking additional measures to repress

- piracy and armed robbery at sea through appropriate actions in their land territory;
- (g) supersede any bilateral or multilateral agreement or other co-operative mechanism concluded by the Signatories to repress piracy and armed robbery against ships;
 - (h) alter the rights and privileges due to any individual in any legal proceeding;

Article 20: Signature and Entry into Force

1. This Code of Conduct is open for signatures by Signatories in Yaoundé and at the Headquarters of the ECCAS, ECOWAS and GGC with one copy at IMO, AU, ECCAS, ECOWAS and GGC.
 2. This Code of Conduct shall enter into force upon date of signature by two or more Signatories
 3. It becomes effective for subsequent Signatories upon their respective date of deposit of a signature instrument at the ECCAS, ECOWAS and GGC.
- ...

4 The Economic and Monetary Community of Central Africa

In 1964, the signing of the Brazzaville Treaty established the Customs and Economic Union of Central Africa (*Union Douanière et Économique de l'Afrique Centrale (UDEAC)*). The signatory states to the Brazzaville Treaty were Cameroon, the Central African Republic, Chad, the Republic of Congo and Gabon and it entered into force in 1966. In an attempt towards regional integration of the greater region, member states established CEMAC in 1994, which eventually superseded UDEAC in 1999 when its founding treaty entered into force.

FOMUC (Multinational Force in the Central African Republic)

On 2 October 2002 at a Summit in Libreville, CEMAC authorised the deployment of the Multinational Force in the Central African Republic (FOMUC). The deployment was composed of troops from Chad, the Republic of the Congo and Gabon and was initially an observer mission. Its mandate was later expanded to include monitoring security in Bangui and along the Central African Republic's border with Chad. FOMUC's deployment was in 2005 acknowledged and supported by the United Nations Security Council before it was succeeded in 2008 by the Mission

of Consolidation of Peace in CAR (MICOPAX), a specified mission established by the Economic Community of Central African States (ECCAS).

Member States

Cameroon

Central African Republic

Republic of the Congo

Gabon

Equatorial Guinea

Chad

Treaty establishing CEMAC (1994/1999)

Full title: Treaty establishing the Economic and Monetary Community of Central Africa (French: *Traité instituant la Communauté Economique et Monétaire de l'Afrique Centrale*)

Date/place of adoption/conclusion: 16 March 1994, Ndjamena, Chad

Entered into force (EIF): June 1999

EIF provision: Article 7

Authentic texts: English, French, Spanish

Available online at: <https://bit.ly/3iJi7I4>

Revised CEMAC Treaty (2009)

Full title: Revised Treaty of the Economic and Monetary Community of Central Africa/ French: Traite Révisé de la Communauté Economique et Monétaire de l'Afrique Centrale (C.E.M.A.C.)

Date/place of adoption/conclusion: 30 January 2009, Libreville, Gabon

EIF provision: Article 65

Authentic texts: Arabic, English, French, Spanish

Available online at: <https://bit.ly/31UV3QK>

Non-Aggression, Solidarity and Mutual Assistance Pact between CEMAC Member States (2004)

Full title: Non-Aggression, Solidarity and Mutual Assistance Pact between CEMAC Member States (French: Pacte de non agression, de solidarite et d'assistance mutuelle entre les Etats Membres de la CEMAC)

Date/place of adoption/conclusion: 28 January 2004

EIF provision: Article 11

Available online at: <https://bit.ly/2CerDCh>

Additional Act of the Heads of State and Government adjusting the Mandate of the Multinational Force of CEMAC (FOMUC) (2006)

Full title: Additional Act No: 07/06-CEMAC-168-CCE-SE adjusting the mandate of the Multinational Force of CEMAC (FOMUC) (French: Acte Additionnel n°: 07/06-CEMAC-168-CCE-SE Portant aménagement du Mandat de la Force Multinationale de la CEMAC (FOMUC))

Date/place of adoption/conclusion: 26 June 2006, Libreville, Gabon

Available online at: <https://bit.ly/2ZQfpYB>

5 The Eastern Africa Standby Force

The EASF is one of five regional forces under the African Union's Peace Support Operations of the Africa Standby Force. The other Standby Forces include: Northern Standby Brigade; Western Africa Standby Brigade; Central African Standby Brigade; and Southern Africa Standby Brigade. Established in 2014, EASF was previously known as the Eastern African Standby Brigade and is currently composed of ten member states. Unlike other Standby Brigades/Forces, the EASF is not attached to a specific regional economic community but operates independently under the direction of the EASF Secretariat. The AU's Peace and Security Architecture labels the EASF as a Regional Mechanism. The EASF includes three 'organs' – the Assembly of the EASF Heads of State and Government, the EASF Council of Ministers of Defence and Security, and the Committee of Chiefs of Defence Staff. Additionally, the EASF includes the Secretariat (based in Nairobi, Kenya), and a Logistical Base and EASF headquarters (based in Addis Ababa, Ethiopia).

The EASF is composed of civilian and military contingents from its respective member states and mandated among others under the Protocol Relating to the Establishment of the Peace and Security Council of the African Union. Its mandate includes: observation and monitoring missions; peace support mission; intervention into a member state in respect of grave circumstances in accordance with Article 4(h) to restore peace and security, or upon the request of a member state under Article 4(j) of the Constitutive Act of the Africa Union; deployments to prevent the escalation of disputes or conflicts, prevent the spread of ongoing conflicts, or prevent any resurgence of violence subsequent to the conclusion of

peace agreements; peace-building and post-conflict disarmament and demobilisation; humanitarian assistance missions; and any other function designated to it by the Assembly or the Peace and Security Council.

Member States

Burundi

The Comoros

Djibouti

Ethiopia

Kenya

Rwanda

Seychelles

Somalia

Sudan

Uganda

Policy Framework for the Establishment of the Eastern Africa Standby Brigade (EASBRIG) (2005)

Full title: Policy Framework for the Establishment of the Eastern Africa Standby Brigade (EASBRIG)

Date/place of adoption/conclusion: 11 April 2005, Addis Ababa, Ethiopia

* Adopted at the First EASBRIG Assembly of Heads of State and Government, 11 April 2005, Addis Ababa, Ethiopia.

** Subsequently succeeded/complimented by the Memorandum of Understanding Establishing the Eastern Africa Standby Force (29 January 2011), and the Agreement on the Establishment of the Eastern Africa Standby Force (EASF) (26 June 2014) (see below).

Excerpts

Introduction

1. Pursuant to the provision of article 4 of the Constitutive Act of the African Union and the Protocol for the establishment of the Peace and Security Council (PSC), adopted by the Heads of State and Government at the Meeting held in July 2002, in Durban, South Africa, relating to the maintenance of peace and security in Africa,

- consistent with Chapter VIII of the Charter of the United Nations and;
2. Consistent with the Protocol adopted by the Summit of the African Union, held between 6 and 8 July, 2004, in Addis Ababa, Ethiopia, relating to the establishment of the African Standby Force (ASF) and;
 3. Following the Decision of the Summit of the African Union held between 6 and 8 July 2004, in Addis Ababa, Ethiopia, obligating the establishment of the Eastern Africa Standby Brigade (EASBRIG), a Policy Framework for the establishment of the Brigade HQ (BRIG HQ), the Planning Element (PLANELM) and Logistics base, is hereby formulated.

4. Establishment of EASBRIG

There shall be an Eastern Africa Standby Brigade (EASBRIG) composed of countries in the region namely Comoros, Djibouti, Eritrea, Ethiopia, Kenya, Madagascar, Mauritius, Rwanda, Seychelles, Somalia, Sudan, Tanzania and Uganda.

5. Decision making structure

The decision making structure of the EASBRIG shall be composed as follows:

- (a) The Assembly of Heads of State and Government;
- (b) The Council of Ministers of Defence and Security; and
- (c) The Committee of Chiefs of Defence Staff.

6. The Chair, the Vice Chair and the Rapporteur

- (a) The Chair of the EASBRIG of all three structures shall be held by one Member State on a one-year rotational basis. The Chairing country will co-ordinate with IGAD on all matters affecting the EASBRIG, in the interim period;
- (b) The Vice Chair: There shall be a Vice Chair of all three structures of the EASBRIG, to be held on a one year rotational basis;
- (c) The Rapporteur: The Rapporteur shall be the outgoing Chair.

7. The EASBRIG structures

The EASBRIG shall be composed of the Standby Brigade HQs, the Planning Element (PLANELM) and the Logistic Base.

8. Standby Brigade HQ

The arrangements for the Standby Brigade HQ shall be:

- (a) A Standby Brigade HQ shall be established and located as a separate entity from the PLANELM;
- (b) The Brigade HQ shall be located in Ethiopia;
- (c) The head of the Brigade HQ shall be a military officer of the rank of a Brigadier or equivalent;

- (d) Each Member State shall second officers to the Brigade Headquarters for a period of one year. A mechanism for staggering the rotations shall be worked out, in order to ensure continuity;
- (e) The country hosting the HQ shall appoint the Commander of the Brigade in the first year. Subsequently, the appointment of the commander shall be on a rotational basis (alphabetical order of Member States);
- (f) When nominating a commander for appointment by the Council, the Chiefs of Defense shall consider the appropriateness of the offer;
- (g) Where the AU mandates a deployment the PSC shall appoint the commander;
- (h) The host nation shall offer to the EASBRIG HQ physical facilities, such as office buildings, furniture, fittings and other facilities that may be required for the smooth functioning for the Brigade HQ.

9. The PLANELM

There shall be a Planning Element (PLANELM) of the Brigade.

- (a) A PLANELM shall be established and located in Kenya;
- (b) The host nation shall offer free physical facilities, such as office buildings, furniture, fittings and other facilities, that may be required for the smooth functioning of the PLANELM;
- (c) The head of PLANELM shall be a Chief of Staff, a military officer of the military rank of Colonel, or equivalent;
- (d) The Chief of Staff in the first year shall be appointed from the country hosting the PLANELM. Thereafter, the Chief of Staff should be appointed on a rotational basis (alphabetical order of Member States);
- (e) Each Member State of the EASBRIG shall second officers to the PLANELM for a minimum period of one year. A mechanism for staggering the rotations shall be worked out, in order to ensure continuity.

10. Logistic base

In consideration of the need for effective command and control of the regional logistic resources, in support of the EASBRIG deployments, the EASBRIG Logistic Base shall be co-located with the standby Brigade HQ.

- (a) The EASBRIG Logistic Base shall be located in Ethiopia, with outposts in Member States as and when required;
- (b) The head of the Logistic Base shall be a military officer of the rank of Colonel or equivalent;
- (c) Positions at the Logistic Base shall be held on rotational basis.

11. Staffing and remuneration

- (a) Officers and professional civilians who shall man specific positions in the Brigade HQ, the PLANELM and the Log Base shall be contributed by Member States, who shall continue to pay their

- salaries. As for mission allowances the said staff shall be covered by the EASBRIG;
- (b) The Non Commissioned Officers (NCOs), employed in the three Organs of the EASBRIG, shall be contributed and remunerated by the host nations;
 - (c) The civilian support staff employed in the three Organs of the EASBRIG shall be employed and paid by the EASBRIG;
 - (d) All other allowances such as medical, insurance, travel and out of station duty allowance for all staff working at the EASBRIG shall be met by the EASBRIG.

12. Hosting agreements

Hosting agreements shall be concluded between the EASBRIG coordinating body and the host Nations, for the Brigade HQ, PLANELM and Logistic Base, regarding the status of the facilities and their legal and administrative aspects.

...

14. Interim coordination of the EASBRIG

IGAD shall play an interim coordination role:

- (a) Co-ordinate all activities of the EASBRIG;
- (b) Call meetings of the Council of Ministers of Defence and Security for EASBRIG;
- (c) Calling the meetings of the Assembly of Heads of States;
- (d) Undertake fundraising in conjunction with other RECs, the AU and the UN to support the work of the EASBRIG;
- (e) Provide/share information to facilitate planning for the EASBRIG;
- (f) Establish an EASBRIG Fund, to which all funds and resources offered by the International Community and partners will be deposited.

15. Mandate

All the EASBRIG missions shall be mandated by the Peace and Security Council (PSC) of the African Union (AU).

16. Mission scenarios

The EASBRIG shall adopt the following the following mission scenarios:

- (a) Scenario 1: AU/Regional military advice to a political mission, e.g., in Cote d'Ivoire;
- (b) Scenario 2: AU/Regional observer mission co-deployed with a UN Mission, e.g., the OAU/AU Liaison Mission in Ethiopia-Eritrea (OLMEE) or the Verification Monitoring Team (VMT) in the Sudan;
- (c) Scenario 3: Stand-alone AU/Regional observer mission, e.g., the AU Mission in Burundi (AMIB) or the AU Mission in the Comoros (AMIC);
- (d) Scenario 4: AU/Regional peacekeeping force for Chapter VI and

- preventive deployment missions (and peacebuilding), e.g., the AU Mission in Burundi (AMIB);
- (e) Scenario 5: AU peacekeeping force for complex multidimensional peacekeeping missions, including those involving low-level spoilers;
 - (f) Scenario 6: AU intervention, e.g., in genocide situations where the international community does not act promptly.
17. The EASBRIG shall conform to the two-phased approach recommended by the African Chiefs of Defence Staff and Ministers of Defence and Security.
 - (a) Phase One. (Up to the year 2005) the AU's key objective is to establish a strategic level management capacity, while RECs would complement the AU by establishing regional forces up to a brigade;
 - (b) Phase Two. It is envisaged that by the Year 2010 AU shall develop capacity to manage complex peacekeeping operations, while the RECs continue to develop the capacity to deploy a mission HQ for Scenario 4, involving AU/Regional peacekeeping forces.
 18. In Phase One (up to June 2005) the priority shall be on the military and police aspects of EASBRIG since UN humanitarian, development and human rights elements, which do not require UN Security Council mandate, could deploy in tandem with EASBRIG and other ASF missions.
 19. Scenarios 1–3 entail less complex structures, minimal management effort and lesser resources for deployment and sustainment. In contrast, Scenarios 5–6 entail enormous management effort, as well as considerable resources for deployment and sustainment of missions, that may only be attained during Phase 2 of the establishment of the ASF (up to June 2010). Between these 2 extremes, Scenario 4 appears to be the type of mission and structure for which all regional brigades, including the EASBRIG, are likely to be involved in normally and in the foreseeable future. In line with the guidelines received from the various AU meetings, the efforts of the Eastern Africa region should therefore aim at establishing an EASBRIG for Chapter VI peacekeeping operations and preventive deployment, as well as peace-building missions along the lines of AMIB. (The relevant structure is at Annex D–3 of the Framework Policy, Part II 'Annexes' adopted by the 3rd ACDS Meeting, May 2003).

20. The EASBRIG force structure

Based on continental view in favour of moving towards standardised regional standby brigades optimised for scenario 4 as opposed to specific structures for each of the ASF structures, the EACDS concurred with the basic force requirements as set out by the AU. In doing so the EACDS recognised that the tables as set out below are largely derived from the UN tables for reimbursement purposes and that the AU would probably utilise

the same standardised system.

- (a) Brigade (Mission Level) HQ Support Unit of up to 65 personnel and 16 vehicles;
 - (b) HQ Company and Support Unit of up to 120 personnel;
 - (c) 4 x Light Infantry Battalions, each composed of up to 750 personnel and 70 vehicles. Note: The EACDS decided that EASBRIG aim to establish 3 x Light Infantry Battalions and one Mechanised Battalion;
 - (d) Engineer Unit of up to 505 personnel;
 - (e) Light Signals Unit of up to 135 personnel;
 - (f) Reconnaissance Company (Wheeled) of up to 150 personnel;
 - (g) Helicopter Unit of up to 80 personnel, 10 vehicles and 4 helicopters;
 - (h) Military Police Unit of up to 48 personnel and 17 vehicles;
 - (i) Light Multi-Role Logistical Unit of up to 190 personnel and 40 vehicles;
 - (j) Level 2 Medical Unit of up to 35 personnel and 10 vehicles;
 - (k) Military Observer Group of up to 120 officers;
 - (l) Civilian Support Group consisting of logistical, administration and budget components.
21. The TOE's of EASBRIG shall conform to the standards set by the AU for the development of Tables of Organisation and Equipment.
 22. The EACDS decided that when the PLANELM finalises the TOE of the EASBRIG, it should also include:
 - (a) Sealift capabilities given the extended coastline of the Eastern Africa region;
 - (b) Additional fire-support capabilities in case of scenario's 5 and 6.
 23. The PLANELM in conjunction with the brigade HQ shall deal with shortfalls on an on going basis through the planning exercises and / or verification visits. In doing so the brigade HQ and the PLANELM will have to ensure that the contributions include and retain a pool of units on standby in Member States that are supported by appropriate administrative, logistics and training infrastructures, to ensure the EASBRIG Member states provide for redundancy against rotations and multiple commitments. Thereafter the PLANELM, shall be responsible for ongoing rectification of shortfalls. The Regional PLANELM therefore constitutes a permanent and separate structure, responsible for force preparation of EASBRIG. The Staff of the PLANELM may deploy in – theatre and /or at the real headquarters, or be divided between the two locations and determined by the Brigade Commander.

24. Tables of Organisations and Equipment

The EASBRIG national contingents shall continue to use their respective national TOEs, pending the development of standardised regional TOEs that are consistent with those of the AU and the UN.

25. Centres of Excellence

There shall be Centres of Excellence in the Eastern Africa Region, with the capacity to train the three levels for peace support operations: Tactical, Operational and Strategic.

26. Standardisation of Doctrine and SOPs

The EASBRIG's doctrine shall be consistent with the doctrine, procedures and standards of the UN. Furthermore, the training curriculum shall include the African Charter on Human and Peoples Rights (ACHPR), the International Humanitarian Law (IHL), the Human Rights Law (HRL) and the Refugee Law (RL), as well as the UN code of conduct for peacekeepers.

In conformity with the guidelines from the AU, the EASBRIG shall adopt the relevant UN doctrine for PSO. In this respect, the Eastern African PLANELM shall not only start the development of appropriate SOPs for EASBRIG, given requisite resources and expertise, it shall in addition start the development of appropriate doctrine for the operational and tactical employment of the Brigade.

The development of such a document shall enable the region to tap regional expertise and resources for a contribution towards the work of the joint work group to be established by the AU and the RECs. It is not necessary for the PLANELM to aim at the development of a document covering the whole spectrum of operational and tactical employment of the EASBRIG; it shall develop appropriate sections of the document for submission to the AU Commission to facilitate the harmonisation of the ASF doctrine.

27. The EASBRIG fund, budget and financial contribution

The following guidelines shall apply:

- (a) An EASBRIG Fund shall be established;
- (b) Member States of the EASBRIG shall meet the cost of equipment and running the EASBRIG;
- (c) The Council shall examine and approve an annual budget of the EASBRIG;
- (d) Member States shall contribute towards the annual budget of the EASBRIG in accordance with the AU formula for assessed contribution;
- (e) IGAD, in conjunction with the AU, the UN, and other RECs, shall undertake resource mobilisation from Member States, Donors, and Partners for the EASBRIG;
- (f) Member States shall themselves make contributions to the fund, in order to make it possible for essential activities to start off towards the establishment of the EASBRIG;
- (g) The EASBRIG as part of the ASF shall therefore benefit from the African Peace Facility.

28. External initiatives

The Eastern Africa Member States shall as much as possible, undertake the establishment of the EASBRIG with their own resources. The AU shall co-ordinate all external initiatives to build African peacekeeping capacity and that the Eastern Africa Region shall devise a central and common approach to external initiatives.

29. Legal framework

The EASBRIG shall operate on the basis of a Memorandum of Understanding (MOU). The MOU shall outline the mode of establishment and management of the Brigade. It shall also outline the principles, which guide the Brigade and the other Organs of EASBRIG.

...

Agreement on the Establishment of the Eastern Africa Standby Force (EASF) (2014)

Full title: Agreement on the Establishment of the Eastern Africa Standby Force (EASF)

Date/place of adoption/conclusion: 26 June 2014, Malabo, Equatorial Guinea

EIF provision: Article 23

Authentic texts: Arabic, English, French

Available at: <https://bit.ly/3gJIn34>

* Replaced the 'Memorandum of Understanding Establishing the Eastern Africa Standby Force' (29 January 2011).

** Endorsed by the Seventeenth Ordinary Session of the Council of Ministers of Defence and Security of the Eastern Africa Region (22 August 2014, Kigali, Rwanda).

Excerpts

We, the Member States of the Eastern Africa Region;

...

Recalling the principles and objectives enshrined in the Constitutive Act of the African Union and the Protocol Establishing the Peace and Security Council of the African Union;

Inspired by the commitment of the Member States to act collectively to preserve peace, security and stability, as essential prerequisites for economic development and social progress in the region;

Recalling that Chapter VIII of the United Nations Charter recognized the role of regional arrangements in dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action;

Reaffirming the primary responsibility of the United Nations Security Council in the maintenance of international peace and security, and the role of the Peace and Security Council of the African Union as a standing decision-making organ for the prevention, management and resolution of conflicts, and a collective security and early-warning arrangement to facilitate timely and efficient response to conflict and crisis situations in Africa.

Determined to respond in a timely manner to conflicts in Africa particularly in Eastern Africa region;

Recognizing and **re-affirming** the principles of peaceful settlement of disputes and conflicts, respect for sovereignty, sovereign equality, territorial integrity, good neighborliness, interdependence, non-aggression and non-interference in the internal affairs of other States, and respect for boundaries inherited at independence;

Convinced that the development of strong democratic institutions and culture, observance of human rights and the rule of law, as well as the implementation of post-conflict recovery programmes and sustainable development policies, are essential for the prevention of conflicts for the promotion of collective security, durable peace and security;

Desirous of establishing an operational structure for the effective implementation of the decision taken to pursue the objectives of promoting regional peace, security and stability and to create a mechanism for the prevention, management and resolution of inter-and intra-state conflicts;

Committed to act collectively to preserve peace, security and stability in the Eastern African region, to enhance regional co-operation and to eliminate all forms of threat thereto;

Desirous of establishing an effective mechanism of consultation and cooperation for the peaceful settlement of disputes in accordance with commitments of Member States in the Protocol Relating to the Establishment of the Peace and Security Council of the African Union;

Cognizant of the decision adopted by the 3rd Ordinary Session of the African Union Heads of State and Government in Addis Ababa, Ethiopia, Doc. EX.CL/110(V) regarding the establishment of the African Standby Force and the Military Staff Committee;

Have Agreed as Follows:

Article 1: Definitions

In this Agreement, unless the context otherwise requires:

- (a) “African Standby Force” means the Force established under Article 2 of the Protocol Relating to the Establishment of the Peace and Security Council of the African Union;
- (b) “Assembly” means the Assembly of Heads of State and Government party to this Agreement as established under Article 6(1)(a) of this Agreement;
- (c) “Chairperson of the Assembly” means the Chairperson of the Assembly of Heads of State and Government of the EASF;
- (d) “Chairperson of the Council” means the Chairperson of the Council of Ministers of Defence and Security of the EASF;
- (e) “Committee of Chiefs of Defence Staff” or “EACDS” means the Eastern Africa Committee of Chiefs of Defence Staff of States party to this Agreement as established under Article 6(1)(c) of this Agreement;
- (f) “Council” means the Council of the Ministers of Defence and Security of Member States party to this Agreement as established under Article 6(1)(b) of this Agreement;
- (g) “Director” shall mean the Director of the EASF Secretariat;
- (h) “Easter Africa Standby Force” or “EASF” means the intergovernmental regional organization established with membership of countries in the Eastern Africa Region for promotion of peace, security and stability in the Region;
- (i) “Logistics Base” means the central logistics base for the EASF;
- (j) “Member State” means a country in the Eastern Africa Region party to this Agreement;
- (k) “Peace and Security Council” means the Council established by Article 5(2) of the Constitutive Act establishing the African Union;
- (l) “PLANELM” means the Planning Element of the EASF which contains the Military, Civilian and Police Components
- (m) “Regional Mechanism” means mechanisms as envisaged under Article 16 of the Protocol Relating to the Establishment of the Peace and Security Council of the African Union;
- (n) “Secretariat” means the Secretariat of the EASF as established under Article 10 of this Agreement; and
- (o) “Standby Force Headquarters” means the command headquarters of the EASF for force preparation and operational command.

