



A Digest of OAU-AU Treaties, Conventions, and Agreements, 1963 to 2014



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A Contribution by the African Capacity Building Foundation to the 50th Anniversary of the OAU-AU

The preparation of this Digest was commissioned by the African Capacity Building Foundation to highlight progress or otherwise in ratifying major treaties, conventions, and agreements of the Organization of African Unity and its successor, the African Union. The aim is to stimulate thinking about the need to fast-track ratification to give momentum to the processes of regional cooperation and regional integration, which the two organizations have, since 1963, set out to achieve. The Digest includes all major instruments of the OAU and AU. Each of them has a brief summary of its main provisions and status of ratification.

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Abbreviations

ACBF	African Capacity Building Foundation
AEC	African Economic Community
AFCAC	African Civil Aviation Commission Constitution
AfDB	African Development Bank
AFREC	African Energy Commission
ARC	African Risk Capacity
ARI	African Rehabilitation Institute
AU	African Union
AUC	African Union Commission
COMESA	Common Market for Eastern and Southern Africa
DRC	Democratic Republic of Congo
EAC	East African Community
ECA	Economic Commission for Africa
ECCAS	Economic Community of Central African States
ECOWAS	Economic Community of West African States
EU	European Union
FDI	Foreign Direct Investment
FTA	Free Trade Area
GDP	Gross Domestic Product
HIV/AIDS	Human Immuno-deficiency Virus/ Acquired Immune Deficiency Syndrome
IAEA	International Atomic Energy Agency
ICAO	International Civil Aviation Organization
IDP	Internally Displaced Person
IGAD	Inter-Governmental Authority on Development
ILO	International Labour Organization
LPA	Lagos Plan of Action
NEPAD	New Partnership for Africa's Development
OAU	Organization of African Unity
OECD	Organisation for Economic and Co-operation Development
REC	Regional Economic Community
SADC	Southern African Development Community
UCCMAR	Continental Unit for the Coordination of Activities of Regional Cooperation Organizations in Shipping and Port Operations
UEMOA	West African Economic and Monetary Union
UNHCR	United Nations High Commissioner for Refugees
UMA	Arab Maghreb Union
UPEDEA	Union of Producers, Conveyors and Distributors of Electric Power in Africa

Executive Summary

This Digest highlights progress in ratifying major treaties, conventions, and agreements of the Organization of African Unity (OAU) and its successor the African Union (AU). The aim is to stimulate thinking about the need to fast-track ratification to give momentum to the processes of regional cooperation and regional integration, which the two organizations have, since 1963, set out to achieve. The Digest discusses all major types of instruments of the OAU and AU.¹

By August 2013, about 42 treaties had been signed by the OAU or its successor the AU, but only 25 had been ratified. In spite of the efforts of several AU organs, the pace of signing and of ratification and accession differs among the Member States. Members readily sign but are slow to ratify and implement most of the treaties, conventions, and agreements. While the 2004 and 2009 decisions of the Executive Council (now the Council of Ministers) emphasised action on all treaties, the 2013 Dakar workshop put more emphasis on those treaties that referred to common values such as governance, democracy, and elections; human rights and rule of law; justice; humanitarian issues; civil society participation; security; solidarity and interdependence of states; and gender equality and culture.

Compared with the OAU, the record of ratification by the AU has been better. The OAU adopted 23 treaties in 37 years, whereas the AU has adopted 19 in 10 years, although of the 19 only eight were drafted and negotiated under the aegis of the AU. The other 11 had been designed under the OAU (some of which were protocols amending earlier treaties) and

their ratification had taken a long time and matured after the AU took over. However, the pace has increased in recent years: between 2003 and 2009 a total of 10 treaties were adopted, five in 2003 and five in 2009.

First, basic or foundational instruments of general application such as the Treaty Establishing the African Economic Community, the Constituent Act of the African Union, and the Protocol Amending the Constituent Act were signed and ratified by more than 90% of AU Members. This is not unexpected as these instruments are aimed at defining the entire architecture of the AU and its organs, and they contain provisions that do not require Member States to surrender sovereignty and do not encroach on the individual powers of Member States.

The majority of African countries have signed all the foundational instruments of the AU. In addition to the Protocol on Amendments to the Constituent Act of the AU, which has been ratified by 56% of its signatories, all other fundamental instruments have been ratified and acceded by more than 90% of their signatories.

Second, some instruments on transparency, good governance, and human rights—which reflect a renewed commitment of African governments towards democracy and human rights but include commitments that either conflict with the traditional norms and beliefs of dominant groups and culture in some countries—have received a high number of signatures but an average rate of ratification. These include the African Charter on Democracy, Elections, and Governance, which was

signed by 46 (85%) Member States but ratified by only 26 (50%) Members of the 46 that signed.