Article 2: Establishment and Legal Status

1. The Eastern Africa Standby Force, as part of the African peace and security architecture, is hereby established as a regional mechanism for conflict prevention, management and resolution in the Eastern Africa Region.
2. The EASF shall have international legal personality to perform any of the functions conferred upon it by this Agreement. In particular, it shall have the capacity to enter into contract, to acquire and dispose

- of property, and to institute legal proceedings in its own name.
3. The EASF shall, in the exercise of its legal personality, be represented by the Director of the Secretariat.

Article 3: Objective

The objective of the EASF is to carry out in a timely manner the functions of maintenance of peace, security and stability, as authorized by the EASF Assembly and mandated by the Peace and Security Council of the African Union.

Article 4: Principles

1. The EASF shall be guided by the principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the Constitutive Act of the African Union, the African Charter on Human and Peoples' Rights, the Protocol Relating to the Establishment of the Peace and Security Council of the African Union, and other regional and international legal instruments.
2. Ownership and management of the EASF belongs to the Member States without prejudice to their responsibilities and sovereignty.

Article 5: Functions

The EASF shall perform the functions of conflict prevention, management and resolution in the context of the African Peace and Security Architecture.

Article 6: Policy Organs of the EASF

1. The Policy Organs of the EASF shall be:
 - (a) The Assembly of Heads of State and Government;
 - (b) The Council of Ministers of Defence and Security; and
 - (c) The Committee of Chiefs of Defence Staff.
2. The Assembly may establish other Organs as deemed necessary.

Article 7: The Assembly of Heads of State and Government

1. The Assembly shall be composed of the Heads of State and Government of Member States party to this Agreement.
2. The Assembly shall be the supreme authority of the EASF.
3. The Assembly shall perform the following functions:
 - (a) Formulate policy, and direct and control the functioning of EASF;
 - (b) Consider requests for Membership of the EASF;
 - (c) Establish any organ of the EASF;
 - (d) Authorize the deployment of EASF in accordance with the Constitutive Act of the African Union and the Protocol Establishing the Peace and Security Council of the Africa Union;
 - (e) Appoint the Head of Mission, the Force Commander, the Head of Civilian Component and the Police Commissioner of a mission upon recommendation of the Council for stand-alone missions

within the Eastern Africa region.

4. The Assembly may delegate some of its functions to the Council of Ministers as deemed necessary.
5. The Assembly shall meet at least once a year and at any time upon the request of any Member State and upon the agreement of the majority of the Member States. The Assembly shall adopt its own Rules of Procedure.

Article 8: The Council of Ministers of Defence and Security

1. The Council shall be comprised of the Ministers of Defence and Security of EASF Member States that are party to this Agreement.
2. The Council shall perform the following functions:
 - (a) Appoint the Director, heads of department, and heads of Structure of the EASF;
 - (b) Manage all aspects relating to the EASF as set out in this Agreement and as shall be determined by the Assembly.
3. The Minister of Defence and Security of the country that chairs the EASF Assembly shall also chair the Council.
4. The Council shall submit its Rules of Procedure for approval to the Assembly.
5. The Council shall meet at least twice a year.

Article 9: The Committee of Chiefs of Defense Staff

1. The EACDS shall be composed of the Chiefs of Defense Staff of EASF Member States party to this Agreement.
2. The functions of the EACDS shall be to:
 - (a) Serve as an Advisory Military Committee of the Council and the Assembly;
 - (b) Oversee and provide guidance to the Secretariat in the performance of its functions.
3. The Chief of Defense Staff of the country that chairs the Assembly shall also chair the EACDS.
4. The EACDS shall submit its Rules of Procedure for approval to the Council.
5. The EACDS shall recommend to the Council the objectives, staffing, annual work plan and budget of the EASF.
6. Meetings of the EACDS shall rotate annually in accordance with the country that chairs the Assembly. Should a country not be able or willing to host, the meetings shall be held at the Standby Force Headquarters or the Secretariat.
7. The EACDS shall meet at least twice a year.

Article 10: Structures of the EASF

The EASF shall have a Secretariat; a Standby Force Headquarters; a Planning Element (PLANELM); and a Logistics Base.

Article 11: The Secretariat

1. The Secretariat shall be composed of a Director, who shall head the EASF Secretariat, assisted by heads of department and necessary support staff.
2. The Director shall have executive authority over the EASF Structures and shall report to the EACDS.
3. The functions of the Secretariat shall be:
 - (a) Conflict analysis and early warning;
 - (b) Strategic mission planning;
 - (c) Provide initial mission startup staff;
 - (d) Mission management and sustainment;
 - (e) Implementation of EASF Policies;
 - (f) Mobilization of resources;
 - (g) Management of the EASF Funds;
 - (h) Coordination of meetings in consultations with relevant authorities;
 - (i) Performing public relation activities, receive and disseminate information;
 - (j) Liaise with the African Union, Regional Economic Communities and other organizations on matters relating to EASF;
 - (k) Initiative, develop and review of EASF policy documents for approval by Policy Organs; and
 - (l) Perform any other functions as directed by the Policy Organs of the EASF.

Article 12: The Standby Force Headquarters

1. The Standby Force Headquarter shall be composed of regional military and civilian stall on secondment from Member States
2. The function of the Standby Force Headquarters shall be to:
 - (a) Serve as a command headquarters for force preparation;
 - (b) Provide operational command headquarters of a deployed force;
 - (c) Train the land force including a multinational force headquarters;
 - (d) Develop contingency plan for future missions;
 - (e) Conduct training needs analysis;
 - (f) Conduct verification of standby forces in Member States;
 - (g) Conduct pre-deployment training; and
 - (h) Form the initial Force Headquarters in the deployment phase.
3. The Standby Force Headquarters shall be located in Addis Ababa, Ethiopia.

Article 13: The PLANELM

1. The PLANELM shall be composed of a regional military, police and civilian staff on secondment from Member States.
2. The function of the PLANELM shall be to:
 - (a) Serve as multi-national full-time planning headquarters;
 - (b) Be part of the Mission Planning and Management Section when activated; and

- (c) Form part of the Mission Headquarters (Mission HQ) at the initial phase.
- 3. The PLANELM shall be located in Nairobi, Kenya.

Article 14: The Logistics Base

- 1. The Logistics Base shall be composed of a multidimensional regional military, police and civilian staff on secondment from Member States.
- 2. The functions of the Logistics Base shall be:
 - (a) Serve as a central regional logistics base for stocking mission startup kits;
 - (b) Manage the logistics infrastructure of the EASF;
 - (c) Undertake contingency planning for future mission support;
 - (d) Train for capacity development of logistics staff;
 - (e) Form the nucleus of the mission support staff;
 - (f) Develop just-in-time contracts for mission support including in-theatre and strategic lift capabilities.
- 3. The Logistics Base and the EASF Regional Logistics Training Centre shall be located in Addis Ababa, Ethiopia.

Article 15: Pledge of Force and Deployment

- 1. In order to realise the objectives of the EASF as envisaged in this Agreement, Member States undertake to:
 - (a) Pledge forces and requisite equipment to the EASF Force and Mission Structure; and
 - (b) Avail the pledged forces to deployment in Peace Support Operations.
- 2. The commitment of the individual Member States' force pledges for deployment shall be specified in a separate agreement.

Article 16: Training and Exercises

- 1. The collective training of formed units pledged to the EASF shall be the responsibility of each Member State.
- 2. The required level of training proficiency for personnel and units assigned to the EASF shall be achieved through the use of the EASF training standards.
- 3. Such training shall include command post and field training exercises at national and multinational levels.

Article 17: Privileges and Immunities

- 1. Member States agree to extend to the EASF and its personnel immunities and privileges as may be necessary for carrying out their tasks within their respective national territories as are accorded to personnel of other regional or international organizations.
- 2. A Host Nation of an EASF establishment shall accord the EASF

and personnel of such establishment such privileges and immunities to facilitate its activities. These privilege and immunities shall not be less than those accorded to other regional or international organizations of comparable status.

Article 18: Funding Mechanism

1. An EASF Fund shall be established for general use of the organization.
2. The EASF Fund shall be generated from:
 - (a) Contributions from all Member States assessed in accordance with the AU mode of contributions; and,
 - (b) Grants and donations from Member States and other sources.
3. An EASF Peace Fund shall be established as a special fund to be utilized for the purposes of deployment in peace support operations.
4. The Peace Fund shall be generated from:
 - (a) 12% of annual budget inclusive of partners support or as the Assembly may deem necessary;
 - (b) Surplus accrued from arrears in assessed contribution as determined by the Council from time to time;
 - (c) Voluntary contributions from Member States;
 - (d) Grants and donations from external sources including support from the African Peace Facility; and
 - (e) Other sources as determined by the Policy Organs.
5. The EASF Funds shall be independently audited on an annual basis. The results of the audit shall be made public.
6. The Secretariat shall mobilize resources from Member States, donors, partners and other international organizations.

Article 19: Imposition of Sanctions

The Assembly shall determine the appropriate sanctions to be imposed on a Member St to that defaults on payment of its contributions to the budget of the EASF for more than thirty ix (36) months in a y of the following manner: denial of the right to speak at meetings, to vote, to resent candidates f r any position or post wit in EASF, or to benefit from any activity or commitment there from, or any other sanction the Assembly may deem necessary.

Article 20: Admission

1. Any State from the Eastern Africa Region may submit a request in writing to the Chairperson of the Assembly, through the Secretariat, to be admitted as a Member State of the EASF. The Chairperson shall, upon receipt of such request, immediately transmit copies thereof to all Member States for their consideration.
2. Admission shall be decided by consensus of the Assembly.
- ...

Article 27: Additional Instruments

Member States may conclude such other instruments as may be necessary to accomplish the aims and objectives of this Agreement.

...

6 The G5 Sahel

The G5 Sahel is an intergovernmental framework for cooperation between the “group of five countries” in the Sahel: Burkina Faso, Chad, Mali, Mauritania and Niger. The G5 Sahel was established on 19 December 2014 and principally strives for cooperation in security and defence. In its current form, the G5 Sahel is composed of a Conference of Heads of State and Government; a Council of Ministers; and a Permanent Secretariat. Additionally, the G5 Sahel also includes National Coordination Committees and a Committee on Defence and Security.

FC-G5S (Force conjointe du G5 Sahel)

Faced with increasing security challenges, least of which included the continued resurgence of terrorism, on 6 February 2017, the G5 Sahel established a joint force known as the *Force conjointe du G5 Sahel* (FC-G5S). The force includes some 5000 soldiers from their origin states and is organised into seven battalions. The FC-G5S is currently supported by the AU, the EU, France, and has been endorsed by the United Nations Security Council. On 8 December 2017 with the adoption of United Nations Security Council Resolution 2394 (2017), the United Nations Security Council agreed to provide technical assistance to the FC-G5S through its United Nations Multidimensional Integrated Stabilisation Mission in Mali.

Convention on the Creation of the G5 Sahel (2014)

Full title: Convention on the Creation of the G5 Sahel (French: Convention Portant Creation de G5 Sahel)

Date/place of adoption/conclusion: 19 December 2014, Nouakchott, Mauritania

EIF provision: Article 18

Authentic texts: French

Available online at: <https://bit.ly/2VZHgEC> (French text only)

Declaration by the G5 Sahel Countries on the Fight Against Radicalisation and Violent Extremism (2015)

Full title: Declaration by the G5 Sahel Countries on the Fight Against Radicalisation and Violent Extremism (French : Déclaration des pays du G5 Sahel sur la lutte contre la radicalisation et l'extrémisme violent au sahel)

Date/place of adoption/conclusion: 14 May 2015, Niamey, Niger

Available online at: <https://bit.ly/3iNKdlk> (French text only)

Niamey Declaration on Security (2015)

Full title: Niamey Declaration on Security (French: Déclaration de Niamey sur la sécurité)

Date/place of adoption/conclusion: 14 May 2015, Niamey, Niger

Available online at: <https://bit.ly/2O8B8Wf> (French text only)

* Adopted at the Second Conference of the Interior Ministers of the G5 Sahel Countries

Bamako Declaration on the Management of Borders and Border Communities in the G5 Sahel Area (2016)

Full title: Bamako Declaration on the Management of Borders and Border Communities in the G5 Sahel Area (French: Déclaration de Bamako sur la Gestion des Frontières et des Communautés Frontalières dans l'espace G5 Sahel)

Date/place of adoption/conclusion: 11 March 2016, Bamako Mali

Available online at: <https://bit.ly/3fh49ey> (French text only)

Resolution Relating to the Creation of a Joint Force of the G5 Sahel (2017)

Full title: Resolution No 00-01/2017 Relating to the Creation of a Joint Force of the G5 Sahel (French: Resolution N° 00-01/2017 Relative a la Creation d'Une Force Conjointe de G5 Sahel)

Date/place of adoption/conclusion: 6 February 2017, Bamako, Mali

Available online at: <https://bit.ly/2CmJJck> (French text only)

7 The Indian Ocean Commission

The Indian Ocean Commission is an intergovernmental organisation premised on co-operation of those African states linked to the Indian Ocean. While it is principally composed of African states, Reunion is also a member along with five observer entities: China, India, Malta, the European Union and the International Organisation of La Francophonie. The Indian Ocean Commission was established in 1982 with the signing of the Port Louis Declaration and is the only regional organisation in Africa composed entirely of island states. The Commission's principal objectives revolve around cooperation and sustainable development, although peace and security feature as one of four strategic axes of intervention. The Commission is composed of the Summit of Heads of State; the Council

of Ministers; the Committee of Permanent Liaison Officers; and the Secretariat.

Member States

The Comoros

Madagascar

Mauritius

Réunion

Seychelles

Convention on Regional Security of the Member States of the Indian Ocean Commission (2006)

Full title: Convention on Regional Security of the Member States of the Indian Ocean Commission (French: Convention sur la Sécurité Régionale des Etats Membres de la Commission de L'Océan Indien)

Date/place of adoption/conclusion: 17 March 2006, Antananarivo, Madagascar

Authentic texts: French

**Joint Communiqué from the Eastern and Southern Africa
– Indian Ocean Ministers and European Union High
Representative at the 2nd Regional Ministerial Meeting on
Piracy and Maritime Security in the Eastern and Southern
Africa and Indian Ocean Region (2010)**

Full title: Joint Communiqué from the Eastern and Southern Africa – Indian Ocean Ministers and European Union High Representative at the 2nd Regional Ministerial Meeting on Piracy and Maritime Security in the Eastern and Southern Africa and Indian Ocean Region

Date/place of adoption/conclusion: 7 October 2010, Grand Bay, Mauritius

Available online at: <https://bit.ly/2CmtG7b>

The ESA-IO Ministers and Representatives of the Republic of Comoros, the Republic of Djibouti, the Republic of Kenya, the Republic of Mauritius, the Republic of Seychelles, the Somali Republic, the Republic of South Africa, the United Republic of Tanzania, and the EU High Representative and Vice President of the European Commission Baroness Catherine Ashton meet at Grand Bay, Mauritius on the 7th October 2010. Republic of France/Réunion also attended the meeting as a member of IOC.

In attendance are: COMESA, EAC, IGAD, IOC and SADC. In addition to the Minister of the Republic of Maldives, representatives of the following countries and organisations were also present: People's Republic of China, India, Pakistan, Russian Federation and the US, UN, AU, INTERPOL, IONS.

The Ministers:

1. Express deep concern over the persistent scourge of piracy, particularly its impact on peace, security, stability and maritime security, its links to transnational organised crime, as well as its possible links to terrorist activities and the challenges it poses to private sector development, regional and international trade, economic integration and development.
2. Note the relevant UN Security Council Resolutions, the Press Statement issued during the 242nd meeting of the African Union Peace and Security Council, the African Maritime Transport Charter and Plan of Action, the AU Durban Resolution and Plan of Action on Maritime Transport, the Djibouti Code of Conduct the International Maritime Organization's resolution A.1002 (25), the UN Secretary-General's report on Somalia with the 7 options mentioned in it, and the important work undertaken by the UN

- Contact Group on Piracy off the coast of Somalia.
3. Also further note of the COMESA, EAC, IGAD and IOC policy organs' decisions to counter piracy and for which they have undertaken to strengthen bilateral, regional and international cooperation for comprehensively combating piracy and promoting maritime security;
 4. Recalling the Joint Communiqué of the 1st Regional Ministerial Meeting and the European Union High Representative in Seychelles in May 2010 and its commitment to strengthening dialogue and cooperation to suppress maritime piracy in the Indian Ocean region, acknowledge that substantive work has been done since then, especially through the International Symposium and the Regional Workshop in Seychelles in July 2010 to enhance domestic action plans and to develop a comprehensive, coherent and sustainable Regional Strategy and a rolling Regional Plan of Action against piracy and for maritime security.
 5. Also acknowledge with appreciation the endorsement by the COMESA Summit of the Action Plan for the fight against Piracy and that IGAD is formulating a specific plan of Action for Inland Somalia.
 6. Recognise the crucial role of the European Union Atalanta Operation, States of the region, and other naval forces in combating piracy and particularly commended Kenya and Seychelles as prosecuting States, and encouraged others to engage.
 7. Consider and adopt a Regional Strategy (RS) which provides for a regional framework to prevent and combat piracy, and promote maritime security through a three-pillar approach:
 - (i) Develop, agree and implement a Somalia Inland Action Plan to counter and prevent piracy;
 - (ii) Encourage States of the region to undertake prosecution of pirates apprehended in the region with the financial and technical support of the international community;
 - (iii) Strengthen capacities of States of the region to secure their maritime zones.
 8. Adopt a rolling Regional Plan of Action (RPA) underpinning the Regional Strategy which encompasses exchange of information, cooperation, joint action, and capacity-building as cross-cutting principles.
 9. Agree that the ESA-IO configuration, which includes Member States and RECS of the region, will be used as Regional Coordination Mechanism for the timely and effective implementation and follow-up of the Regional Strategy and Regional Plan of Action. The Inter-Regional Coordination Committee (IRCC) shall serve as the secretariat of this Regional Coordination platform. This may take the form of an annual ESA-IO Regional Ministerial Meeting

against Piracy (ERMMP) and would also include participation from key stakeholders.

10. Further agree that the Regional Strategy and its Regional Plan of Action, which are complementary to the AU African Maritime Transport Charter, provide additional basis for strengthening cooperation with the international partners such as the UN and EU, in political dialogue and collaboration in the fight against piracy and for maritime security.
11. Request the international partners, especially the EU, to provide the necessary support and agreed that the Regional Organisations and Member States of the ESA-IO region follow-up on the Communiqué through the Network of Contact Points on Piracy.
12. Decide to remain seized with the matter, called upon other partners to collaborate with the region to identify sustainable solutions on piracy and for maritime security.

The EU HR/VP Baroness Ashton welcomes the ESA-IO region's determination to work together in a spirit of solidarity and burden sharing and reiterated the strong commitment of the EU to cooperate with the region in support of the ESA-IO Regional Strategy and Regional Plan of Action in collaboration with the other international partners.

Djibouti Declaration on Maritime Safety and Security in ESA-IO (2016)

Full title: The Djibouti Declaration on Maritime Safety and Security in ESA-IO from the ESA-IO Ministers and High Representatives

Date/place of adoption/conclusion: 15 May 2016, Djibouti, Djibouti

Available online at: <https://bit.ly/3e9InIh>

* Adopted during the Third Regional Ministerial Meeting for Promoting Maritime Safety and Security in the Eastern and Southern Africa and Indian Ocean Region (ESA-IO).

A. Preamble

The ESA-IO Ministers and High Representatives of the Republic of Djibouti, Union of Comoros, Republic of Kenya, Republic of Madagascar, Republic of Seychelles, Federal Government of Somalia, Federal Democratic Republic of Ethiopia met in Djibouti on the 15th May 2016.

In attendance are the ESA-IO Regional Organisations, namely Common

Market for Eastern and Southern Africa (COMESA), Intergovernmental Authority on Development (IGAD) and Indian Ocean Commission (IOC). Southern Africa Development Community (SADC) and Port Management Association for Eastern and Southern Africa (PMAESA) attended the Meeting as observers. In addition, other organisations were also present: European Union, International Maritime Organization, African Maritime Safety and Security Agency (AMSSA).

The 3rd ESA-IO Ministerial Meeting for Promoting Maritime Safety and Security adopted the “The Djibouti Declaration on Maritime Safety and Security in ESA-IO Region” that identify key priorities and pave the way for a long term maritime safety and security and for sustainable development in the region.

B. Context

1. **Noting** that maritime insecurity linked to piracy encouraged States of the region and the International Community having major interest at stake to contribute to actions against piracy and for maritime security in the ESA-IO region.
2. **Commending** the UN Security Council for Resolution 1851 on 18th December 2008 where it encouraged “all States and regional organizations fighting piracy and armed robbery at sea off the coast of Somalia to establish an international cooperation mechanism to act as a common point of contact between and among states, regional and international organizations on all aspects of combating piracy and armed robbery at sea off Somalia’s coast”.
3. **Appreciating** the effectiveness of the Contact Group on Piracy off the Coast of Somalia (CGPCS), a major cornerstone of the response established following the UN Resolution 1851, and noting however that the number of challenges and issues that require attention have been reduced.
4. **Reaffirming** that the African Union’s 2050 Africa Integrated Maritime Strategy (AIMS) gives a strong basis for maritime safety and security and for a sustainable blue economy and **agreeing** that the ESA-IO Regional Organisations shall contribute to the effective implementation of this continental Strategy.
5. **Considering** that the ESA-IO Regional Strategy and Plan of Action against Piracy and on Maritime Security at the 2nd Ministerial Meeting held in Mauritius on 7th October 2010 provided an excellent framework for the countries in the region and Regional Organisations to provide their response, individually and collectively, and **recalling** the Joint Communiqué of this **2nd Ministerial Meeting**.
6. **Reminding** the principle of cooperation against piracy that prevailed at the signature of the **Djibouti Code of Conduct** in 2009 regrouping 21 countries of the Western Indian Ocean and of the Gulf of Aden,

and **recalling** that the Djibouti Code of Conduct took into account and promoted amongst other things the implementation of relevant UN resolutions.

7. **Acknowledging** the significant progress in the implementation of the 2010 ESA-IO Strategy by the Member States, the ESA-IO Regional Organisations (COMESA, EAC, IGAD and IOC) with the support of the International Community, particularly the European Union (EU) funder of the MASE Programme.
8. **Reaffirming** the value-addition of the ESA-IO Regional mobilization, and some major achievement such as the setting up of regional information sharing centres and operational coordination centres under the MASE Programme and the Djibouti Code of Conduct.
9. **Noting** that the threat of piracy in the region persists despite the drastic diminution of acts of piracy **and** the fact that no large scale piracy attack was successful since 2012, and **underlining** that the ESA-IO Region is at the crossroads in terms of counter-piracy response in the Horn of Africa, in particular regarding the reduction of the involvement of the International Community in counter-piracy.
10. **Recognizing** that current capacity building projects under the Djibouti Code of Conduct's, training activities including the Djibouti Regional Training Centre (DRTC) and UNODC's Indian Ocean Maritime Crime Forum. Also recognizing the Crimario, MASE and EUCAP Nestor EU funded projects, or, that participate to capacity building in addressing maritime security more broadly.
11. **Noting** that ESA-IO States are taking key policies and measures to build up their maritime capability with the support of Regional Organisations.
12. **Recognizing** the need to combat all forms of maritime threats and crimes such as, amongst others, IUU fishing, toxic dumping, human trafficking, drug smuggling...
13. **Noting** the particular case of Somalia where priority actions were taken and planned. **Taking** note that the National Threats Assessment was undertaken and shared with regional States in December 2015. **Noting** the finalisation of the National Security Policy by the Deputy Prime Minister and **acknowledging** that, regarding Maritime Governance in Somalia, the Maritime Security Coordination Committee (MSCC) supported by MASE Programme has been established and agreed by the Council of Ministers while the maritime administration has been established and Coast Guard Laws promulgated. **Noting** that much work has been initiated for the establishment of maritime law enforcement, maritime security and safety, maritime response and recovery, and maritime economy.

14. **Acknowledging** that the 2010 ESA-IO Strategy enabled Regional Organisations and Member States with a comprehensive framework for capacity building and information exchange to address piracy and maritime security in the immediate, short, medium and long-term, and allowed for the promotion of intra-African and international partnerships and regional cooperation, the protection of sovereignty, countering criminality across the sea and associated infrastructure, and ensuring environmental governance.
15. **Noting** in particular that the 2010 ESA-IO Strategy:
 - (a) Enabled resource mobilization, human resources development, action against money laundering, and development of harmonized legislation, procedures and instruments for dealing with piracy.
 - (b) Enabled COMESA to promote regional cooperation for combatting money laundering and illicit financing activities, building capacity of Financial Intelligence Units, Law Enforcement Agencies and supporting the development of laws and regulations;
 - (c) Enabled EAC to strengthen Criminal Justice Systems, capacity for capture, arrest, detain, investigate, prosecute and imprison convicted pirates; and strengthen the capacity of the States and its institutions and all the stakeholders to address crimes related to piracy.
16. **Acknowledging** SADC's Region contribution to curb maritime threats and other manifestations through the adoption of a Regional Maritime Security Strategy and Action Plan as well as a recently adopted Regional Anti-terrorism Strategy.
17. **Acknowledging** the work of PMAESA Member Countries which contributes to maritime safety and security and protection of environment is called upon to collaborate and contribute to the ESA-IO Strategy.
18. **Reiterating** the need for the ESA-IO region to strengthen its capacity to combat illicit financial crimes that relate to piracy and other transnational crimes, and **aware** that financial incentives are the propagating factors in maritime financial crimes.
19. **Appreciating** efforts made by COMESA to support the Member States to comply to the standards set up by the Financial Action Task Force and to strengthen the capacity of the Financial Intelligence Units and Law Enforcement Agencies to ensure that systems and structures are in place to identify, investigate and prosecute money laundering crimes, and **noting** that such efforts will effectively reduce the ability of the criminals and also reduce their incentive.
20. **Noting** that the IGAD Integrated Maritime Strategy 2030 and its associated Implementation Action Plan has been validated in December 2015.
21. **Appreciating** and acknowledging the contribution of the US-led Combined Maritime Forces, the NATO's Operation Ocean Shield

and the EU's EUNAVFOR Atalanta in curbing down piracy.

22. **Appreciating** the commitment of International Partners in supporting the National and Regional actions in the ESA-IO Region, such as European Union, International Maritime Organization, EUCAPNESTOR, UNODC, Interpol, Food and Agricultural Organisation...

C. Decisions

The Ministers and High Representatives participating at the 3rd ESA IO Ministerial Meeting

1. **Reaffirm** the importance of the region to take responsibility for the protection of its waters, including against IUU Fishing and dumping of toxic materials.
2. **Reiterate** their political commitment to combat all forms of maritime crimes and to address safety actions at sea issues.
3. **Reaffirm** their commitment to support the implementation of the Regional Organisations' Maritime Strategies in line with the AU 2050 AIMS and AU Maritime Transport Charter.
4. **Reaffirm** their support to the ongoing programmes and activities which contribute to enhance national and regional capabilities.

And,

Concerning piracy

5. **Call upon** the International Community to review the CGPCS mandate to consider including other maritime security threats and transnational organized crimes, in particular fishery related crimes, while maintaining the current regional focus on Somalia, Horn of Africa and the Western Indian Ocean region. **Call upon** the UN and the International Community to continue capacity building of the Federal Government of Somalia Institutions and its regional States to address the root causes of piracy and other maritime crimes.

And,

Moving beyond piracy to address all forms of maritime threats and crimes

6. **Support** the extension of the mandate of the Djibouti Code of Conduct.
7. **Recognize** the IGAD 2030 Integrated Maritime Strategy as one of the pillars contributing of the ESA-IO maritime security architecture.
8. **Call upon** the AU for the establishment of an ESA-IO regional Strategy for the operationalisation of the AIMS, while taking into consideration the global maritime security initiatives and capacity building actions including the speedy transfer of best practices, lessons learned and ideas.

9. **Call upon** the ESA-IO Member States to continue contributing to the full involvement of the Federal Government of Somalia to the wider regional integration processes including the establishment of regional VMS, regional mechanisms and tools for IUU fishing.
10. **Invite** the International Community to support the regional maritime capability and participate in the establishment of the Regional Maritime Surveillance Mechanism under the EU-funded MASE Programme through the operationalisation of the Regional Maritime Information Fusion Centre in Madagascar and the Regional Coordination Operational Centre in Seychelles.
11. **Recommend** that a national maritime information fusion Centre and a national Centre for operations at sea are established in Somalia.
12. **Recommend** ESA-IO Member States to continue building national maritime capability towards a regional minimum capability in the short, medium and long term.
13. **Urge** the region to mobilize additional resources to support law enforcement since criminal financial activities can only be effectively addressed if all relevant stakeholders are adequately capacitated in an environment where the investigation, prosecution and asset recovery capacity is relatively low.
14. **Urge** COMESA and the ESA-IO Regional Organisations to extend the capacity building to some inland countries to ensure that the crime does not move inland and thus reduce any gains made since financial crimes transcends international borders.
15. **Recognize** the link between the inland waterways and the maritime facades of the ESA-IO Region in line with the definition of the AIMS 2050.

Way forward

16. Building on the 2050 AU AIMS and the AU Charter on Maritime Transport as well as the current achievements of the MASE programme, **the Ministerial Meeting agrees** to move towards an ESA-IO sustainable development region by establishing a maritime safety and security architecture, and **recommends** the elaboration of a new comprehensive and integrated ESA-IO strategy for Maritime Safety and Security that focus on technical capacity building on the following five pillars:
 - Maritime Governance and Regulation
 - Maritime Safety, Security and Judicial/Financial Review
 - Maritime Blue Economy and Critical Maritime Infrastructures
 - Maritime Human and Technical Resource Development
 - Marine Environmental Protection and Sustainable management.

8 Mano River Union

The Mano River Union (MRU) was initially an agreement between Liberia and Sierra Leone meant to serve as a foundation of peace, stability and economic cooperation. The Mano River Union Declaration was signed on 3 October 1973 between the two states with six principal protocols. A period of internal conflicts within the two states, namely the Sierra Leone civil war and the Liberian civil wars left the union largely inactive. On 20 May 2004 however it was reactivated along with a third member state – Guinea. On 15 May 2008, the Ivory Coast also joined the union. While its initial instruments and protocols did not entirely account for regional peace and security, in 2000, the MRU adopted the fifteenth protocol to the Mano River Union Declaration – its most comprehensive instrument relating to regional peace, security and stability. The adoption of the 15th Protocol was a turning point for the MRU– focusing specifically on regional peace and security. The Protocol formally established the Mano River Joint Security Committee to among others, address border security issues in the region. In addition, the Protocol also established subsidiary bodies under the Committee, a Technical Committee charged with investigating and reviewing border security issues and Joint Border Security and Confidence-Building Units, to among others, conduct and patrol borders, facilitate cross-border relations and resolve border security violations.

Mano River Declaration (1973/1973)

Full title: Mano River Declaration

Date/place of adoption/conclusion: 3 October 1973, Malema Sierra Leone

Entered into force (EIF): 3 October 1973

Available online at: <https://bit.ly/2W1bEyl>

Excerpts

We, the Presidents of Liberia and Sierra Leone,
Desiring to establish a firm economic foundation for lasting peace, friendship, freedom and social progress between our countries,
In pursuance of our determination as already affirmed in the Joint Statements issued on 16th March, 1971, and 28th January, 1972, to

accelerate the economic growth, social progress and cultural advancement of our two countries,

Recognizing that this can best be accomplished by active collaboration and mutual assistance in matters of common interest in economic, social, technical, scientific and administrative fields,

Having resolved to intensify our efforts for closer economic cooperation between our two countries, and having decided to take the necessary steps for the attainment of this objective,

Do hereby declare:

First, that a Customs Union to be called the Mano River Union shall be established between Liberia and Sierra Leone;

Second, that the aims and objectives of the Union shall be: 1. to expand trade by the elimination of all barriers to mutual trade; by cooperation in the expansion of international trade; by the creation of conditions favourable to an expansion of mutual productive capacity, including the progressive development of a common protective policy and cooperation in the creation of new productive capacity;

...

**Fifteenth Protocol to the Mano River Union Declaration:
Cooperation on Defence, Security, Internal Affairs and Foreign
Affairs (2000)**

Full title: Fifteenth Protocol to the Mano River Union Declaration:
Cooperation on Defence, Security, Internal Affairs and Foreign Affairs

Date/place of adoption/conclusion: 9 May 2000, Conakry, Guinea

Authentic texts: English, French

Available online at: <https://bit.ly/2OaHpRq>

We, the heads of State and Government of the Member States of the Mano River Union;

In furtherance of the aims and objectives of the Mano River Union;

Consequent on the decision as recorded in Article Eight of the Mano River Union Declaration;

Recalling the Final Communiqué of the Consultation Meeting of the Heads of State of the Mano River Union held in Bamako on 2 March 2000, in particular the reiteration of our will to immediately reinstate

dialogue at all levels, in order to promote good will, neighborliness and cooperation among members;

Desirous of strengthening the institutional capacity of the Union to contribute to the maintenance of peace, security and stability of the Member States of the Union;

Mindful of the need for the establishment of a framework to create an effective mechanism to monitor and ensure the security of common borders with the aim of preventing, controlling, discouraging, forestalling and averting security related problems in the border regions of the Member States;

Deciding for the purpose of the foregoing to create an institutional framework for Defense, Security and Internal Affairs;

Do hereby establish this Protocol to the Declaration:

1. The Mano River Union Joint Security Committee

There shall be a Mano River Union Joint Security Committee, hereafter called “Committee” which shall be subordinate to the Heads of State and Government of the Mano River Union:

I. Composition of the Joint Security Committee

The Committee shall consist of Ministers of each Member State

- (a) The Minister in charge of Defense
- (b) The Minister in charge of Security/Justice wherever applicable;
- (c) The Minister for Foreign Affairs;
- (d) The Minister for Internal Affairs

II. Functions of the Joint Security Committee

The Committee shall perform the following functions:

- (a) Address border security issues;
- (b) Broaden the scope of its mandate to include other related issues that may arise from time to time;
- (c) Deal with policy issues, monitoring and oversight;
- (d) Direct the Technical Committee and ensure that its decisions and those taken by Heads of State and Government relating to border security and related issues are implemented;
- (e) Receive and review all reports arising from border security and related issues in Member States;
- (f) Initiate and develop training programmes;
- (g) Draw up an Action Plan for the mobilization of financial resources through the Mano River Union for the implementation of its programmes and
- (h) Perform any other function that may be deemed appropriate.

III. Procedure of the Committee

- (a) The Committee shall elect a Chairman from amongst its members on a rotational basis from the Member States for a period of one year;
- (b) The Committee shall meet quarterly on a rotational basis in the three Member States;

2. Subsidiary Bodies of the Committee

A. Technical Committee

1. Composition of the Technical Committee

The Technical Committee shall comprise of:

- (a) A representative of the National Security Adviser
- (b) Representatives of the Ministries for Defense, Security/Justice where applicable, Foreign Affairs, and Internal Affairs
- (c) The Chief of Defense staff or his Representative
- (d) The Inspector-General of Police or his representative
- (e) A representative of the Mano River Union Secretariat

2. Functions of the Technical Committee

The functions of the Technical Committee shall include the following:

- (a) Review on a regular basis borders security and related issues in Member States;
- (b) Receive, investigate and analyze reports on border security and related issues;
- (c) Create a structure that would ensure that reports from the field are submitted directly to the current Chairman of the joint Security Committee who shall make such reports available to his/her colleague committee members including their counterparts in the other Member States. A copy should also be directed to the Secretary-General of the Mano River Union for information and necessary action;
- (d) Establish the Joint Border Security and Confidence-Building Units whenever deemed necessary;
- (e) Perform any other functions that may be deemed appropriate.

2. Procedure of the Technical Committee

- (a) The Technical Committee shall elect a Chairman from amongst its members who will serve for a period of one year on a rotational basis;
- (b) The Technical Committee shall meet at least once every month unless the Joint Security Committee decides otherwise.

B. Joint Border Security and Confidence Building Units

1. Composition of the Joint Border Security and Confidence-Building Units

The composition of these Units shall include:

- (a) District officers of border districts in the case of Sierra Leone and Liberia, and “Sous-prefets” in the case of Guinea;
- (b) The Paramount Chiefs or their counterparts in the border areas;
- (c) The Senior Police and/or Immigration Officer at the border areas;
- (d) The Senior Customs Officer at the border post or his equivalent;
- (e) The Senior Border Guard at the border;
- (f) The Commanding Army Officer at the border;
- (g) The youth representative at the border;
- (h) The representative of women at the border area;
- (i) Chairman of the Rural Development Committee in Guinea, or his equivalent in the other Member States.

1. Functions of The Joint Border and Security Confidence-Building

The Units shall be non-political and shall perform the following functions:

- (a) Organize and conduct joint patrols of the borders;
- (b) Develop, facilitate, foster and promote cordial relations between the peoples of the border regions through cultural, social and sporting activities;
- (c) Exchange information and investigate reports or observations with regards to all border security activities;
- (d) Submit reports to the Chairman of the Technical Committee promptly;
- (e) Resolve minor cases of borders security violations occurring in their own administrative areas;
- (f) Any other functions that may be delegated to them by the Technical Committee.

2. Procedure of the Joint Security and Confidence-Building Units

- (a) The Committee shall elect a Chairman from amongst its members to serve for a period of one year on a rotational basis;
- (b) The Units shall meet as frequently as possible and in any case no less than once a month.

...

See also:

Gulf of Guinea Commission

- Additional Protocol to the Memorandum of Understanding among ECCAS, ECOWAS, and GGC on Safety and Security in the Central and West African Maritime Space Relating to the Organisation and Functioning of the Inter-Regional Coordination Centre for the Implementation of Regional Strategy for Maritime Safety and Security in Central and West Africa (5 June 2014, Yaoundé, Cameroon) available online at: <https://bit.ly/2O5q7Fc>

CEMAC

- Règlement N° 07/05-UEAC-057-CM-13 portant adoption de la Convention créant un Centre de Formation spécialisée en matière d'Enquête criminelle (2005)
- Acte Additionnel N° 21/08-CEMAC-CCE-09 Autorisant le Transfert de l'Autorité de la FOMUC de la CEMAC à la CEEAC (2008)

EASF

- Memorandum of Understanding on the Establishment of the Eastern Africa Standby Brigade (11 April 2005, Addis Abba, Ethiopia) available online at: <https://bit.ly/2ZPnUDi>
- Eastern Africa Standby Brigade Communique of the Council of Ministers of Defence and Security of Eastern Africa (15 September 2005, Kigali, Rwanda) available online at: <https://bit.ly/38GIE4n>
- Memorandum of Understanding Establishing the Eastern Africa Standby Force' (29 January 2011)
- Eastern Africa Standby Force Annual Report 2018 | available online at: <https://bit.ly/2ZbPcVc>
- MoU for Force Pledges and Operationalisation of the EASF
- Communiqué of the 17th Ordinary Session of the Council of Ministers of Defence and Security of the Eastern Africa Region (22 August 2014, Kigali, Rwanda) available online at: <https://bit.ly/3edVWqb>

G5 Sahel

- Conclusions and Recommendations of the Meeting of Experts on the Operationalisation of the G5 Sahel Security Cooperation Platform (PCMS) (8-9 November 2016, Nouakchott, Mauritania) [French text: Conclusions et recommandations de la reunion d'experts sur l'opérationnalisation de la plateforme de cooperation en matière de securitre (PCMS) du G5 Sahel | available online: <https://bit.ly/3217CtW>
- Bamako Declaration | High Level Political Dialogue on Women's

Leadership in Prevention and the Fight Against Violent Extremism in the G5 Sahel Countries (22 February 2017, Bamako, Mali) [French text: Déclaration de Bamako | Dialogue Politique du haut niveau sur le leadership des femmes dans la prévention et la lutte contre l'extrémisme violent dans les pays du G5 Sahel | available online : <https://bit.ly/38G3z7k>

Indian Ocean Commission

- Declaration of the Ministerial Conference on Maritime Security in the Western Indian Ocean Region (19 June 2019, Balaclava, Mauritius) available online at: <https://bit.ly/2ZPoalK>

MRU

- Mano River Union Strategic Plan 2010 – 2020 | available online: <https://bit.ly/3edf8nR>
- MRU-Freetown Declaration on Countering the Illegal Wildlife Trade within the Subregion (June 2019, Freetown, Sierra Leone) | available online: <https://bit.ly/2Zedv1m>

List of Peace Agreements and Ceasefire Agreements in Africa

Listed by UN Peacemaker unless indicated otherwise

Algeria

Domestic/National Agreements

- Décret présidentiel relatif à la plate-forme portant sur le consensus national sur la période transitoire 26 January 1994 | (<https://bit.ly/2DhQTIe>)
- Plate-forme pour une solution politique et pacifique de la crise algérienne (Plate-forme de Rome) 13 January 1995 | (<https://bit.ly/3iMYgaP>)
- Décret présidentiel relatif à la plate-forme de l'entente nationale 17 September 1996 | (<https://bit.ly/2O7plHE>)
- Civil Harmony Act 13 July 1999 | (listed by PA-X, <https://bit.ly/3iMJD00>)
- Text for Implementing Acts relating to the Restoration of Civil Harmony 20 July 1999 | (listed by PA-X, <https://bit.ly/2Coerd>)
- Project de charte pour la paix 14 August 2005 | (listed by PA-X, <https://bit.ly/320VXeo>)

Bilateral Agreements

- Accord de cessez-le-feu en Algérie et déclarations gouvernementales du 19 mars relatives à l'Algérie (Accords d'Evian) Algeria – France | 19 March 1962 | (<https://bit.ly/3iO8R5p>)

Angola

Domestic/National Agreements

- Gbadolite Declaration on Angola 22 June 1989 | (<https://bit.ly/2CsyTux>)
- Peace Accords for Angola (Bicesse Accords) 31 May 1991 | (<https://bit.ly/3efXTIS>)
 - Cease-fire Agreement
 - Fundamental Principles for the Establishment of Peace in Angola
 - The Protocol of Estoril (Concepts for Resolving the Issues still Pending between the Government of the People's Republic of Angola and UNITA)
- Lusaka Protocol 15 November 1994 | (<https://bit.ly/3fnj9HK>)
- Final Timetable for the Implementation of the Lusaka Protocol,

- Approved by the Joint Commission at Luanda 9 January 1998 | (listed by PA-X, <https://bit.ly/3gSJgqo>)
- Agreement signed by the Government of the Republic of Angola and UNITA Renovada (Luanda Protocol) 18 February 1999 | (<https://bit.ly/2OiN73C>)
 - Agreement with UNITA-Renovada Updating the Lusaka Protocol Concerning the Appointment of UNITA Cadres to Government Positions (Annex III to the Agreement signed by the Government of the Republic of Angola and UNITA-Renovada) 18 February 1999 | (listed by PA-X, <https://bit.ly/3gO2tth>)
 - Agreement with UNITA-Renovada Updating the Lusaka Protocol Concerning the Reinstatement of Government Administration over the National Territory 18 February 1999 | (listed by PA-X, <https://bit.ly/2Of4S41>)
 - Angolan Government's Peace Plan 13 March 2002 | (listed by PA-X, <https://bit.ly/2C2NoFr>)
 - Luena Memorandum of Understanding (Addendum to the Lusaka Protocol for the Cessation of Hostilities and the Resolution of the Outstanding Military Issues under the Lusaka Protocol (Luena Agreement) 04 April 2002 | (<https://bit.ly/329uZBr>)
 - Memorandum of Peace and Understanding in Cabinda Province 01 August 2006 | (listed by PA-X, <https://bit.ly/2WczgQH>)

Bilateral Agreements

- Agreement on the People's Republic of Angola and the Republic of Cuba for the Conclusion of the Internationalist Mission of the Cuban Military Contingent Angola – Cuba | 22 December 1988 | (<https://bit.ly/3gX5Vlv>)

Multilateral Agreements

- Protocol of Brazzaville Angola – Cuba – South Africa | 13 December 1988 | (<https://bit.ly/2OeZsG4>)
- Agreement among the People's Republic of Angola, the Republic of Cuba, and the Republic of South Africa (Tripartite Agreement) Angola – Cuba – South Africa | 22 December 1988 | (<https://bit.ly/2Zn2fmM>)
- Protocol of Geneva: Agreement between the Governments of Angola, Cuba and South Africa Angola – Cuba – Namibia – South Africa | 05 August 1988 | (<https://bit.ly/301m1nc>)