Similarly, protocols that seem to encroach upon the powers and functions of institutions of justice or public administration at the national level have attracted a high number of signatures but registered low numbers of ratifications. These include the Protocol of the African Charter on Human and People's Rights on the Establishment of an African Court of Human and People's Rights. This was signed by 52 (90%) of AU Members but ratified by only 27 (51.9%) of those that signed. The Protocol of the African Court of Justice that replaced this protocol was signed by 44 (81%) of AU Members but ratified by only 16 (36.3%) of those that signed. The African Charter on Values and Principles of Public Service and Administration was signed by 32 Members (59.2%) but ratified by only 7 (21.8%) of those that signed. The same applies to the African Charter on Statistics, which was signed by 30 (55.6%) of AU Member States but has so far been ratified by only 7 (21.8%) of those that signed.

In the area of transparency and good governance, only the African Union Convention on Preventing and Combating Corruption has had high numbers; it has been signed by 48 (88.9%) of AU Members and ratified by 35 (72.9%) of those that signed. But ratification of this charter has not meant that corruption has been contained on the continent. On the contrary, it has been mutating (Cho and Kirwin, 2007; UNECA, 2011). Therefore, there is need for further reflection on why instruments on good governance and transparency have not attracted a high number of ratifications in spite of high numbers of Member States signing them. Fewer than 15% of the 32 countries that signed the African Charter on the Values and Principles of Public Service

and Administration have ratified and acceded to the charter.

Third, instruments on peace and security have not obtained the robust support expected from Member States given the recent security challenges (Boko Haram; Al-shabaab; Al-Qaida; AQIM; Mali crisis). Only the Protocol Relating to the Establishment of the Peace and Security Council of the African Union received strong support; it was signed by 53 (98.1%) of the 54 AU Member States and ratified by 49 (92.4%) of those that signed. The African Union Non-Aggression and Common Defence Pact, which seeks to prevent inter-state conflicts and to mobilise states for collective action in case of conflicts, was signed by 43 (79.6%) of AU Members but has been ratified by only 20 (46.5%) of those that signed. In spite of the current scourge of terrorism that threatens to engulf the region, the Convention on the Prevention and Combating of Terrorism has been signed by 50 (92.6%) of AU Member States but ratified by only 41 (82%) of Members that signed.

The Convention for the Elimination of Mercenarism in Africa is another very important instrument which, if ratified and fully implemented by all, could reduce the role of mercenaries in resource-related conflicts in the region. But it has been signed by only 36 (66.7%) of AU Members and ratified by only 31 (66.7%) of those that signed. The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) has been signed by only 39 (72.2%) of Members and ratified by only 22 (56.4%) of those that signed. Given the increasing intensity in intra-state conflicts and their impact on the development of countries in which they occur, more signatures and ratifications could strengthen peace and human security in many countries.

On peace and security, the OAU Convention Governing the Specific Aspects of Refugee Problems was signed by 40 (75.5%) of AU Member States and ratified by 45 (83.1%) Members (which includes States that have not yet signed), whereas the African Nuclear-Weapon-Free Zone Treaty was signed by 51 (94.4%) of AU Members and ratified by 38 (74.5%) of those that signed.

There is thus a need to intensify campaigns for more ratifications of the instruments on peace and security given the increase in intra- and inter-state tensions and cross-border movement of arms and armed groups.

Fourth, ratifications of instruments related to transport and energy have had mixed responses. The African Civil Aviation Commission Constitution (AFCAC) was signed by 45 (88.3%) of AU Members but its successor, the Revised Constitution of the African Civil Aviation Commission, has been signed by only 34 (63%) of AU Members and ratified by only 3 (8.8%) of those that signed. Given the acute nature of air transport problems within the region, reduced support for AFCAC is a step backwards in efforts to improve aviation services and to harmonise aviation policies and practices. It is also worrisome that the African Maritime Transport Charter was initially signed by 39 (72.2%) of AU Member States and ratified by only 16, but after it was revised, its successor (the Revised African Maritime Charter) has so far been signed by only 16 (29.6%) of AU Members and ratified by only 7 (43.8%) of the 16 that signed.

Given the state and cost of maritime transport in the region and the potential for inland waterways to support the easy movement of goods and people if the charter is implemented, there is a need to intensify awareness campaigns among those Members that have not signed or implemented it.

Fifth, ratification rates of instruments related to natural resources and the environment have been disappointing, especially given the new environmental challenges of climate change, environmental degradation, increasing numbers of environmental refugees, ecological stress, and intra-community conflicts. These conflicts, caused by resource stress and rising levels of vulnerability and chronic poverty, are aggravated by the loss of natural resource-based livelihoods. One would expect African countries to be more proactive in protecting their natural resources and environment. But although the first African Convention on the Conservation of Nature and Natural Resources was signed by 45 (84.9%) of AU Members and ratified by 31 (68.9%) of those that signed, the Revised Convention has been signed by 42 (77.7%) of AU Members but ratified by only 12 (28.5%) of those that signed.