Burundi

Domestic/National Agreements

- Déclaration du Gouvernement et des partis politiques contre les fauteurs de guerre et en faveur de la paix 6 July 1994 | (<https://bit.ly/329CDeZ>)
- Agreement Embodying a Convention on Governance between the Forces of Democratic Change and the Political Parties of the Opposition 10 September 1994 | (<https://bit.ly/2WdLBEj>)
- Declaration by the Participants to the Peace Negotiations on Burundi 12 June 1998 | (<https://bit.ly/2Ds3DvY>)
- Arusha Peace and Reconciliation Agreement for Burundi 28 August 2000 | (<https://bit.ly/38Poe9b>)
- Ceasefire Agreement between the Transitional Government of Burundi and the Conseil National pour la Défense de la Démocratie-Forces pour la Défense de la Démocratie 02 February 2002 | (<https://bit.ly/301cP2f>)
- Pretoria Protocol on Political, Defense and Security Power Sharing in Burundi (Pretoria Protocol) 08 October 2003 | (<https://bit.ly/3iZsPKS>)
- Protocol on Outstanding Issues of Political, Defence and Security Power Sharing in Burundi (Pretoria Protocol II) 02 November 2003 | (<https://bit.ly/3gSjIPv>)
- Forces Technical Agreement (FTA) between the Transitional Government of the Republic of Burundi and the CNDD-FDD 02 November 2003 | (<https://bit.ly/2ZiCVhY>)
- The Global Ceasefire Agreement 16 November 2003 | (<https://bit.ly/303E4sY>)
- Accord de Partage de Pouvoir au Burundi 06 August 2004 | (<https://bit.ly/2Zo49nw>)
- Dar-es-Salaam Agreement on Principles Towards lasting Peace, Security and Stability in Burundi 18 June 2006 | (<https://bit.ly/3gVN7mB>)
- Comprehensive Ceasefire Agreement between the Government of the Republic of Burundi and the Palipehutu – FNL 07 September 2006 | (<https://bit.ly/2AQLpDw>)
- Déclaration conjointe du Palipehutu-FNL et du gouvernement de la République du Burundi relative à la cessation des hostilités 26 May 2008 | (<https://bit.ly/3iWSVhi>)
- Déclaration du Sommet des Chefs d'Etats et de gouvernements de l'initiative regionale sur le processus de paix au Burundi 04 December 2008 | (<https://bit.ly/2Of77UZ>)
- Declaration of the Palipehutu-FNL 09 January 2009 | (listed by

PA-X, <https://bit.ly/2Ds4pcm>)

- Déclaration du Directoire Politique du processus de paix au Burundi sur le processus de mise en oeuvre des décisions conjointes prises à Pretoria 08 April 2009 | (<https://bit.ly/3fmHEVt>)
- Resolution Atelier Gitega 11 October 2016 | (listed by PA-X, <https://bit.ly/3eqBQc1>)
- Proposal for the peaceful settlement of conflicts in Burundi 05 May 2017 | (listed by PA-X, <https://bit.ly/38NgWmg>)

Cameroon

Bilateral Agreements

- Joint Communiqué Establishing the Cameroon-Nigeria Mixed Commission (CNMC) Cameroon – Nigeria | 15 November 2002 | (<https://bit.ly/3fhTJLw>)
- Agreement between the Republic of Cameroon and the Federal Republic of Nigeria concerning the Modalities of Withdrawal and Transfer of Authority in the Bakassi Peninsula Cameroon – Nigeria | 12 June 2006 | (<https://bit.ly/2CvnyJT>)

Central African Republic

Domestic/National Agreements

- Accord Politique pour la paix en RCA Undated | (<https://bit.ly/2WdCa7T>)
- Preliminary Agreement on National Reconciliation Pact 18 January 1997 | (<https://bit.ly/38MOv82>)
- Bangui Accords 25 January 1997 | (<https://bit.ly/3298Rar>)
- Mandate of the Inter-African Force to Monitor the Implementation of the Bangui Agreements 06 March 1997 | (<https://bit.ly/3epJ8wK>)
- National Reconciliation Pact (Bangui National Reconciliation Conference) 05 March 1998 | (<https://bit.ly/38MgZio>)
- Accord de paix entre le Gouvernement de la République Centrafricaine et les mouvements politico-militaires FDPC et UFDR 02 February 2007 | (<https://bit.ly/3iSch2l>)
- Birao Peace Agreement (Accord de paix de Birao) 01 April 2007 | (<https://bit.ly/3iTyIsT>)
- Accord de cessez le feu et de paix entre le Gouvernement de la République Centrafricaine et le mouvement politique et militaire Centrafricain APRD 09 May 2008 | (<https://bit.ly/2BWnovw>)
- Accord de paix global entre le Gouvernement de la République Centrafricaine et les mouvements politico-militaires APRD, FDPC, UFDR 21 June 2008 | (<https://bit.ly/303HCLO>)

- Accord de cessez le feu entre d'une part l'UFDR et d'autre part la CPJP sous l'égide du Conseil National de la Mediation (CNM) 08 October 2011 | (<https://bit.ly/2Oh3jCx>)
- Acte d'adhésion de la CPJP à l'accord de paix global de Libreville 25 August 2012 | (<https://bit.ly/3iTOOTe>)
- Accord politique de Libreville sur la résolution de la crise politico-sécuritaire en République Centrafricaine 11 January 2013 | (<https://bit.ly/2C4tmdx>)
- Déclaration de principe des parties aux négociations de Libreville sur la crise Centrafricaine 11 January 2013 | (<https://bit.ly/32bxIuk>)
- Accord de cessez-le-feu entre le Gouvernement de la République Centrafricaine et la Coalition Seleka 11 January 2013 | (<https://bit.ly/329a5T5>)
- Declaration of N'Djamena 18 April 2013 | (listed by PA-X, <https://bit.ly/3fnprqQ>)
- Accord de cessation des hostilités en République centrafricaine 23 July 2014 | (<https://bit.ly/2AVnOBM>)
- Agreement between the Transitional Government and the Armed Groups on the Principles of Disarmament, Demobilization, Reintegration and Repatriation and of Integration into the Uniformed State Forces of the Central African Republic 10 May 2015 | (<https://bit.ly/3iXfWkr>)
- Republican Pact for Peace, National Reconciliation and Reconstruction in the Central African Republic 11 May 2015 | (<https://bit.ly/2Wc23oE>)
- Pacte de Non-Agression et Reconciliation Communautaire 11 February 2016 | (listed by PA-X, <https://bit.ly/2Wb9LiR>)
- Protocole de Non-Agression 08 March 2016 | (listed by PA-X, <https://bit.ly/38PjYGI>)
- Pacte de Non-Agression 08 June 2016 | (listed by PA-X, <https://bit.ly/302fpEX>)
- Pacte de Non-Agression et de la Libre Circulation dans La Commune de Ndenga 10 June 2017 | (listed by PA-X, <https://bit.ly/2CqNwP1>)
- Political Agreement for Peace in the CAR 19 June 2017 | (listed by PA-X, <https://bit.ly/3erS2tI>)
- Feuille de route pour la paix et la réconciliation en République Centrafricaine 17 July 2017 | (listed by PA-X, <https://bit.ly/2DvtGm0>)
- Joint Communiqué (Agreement of Ippy) 06 October 2017 | (listed by PA-X, <https://bit.ly/2CyG7NI>)
- Acte d'Engagement Entre Les Groupes Anti-Balakas de la Nana Membere et 3R 14 December 2017 | (listed by PA-X, <https://bit.ly/2OIJw1A>)
- Feuille de Route 19 December 2017 | (listed by PA-X, <https://bit.ly/3erirYy>)

- Accord entre les Groupes Armes de Batangafo 24 February 2018 | (listed by PA-X, <https://bit.ly/3iUkRlX>)
- Accord de Reconciliation Entre Les Communautés Goula et Peul 03 May 2018 | (listed by PA-X, <https://bit.ly/3gVPm9c>)
- Decision from meeting between the Leaders of FPRC and MPC movements 31 May 2018 | (listed by PA-X, <https://bit.ly/2WuinkX>)
- Recommendations from the Monitoring Committee of the Peace and Reconciliation Agreement 05 June 2018 | (listed by PA-X, <https://bit.ly/2DBzUku>)
- Khartoum Declaration of Understanding between the Central African Armed Groups 28 August 2018 | (listed by PA-X, <https://bit.ly/2On5iVK>)
- Summary of the Demands of the Armed Groups of the CAR 30 August 2018 | (listed by PA-X, <https://bit.ly/3iXdU3B>)
- Accord de la Paix Locale 15 October 2018 | (listed by PA-X, <https://bit.ly/38NVGgr>)
- Letter of reconciliation in Pombolo 17 October 2018 | (listed by PA-X, <https://bit.ly/3gXmw8r>)
- Letter of reconciliation in Gambo 18 October 2018 | (listed by PA-X, <https://bit.ly/38P24E2>)
- La Déclaration de Coordination des Groupes Armes RCP 20 October 2018 | (listed by PA-X, <https://bit.ly/2CvLVqU>)
- P'Comite de Suivi de la Accord de Paix et de Reconciliation Bangassou 29 November 2018 | (listed by PA-X, <https://bit.ly/2Cx5ajP>)
- Accord Entre Les Groupes Armes de Batangafo 09 January 2019 | (listed by PA-X, <https://bit.ly/2BVyykb>)
- Procès verbal de gestion de conflit 21 January 2019 | (listed by PA-X, <https://bit.ly/32dAQG2>)
- Political Agreement for Peace and Reconciliation in the CAR (Khartoum Accord) 05 February 2019 | (listed by PA-X, <https://bit.ly/38O7rU1>)
- Compte Rendu des Activités du Comité de Suivi de L'Accord de Paix à Bangassou 06 March 2019 | (listed by PA-X, <https://bit.ly/2DAEO17>)
- Bilateral Agreements:
- Conflict Prevention Agreement between Farmers from Vakaga in the CAR and Herders from South Darfur CAR – Sudan | 11 June 2019 | (listed by PA-X, <https://bit.ly/2WbExIa>)

Multilateral Agreements

- Cannes Declaration on the Regional Dimension of the Darfur Crisis CAR – Chad – Sudan | 15 February 2007 | (<https://bit.ly/38LUdaq>)

Chad

Domestic/National Agreements

- Peace Agreement between the Government of the Republic of Chad and the Movement for Democracy and Justice in Chad (MDJT) 07 January 2002 | (<https://bit.ly/2DF4kCx>)
- Peace Agreement between the Government of Chad and the Mouvement pour la démocratie et la justice au Tchad (MDJT) 14 December 2003 | (<https://bit.ly/2OgNmMN>)
- Accord politique en vue du renforcement du processus démocratique 13 August 2007 | (<https://bit.ly/2Ohrcd1>)
- Accord de paix entre le gouvernement du Tchad et les mouvements ci-après: UFDD, RFC, CNT, UFDDF (Accord de Syrte) 25 October 2007 | (<https://bit.ly/38QIV4x>)
- Accord de paix entre le gouvernement de la République du Tchad et le Mouvement National (MN) 25 July 2009 | (<https://bit.ly/2ARyhhp>)
- Communiqué Final sanctionnant la rencontre entre la délégation officielle tchadienne et le Front Populaire pour le Redressement (FPR) 13 June 2011 | (<https://bit.ly/3ejd79z>)

Bilateral Agreements

Chad – Libya

- Framework Agreement on the Peaceful Settlement of the Territorial Dispute between the Republic of Chad and the Great Socialist People's Libyan Arab Jamahiriya 31 August 1989 | (<https://bit.ly/307ikfN>)
- Agreement between Libya and Chad concerning the Practical Modalities for the Implementation of the Judgment delivered by the ICJ on 3 February 1994 03 February 1994 | (<https://bit.ly/305qVQ8>)

Chad – Sudan

- Tripoli Agreement to Settle the Dispute between the Republic of Chad and the Republic of Sudan 08 February 2006 | (<https://bit.ly/2Zq0qWx>)
- Statement of the Four-party Peace Summit 21 February 2007 | (<https://bit.ly/32abWXA>)
- Accord bilatéral pour le développement et le renforcement des relations entre Soudan et Tchad (Accord de Riyadh) 03 May 2007 | (<https://bit.ly/3iW8whd>)
- Accord de Dakar entre le Tchad et le Soudan 13 March 2008 | (<https://bit.ly/2ZopJby>)
- Doha Agreement 03 May 2009 | (<https://bit.ly/32dyzdQ>)
- Accord de Ndjamena sur la normalisation des relations entre le Tchad et le Soudan 15 January 2010 | (<https://bit.ly/32dyGGi>)

Multilateral Agreements

* See Central African Republic 'Multilateral Agreements' above at 'CAR – Chad – Sudan'

The Comoros

Domestic/National Agreements

- Addis Ababa Agreement 13 December 1997 | (<https://bit.ly/3em4sn2>)
- Accords d'Antananarivo 23 April 1999 | (<https://bit.ly/2Zn0tSF>)
- Joint Declaration of Fomboni 26 August 2000 | (listed by PA-X, <https://bit.ly/2ZqjRP0>)
- Accord cadre pour la reconciliation aux Comores (Accord de Fomboni) 17 February 2001 | (<https://bit.ly/32bnLNf>)
- Joint Communique of the delegations Anjouan and Moheli on the Legal Sub-Commission 01 September 2001 | (listed by PA-X, <https://bit.ly/2Dzhu3H>)
- Accord sur les dispositions transitoires aux Comores (Accord de Maroni) 20 December 2003 | (<https://bit.ly/3ejlX7m>)
- Accord pour la gestion de la période intérimaire 16 June 2010 | (<https://bit.ly/303vxpY>)

Congo, Republic of

Domestic/National Agreements

- Accord de cessation des hostilités en République du Congo 16 November 1999 | (<https://bit.ly/304laCi>)
- Accord de cessez-le-feu et de cessation des hostilités entre le Haut Commandement de la Force Publique et le Haut Commandement des Forces d'Autodéfense de la Résistance 29 December 1999 | (<https://bit.ly/3ekeDZa>)
- Accords de paix et de cessation des hostilités dans le département de Pool 17 March 2003 | (<https://bit.ly/38QfQpS>)

Cote d'Ivoire

Domestic/National Agreements

- Sommet Extraordinaire des Chefs d'Etat et de Gouvernement sur la situation en Côte d'Ivoire (Accra I) 29 September 2002 | (listed by PA-X, <https://bit.ly/38W7VYb>)
- Accord de cessation des hostilités 17 October 2002 | (listed by PA-X, <https://bit.ly/38TDH8s>)
- Accords de Lomé sur la libération des prisonniers civils et militaires

- 01 November 2002 | (listed by PA-X, <https://bit.ly/2DD7fvo>)
- Ceasefire Agreement between the Government of Cote d'Ivoire, the Mouvement Populaire Ivoirien pour le Grand Ouest (MPIGO) and the Mouvement pour la Justice et la Paix (MJP) 13 January 2003 | (listed by PA-X, <https://bit.ly/3iSASJj>)
 - Linas-Marcoussis Agreement 23 January 2003 | (listed by PA-X, <https://bit.ly/3j1AcRJ>)
 - Conclusion of the Conference of Heads of States on Côte d'Ivoire (Paris Conclusions) 26 January 2003 | (listed by PA-X, <https://bit.ly/328upnA>)
 - Accord Accra II sur la Crise en Côte d'Ivoire 07 March 2003 | (listed by PA-X, <https://bit.ly/3j1nHFI>)
 - Accord de cessez-le-feu 03 May 2003 | (listed by PA-X, <https://bit.ly/2BX1MPF>)
 - Joint Declaration of the Defence and Security Forces of Côte d'Ivoire and the Armed Forces of the Forces Nouvelles 04 July 2003 | (listed by PA-X, <https://bit.ly/38TYcS5>)
 - Accra III Agreement on Côte d'Ivoire 30 July 2004 | (listed by PA-X, <https://bit.ly/2ASeCxQ>)
 - Pretoria Agreement on the Peace Process in Côte d'Ivoire (Pretoria I) 06 April 2005 | (listed by PA-X, <https://bit.ly/3ej86hq>)
 - Declaration on the Implementation of the Pretoria Agreement on the Peace Process in the Côte d'Ivoire (Pretoria II) 29 June 2005 | (listed by PA-X, <https://bit.ly/38SrDnH>)
 - Accord Politique de Ouagadougou 04 March 2007 | (listed by PA-X, <https://bit.ly/304CBCB>)
 - Premier accord complémentaire à l'accord politique de Ouagadougou 27 March 2007 | (listed by PA-X, <https://bit.ly/38OSUaK>)
 - Troisième accord complémentaire à l'accord politique de Ouagadougou 28 November 2007 | (listed by PA-X, <https://bit.ly/306mapl>)
 - Deuxième accord complémentaire à l'accord politique de Ouagadougou 28 November 2007 | (listed by PA-X, <https://bit.ly/2OITGm0>)
 - Quatrième accord complémentaire à l'accord politique de Ouagadougou 22 December 2008 | (listed by PA-X, <https://bit.ly/3j1oGFU>)

Democratic Republic of the Congo

Domestic/National Agreements

- Sirte Peace Agreement 18 April 1999 | (<https://bit.ly/3foVC9r>)
- Ceasefire Agreement (Lusaka Agreement) 10 July 1999 | (<https://bit.ly/3fpic1J>)

- Declaration of Fundamental Principles of the Inter-Congolese Political Negotiations 4 May 2001 | (<https://bit.ly/32pXgEb>)
- Acte d'Engagement Gaborone 24 August 2001 | (<https://bit.ly/3iVTTKJ>)
- Accord politique pour la gestion consensuelle de la transition en République Démocratique du Congo 19 April 2002 | (<https://bit.ly/2WfIDjK>)
- Global and Inclusive Agreement on Transition in the Democratic Republic of Congo (Pretoria Agreement) 16 December 2002 | (<https://bit.ly/3fqoz4M>)
- Mémorandum sur le mécanisme pour la formation d'une armée nationale, restructurée et intégrée 06 March 2003 | (<https://bit.ly/32dELCI>)
- Inter-Congolese Negotiations: The Final Act (Sun City Agreement) 02 April 2003 | (<https://bit.ly/2ZoTIFJ>)
- Acte d'Engagement – Sud Kivu 23 January 2008 | (<https://bit.ly/3fqcYCN>)
- Acte d'Engagement – Nord Kivu 23 January 2008 | (<https://bit.ly/2OmhaHW>)
- Peace Agreement between the Government and the CNDP (and the Implementation Plan) 23 March 2009 | (<https://bit.ly/309SxDy>)
- Agenda for the Dialogue between the Government of the DRC and the M23 on the situation in Eastern Congo 16 January 2013 | (<https://bit.ly/2CwYHFA>)
- Outcome Documents from the Conclusion of the Kampala Dialogue between the Government of the Democratic Republic of the Congo and the M23 12 December 2013 | (<https://bit.ly/3gT8d4N>)
 - Joint ICGLR-SADC Final Communiqué on the Kampala Dialogue
 - Declaration of the Government of the Democratic Republic of Congo at the end of the Kampala Talks
 - Declaration of Commitments by the Movement of March 23 at the Conclusion of the Kampala Dialogue
 - Annex A: Transitional Security Arrangements
 - Annex B: Sequences and Linkages
- Déclaration finale du forum sur la paix dans le territoire de Nyunzu 10 December 2015 | (<https://bit.ly/3iZeZbe>)
- Global and Inclusive Political Agreement of the Inter-Diocesan Center of Kinshasa 31 December 2016 | (listed by PA-X, <https://bit.ly/2C4CI9a>)

Bilateral Agreements

- Peace Agreement between the Governments of Rwanda and the DRC on Withdrawal of the Rwanda Troops from the Territory of the DRC and the Dismantling of the Ex-FAR and Interahmbwe Forces in the DRC DRC – Rwanda | 30 July 2002 | (<https://bit.ly/3evHPg5>)

- Programme of Implementation on the Peace Agreement between Rwanda and the DRC on the Withdrawal of Troops from the Territory of the DRC DRC – Rwanda | 30 July 2002 | (listed by PA-X, <https://bit.ly/3gUpRVX>)
- Agreement between the DRC and Uganda on withdrawal of Uganda Troops, Cooperation and Normalization of Relations between the two countries (Luanda Agreement) DRC – Uganda | 06 September 2002 | (<https://bit.ly/3iV2ehQ>)
- Joint Communiqué on a Common Approach to Ending the Threat posed to Peace and Stability in both Countries and the Great Lakes Region (Nairobi Communiqué) DRC – Rwanda | 09 November 2007 | (<https://bit.ly/3fppiD9>)

Multilateral Agreements

- Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region Angola – Burundi – Central African Republic – Congo – Democratic Republic of the Congo – Rwanda – South Africa – South Sudan – Tanzania – Uganda – Zambia | 24 February 2013 | (<https://bit.ly/302ZJ4t>)

Djibouti

National Agreements

- Accord de paix et de réconciliation nationale 26 December 1994 | (<https://bit.ly/38YIJ3l>)
- Accord cadre de réforme et de concorde civile 07 February 2000 | (<https://bit.ly/328tdR8>)
- Accord de réforme et de concorde civile 12 May 2001 | (<https://bit.ly/2ZqayhT>)

Bilateral Agreements

- Agreement between the State of Eritrea and the Republic of Djibouti Djibouti – Eritrea | 06 June 2011 | (<https://bit.ly/3iVIM4t>)

Egypt

Bilateral Agreements

Egypt – Israel

- Egyptian-Israeli General Armistice Agreement 24 February 1949 | (<https://bit.ly/2DwYvGY>)
- Egyptian - Israeli Agreement on Disengagement of Forces in Pursuance of the Geneva Peace Conference (Sinai I) 18 January 1974

- | (<https://bit.ly/2WfhOLq>)
- Interim Agreement between Israel and Egypt (Sinai II) 04 September 1975 | (<https://bit.ly/393cz73>)
- Framework for Peace in the Middle East and Framework for the Conclusion of a Peace Treaty between Egypt and Israel (Camp David Accords) 17 September 1978 | (<https://bit.ly/2ZpacYX>)
- Peace Treaty Between the State of Israel and the Arab Republic of Egypt 26 March 1979 | (<https://bit.ly/3gTGCR3>)

Equatorial-Guinea

Bilateral Agreements

* See Gabon ‘Bilateral Agreements’ below at ‘Gabon – Equatorial-Guinea’

Eritrea

Bilateral Agreements

Eritrea – Ethiopia

- Technical Arrangements for the Implementation of the OAU Framework Agreement 31 August 1999 | (<https://bit.ly/3j1eDAG>)
- Agreement on Cessation of Hostilities between the Government of the Federal Democratic Republic of Ethiopia and the Government of the State of Eritrea 18 June 2000 | (<https://bit.ly/3j1rsuT>)
- Agreement between the Government of the State of Eritrea and the Government of the Federal Democratic Republic of Ethiopia 12 December 2000 | (<https://bit.ly/3gXQBoH>)
- Joint Declaration of Peace and Friendship between Eritrea and Ethiopia 09 July 2018 | (listed by PA-X, <https://bit.ly/2WvLsfR>)
- Agreement on Peace, Friendship and Comprehensive Cooperation Between the Federal Democratic Republic of Ethiopia and the State of Eritrea 16 September 2018 | (listed by PA-X, <https://bit.ly/3iXIudw>)

* See Djibouti ‘Bilateral Agreements’ above at ‘Djibouti – Eritrea’

* See also Sudan ‘Bilateral Agreements’ below at ‘Sudan – Eritrea’

Multilateral Agreements

* See Somalia ‘Multilateral Agreements’ below at ‘Somalia – Eritrea – Ethiopia’

Ethiopia

Bilateral Agreements

Ethiopia – Kenya

- Dukana-Dillo-Maikona Declaration 19 July 2009 | (listed by PA-X, <https://bit.ly/3gY9gk5>)
- Maikona and Walda Peace Declaration 28 July 2009 | (listed by PA-X, <https://bit.ly/3gXHC6I>)
- Agreed Minutes of the Second Meeting between Ethiopian Southern Nations, Nationalities and People's Regional State and Kenya's Rift Valley Province Administrators/Commissioners together with Community Representatives, Hawassa, Ethiopia 02 November 2009 | (listed by PA-X, <https://bit.ly/3gXHBQI>)
- Dillo-Dukana-Teltelle Peace Dialogue 12 January 2012 | (listed by PA-X, <https://bit.ly/32hsEEr>)
- Validation of the Reviews and Amendments on Dukana-Dillo-Maikona Declaration 31 August 2017 | (listed by PA-X, <https://bit.ly/2ZrJpv5>)

* See also Eritrea 'Bilateral Agreements' above at 'Eritrea – Ethiopia'

Multilateral Agreements

* See Somalia 'Multilateral Agreements' below at 'Somalia – Eritrea – Ethiopia'

Gabon

Domestic/National Agreements

- Accords de Paris 27 September 1994 | (<https://bit.ly/2Zot22f>)

Bilateral Agreements

- Compromis entre la République Gabonaise et la République de Guinée Equatoriale Gabon – Equatorial-Guinea | 15 November 2016 | (<https://bit.ly/3iSqWzv>)

Guinea

Domestic/National Agreements

- Ouagadougou Joint Declaration 15 January 2010 | (<https://bit.ly/3hcOZaP>)
- Dialogue politique inter-guinéen 12 October 2016 | (<https://bit.ly/2CCzOs6>)

Guinea-Bissau

Domestic/National Agreements

- Memorandum of Understanding between the Government of Guinea Bissau and the Self-proclaimed Military Junta 26 July 1998 | (<https://bit.ly/3fvOkRf>)
- Final communiqué of the joint Economic Community of West African States (ECOWAS)/Community of Portuguese-speaking Countries (CPLP) consultative meeting on the situation in Guinea-Bissau 25 August 1998 | (listed by PA-X, <https://bit.ly/3j3Ur18>)
- Ceasefire Agreement in Guinea Bissau 26 August 1998 | (<https://bit.ly/3fybiHl>)
- Agreement between the Government of Guinea Bissau and the Self-proclaimed Military Junta (Abuja Peace Agreement) 01 November 1998 | (<https://bit.ly/2DJX0FD>)
- Additional Protocol to the Abuja Accord Concerning the Formation of the Government of National Unity of Guinea Bissau 15 December 1998 | (<https://bit.ly/2OrSfmk>)
- Final Communique of the Lomé Meeting on the Peace Process in Guinea-Bissau 15 December 1998 | (listed by PA-X, <https://bit.ly/3flgUPz>)

Kenya

Domestic/National Agreements

- Al-Fatah Peace Declaration 29 September 1993 | (listed by PA-X, <https://bit.ly/32fHcVh>)
- Resolutions of the Marsabit-Moyale District Peace Committees' Civic Dialogue 17 November 2006 | (listed by PA-X, <https://bit.ly/32mP4Ei>)
- Kenyan National Dialogue and Reconciliation: Annotated Agenda and Timetable 01 February 2008 | (<https://bit.ly/3fyqR1W>)
- Kenyan National Dialogue and Reconciliation: Public Statement on Agenda Item One 01 February 2008 | (<https://bit.ly/306TzQW>)
- Kenya National Dialogue and Reconciliation: Public Statement 04 February 2008 | (<https://bit.ly/2DJ3IMd>)
- Kenyan National Dialogue and Reconciliation: How to Resolve the Political Crisis 14 February 2008 | (<https://bit.ly/38Wn4IV>)
- Acting Together for Kenya: Agreement on the Principles of Partnership of the Coalition Government 28 February 2008 | (<https://bit.ly/3gXC0cE>)
- National Accord and Reconciliation Act 2008 28 February 2008 | (<https://bit.ly/3gWxmeX>)

- Kenyan National Dialogue and Reconciliation: Commission of Inquiry on Post-Election Violence 04 March 2008 | (<https://bit.ly/2DwLLjB>)
- Kenya National Dialogue and Reconciliation: Longer Term Issues and Solutions - Constitutional Review 04 March 2008 | (<https://bit.ly/3en3gj3>)
- Kenyan National Dialogue and Reconciliation: Truth, Justice and Reconciliation Commission 04 March 2008 | (<https://bit.ly/30eCkgG>)
- Kenya National Dialogue and Reconciliation: Statement of Principles on Long-term Issues and Solutions 23 May 2008 | (<https://bit.ly/2WgR0dT>)
- Sotik and Borabu Social Contract 21 November 2008 | (listed by PA-X, <https://bit.ly/3elBdkc>)
- Naivasha II Declaration 19 November 2009 | (listed by PA-X, <https://bit.ly/32hLPOK>)
- Modogashe Declaration (III) 08 April 2011 | (listed by PA-X, <https://bit.ly/2AWhkm2>)
- Mabanga Peace Accord 21 October 2011 | (listed by PA-X, <https://bit.ly/302vGKc>)
- Nakuru County Peace Accord 19 August 2012 | (<https://bit.ly/3iZAxV6>)
- Resolutions of Peace and Cohesion Meeting of Leaders from Mt. Elgon Sub-counties, Bungoma, County: Abbey Resort Resolutions 31 March 2015 | (listed by PA-X, <https://bit.ly/303CpDE>)
- Samburu and Turkana Ceasefire Agreement 22 June 2015 | (listed by PA-X, <https://bit.ly/309dFK5>)
- Tana 1 Declaration 27 April 2016 | (listed by PA-X, <https://bit.ly/2Wj7vWJ>)
- Resolutions of the Meeting to Discuss the Conflict between the Communities living along the Garissa and Wajir Border 15 June 2016 | (listed by PA-X, <https://bit.ly/3eoeVhP>)
- Nanyuki Peace Agreement between the Aulian Community of Garissa County and Borana Community of Isiolo County 22 September 2016 | (listed by PA-X, <https://bit.ly/38Tckew>)
- Resolutions of the Nakuru Peace Agreement between the Luo and Nandi Communities of Kisumu and Nandi Counties 19 June 2018 | (listed by PA-X, <https://bit.ly/306H7k5>)
- Resolutions of the Peace Agreement between Samburu North, Samburu East, Loyangalani and Laisamis Sub-Counties attended by National and County Government Officials together with Elders, Peace Committee Members and other Stakeholders 15 March 2019 | (listed by PA-X, <https://bit.ly/3j0mtuq>)
- Resolutions of the Conflict Mitigation Strategy between Elders from

Garissa (Lagdera Sub-County) and Isiolo (Garbatulla Sub-County) Counties attended by National Government Officials together with Building Bridges Initiative 01 April 2019 | (listed by PA-X, <https://bit.ly/32eVLbJ>)

Bilateral Agreements

* See Ethiopia 'Bilateral Agreements' above at 'Ethiopia – Kenya'

Lesotho

Domestic/National Agreements

- Memorandum of Agreement between the Government of Lesotho and the Interim Political Authority (IPA) 03 December 1999 | (<https://bit.ly/2WepKws>)
- Joint Statement on the Acceptance, in Principle, of the Lesotho Elections Timetable 03 December 1999 | (listed by PA-X, <https://bit.ly/2OjbaiZ>)
- Agreement among Lesotho Political Parties regarding the Electoral Law Bill 09 March 2011 | (<https://bit.ly/2CuQP7P>)
- Communique: Maseru Facilitation Declaration 02 October 2014 | (listed by PA-X, <https://bit.ly/308WOqQ>)
- The Electoral Pledge 11 December 2014 | (listed by PA-X, <https://bit.ly/2Dzgvk1>)

Liberia

Domestic/National Agreements

- Agreement on Cessation of Hostilities and Peaceful Settlement of Conflict in Liberia (Banjul III Agreement) 24 October 1990 | (listed by PA-X, <https://bit.ly/2WiQvjt>)
- Joint Declaration on Cession of Hostilities and Peaceful Settlement of Conflict (Bamako Ceasefire Agreement) 28 November 1990 | (listed by PA-X, <https://bit.ly/32hPTyy>)
- Joint Statement of the Warring Parties (INPFD, NPFL, AFL) (Banjul IV Agreement) 21 December 1990 | (<https://bit.ly/395PDUJ>)
- Lomé Agreement 13 February 1991 | (<https://bit.ly/32gnDw8>)
- Joint Declaration on the Liberian Situation 01 March 1991 | (listed by PA-X, <https://bit.ly/32gZFRa>)
- Final Communique of the All-Liberia National Conference 18 April 1991 | (listed by PA-X, <https://bit.ly/2WfqqC0>)
- Yamoussoukro I 30 June 1991 | (<https://bit.ly/2Zqlpbs>)
- Yamoussoukro II 29 July 1991 | (<https://bit.ly/303O6Ky>)
- Yamoussoukro III 17 September 1991 | (<https://bit.ly/32cD6xb>)

- Yamoussoukro IV (Final Communiqué of the Fourth Meeting of the Committee of Five of the Economic Community of West African States of the Liberian Crisis) 30 October 1991 | (<https://bit.ly/2ZoMNH4>)
- Final Communiqué of the ECOWAS Committee of Five on Liberia (Geneva Agreement) 07 April 1992 | (<https://bit.ly/2Ccl1Vp>)
- Communiqué issued at the Conclusion of the Peace Talks on Liberia 17 July 1993 | (listed by PA-X, <https://bit.ly/38SN1JH>)
- Cotonou Agreement 25 July 1993 | (<https://bit.ly/3eyB5y0>)
- Akosombo Agreement 12 September 1994 | (<https://bit.ly/2CAGUNO>)
- Agreement on the Clarification of the Akosombo Agreement (Accra Clarification) 21 December 1994 | (<https://bit.ly/32dAWxn>)
- Abuja Agreement to Supplement the Cotonou and Akosombo Agreements as Subsequently Clarified by the Accra Agreement 19 August 1995 | (<https://bit.ly/3j1pCdB>)
- Mechanism for Returning Liberia to the Abuja Agreement 08 May 1996 | (listed by PA-X, <https://bit.ly/2Op9vbK>)
- Supplement to the Abuja Accord 17 August 1996 | (<https://bit.ly/2ZpVz7G>)
- Agreement on Ceasefire and Cessation of Hostilities between the Government of the Republic of Liberia and Liberians United for Reconciliation and Democracy and the Movement for Democracy in Liberia 17 June 2003 | (<https://bit.ly/2ZwN3E5>)
- Peace Agreement between the Government of Liberia, the Liberians United for Reconciliation and Democracy (LURD), the Movement for Democracy in Liberia (MODEL) and the Political Parties 18 August 2003 | (<https://bit.ly/2WeVcL6>)

Libya

Domestic/National Agreements

- Draft Constitutional Charter for the Transitional Stage 03 August 2011 | (<https://bit.ly/2ZIWg1Q>)
- Final Communiqué: Comprehensive Dialogue for Calm and Peace in the Nafusa Mountains 19 March 2015 | (listed by PA-X, <https://bit.ly/2OIGeOA>)
- Statement by the Martyrs Brigade in Zawiyat al-Mahjoub regarding the ceasefire agreement in Aziziyah and the latest developments in and near Tripoli 26 April 2015 | (listed by PA-X, <https://bit.ly/3fumB3i>)
- Agreement to stop the bloodshed and open the door to dialogue in the Western Region 16 June 2015 | (listed by PA-X, <https://bit.ly/2ZpVz7G>)

ly/2OxQrZ3)

- Pledge of Agreement and Peaceful Coexistence Between Zintan and Zuwara 29 June 2015 | (listed by PA-X, <https://bit.ly/3gViJZr>)
- Statement by Libya Dialogue Participants, Skhirat, Morocco 02 July 2015 | (listed by PA-X, <https://bit.ly/3fnUkLG>)
- Minutes of the Disengagement Agreement and Truce between the areas of Warshafānah and al-Zāwiyyah 12 November 2015 | (listed by PA-X, <https://bit.ly/2OhPdck>)
- Libyan Political Agreement (Sukhairat Agreement) 17 December 2015 | (<https://bit.ly/3fsfR5Z>)
- Draft agreement of Western Tribal elders on the battle of al-Zawiyya 31 January 2016 | (listed by PA-X, <https://bit.ly/32bArUj>)
- Humanitarian Appeal for Benghazi 16 March 2016 | (listed by PA-X, <https://bit.ly/3emE6kQ>)
- Joint declaration of the representatives of Touareg and Tebou tribes in 4 points supporting the Presidency Council of the Government of National Agreement which recently took office in Tripoli 21 April 2016 | (listed by PA-X, <https://bit.ly/2WfCzqj>)
- Fezzan Humanitarian Agreement 16 June 2016 | (listed by PA-X, <https://bit.ly/38S34Y0>)
- Minutes of Misrata-Tawagha Agreement on the Return of Displaced Persons and Compensation for those Affected 31 August 2016 | (listed by PA-X, <https://bit.ly/2DE8hHt>)
- Accord and Peaceful Coexistence Document Between the Al Qadhadhfa Tribe and the Awlad Sulayman Tribe 04 December 2016 | (listed by PA-X, <https://bit.ly/38OF9ZE>)
- Consultation Meeting for the Libyan Political Dialogue (Hammamet Agreement) 24 January 2017 | (listed by PA-X, <https://bit.ly/2CwEG1U>)
- Agreement of Social Honour for the Tribes of Tarhūnah, and the Tribes of Ghriyān, Mashāshiyah, al-Qal'ah, Yafrin, Jādū, Kābāw, Nālūt and Wāzin 08 February 2017 | (listed by PA-X, <https://bit.ly/329HdKp>)
- Points of Initial Agreement (Abu Salim Ceasefire) 25 February 2017 | (listed by PA-X, <https://bit.ly/2CusBdS>)
- Statement on the Current Events in the Capital Tripoli 15 March 2017 | (listed by PA-X, <https://bit.ly/329H8q5>)
- Reconciliation Agreement between Tebu and Awlad Sulaymen 29 March 2017 | (listed by PA-X, <https://bit.ly/2Cvsi2t>)
- Final Agreement between Zintan and Mashashiyya) 18 May 2017 | (listed by PA-X, <https://bit.ly/3fqD3lc>)
- Reconciliation Agreement between the Zintan and Mashashiyya Tribes 18 May 2017 | (listed by PA-X, <https://bit.ly/2ZqTLeK>)
- Joint Declaration (Paris) 15 July 2017 | (listed by PA-X, <https://bit.ly/329H8q5>)

- ly/38UepXq)
- Statement of the Fezzan Forum for Libya 20 February 2018 | (listed by PA-X, <https://bit.ly/3085TA6>)
 - Statement from The Supreme Council of the Tribes and Cities of Fezzan calling for a Ceasefire 07 April 2018 | (listed by PA-X, <https://bit.ly/2WgA6fn>)
 - Statement by the Council of Tebu Tribes to Coordinate and End the Crisis in Sabha 09 April 2018 | (listed by PA-X, <https://bit.ly/38QzjXC>)
 - Closing statement from the reconciliation meeting between Zintan and Zawiyya 17 April 2018 | (listed by PA-X, <https://bit.ly/3gR3v7R>)
 - Pledge and Reconciliation Charter Between the Cities of Misrata and Zintan 26 April 2018 | (listed by PA-X, <https://bit.ly/38SqvRd>)
 - Pledge of Reconciliation Between the Cities of Zawiyah and al-Zintan 10 May 2018 | (listed by PA-X, <https://bit.ly/3fnPrCw>)
 - Agreement for Peaceful Coexistence (between Tebu and Awlad Sulayman in Sabha) 13 May 2018 | (listed by PA-X, <https://bit.ly/3gYJnRj>)
 - Political Statement on the Matter of Libya 29 May 2018 | (listed by PA-X, <https://bit.ly/32bpvWK>)
 - Sabha Ceasefire Statement 05 July 2018 | (listed by PA-X, <https://bit.ly/32eMFf0>)
 - Ceasefire Agreement (Zawiyya Agreement) 04 September 2018 | (listed by PA-X, <https://bit.ly/3gRHNR4>)
 - Pledge of Reconciliation and Cooperation between the Family and Friends in the Area of Tajoura and Souk Jumaa 07 September 2018 | (listed by PA-X, <https://bit.ly/3iXxXii>)
 - Agreement to Consolidate the Ceasefire (Zawiyya Agreement) 09 September 2018 | (listed by PA-X, <https://bit.ly/2CursTC>)
 - Ceasefire Agreement between Tripoli and Tarhounah 21 September 2018 | (listed by PA-X, <https://bit.ly/2Wf2QFe>)
 - Meeting Minutes of the Municipal Council of Misratah 23 September 2018 | (listed by PA-X, <https://bit.ly/3eo8zyV>)
 - Ceasefire in Southern Tripoli 28 September 2018 | (listed by PA-X, <https://bit.ly/2Zpfcg2>)
 - Conclusions of the Palermo Conference for and with Libya 13 November 2018 | (listed by PA-X, <https://bit.ly/3eosLAA>)
 - Statement from the Sheikhs and Dignitaries of the Tribes of Tarhunah Regarding the Events Taking Place in Southern Tripoli 22 January 2019 | (listed by PA-X, <https://bit.ly/2C8U9p7>)

Bilateral Agreements

* See Chad 'Bilateral Agreements' above at 'Chad-Libya'

Madagascar

Domestic/National Agreements

- Accord de Dakar I 18 April 2002 | (listed by PA-X, <https://bit.ly/3gUMlpK>)
- Accord de Dakar II 09 June 2002 | (listed by PA-X, <https://bit.ly/3fqKRmO>)
- Statement on Transition in Madagascar 22 May 2009 | (listed by PA-X, <https://bit.ly/3j0cO75>)
- Accord 2 de Maputo sur le cas du président Marc Ravalomanana 08 August 2009 | (<https://bit.ly/2BZhg5I>)
- Accord 3 de Maputo sur l'annulation des poursuites et des condamnations prononcées contre les personnalités politiques et civiles ou militaires durant le régime de Ravalomanana 08 August 2009 | (<https://bit.ly/3fsw7nq>)
- Accord 1 de Maputo sur l'annulation des charges relatives aux événements de 2002 à Madagascar 08 August 2009 | (<https://bit.ly/2Zo5SJh>)
- Accord politique de Maputo 08 August 2009 | (<https://bit.ly/32aIG36>)
- Charte de la Transition 09 August 2009 | (<https://bit.ly/2BWlcmE>)
- Charte des Valeurs 09 August 2009 | (<https://bit.ly/3j0VYoE>)
- Adhésion à la charte nationale de transition 22 August 2009 | (<https://bit.ly/3epAMFF>)
- Acte additionnel d'Addis Abeba à la charte de transition malgache 06 November 2009 | (<https://bit.ly/38Vudtk>)
- Roadmap for Ending the Crisis in Madagascar – Commitments by Malagasy Political Stakeholders 13 September 2011 | (<https://bit.ly/303tfHb>)

Malawi

Domestic/National Agreements

- Lilongwe Peace Declaration (LPD) - Taking a Stand against Violence in Malawi during and after Elections 10 May 2014 | (<https://bit.ly/2Zov8PO>)

Mali

Domestic/National Agreements

- Accord sur la cessation des hostilités 06 January 1991 | (<https://bit.ly/2WbNVMg>)
- Pacte national conclu entre le gouvernement de la République du Mali

- et les mouvements et Fronts Unifiés de l'Azawad consacrant le statut particulier du nord au Mali 11 April 1992 | (<https://bit.ly/2BW325C>)
- Accord d'Alger pour la Restauration de la Paix, de la Sécurité et du Développement dans la région de Kidal 04 July 2006 | (<https://bit.ly/3iZzzbh>)
 - Accord cadre de mise en œuvre de l'engagement solennel du 1er Avril 2012 06 April 2012 | (<https://bit.ly/3gQkZBh>)
 - Déclaration d'adhésion à l'accord préliminaire à l'élection présidentielle et aux pourparlers inclusifs de paix au Mali 18 June 2013 | (<https://bit.ly/3iYYtrO>)
 - Accord préliminaire à l'élection présidentielle et aux pourparlers inclusifs de paix au Mali (Accord préliminaire de Ouagadougou) 18 June 2013 | (<https://bit.ly/32bRcyF>)
 - Accord de cessez-le-feu 23 May 2014 | (<https://bit.ly/3j0Du7N>)
 - Algiers Declaration 09 June 2014 | (listed by PA-X, <https://bit.ly/2WbQz4E>)
 - Algiers Preliminary Platform for the Inclusive Inter-Malian Dialogue 14 June 2014 | (listed by PA-X, <https://bit.ly/3gOzhCc>)
 - Communiqué: Fourth meeting of the Bilateral Algerian-Malian Strategic Committee on Northern Mali 16 June 2014 | (listed by PA-X, <https://bit.ly/3iWTHuG>)
 - Third High-Level Policy Meeting on the Inter-Malian Dialogue Process 16 June 2014 | (listed by PA-X, <https://bit.ly/2OIN5bm>)
 - Feuille de route des négociations dans le cadre du processus d'Alger 24 July 2014 | (listed by PA-X, <https://bit.ly/3iXQ87B>)
 - Pacte de non agression avec arrêt immédiat des hostilités 27 August 2014 | (listed by PA-X, <https://bit.ly/2WfrdCS>)
 - Protocol D'Entente 27 August 2014 | (listed by PA-X, <https://bit.ly/38Qdjfv>)
 - Ouagadougou Declaration (Final) 28 August 2014 | (listed by PA-X, <https://bit.ly/300b7xY>)
 - Arrangement sécuritaire pour une cessation des hostilités 05 June 2015 | (<https://bit.ly/38PB5Z7>)
 - Relevé de Conclusions des Consultations Préparatoires a la mise en œuvre de l'Accord pour la Paix et la Réconciliation au Mali Issu du Processus d'Alger 05 June 2015 | (<https://bit.ly/308ScB2>)
 - Accord Pour la Paix et la Réconciliation au Mali - Issu du Processus d'Alger 20 June 2015 | (<https://bit.ly/3foPQob>)
 - Communiqué du Comité de Suivi de l'Accord de Paix 20 January 2016 | (listed by PA-X, <https://bit.ly/2Okk3J8>)
 - Alafia Doukire and Salam Municipal Peace Charter 28 January 2018 | (listed by PA-X, <https://bit.ly/305s5uP>)
 - Peace agreement between the Dogon and Fulani communities of Koro 28 August 2018 | (listed by PA-X, <https://bit.ly/2OhjvUt>)

- Commitment to a unilateral ceasefire from Youssouf Toloba and his armed group, Dan Nan Ambassagou 27 September 2018 | (listed by PA-X, <https://bit.ly/3gX4JP1>)
- Agreement between the Peul and Bozon communities of Kewa commune for the lifting of the blockade on Kouakourou (Mopti region) 19 January 2019 | (listed by PA-X, <https://bit.ly/2DumkPE>)
- Addendum to the Alafia Doukire and Salam Municipal Peace Charter 09 March 2019 | (listed by PA-X, <https://bit.ly/32blrWx>)
- Agreement between the Kel Inacharia and sedentary communities of the circle of Alafia, Bourem Inaly and Lafia 13 March 2019 | (listed by PA-X, <https://bit.ly/2Wfsg5M>)
- Agreement between the Dafing, Samogo, Fulani, Dogon and Bozo communities of the Baye municipality, located in the area (“circle”) of Bankass and the region of Mopti (Baye agreement) 25 July 2019 | (listed by PA-X, <https://bit.ly/38P1TIO>)
- Humanitarian agreement between Bambara and Bozo farmers, Fulani herders as well as hunters from the area (‘circle’) of Djenné 1 August 2019 | (listed by PA-X, <https://bit.ly/3gXXIx5>)
- Peace agreement between the Fulani, Dogon and Dafing communities of the municipality of Ouenkoro 16 August 2019 | (listed by PA-X, <https://bit.ly/2WfFJud>)
- Commitments for the prevention of conflicts between farmers and breeders of Tominian in the Segou region of Mali (listed by PA-X, <https://bit.ly/2BW7xgw>) 12 December 2019

Bilateral Agreements

* See Niger ‘Bilateral Agreements’ below at ‘Niger – Mali’

Mauritania

Domestic/National Agreements

- Accord cadre de Dakar entre les trois grands poles politiques mauritaniens 03 June 2009 | (<https://bit.ly/2CxLOLr>)

Bilateral Agreements

- Mauretano-Sahraoui Agreement (Algiers Agreement) Western-Sahara – Mauritania | 10 August 1979 | (<https://bit.ly/2C5rC3U>)

Multilateral Agreements

- Declaration of Principles on Western Sahara (Madrid Accords) Mauritania – Morocco – Spain | 14 November 1975 | (<https://bit.ly/2Wv4oLJ>)

Morocco

Bilateral Agreements

* See Western Sahara 'Bilateral Agreements' below at 'Western Sahara – Morocco'

Multilateral Agreements

* See Mauritania 'Multilateral Agreements' above at 'Mauritania – Morocco – Spain'

Mozambique

Domestic/National Agreements

- Joint Declaration on a Cessation of Armed Activity and Conflict 03 October 1984 | (<https://bit.ly/3eIXle9>)
- Joint Communique between Government of Mozambique and RENAMO 10 July 1990 | (listed by PA-X, <https://bit.ly/2Zm51sI>)
- Agreement on a Partial Ceasefire 01 December 1990 | (listed by PA-X, <https://bit.ly/3etk9IR>)
- General Peace Agreement for Mozambique 04 October 1992 | (<https://bit.ly/302tC52>)
 - Protocol I: Basic Principles
 - Protocol II: Criteria and Arrangements for the Formation and Recognition of Political Parties
 - Protocol III: Principles of the Electoral Act
 - Protocol IV: Military Questions
 - Protocol V: Guarantees
 - Protocol VI: Cease-fire
 - Protocol VII: Donors' Conference
 - Declaration by the Government of the Republic of Mozambique and Renamo on the Guiding Principles for Humanitarian Assistance
 - Joint Declaration on the Peace Agreement
 - Joint Communique on the Peace Agreement
- Lei de Amnistia 12 August 2014 | (listed by PA-X, <https://bit.ly/303rRnX>)
- Declaração de Cessação das Hostilidades Militares 25 August 2014 | (<https://bit.ly/3fkrhst>)
- Projecto de Lei de Memorando de Entendimento 25 August 2014 | (listed by PA-X, <https://bit.ly/32gWqcz>)
- Declaração de Princípios sobre a despartidarização da Função Pública 23 June 2015 | (listed by PA-X, <https://bit.ly/3frElw9>)

Bilateral Agreements

Mozambique – South Africa

- Agreement on Non-Aggression and Good Neighbourliness Between the Government of the People's Republic of Mozambique and the Government of the Republic of South Africa (The Nkomati Talks) Mozambique – South Africa | 16 March 1984 | (<https://bit.ly/2Cv1Kkp>)

Namibia

Domestic/National Agreements

- Principles concerning the Constituent Assembly and the Constitution for an Independent Namibia 17 July 1982 | (<https://bit.ly/2AU4qFf>)

Bilateral Agreements

Namibia – South Africa

- Joint Statement on the question of Walvis Bay, the Off-Shore Island and the Orange River boundary 17 May 1991 | (listed by PA-X, <https://bit.ly/2Oj7ZI3>)
- Second Joint Statement and Agreed Minutes of the Second Joint Meeting of the Joint Technical Committee on Walvis Bay and the Off-Shore Islands 26 March 1992 | (listed by PA-X, <https://bit.ly/2ZmqOjM>)
- Agreement on the Joint Administration of Walvis Bay and the Off-Shore Islands 09 November 1992 | (listed by PA-X, <https://bit.ly/3086Ubl>)
- Treaty between South Africa and Namibia with respect to Walvis Bay and the off-shore Islands 28 February 1994 | (<https://bit.ly/3073c1J>)

Multilateral Agreements

- Principles for a Peaceful Settlement in South-Western Africa (New York Principles) Angola – Cuba – Namibia – South Africa | 20 July 1988 | (<https://bit.ly/32dWpWI>)

* See also Angola 'Multilateral Agreements' above at 'Angola – Cuba – Namibia – South Africa'

Niger

Domestic/National Agreements

- Accord de paix entre le gouvernement de la République du Niger et

la Coordination de la Résistance Armée (CRA) 09 October 1994 | (<https://bit.ly/38OnaT9>)

- Accord établissant une paix définitive entre le Gouvernement de la République du Niger et l'Organisation de la Résistance Armée (O.R.A.) 15 April 1995 | (<https://bit.ly/3gWjiC6>)
- Protocole d'accord additionnel entre le Gouvernement de la République du Niger et l'Union des Forces de la Résistance Armée (FPLS, MUR, FAR) et les Forces Armées Révolutionnaires du Sahara 23 November 1997 | (listed by PA-X, <https://bit.ly/3eo9cbJ>)
- Accord de N'Djamena entre le Gouvernement de la République du Niger et le Front Démocratique pour le Renouveau (FDR) 21 August 1998 | (listed by PA-X, <https://bit.ly/3iWAvNN>)
- Accord de paix entre les communautés peulh et arabe mahamid des communes de Foulatari, N'guelbeli, Goudoumaria et Maine Soroa 23 December 2018 | (listed by PA-X, <https://bit.ly/38RKakf>)
- Diffa Declaration of Commitment 12 September 2019 | (listed by PA-X, <https://bit.ly/3fpgD3L>)

Bilateral Agreements

Niger – Mali

- Agreement between the Daoussahaq community in Talatayt (Mali) and Peulh community in Niger on the peaceful exploitation of natural resources 13 May 2016 | (listed by PA-X, <https://bit.ly/3foOVUL>)
- Additional Agreement on the Reconciliation between the Daoussahaq and Peuhls Communities relating to the peaceful use of natural resources along the Mali-Niger border 07 November 2016 | (listed by PA-X, <https://bit.ly/2ZkK8y2>)
- Understanding between the Tarbanasa, Ibawen and Targaitamout communities in the Tamalet area 28 April 2018 | (listed by PA-X, <https://bit.ly/3iVMkUv>)
- Agreement between Idoufane and Ibogolitane communities from the regions of Gao and Ménaka in Mali and of Tillabéry in Niger (Gao agreement) 20 November 2018 | (listed by PA-X, <https://bit.ly/38Omw88>)

Nigeria

Domestic/National Agreements

- Hausa Community Declaration of Peace 18 May 2013 | (listed by PA-X, <https://bit.ly/38Yf7TS>)
- Fulani Communities Declaration of Intent 19 May 2013 | (listed by PA-X, <https://bit.ly/301MfWJ>)
- Declaration of Intent and Signatures 10 July 2013 | (listed by PA-X,

- <https://bit.ly/3gWj3ay>)
- Joint Declaration of Commitment to Peace and Cooperation 14 December 2014 | (listed by PA-X, <https://bit.ly/2We0ary>)
 - Declaration of Intent and Signatures 02 November 2015 | (listed by PA-X, <https://bit.ly/2BVMZVq>)
 - Kafanchan Peace Declaration (Southern Kaduna State Inter-Communal Dialogue) 23 March 2016 | (listed by PA-X, <https://bit.ly/38Rkx2N>)
 - Kafanchan Peace Declaration between Grazers and Farmers 23 March 2016 | (listed by PA-X, <https://bit.ly/2DyWRVj>)
 - Movement for the Emancipation of the Niger Delta statement 30 July 2016 | (listed by PA-X, <https://bit.ly/2OINjz2>)
 - Southern Plateau Peace Declaration 22 December 2016 | (listed by PA-X, <https://bit.ly/3fp5HmJ>)
 - Agreement between Agatu People of Benue State and Fulani Herdsman of Nasarawa State of Nigeria 06 January 2017 | (listed by PA-X, <https://bit.ly/2DBUX6u>)
 - Oyo State Workshop Resolutions on the Promotion of Community Dialogue, Conflict Resolution and Peacebuilding for Share and Tsaragi Communities 01 June 2017 | (listed by PA-X, <https://bit.ly/3j0bTDE>)
 - Joint Communique by the chairs of the ten communities to resolve the Farmer-Herder Conflict in Benue State 26 March 2020 | (listed by PA-X, <https://bit.ly/2C4GwHC>)

Bilateral Agreements

* See Cameroon 'Bilateral Agreements' above at 'Cameroon – Nigeria'

Rwanda

Domestic/National Agreements

- The N'sele Ceasefire Agreement between the Government of the Rwandese Republic and the Rwandese Patriotic Front 12 July 1992 | (<https://bit.ly/2Oh2Nob>)
- Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Rule of Law 18 August 1992 | (<https://bit.ly/2Oh4B0t>)
- Protocol of Agreement on Power-sharing within the Framework of a Broad-based Transitional Government between the Government of the Republic of Rwanda and the Rwandese Patriotic Front 09 January 1993 | (<https://bit.ly/38SUiJb>)
- Protocol of Agreement between the Government of Rwanda and the Rwandese Patriotic Front on the Repatriation of Rwandese Refugees

and the Resettlement of Displaced Persons 09 June 1993 | (<https://bit.ly/3fobybL>)

- Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Miscellaneous Issues and Final Provisions 03 August 1993 | (<https://bit.ly/3fmXOyc>)
- Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Integration of the Armed Forces of the Two Parties 03 August 1993 | (<https://bit.ly/2C803a1>)
- Peace Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front 04 August 1993 | (<https://bit.ly/3fA18by>)

Bilateral Agreements

* See Democratic Republic of the Congo 'Bilateral Agreements' above at 'DRC – Rwanda'

* See Uganda 'Bilateral Agreements' below at 'Uganda – Rwanda'

Senegal

Domestic/National Agreements

- Toubacouta Communiqué 29 March 1991 | (listed by PA-X, <https://bit.ly/3frpe5V>)
- Ziguinchor Peace Agreement between Government of Senegal and the MFDC 30 December 2004 | (<https://bit.ly/2Znx0rW>)

Sierra Leone

Domestic/National Agreements

- Peace Agreement between the Government of the Republic of Sierra Leone and the RUF/SL (Abidjan Peace Agreement) 30 November 1996 | (<https://bit.ly/2Zm90oX>)
- Conakry Peace Plan 23 October 1997 | (<https://bit.ly/2ZZOg5E>)
- Agreement on Ceasefire in Sierra Leone 18 May 1999 | (<https://bit.ly/2ZlfxQX>)
- Statement by the Government of Sierra Leone and the Revolutionary United Front of Sierra Leone on the Release of Prisoners of War and Non-Combatants 02 June 1999 | (listed by PA-X, <https://bit.ly/3gSsibv>)
- Statement by the Government of Sierra Leone and the Revolutionary United Front of Sierra Leone on the Delivery of Humanitarian Assistance in Sierra Leone 03 June 1999 | (listed by PA-X, <https://bit.ly/2On196I>)
- Peace Agreement between the Government of Sierra Leone and

the RUF (Lomé Peace Agreement) 07 July 1999 | (<https://bit.ly/2WdWhTu>)

- Agreement of Ceasefire and Cessation of Hostilities between the Sierra Leone Government and the Revolutionary United Front (RUF) 10 November 2000 | (<https://bit.ly/2BVLOFt>)
- Communiqué on the Cessation of Hostilities between the Civil Defense Force (CDF) and the Revolutionary United Front (RUF) 15 May 2001 | (<https://bit.ly/3fuQbWA>)

Somalia

Domestic/National Agreements

- Pledge signed at UN Headquarters by Mr Mohamed Afah 14 February 1992 | (listed by PA-X, <https://bit.ly/2Dq4LjI>)
- Pledge signed at UN Headquarters by Mr Osman Ali 14 February 1992 | (listed by PA-X, <https://bit.ly/3gSiFtE>)
- Agreement on the implementation of the ceasefire signed by Ahmed Aidid 03 March 1992 | (listed by PA-X, <https://bit.ly/2Oc9l7w>)
- Agreement on the implementation of the ceasefire signed by Interim President Ali Mohamed 03 March 1992 | (listed by PA-X, <https://bit.ly/2AQ2gq1>)
- The General Agreement 08 January 1993 | (<https://bit.ly/2CmEWRc>)
- Agreement on the Establishment of an Ad Hoc Committee 15 January 1993 | (<https://bit.ly/3fkg8bh>)
- Agreement on Implementing the Ceasefire and on Modalities of Disarmament 15 January 1993 | (<https://bit.ly/2WbgxoF>)
- Addis Ababa Agreement 27 March 1993 | (listed by PA-X, <https://bit.ly/2AOhrju>)
- Declaration by the Leaders of the Somali Political Organizations 24 March 1994 | (<https://bit.ly/2Wd6EXM>)
- Sodere Declaration 03 January 1997 | (listed by PA-X, <https://bit.ly/3iTUIInq>)
- Cairo Declaration on Somalia 22 December 1997 | (<https://bit.ly/2ZXytV6>)
- Declaration of National Commitment 05 May 2000 | (listed by PA-X, <https://bit.ly/3278nS4>)
- Declaration on Cessation of Hostilities and the Structures and Principles of the Somalia National Reconciliation Process 27 October 2002 | (<https://bit.ly/3gM5slS>)
- Transitional Federal Charter of the Somali Republic 01 February 2004 | (<https://bit.ly/3flfkCV>)
- Aden Declaration 04 January 2006 | (<https://bit.ly/2ZYuW8N>)
- Communiqué Issued by the Meeting of the Ministerial Committee on

- Somalia 22 June 2006 | (<https://bit.ly/38KPvtk>)
- Final Communiqué of the 2nd Round of Talks between the Transitional Federal Government and the Islamic Courts 04 September 2006 | (<https://bit.ly/38LvkeZ>)
 - Idale Peace Agreement between the Hubeer and Yantaar 31 December 2006 | (listed by PA-X, <https://bit.ly/2ZUCKZi>)
 - Final Agreement from the National Reconciliation Commission-lead Initiative 15 January 2007 | (listed by PA-X, <https://bit.ly/2ZjXj2n>)
 - Peace Agreement between the Sa'ad and Saleman sub-clans 18 February 2007 | (listed by PA-X, <https://bit.ly/2C3SfGh>)
 - Agreement between the Transitional Federal Government of Somalia (TFG) and the Alliance for the Re-Liberation of Somalia (ARS) (Djibouti Agreement) 19 August 2008 | (<https://bit.ly/2DoUog3>)
 - Joint Statement between the Transitional Federal Government (TFG) and the Alliance for the Re-liberation of Somalia (ARS) on Somalia Emergency and Drought Relief 21 September 2008 | (<https://bit.ly/3eisbV1>)
 - Modalities for the Implementation of the Cessation of Armed Confrontation 26 October 2008 | (<https://bit.ly/2DxLixM>)
 - Joint Declaration between the Transitional Federal Government and the Alliance for the Re-Liberation of Somalia 26 October 2008 | (<https://bit.ly/3flnsmU>)
 - Decision on the High Level Committee Djibouti Agreement 25 November 2008 | (<https://bit.ly/3gPX194>)
 - Declaration of Cooperation between Ahlu Sunnah Wal Jamaa and the Government of Somalia 21 June 2009 | (<https://bit.ly/3fm3Bno>)
 - Agreement between the Transitional Federal Government of Somalia and Ahlu Sunna Waljama'a 15 March 2010 | (<https://bit.ly/2ZYPCxz>)
 - Kampala Accord 09 June 2011 | (<https://bit.ly/3gTICJf>)
 - End of the Transition Roadmap 06 September 2011 | (<https://bit.ly/38M7G1T>)
 - Protocol Establishing the Signatories Technical Facilitation Committee 22 June 2012 | (<https://bit.ly/2Dz4zij>)
 - Protocol Establishing the Somali New Federal Parliament 22 June 2012 | (<https://bit.ly/3h1qLjJ>)
 - Protocol Establishing the Somali National Constituent Assembly 22 June 2012 | (<https://bit.ly/2ZiMn4K>)
 - Protocol Establishing the Technical Selection Committee 22 June 2012 | (<https://bit.ly/2Dz4BXt>)
 - Joint Communiqué of the Consultative Meeting of the Signatories of the Process for Ending the Transition 22 June 2012 | (<https://bit.ly/3iSlA7h>)
 - Agreement between the Federal Government of Somalia and Jubba

- Delegation 27 August 2013 | (<https://bit.ly/2ZkLusM>)
- Agreement: An Inclusive Interim Administration for the South West Regions of Somalia (Bay, Bakol and Lower Shabelle) 22 June 2014 | (<https://bit.ly/3eoDWJr>)
 - Central Regions State Formation Agreement (Mudug and Galgadug) 30 August 2014 | (<https://bit.ly/3iVcIO3>)
 - Communique from the Mogadishu Declaration of the National Consultative Forum 16 December 2015 | (listed by PA-X, <https://bit.ly/3h1szt1>)
 - Galkayo City Ceasefire 2 December 2015 | (listed by PA-X, <https://bit.ly/2BR933r>)

Bilateral Agreements

- Mudug Peace Agreements Somalia – (Puntland) | 04 June 1993 | (listed by PA-X, <https://bit.ly/3ekLM74>)
- Ramada Peace Agreement Somalia – (Puntland) | 04 December 2005 | (listed by PA-X, <https://bit.ly/3gHzMy6>)
- Agreement between Transitional Federal Government and the Puntland Regional State of Somalia (Galgayo Agreement) Somalia – (Puntland) | 23 August 2009 | (<https://bit.ly/2CnPcIU>)
- The Garowe Principles on Federalism, System of Government and Ending of Transition (Garowe I) Somalia – (Puntland) | 24 December 2011 | (listed by PA-X, <https://bit.ly/2DBkYD3>)
- The Garowe II Principles on Federalism, System of Government and Ending of Transition through operationalizing Garowe I (Garowe II) Somalia – (Puntland) | 07 February 2012 | (listed by PA-X, <https://bit.ly/3iTjkNe>)
- Agreement between the Federal Government of Somalia and Puntland State of Somalia Somalia – (Puntland) | 14 October 2014 | (<https://bit.ly/327pZNH>)
- Agreement between the Federal Government of Somalia and the Government of Puntland State of Somalia Somalia – (Puntland) | 03 April 2016 | (listed by PA-X, <https://bit.ly/2W7Z94a>)
- National Leaders Forum Communique Somalia – (Puntland) | 12 April 2016 | (listed by PA-X, <https://bit.ly/2DBkhJX>)
- Eritrea-Somalia Joint Declaration on Brotherly Relations and Comprehensive Cooperation Somalia – Eritrea | 30 July 2018 | (listed by PA-X, <https://bit.ly/324Hzlv>)

Multilateral Agreements

Somalia – Ethiopia – Ogaden – Puntland

- Adadda Peace Agreement 15 May 1997 | (listed by PA-X, <https://bit.ly/301DThO>)

- Adadda Peace Agreement 10 March 2007 | (listed by PA-X, <https://bit.ly/2ZilUUX>)
- Burtinle Peace Agreements 06 May 2007 | (listed by PA-X, <https://bit.ly/32bVOoz>)
- Joint Declaration on Comprehensive Cooperation between Ethiopia, Somalia and Eritrea Somalia – Eritrea – Ethiopia – (Ogaden) | 5 September 2018 | (listed by PA-X, <https://bit.ly/329HsoK>)

South Africa

Domestic/National Agreements

- Harare Declaration 21 August 1989 | (<https://bit.ly/38OUVnn>)
- Groote Schuur Minute 04 May 1990 | (<https://bit.ly/2CukVbz>)
- Pretoria Minute 06 August 1990 | (<https://bit.ly/2Om2313>)
- Agreement between the African National Congress and the Inkatha Freedom Party 29 January 1991 | (listed by PA-X, <https://bit.ly/3h5k0x1>)
- The D.F. Malan Accord 12 February 1991 | (listed by PA-X, <https://bit.ly/2C8cfrt>)
- National Peace Accord 14 September 1991 | (<https://bit.ly/32cQd1e>)
- Memorandum of Understanding between South African and the United Nations High Commissioner for Refugees on the Voluntary Repatriation and Reintegration of South African Refugees 16 September 1991 | (listed by PA-X, <https://bit.ly/32ca2WH>)
- CODESA Declaration of Intent 21 December 1991 | (<https://bit.ly/2ZrVpNf>)
- Record of Understanding between the African National Congress and the South African Government/National Party 26 September 1992 | (listed by PA-X, <https://bit.ly/32oshID>)
- Memorandum of Agreement for Reconciliation and Peace between the Inkatha Freedom Party, Kwa-Zulu Natal Government and the African National Congress and the South African Government/National Party 19 April 1994 | (listed by PA-X, <https://bit.ly/38P6oTM>)

Bilateral Agreements

* See Mozambique 'Bilateral Agreements' above at 'Mozambique – South Africa'

* See also Namibia 'Bilateral Agreements' above at 'Namibia – South Africa'

Multilateral Agreements

* See Angola 'Multilateral Agreements' above at 'Angola – Cuba – Namibia – South Africa' and at 'Angola – Cuba – South Africa'

Sudan and South Sudan

Domestic/National Agreements

- Addis Ababa Agreement on the Problem of South Sudan 27 February 1972 | (<https://bit.ly/3iW52eH>)
- Koka Dam Declaration 24 March 1986 | (<https://bit.ly/2DCS5pW>)
- Communiqué of the Abuja Sudanese Peace Conference 04 June 1992 | (<https://bit.ly/2Zoe2l9>)
- IGAD Declaration of Principles 20 May 1994 | (<https://bit.ly/38SGcYu>)
- Political Charter between the Sudan Government and the SPLA/M (United) 26 April 1995 | (<https://bit.ly/2DDITSb>)
- Declaration of Principles for the Resolution of the Nuba Mountains' Problem 31 July 1996 | (<https://bit.ly/3j1ZXSe>)
- Sudan Peace Agreement 21 April 1997 | (<https://bit.ly/2BYW4ga>)
- The Fashoda Peace Agreement 20 September 1997 | (<https://bit.ly/2We14nU>)
- The Homeland Call 25 November 1999 | (listed by PA-X, <https://bit.ly/3iYwIVG>)
- Nuba Mountains Ceasefire Agreement on Sudan 19 January 2002 | (<https://bit.ly/2OicHFR>)
- Agreement between the Government of the Republic of Sudan and the Sudan People's Liberation Movement to Protect Non-Combatant Civilians and Civilian Facilities from Military Attack 31 March 2002 | (<https://bit.ly/2Wc4NSM>)
- Status of Mission Agreement on the Joint Monitoring Mission in the Nuba Mountains Area of Sudan 02 April 2002 | (listed by PA-X, <https://bit.ly/2ZoFsaw>)
- Machakos Protocol 20 July 2002 | (<https://bit.ly/2AZ013W>)
- Memorandum of Understanding on Cessation of Hostilities between the Government of the Sudan and the Sudan People's Liberation Movement/Army 15 October 2002 | (<https://bit.ly/32gDkTV>)
- Memorandum of Understanding between the Government of the Sudan (GoS) and the Sudan People's Liberation Movement/Army (SPLM/A) on Aspects of Structures of Government 18 November 2002 | (<https://bit.ly/2DDbhE1>)
- Addendum to the Memorandum of Understanding on Cessation of Hostilities Between the Government of Sudan (GOS) and the Sudan People's Liberation Movement/Army (SPLM/A) 04 February 2003 | (<https://bit.ly/2AUBSVN>)
- Agreement between the Government of Sudan and the Sudan People's Liberation Movement on Capacity Building and the Creation of a Joint Planning Mechanism (JPM) from the Sudan Technical Meeting

- 10 May 2003 | (<https://bit.ly/32dG6cs>)
- Agreement on Security Arrangements during the Interim Period 25 September 2003 | (<https://bit.ly/3foG7hv>)
 - Humanitarian Ceasefire Agreement on the Conflict in Darfur 02 April 2004 | (<https://bit.ly/2OgpGbk>)
 - Agreement between the Government of Sudan, the Sudan Liberation Movement (SLM), and the Justice and Equality Movement (JEM) 25 April 2004 | (<https://bit.ly/3fvoIUI>)
 - Protocol between the Government of Sudan (GoS) and the People's Liberation Movement (SPLM) on the Resolution of Abyei Conflict 26 May 2004 | (<https://bit.ly/3eovtWT>)
 - Protocol between the Government of Sudan (GoS) and the Sudan People's Liberation Movement (SPLM) on the Resolution of Conflict in Southern Kordofan/Nuba Mountains and Blue Nile States 26 May 2004 | (<https://bit.ly/2OiFHxc>)
 - Protocol between the Government of the Sudan and the Sudan People's Liberation Movement (SPLM) on Power Sharing 06 May 2004 | (<https://bit.ly/3gQNsH2>)
 - Agreement with the Sudanese Parties on the Modalities for the Establishment of the Ceasefire Commission and the Deployment of Observers in the Darfur 28 May 2004 | (<https://bit.ly/3enNGUx>)
 - Nairobi Declaration on the Final Phase of Peace in the Sudan 05 June 2004 | (<https://bit.ly/3gStefX>)
 - Protocol between the Government of the Sudan, SLM/A and JEM on the Enhancement of the Security Situation in Darfur in accordance with the N'Djamena Agreement 09 November 2004 | (<https://bit.ly/2ZpBjmB>)
 - Protocol between the Government of Sudan, SLM/A and the JEM on the Improvement of the Humanitarian Situation in Darfur 09 November 2004 | (<https://bit.ly/2CuP8Hk>)
 - Declaration on the Conclusion of IGAD Negotiations on Peace in the Sudan 19 November 2004 | (<https://bit.ly/32e4JWM>)
 - Permanent Ceasefire between the Government of the Republic of the Sudan (GoS) and the Sudan People's Liberation Movement/Army (SPLM/A) 31 December 2004 | (<https://bit.ly/2CseKog>)
 - Comprehensive Peace Agreement between the Government of Sudan and the SPLM/SPLA (with Annexes) 09 January 2005 | (<https://bit.ly/3iUmYpY>)
 - Chapeau of the Comprehensive Peace Agreement 09 January 2005 | (<https://bit.ly/38PT7KN>)
 - Agreement between the Government of Sudan and the National Democratic Alliance (NDA) (Cairo Agreement) 16 June 2005 | (<https://bit.ly/2OiGxtQ>)
 - Declaration of Principles for the Resolution of the Sudanese Conflict

- in Darfur 05 July 2005 | (<https://bit.ly/3gNievE>)
- Juba Declaration on Unity and Integration between the Sudan People's Liberation Army (SPLA) And the South Sudan Defence Forces (SSDF) 08 January 2006 | (<https://bit.ly/38RS5xL>)
 - Darfur Peace Agreement 05 May 2006 | (<https://bit.ly/2OgThRQ>)
 - Declaration of Commitment to the Darfur Peace Agreement 08 June 2006 | (<https://bit.ly/38Tpgkp>)
 - Eastern Sudan Peace Agreement 19 June 2006 | (<https://bit.ly/38QaMC0>)
 - Declaration of Principles for the Resolution of the Conflict in Eastern Sudan
 - Agreement to Create a Conducive Atmosphere for Peace
 - Agreement for Implementation of the Provisions Agreement for Creating a Conducive Atmosphere for Peace
 - Tripoli Agreement between the Government of Sudan and Free Lions Movement
 - Implementation of Tripoli Agreement Signed Between The Sudanese Government And The Free Lions Organization
 - Chairman's Conclusions from the Arusha Consultations 06 August 2007 | (<https://bit.ly/2CuL5uC>)
 - Roadmap for Return of IDPs and Implementation of Abyei Protocol 08 June 2008 | (<https://bit.ly/2We2K0x>)
 - Chadian Mediator Text of Aichi Agreement 08 November 2008 | (listed by PA-X, <https://bit.ly/3foE7WP>)
 - Agreement of Good Will and Confidence Building for the Settlement of the Problem in Darfur 17 February 2009 | (<https://bit.ly/32cSSZ1>)
 - Juba Declaration on Dialogue and National Consensus 30 September 2009 | (<https://bit.ly/2Ok9wh5>)
 - Framework Agreement to Resolve the Conflict in Darfur between the Government of Sudan and the JEM 23 February 2010 | (<https://bit.ly/2WfdNqj>)
 - Framework Agreement to Resolve the Conflict in Darfur between the Government of Sudan and the LJM 18 March 2010 | (<https://bit.ly/2Cry6Km>)
 - Ceasefire Agreement between the Government of Sudan and the LJM 18 March 2010 | (<https://bit.ly/3ejB4h6>)
 - Mekelle Memorandum of Understanding between the NCP and the SPLM on Post-referendum Issues and Arrangements 22 June 2010 | (<https://bit.ly/38T3LjV>)
 - Ceasefire Implementation Mechanism (Annex to Ceasefire Agreement of 18 March 2010 between the Government of Sudan and the LJM) 22 July 2010 | (<https://bit.ly/3iZNxKz>)
 - Doha Document for Peace in Darfur (DDPD) 31 May 2011 | (<https://bit.ly/38OKW1l>)
 - Agreement between the Government of Sudan and SPLM on

- Temporary Arrangements for the Administration and Security of the Abyei Area 20 June 2011 | (<https://bit.ly/2OmMITn>)
- Agreement on Political Partnership between NCP and SPLM/N and Political and Security Arrangements in Blue Nile and Southern Kordofan States 28 June 2011 | (<https://bit.ly/3iXQNWJ>)
 - Agreement between the Government of Sudan and the LJM for the Adoption of the Doha Document for Peace in Darfur 14 July 2011 | (<https://bit.ly/2AZ11DW>)
 - Protocol on the Political Participation of the Liberation and Justice Movement (LJM) and Integration of its Forces 16 July 2011 | (<https://bit.ly/3j4Xfvh>)
 - Declaration of Cessation of Hostilities and Commitment to the Peace Process between the Government of Sudan and the Justice and Equality Movement Sudan (JEM) 22 October 2012 | (<https://bit.ly/3gUUudT>)
 - Ceasefire Agreement between the Government of Sudan and the Justice and Equality Movement-Sudan (JEM) 10 February 2013 | (<https://bit.ly/303Knga>)
 - Final Communiqué: Reconciliation Conference between the Misseriyya Tribes; the Awlad Hayban and Awlad Serur and al-Metanin 01 March 2013 | (listed by PA-X, <https://bit.ly/2CyaZhi>)
 - Protocol on the Participation of JEM-Sudan at the different levels of Government and on the Integration of its Forces 29 March 2013 | (<https://bit.ly/2C8ZAVd>)
 - Agreement between the Government of Sudan and the Justice and Equality Movement-Sudan on the Basis of the Doha Document for Peace in Darfur 13 April 2013 | (<https://bit.ly/2WfIZWC>)
 - Roadmap Agreement 21 March 2016 | (<https://bit.ly/2WdPmd2>)
 - Political agreement on establishing the structures and institutions of the transitional period between the Transitional Military Council and the Declaration of Freedom and Change Forces 17 July 2019 | (listed by PA-X, <https://bit.ly/2OmKs9f>)

Bilateral Agreements

- Agreement reached between the State of Eritrea and the Republic of the Sudan Eritrea – Sudan | 02 May 1999 | (<https://bit.ly/3h67ei7>)
- Agreement between the Governments of Sudan and Uganda (Nairobi Agreement) Uganda – Sudan | 08 December 1999 | (<https://bit.ly/2Wc9xIo>)
- Tripoli Agreement to Settle the Dispute between the Republic of Chad and the Republic of Sudan Chad – Sudan | 08 February 2006 | (<https://bit.ly/3iXYhsU>)

Sudan – South Sudan

- Terms of Reference for the Abyei Joint Committee 08 September 2011 | (<https://bit.ly/2Oguq0C>)
- Framework Agreement on the Status of Nationals of the Other State and Related Matters between the Republic of the Sudan and the Republic of South Sudan 13 March 2012 | (<https://bit.ly/2CxSXvf>)
- Abyei Joint Oversight Committee (AJOC) Pact on Core Principles for Peaceful Coexistence 10 August 2012 | (<https://bit.ly/38PIGXq>)
- Agreement between Sudan and South Sudan on Border Issues 27 September 2012 | (<https://bit.ly/32escaa>)
- Agreement on a Framework for Cooperation on Central Banking Issues between Sudan and South Sudan 27 September 2012 | (<https://bit.ly/3gQHk1B>)
- Cooperation Agreement between Sudan and South Sudan 27 September 2012 | (<https://bit.ly/2ZsJ0sp>)
- Agreement on Trade and Trade Related Issues between Sudan and South Sudan 27 September 2012 | (<https://bit.ly/3evpSyc>)
- Framework Agreement on the Status of Nationals of the Other State and Related Matters between Sudan and South Sudan 27 September 2012 | (<https://bit.ly/3gQQfA0>)
- Agreement between Sudan and South Sudan on Security Arrangements 27 September 2012 | (<https://bit.ly/3fC61yJ>)
- Framework Agreement to Facilitate Payment of Post Service benefits between Sudan and South Sudan 27 September 2012 | (<https://bit.ly/3gWKAly>)
- Agreement between Sudan and South Sudan on Oil and related Economic Matters 27 September 2012 | (<https://bit.ly/3gZN4pX>)
- Agreement between Sudan and South Sudan on Certain Economic Matters 27 September 2012 | (<https://bit.ly/32bDmwh>)
- Implementation Modalities for Security Arrangements agreed on 27 September 2012 08 March 2013 | (<https://bit.ly/2Wekt8q>)
- Implementation Matrix for Agreements between the Sudan and South Sudan 12 March 2013 | (<https://bit.ly/329l4Mh>)

* See also Sudan 'Bilateral Agreements' below at 'Sudan – Uganda'

* See also Chad 'Bilateral Agreements' above at 'Chad – Sudan'

Multilateral Agreements

* See Central African Republic 'Multilateral Agreements' above at 'Central African Republic – Chad – Sudan'

Togo

Domestic/National Agreements

- Dialogue inter-togolais: accord cadre de Lomé 29 July 1999 | (<https://bit.ly/32bDVX5>)
- Dialogue inter-togolais: accord politique global 20 August 2006 | (<https://bit.ly/3gRgzKm>)
- Dialogue inter-togolais: memorandum des partis politiques signataires de l'Accord Politique Global et représentés à l'Assemblée Nationale 07 August 2009 | (<https://bit.ly/3fk6tRT>)

Uganda

Domestic/National Agreements

- Uganda Peace Talks Agreement for the Restoration of Peace to the Sovereign State of the Republic of Uganda 17 December 1985 | (<https://bit.ly/2OfOYGv>)
- Peace Agreement between the Uganda Government and the Uganda People's Democratic Movement (Pece Agreement) 03 June 1988 | (<https://bit.ly/2ANXmd5>)
- Agreement between the Uganda Government and the LRA (Gulu Ceasefire) 02 February 1994 | (<https://bit.ly/2BR4shH>)
- Ceasefire Agreement between the Government of the Republic of Uganda and the Uganda National Rescue Front II 15 June 2002 | (<https://bit.ly/3ee0kW4>)
- Peace Agreement between the Government of the Republic of Uganda and the National Rescue Front II (Yumbe Peace Agreement) 24 December 2002 | (<https://bit.ly/38Lj3ac>)
- Agreement on Cessation of Hostilities between the Government of the Republic of Uganda and the Lord's Resistance Army/Movement (LRA/M) 26 August 2006 | (<https://bit.ly/3ee0FYQ>)
- Cessation of Hostilities Agreement between the Government of the Republic of Uganda and the LRA/M (Addendum 1) 01 November 2006 | (<https://bit.ly/2ZZ2mnY>)
- Cessation of Hostilities Agreement between the Government of the Republic of Uganda and the LRA/M (Addendum 2) 16 December 2006 | (<https://bit.ly/3fkMMJJ>)
- Cessation of Hostilities Agreement between the Government of the Republic of Uganda and the LRA/M (Addendum 3) 14 April 2007 | (<https://bit.ly/3ekQKkn>)
- Agreement on Comprehensive Solutions between the Government of the Republic of Uganda and the LRA/M 02 May 2007 | (<https://bit.ly/2ASN4Zm>)

- Agreement on Accountability and Reconciliation between the Government of the Republic of Uganda and the LRA/M 26 June 2007 | (<https://bit.ly/2ZjT0UL>)
- Cessation of Hostilities Agreement between the Government of the Republic of Uganda and the LRA/M (Addendum 4) 03 November 2007 | (<https://bit.ly/3fl4o85>)
- Cessation of Hostilities Agreement between the Government of the Republic of Uganda and the LRA/M (Addendum 5) 30 January 2008 | (<https://bit.ly/2CtModu>)
- Annexure to the Agreement on Accountability and Reconciliation 19 February 2008 | (<https://bit.ly/3fkMYIX>)
- Implementation Protocol to the Agreement on Comprehensive Solutions 22 February 2008 | (<https://bit.ly/2OjwdSk>)
- Agreement on a Permanent Ceasefire 23 February 2008 | (<https://bit.ly/326iy9o>)
- Agreement on Implementation and Monitoring Mechanisms 29 February 2008 | (<https://bit.ly/3fmRDtP>)
- Agreement on Disarmament, Demobilization and Reintegration 29 February 2008 | (<https://bit.ly/3gQeBKd>)
- Cessation of Hostilities Agreement between the Government of the Republic of Uganda and the Lord's Resistance Army/Movement (LRA/M). Addendum 6 01 March 2008 | (<https://bit.ly/2AONe3Q>)
- Bilateral Agreements
- Agreement between the Governments of Sudan and Uganda (Nairobi Agreement) Uganda – Sudan | 08 December 1999 | (<https://bit.ly/3iV76DN>)
- Memorandum of Understanding between the Government of Uganda and the Government of Rwanda on the Formation of a Joint Verification and Investigation Committee Uganda – Rwanda | 06 November 2001 | (<https://bit.ly/2BRHIy7>)
- Agreement between the DRC and Uganda on withdrawal of Ugandan Troops, Cooperation and Normalization of Relations between the two countries (Luanda Agreement) Uganda – DRC | 06 September 2002 | (<https://bit.ly/3iMvY0e>)

* See also Uganda 'Bilateral Agreements' above at 'Uganda – Sudan'

Western Sahara

Bilateral Agreements

Western Sahara – Morocco

- The Settlement Proposals 30 August 1988 | (<https://bit.ly/2Cs9tgk>)
- Results of the Second Round of Direct Talks (London Compromise

- Agreement on Outstanding Identification Issues) 20 July 1997 | (<https://bit.ly/3iUyPV6>)
- Results of the Third Round of Direct Talks (Lisbon Compromise) 29 August 1997 | (<https://bit.ly/2Ofp19Z>)
 - Results of the Fourth Round of Direct Talks (Houston Accords) 16 September 1997 | (<https://bit.ly/2Wqu4cn>)
 - Communiqué: Manhasset I 19 June 2007 | (<https://bit.ly/2ZjkqK1>)
 - Communiqué: Manhasset II 11 July 2007 | (<https://bit.ly/3fl3g4l>)
 - Communiqué: Manhasset III 09 January 2008 | (<https://bit.ly/3iQudiB>)
 - Communiqué: Manhasset IV 18 March 2008 | (<https://bit.ly/2WaYYFo>)
 - Communiqué of the Special Envoy for Western Sahara on the Third Informal Meeting 09 November 2011 | (<https://bit.ly/2W5MfUk>)
 - Mauretania-Sahraoui Agreement (Algiers Agreement) Western Sahara – Mauritania | 10 August 1979 | (<https://bit.ly/327muH3>)

Zimbabwe

Domestic/National Agreements

- Lancaster House Agreement 21 December 1979 | (<https://bit.ly/2AUAAtVC>)
- Memorandum of Understanding between the ZANU-PF and the two MDC Formations 21 August 2008 | (<https://bit.ly/3erMks1>)
- Agreement between the ZANU-PF and the two MDC Formations on Resolving the Challenges Facing Zimbabwe 15 September 2008 | (<https://bit.ly/3fm0hbU>)

Useful Websites

African Centre for the Constructive Resolution of Disputes	https://www.accord.org.za
African Union	https://www.au.int
African Union Peer Review Mechanism	https://www.aprm-au.org
AU Peace and Security Council	https://www.peaceau.org
Centre for Systemic Peace	https://www.systemicpeace.org
Common Market for Eastern and Southern Africa	https://www.commesa.int
East African Community	https://www.eac.int
East African Legislative Assembly	https://www.eala.org
Eastern Africa Standby Force	https://www.easfcom.org
Economic and Monetary Community of Central Africa	https://www.cemac.int
ECOWAS Counter Terrorism Strategy Tracker	https://www.ecowascounterterrorism.org
ICGLR Levy Mwanawasa Regional Centre (LMRC) for Democracy, Good Governance, Human Rights and Civic Education	https://www.icglr-lmrc.org
IGAD's Conflict Early Warning and Response Mechanism	https://www.cewarn.org
Indian Ocean Commission	https://www.commissionoceanindien.org/
Intergovernmental Authority on Development	https://www.igad.int
International Conference on the Great Lakes Region	https://www.iclr.org
Mano River Union	https://www.mru.int
Southern African Development Community	https://www.sadc.int
The University of Edinburgh, Peace Agreements Database (PA-X)	https://www.peaceagreements.org
Trade Law Centre	https://www.tralac.org
United Nations Peace Agreements Database (Peacemaker)	https://www.peacemaker.un.org
African Union Mission in the Central African Republic	https://misca.peaceau.org

Selected Bibliography

- Abass, A (ed), *Protecting Human Security in Africa* (2010, Oxford University Press)
- Badmus, I *The African Union's Role in Peacekeeping: Building on Lessons Learned from Security Operations* (2015, Palgrave Macmillan)
- Bassou, A 'State, Borders and Territory in the Sahel: The case of the G5 Sahel' (Policy Brief, October 2017)
- Braveboy-Wagner, JA *Institutions of the Global South* (2009, Routledge)
- De Coning, C & Kasumba, Y (eds), *The Civilian Dimension of the African Standby Force* (African Union, African Centre for the Constructive Resolution of Disputes 2010)
- Desmidt S & Hauck, V 'Understanding the Eastern Africa Standby Force: A regional mechanism without a political home' (March 2017) *Series Paper on Political Economy Dynamics of Regional Organisations (PEDRO)*, European Centre for Development Policy Management
- Elu J & Price, G 'The Causes and Consequences of Terrorism in Africa' in Célestin Monga & Justin Lin (eds), *The Oxford Handbook of Africa and Economics, Volume 1: Context and Concepts* (2015, Oxford University Press)
- Jacobsen KL & Nordby, JR *Marine Security in the Gulf of Guinea* (2015, Royal Danish Defence College Publishing House)
- Juma, M *Compendium of Key Documents Relating to Peace and Security in Africa* (2006, Pretoria University Law Press)
- Magliveras, K & Naldi, G 'The African Union: A New Dawn for Africa?' (2002) 51(2) *International and Comparative Law Quarterly* 222
- Maina G & Ahere, J 'The Never-Ending Pursuit of the Lord's Resistance Army: An Analysis of the Regional Cooperative Initiative for the Elimination of the LRA' African Centre for the Constructive Resolution of Disputes (ACCORD) (27 March 2013)
- Makinda, S, Okumu, FW & Mickler, D *The African Union: Addressing the Challenges of Peace, Security, and Governance* (2nd ed, 2015, Routledge)
- Mangu, AM 'The African Union and the Promotion of Democracy and Good Political Governance under the African Peer Review Mechanism: Ten Years On' (2014) 6(1) *Africa Review*
- Meka, E *Architecture de la Sécurité et Gouvernance Démocratique Dans la CEEAC* (2007, Presses Universitaires d'Afrique)
- Meyer, A 'Regional Conflict Management in Central Africa: From FOMUC to MICOPAX' (2009) 2 *African Security*
- Meyer, I 'ECOWAS: The Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peace-Keeping and Security Seminar Paper' (2009)
- Mutisi, M SADC Interventions in the Democratic Republic of the Congo (ACCORD, Conflict Trends 2016/3)

- Neethling, T 'Military Intervention in Lesotho: Perspectives on Operation Boles and Beyond' (May 1999) *Online Journal of Peace and Conflict Resolution*
- Omotola, S 'The African Union and the Promotion of Democratic Values in Africa: An electoral perspective' (2014) *African Institute of International Affairs Occasional Paper 185 on Governance and APRM Programme*
- Oosthuizen, G *The Southern African Development Community: The organisation, its policies and prospects* (2006, Institute for Global Dialogue)
- Paliwal, S 'The Primacy of Regional Organizations in International Peacekeeping: The African Example' (2010) 51(1) *Virginia Journal of International Law*
- Ruys, T & Corten, O *The Use of Force in International Law: A Case-based Approach* (2019, Oxford University Press)
- Sesay, A 'The Limits of Peace-Keeping by a Regional Organisation: The OAU Peace-Keeping Force in Chad' (1991) 11(1) *Journal of Conflict Studies*
- Tardy, T & Wyss, M (eds), *Peacekeeping in Africa: The evolving security architecture* (2014, Routledge)
- Trivedi, S 'A Handbook of International Organisations' (2005, Atlantic Publishers and Distributors)
- Uwazie, E (ed), *Peace and Conflict in Africa: Lessons and Opportunities* (2018, Cambridge Scholars Publishing)
- Williams, P *War and Conflict in Africa* 2nd (2nd ed, 2016, Polity Press)
- Winther, D *Regional Maintenance of Peace and Security under International Law: The Distorted Mirrors* (2013, Routledge)

Chart of Ratifications: Organisation of African Unity

	Convention on the Elimination of Mercenarism (1977)	Treaty Establishing the African Economic Community (1991)	Peindaba Treaty (1995)	Convention on Prevention and Combating of Terrorism (1999)
	Ratified/ Acceded	Ratified/ Acceded	Ratified/ Acceded	Ratified/ Acceded
Algeria	06/06/2007	21/06/1995	23/12/1997	16/09/2000
Angola	-	11/04/1992	08/05/2014	20/08/1999
Benin	17/01/1979	10/05/1999	17/07/2007	01/03/2004
Botswana	-	27/06/1996	04/02/1999	-
Burkina Faso	06/07/1984	19/05/1992	12/05/1998	23/06/2003
Burundi	-	05/08/1992	22/06/2009	04/11/2003
Cameroon	11/04/1987	20/12/1995	11/06/2009	06/04/2015
Cape Verde	-	12/04/1993	-	03/05/2002
Central African Republic	-	18/06/1993	-	-
Chad	02/08/2012	26/06/1993	18/10/2011	03/09/2007
Comoros	18/03/2004	06/06/1994	12/07/2012	13/09/2002
Cote d'Ivoire	-	22/02/1993	20/05/1999	-
Democratic Republic of the Congo	13/07/1979	19/06/1993	-	-
Djibouti	-	-	-	16/05/2004
Egypt	10/05/1978	18/12/1992	-	08/02/2001
Equatorial Guinea	20/12/2002	20/12/2002	20/12/2002	20/12/2002
Eswatini	-	06/06/2001	13/11/1996	-
Eritrea	-	-	-	22/12/1999
Ethiopia	07/02/1982	05/11/1992	18/02/2008	24/02/2003
Gabon	18/05/2007	06/11/2007	18/05/2007	25/02/2005
The Gambia	30/04/2009	20/04/1993	03/09/1996	30/04/2009
Ghana	20/07/1978	25/09/1991	11/05/2011	30/08/2002
Guinea	14/03/2003	17/07/1992	26/05/1999	20/06/2003
Guinea-Bissau	22/01/2015	24/06/1992	23/12/2011	31/07/2008
Kenya	-	18/06/1993	15/11/2000	28/11/2001
Lesotho	29/10/1982	12/08/1997	06/03/2002	06/03/2002
Liberia	31/03/1982	23/06/1993	-	23/02/2014
Libya	25/01/2005	02/11/1992	12/02/2005	16/01/2002
Madagascar	31/08/2005	-	12/12/2003	12/09/2003

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Madeira	-	-	-	-
Malawi	-	26/06/1993	06/03/2009	23/06/2003
Mali	25/09/1978	13/11/1992	27/05/1999	11/03/2002
Mauritania	-	20/11/2001	10/01/1998	03/03/2004
Mauritius	-	14/02/1992	19/04/1996	27/01/2003
Morocco	-	13/04/2017	-	-
Mozambique	-	14/05/1992	29/07/2008	21/10/2002
Namibia	-	28/06/1992	06/02/2012	11/10/2012
Niger	11/07/1980	22/06/1992	28/06/2016	14/09/2004
Nigeria	14/05/1986	31/12/1991	20/04/2000	28/04/2002
Republic of the Congo	01/04/1988	30/07/1996	18/08/2013	08/09/2006
Rwanda	08/05/1979	01/10/1993	23/01/2007	29/04/2002
Sahrawi Arab Democratic Republic	-	25/08/1992	27/11/2013	09/01/2002
Sao Tome and Principe	-	02/06/1993	-	-
Senegal	02/10/1981	26/02/1992	20/09/2006	21/01/2002
Seychelles	15/10/1979	11/10/1991	22/04/2014	17/07/2003
Sierra Leone	-	15/03/1994	-	-
Somalia	-	-	-	-
South Africa	-	31/05/2001	13/03/1998	07/11/2002
South Sudan	-	-	-	-
Sudan	26/08/1978	08/02/1993	-	15/04/2003
Tanzania	04/03/1985	10/01/1992	27/05/1998	03/09/2003
Togo	30/03/1987	05/05/1998	28/06/2000	03/01/2003
Tunisia	24/04/1984	03/05/1994	14/09/2009	13/11/2001
Uganda	-	31/12/1991	-	17/10/2003
Zambia	21/01/1983	26/10/1992	28/06/2010	-
Zimbabwe	27/01/1992	06/11/1991	09/02/1998	-
Total number of state parties	32	50	41	43

Chart of Ratifications: African Union

	Constitutive Act of the AU (2000)	Protocol Relating to the Establishment of the Peace and Security Council (2002)	Protocol on Amendments to the AU Constitutive Act (2003)	Protocol to the AEC Treaty Relating to the Pan-African Parliament (2001)	Kampala Convention (2009)
	Ratified/ Acceded	Ratified/ Acceded	Ratified/ Acceded	Ratified/ Acceded	Ratified/ Acceded
	23/05/2001	29/01/2003	-	22/04/2003	-
Algeria	19/09/2001	30/08/2004	-	29/10/2003	14/05/2013
Benin	03/07/2001	10/05/2004	01/12/2005	11/11/2003	28/02/2012
Botswana	01/03/2001	24/06/2005	-	10/07/2001	-
Burkina Faso	27/02/2001	01/12/2003	05/04/2005	23/06/2003	05/07/2012
Burundi	28/02/2001	04/11/2003	12/12/2006	04/11/2003	-
Cameroon	09/11/2001	04/11/2003	-	04/11/2003	06/04/2015
Cape Verde	21/06/2001	-	-	17/02/2004	-
Central African Republic	16/02/2001	24/06/2016	16/05/2008	12/03/2004	20/12/2010
Chad	16/01/2001	07/04/2004	19/08/2008	07/01/2004	11/07/2011
Comoros	16/02/2001	26/07/2003	02/04/2004	13/03/2004	-
Cote d'Ivoire	27/02/2001	24/08/2007	-	30/05/2018	20/12/2013
Democratic Republic of the Congo	07/07/2002	-	-	-	-
Djibouti	04/12/2000	18/10/2005	-	10/03/2004	15/07/2015
Egypt	05/07/2001	01/02/2005	19/06/2008	08/10/2003	-
Equatorial Guinea	26/12/2000	29/01/2003	11/05/2006	03/02/2004	26/06/2019
Eswatini	08/08/2001	30/12/2005	-	11/03/2004	05/10/2012
Eritrea	01/03/2001	14/10/2011	-	-	-
Ethiopia	08/03/2001	29/05/2003	-	29/05/2003	-
Gabon	17/05/2001	29/12/2003	18/05/2007	29/12/2003	26/01/2011
The Gambia	22/02/2001	19/11/2003	30/04/2009	04/07/2003	27/04/2011
Ghana	11/05/2001	04/07/2003	28/06/2007	15/09/2003	-
Guinea	23/04/2002	20/01/2012	17/06/2011	-	-
Guinea-Bissau	14/01/2001	23/12/2011	21/12/2011	09/06/2009	23/12/2011
Kenya	04/07/2001	19/12/2003	22/05/2007	19/12/2003	-
Lesotho	16/02/2001	30/06/2003	26/10/2004	16/04/2003	19/01/2012
Liberia	26/02/2001	26/03/2013	17/09/2007	17/09/2007	23/02/2014

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Libya	25/10/2000	24/06/2003	23/05/2004	10/08/2002	-
Madagascar	05/06/2003	28/06/2004	-	09/02/2004	-
Malawi	03/02/2001	07/07/2003	-	03/07/2002	18/04/2013
Mali	11/08/2000	28/02/2003	07/05/2004	26/05/2001	07/11/2012
Mauritania	20/11/2001	07/07/2008	08/07/2008	22/12/2003	05/03/2015
Mauritius	13/04/2001	16/06/2003	-	09/02/2004	-
Morocco	20/01/2017	15/04/2017	20/01/2017	14/04/2017	-
Mozambique	17/05/2001	20/05/2003	17/07/2004	20/05/2003	-
Namibia	28/02/2001	19/11/2003	-	13/08/2002	-
Niger	26/01/2001	07/08/2003	29/05/2007	07/08/2003	10/05/2012
Nigeria	29/03/2001	23/12/2003	-	23/12/2003	17/04/2012
Republic of the Congo	18/02/2002	23/02/2004	20/11/2012	23/02/2004	15/11/2014
Rwanda	16/04/2001	19/05/2003	25/10/2004	22/08/2001	27/12/2012
Sahrawi Arab Democratic Republic	27/12/2000	10/05/2004	27/04/2009	04/06/2001	27/11/2013
Sao Tome and Principe	27/02/2001	22/09/2003	27/02/2018	18/09/2018	-
Senegal	28/08/2000	09/09/2003	14/02/2006	14/10/2003	-
Seychelles	20/03/2001	28/11/2013	-	24/03/2003	-
Sierra Leone	09/02/2001	16/06/2003	-	16/06/2003	15/07/2010
Somalia	26/02/2001	23/12/2013	-	-	-
South Africa	03/03/2001	15/05/2003	16/03/2004	03/07/2002	-
South Sudan	15/08/2011	-	-	26/01/2014	26/09/2018
Sudan	22/11/2000	05/07/2003	-	16/10/2002	-
Tanzania	06/04/2001	03/09/2003	14/04/2004	04/07/2002	-
Togo	30/08/2000	23/02/2004	10/01/2007	03/01/2003	08/07/2011
Tunisia	13/03/2001	25/12/2006	-	01/03/2004	-
Uganda	03/04/2001	10/03/2004	-	09/07/2003	29/01/2010
Zambia	21/02/2001	04/07/2003	-	21/11/2003	14/01/2011
Zimbabwe	03/03/2001	02/02/2004	-	07/07/2003	22/07/2013
Total number of state parties	55	52	30	51	29

	Protocol to the OAU Convention on Prevention and Combating of Terrorism (2004)	AU Non-Aggression and Common Defence Pact (2005)	Charter on Democracy, Elections and Good Governance (2007)	African Youth Charter (2006)
	Ratified/ Acceded	Ratified/ Acceded	Ratified/ Acceded	Ratified/ Acceded
Algeria	06/06/2007	06/06/2007	20/11/2016	-
Angola	-	-	-	10/06/2009
Benin	11/09/2012	28/09/2017	28/06/2012	06/11/2014
Botswana	-	-	-	-
Burkina Faso	24/06/2016	03/09/2009	26/05/2010	17/09/2008
Burundi	16/09/2006	-	-	-
Cameroon	06/04/2015	-	24/08/2011	11/01/2011
Cape Verde	-	-	-	15/02/2011
Central African Republic	-	-	24/04/2017	-
Chad	-	19/08/2008	11/07/2011	29/08/2012
Comoros	-	12/07/2012	30/11/2016	-
Cote d'Ivoire	-	-	16/10/2013	30/11/2009
Democratic Republic of the Congo	-	-	-	-
Djibouti	-	-	02/12/2012	28/08/2008
Egypt	-	-	-	09/03/2015
Equatorial Guinea	-	-	-	-
Eswatini	-	-	-	05/10/2012
Eritrea	-	-	-	-
Ethiopia	05/12/2008	14/04/2014	05/12/2008	13/02/2014
Gabon	18/05/2007	18/05/2007	-	17/07/2007
The Gambia	-	30/04/2009	11/06/2018	30/04/2009
Ghana	-	28/06/2007	06/09/2010	28/10/2013
Guinea	17/06/2011	17/06/2011	17/06/2011	17/06/2011
Guinea-Bissau	22/01/2015	23/12/2011	23/12/2011	31/07/2008
Kenya	-	-	-	23/01/2014
Lesotho	27/09/2012	-	30/06/2010	31/05/2010
Liberia	23/02/2014	23/02/2014	23/02/2014	-
Libya	07/03/2007	04/06/2006	-	11/08/2008
Madagascar	-	-	23/02/2017	-
Malawi	-	-	11/10/2012	13/08/2010
Mali	21/08/2007	21/08/2007	13/08/2013	21/08/2007

Mauritania	29/10/2014	07/07/2008	07/07/2008	21/03/2012
Mauritius	-	-	-	08/02/2008
Morocco	-	-	-	-
Mozambique	29/07/2011	02/09/2008	24/04/2018	29/07/2008
Namibia	-	-	23/08/2016	17/07/2008
Niger	03/03/2006	29/05/2007	04/10/2011	03/06/2008
Nigeria	-	-	01/12/2011	21/04/2009
Republic of the Congo	-	28/12/2006	-	14/12/2011
Rwanda	09/07/2010	09/07/2010	09/07/2010	07/08/2007
Sahrawi Arab Democratic Republic	27/11/2013	27/04/2009	27/11/2013	-
Sao Tome and Principe	-	-	18/04/2019	19/09/2014
Senegal	-	14/02/2006	-	17/09/2009
Seychelles	-	-	12/08/2016	11/01/2011
Sierra Leone	-	-	17/02/2009	-
Somalia	-	-	-	-
South Africa	25/03/2007	-	24/12/2010	28/05/2009
South Sudan	-	-	26/01/2014	-
Sudan	-	-	19/06/2013	-
Tanzania	-	-	-	20/12/2012
Togo	06/01/2017	29/06/2007	24/01/2012	28/12/2008
Tunisia	18/12/2007	-	-	08/06/2011
Uganda	-	-	-	06/08/2008
Zambia	-	-	31/05/2011	16/09/2009
Zimbabwe	-	-	-	16/03/2009
Total number of state parties	21	22	34	39

	Revised African Marine Transport Charter (2010)	Niamey Convention (2010)	Protocol to the AU Constitutive Act Relating to the Pan-African Parliament (2014)	Lomé Charter (2016)
	Ratified/ Acceded	Ratified/ Acceded	Ratified/ Acceded	Ratified/ Acceded
Algeria	-	-	-	-
Angola	-	-	-	-
Benin	11/09/2012	24/05/2018	24/05/2018	
Botswana	-	-	-	-
Burkina Faso	10/05/2016	24/06/2016	-	-
Burundi	-	-	-	-
Cameroon	-	-	08/03/2018	-
Cape Verde	-	-	-	-
Central African Republic	-	-	-	-
Chad	-	-	14/08/2018	-
Comoros	-	-	-	-
Cote d'Ivoire	-	-	-	-
Democratic Republic of the Congo	-	-	-	-
Djibouti	-	-	-	-
Egypt	-	-	-	-
Equatorial Guinea	-	-	16/07/2018	-
Eswatini	-	-	-	-
Eritrea	-	-	-	-
Ethiopia	15/10/2012	-	-	-
Gabon	10/09/2013	-	-	-
The Gambia	11/07/2018	-	27/06/2016	-
Ghana	-	-	06/12/2018	-
Guinea	-	-	-	-
Guinea-Bissau	-	-	-	-
Kenya	28/03/2014	-	-	-
Lesotho	-	-	-	-
Liberia	-	-	-	-
Libya	-	-	-	-
Madagascar	-	-	22/01/2018	-
Malawi	-	-	-	-
Mali	-	03/05/2019	24/04/2015	-
Mauritania	-	-	-	-
Mauritius	28/12/2012	-	-	-

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Morocco	-	-	-	-
Mozambique	-	-	-	-
Namibia	-	-	-	-
Niger	-	13/02/2015	-	-
Nigeria	-	-	-	-
Republic of the Congo	08/01/2014	-	-	-
Rwanda	-	-	-	-
Sahrawi Arab Democratic Republic	-	-	17/08/2016	-
Sao Tome and Principe	-	-	-	-
Senegal	-	-	-	-
Seychelles	-	-	-	-
Sierra Leone	-	-	29/04/2016	-
Somalia	-	-	08/05/2018	-
South Africa	08/06/2016	-	-	-
South Sudan	-	-	-	-
Sudan	-	-	-	-
Tanzania	-	-	-	-
Togo	26/06/2012	24/09/2018	04/08/2016	16/01/2017
Tunisia	-	-	-	-
Uganda	-	-	-	-
Zambia	-	-	-	-
Zimbabwe	-	-	-	-
Total number of state parties	10	5	12	1

Chart of Ratifications: ECOWAS

	Protocol on Non-Aggression (1978)	Protocol Relating to Mutual Assistance of Defence (1981)	Convention on Mutual Assistance in Criminal Matters (1992)	Revised ECOWAS Treaty (1993)	Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution and Peacekeeping (1999)
	Ratified/ Acceded	Ratified/ Acceded	Ratified/ Acceded	Ratified/ Acceded	Ratified/ Acceded
Benin	26/02/79	08/08/06	-	14/12/1995	-
Burkina Faso	04/08/82	04/08/82	12/05/98	24/06/1994	14/12/2001
Cape Verde	28/05/84	-	22/11/04	15/07/1996	12/02/2012
Cote d'Ivoire	11/08/83	11/08/83	20/07/12	05/11/1996	-
The Gambia	30/07/84	26/08/97	20/04/94	26/08/1997	-
Ghana	30/03/79	12/05/89	07/12/92	29/06/1995	24/01/2005
Guinea	16/03/82	16/03/82	01/07/93	18/07/1994	20/06/2003
Guinea-Bissau	13/11/90	02/07/91	21/11/14	21/11/1994	12/02/2012
Liberia	09/04/92	04/03/83	-	29/12/1993	-
Mali	Ratified	03/06/98	Ratified	14/07/1994	23/05/2000
Niger	19/12/90	23/10/97	25/10/2001	23/08/1995	-
Nigeria	17/05/79	18/04/88	01/07/1994	01/07/1994	-
Senegal	18/05/79	10/04/83	30/04/199	14/06/1994	08/10/2004
Sierra Leone	13/05/82	30/09/86	02/11/2000	10/05/1994	02/11/2000
Togo	03/03/80	21/05/82	28/10/1998	27/10/1995	23/02/2004
Total number of state parties	15	14	13	15	9

	Supplementary Protocol on Democracy and Good Governance (2001)	Convention on Small Arms and Light Weapons, their Ammunition and Other Related Matters (2006)
	Ratified/ Acceded	Ratified/ Acceded
Benin	04/02/2005	05/08/2009
Burkina Faso	09/09/2004	19/10/2010
Cape Verde	12/02/2012	12/02/2012
Cote d'Ivoire	20/12/2013	20/02/2013
The Gambia	21/05/2008	-
Ghana	18/10/2002	10/03/2010
Guinea	20/06/2003	24/02/2012
Guinea-Bissau	12/02/2012	12/02/2012
Liberia	-	-
Mali	30/04/2003	10/12/2007
Niger	08/12/2005	09/02/2007
Nigeria	-	27/10/2008
Senegal	10/09/2004	30/04/2008
Sierra Leone	10/08/2004	22/06/2007
Togo	20/02/2008	22/09/2008
Total number of state parties	13	13

Chart of Ratifications: SADC

	Treaty of the Southern African Development Community (1992)	Protocol on Politics, Defence and Co-operation (2001)	Protocol Against Corruption (2001)	SADC Mutual Defence Pact (2003)
	Ratified/ Acceded	Ratified/ Acceded	Ratified/ Acceded	Ratified/ Acceded
Angola	20/08/93	-	17/07/2005	-
Botswana	07/01/98	14/08/01	14/08/01	20/01/2004
Comoros	-	-	-	-
Democratic Republic of the Congo	28/02/09	-	19/05/2008	-
Eswatini	16/04/93	01/08/06	01/08/2006	01/08/2006
Lesotho	26/08/93	06/02/02	29/07/03	09/09/2004
Madagascar	21/02/06	-	-	-
Malawi	12/08/93	24/09/02	27/09/02	-
Mauritius	20/08/95	04/01/02	04/01/02	11/06/2004
Mozambique	30/08/93	25/04/02	28/12/2007	28/12/2007
Namibia	14/12/92	02/12/02	23/06/05	11/10/2004
Seychelles	-	-	-	-
South Africa	29/08/94	06/08/03	15/05/03	11/07/2005
Tanzania	27/08/93	12/08/02	20/08/03	24/04/2010
Zambia	16/04/93	17/07/08	08/07/03	17/07/2008
Zimbabwe	17/11/92	02/02/04	08/10/04	08/10/2004
Total number of state parties	14	11	13	10

This *Compendium of documents relating to regional and sub-regional peace and security in Africa* is the second edition to the 2006 *Compendium of key documents related to peace and security in Africa* (edited by Dr Monica Juma). It is both an updated and expanded attempt at consolidating the vast legal instruments broadly relating to peace and security on the African continent. More specifically, the *Compendium* aims to consolidate, both on the regional and sub-regional level, treaties and decisions of regional organisations pertaining to conflict prevention, management and resolution in the African regional and sub-regional context. It ultimately aims to serve as a useful research guide to those involved with matters of peace and security in Africa.

Documents and legal instruments included in this *Compendium* focus on the Organisation of African Unity, the African Union, and its eight Regional Economic Communities: the Arab Maghreb Union (AMU), the Common Market for Eastern and Southern Africa (COMESA), the Community of Sahel-Saharan States (CEN-SAD), the East African Community (EAC), the Economic Community of Central African States (ECCAS), the Economic Community of West African States (ECOWAS), the Intergovernmental Authority on Development (IGAD), and the Southern African Development Community (SADC).

This edition also includes additional documents from sub-regional organisations, including documents from the Great Lakes Region and Horn of Africa Conference on the Proliferation of Small Arms and Light Weapons, the Gulf of Guinea Commission, the Central African Economic and Monetary Community, the Eastern Africa Standby Force, the G5 Sahel, the Indian Ocean Commission, and the Mano River Union.

Additionally, each chapter outlines the organisation in question, its principal institutions relating to peace and security, relevant documents and legal instruments, and listed topical decisions, declarations and communiqués by that organisation and its institutions. It also briefly puts forward the details of any military interventions or peacekeeping missions undertaken by each organisation. Finally, the *Compendium's* indexes include a list of peace and ceasefire agreements (listed by country), chart of ratifications, a list of useful websites and a selected bibliography.

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