The Agreement on the Establishment of the African Risk Capacity Agency, which seeks to address issues of resilience, vulnerability, and proneness to disasters, was signed by only 24 (54.4%) of AU Members and has so far been ratified by none of those that signed. The Convention for the Establishment of the African Centre for Fertilizer Development has been signed by only 31 (64.8%) of AU Members and ratified by only 6 (19%) of those that signed. The Bamako Convention on the Ban of the Import into Africa and the Control of Trans-boundary Movement and Management of Hazardous Waste within Africa has been signed by 35 (64.8%) of AU Members but ratified by only 25 (71.4%) of those that signed.

The ratification trends on environmental protection and renewal require renewed momentum. Given the heavy reliance of the African economies on nature and natural resources, increased collective action through increased ratification and implementation of

key instruments is very important to prevent the current generation from further undermining the lives and livelihoods of future generations.

Sixth, in the area of the rights of special groups, there has been an apparent clash between traditional beliefs and practices and the provisions of key instruments that seek to introduce new approaches to the rights of the children, youth, and women. While attracting solid numbers of signatures and ratifications, the number of reservations by Member States on provisions relating to, for example, child marriage, freedom of conscience, freedom of religion, and the minimum age of marriage is very high. Similarly, on grounds of religious and traditional practices, several Member States have expressed their intention not to be bound by some provisions relating to selected rights of women. Therefore, while the African Charter on the Rights and Welfare of the Child was signed by 44 (81.5%) of AU Members and ratified by 47 (87%) of them (which includes three Members that did not sign), there were quite a few reservations. Likewise, while the Protocol to the African Charter of Human and People's Rights on the Rights of Women was signed by 48 (88.8%) of AU Members, it has so far been ratified by only 36 (75%) of those that signed.

The African Youth Charter was signed by 42 (77.7%) AU Members and has been ratified by only 36 (85%) of those that signed it. Further dialogue is needed on why some countries have found it difficult to even sign these instruments in spite the global drive to strengthen equality and equal opportunity for all.

To this group of instruments should be added the two instruments related to culture. The Cultural Charter for Africa was signed by 50 (92.6%) of all AU members but has been ratified by only 34. Its successor, the Charter

for African Cultural Renaissance, was signed by only 31 (57.4%) of AU Members and has been ratified by only 26 (48%) of those that signed.

These two areas—culture and the rights of special groups—need further dialogue and awareness creation by organs of the AU and the RECs.

Seventh, some of the middle-income countries in Africa such as Botswana, Cape Verde, Lesotho, Mauritius, and the Seychelles are among the countries with the lowest number of signatures and ratifications. In spite of this, some of them have the best record for good governance, excellent economic management, and high scores on human development. One possible reason for the disparity is that these countries feel that they are ahead of others and have already put in place the laws and policies required by the instruments. Another reason may be that they feel they do not require collective action or mutual support from others. There are no doubt other reasons, but given these countries' economic position and their exemplary role on issues on which others are lagging behind, bringing them on board would add value to the efforts of the AU in fostering regional cooperation and harmonising policies and initiatives.

Eighth, instruments that create new agencies requiring Members to pay annual subscriptions to their funds have attracted a limited number of signatories and ratifications. They include the African Civil Aviation Commission Constitution and the Convention on the Revised Constitution of the African Civil Aviation Commission, the latter having been ratified by only three of the 34 Members that signed. Important as this initiative is, air transport in the region is highly constrained, and national authorities are struggling to sustain national civil aviation authorities that cannot be adequately funded from revenues

from air services. It is possible that some of these countries will continue finding it hard to support a regional civil aviation commission when they have difficulties supporting their own authorities.

The same problem may be facing some countries that are not signing or ratifying the Convention of the African Energy Commission, the Agreement for the Establishment of the African Risk Capacity Agency, the Convention for the Establishment of the African Centre for Fertilizer Development, the Constitution of the Association of African Trade Promotion Organisations, and the Agreement for the Establishment of the African Rehabilitation Institute. These and other instruments provide for big agencies with employees whose status is equal to that of those of the AU Commission (AUC). Given that some countries still find it difficult to pay their annual subscriptions to the Commission on time, and that there are many more agencies, including sub-regional and international bodies, to which they have to pay subscriptions, it is perhaps time to look for new modalities to make such agencies self-financing, distanced from the Commission, and demand oriented.

Such agencies should be autonomous, providing services to those that need them and charging them service fees. In an initial period of three years, they could be given some core start-up funds, after which they have to raise their own funds. If their architecture is revised and made simpler and less bureaucratic, the instruments related to them may attract more signatories and wider ratification. It is just too much for all countries to pay membership dues to sub-regional, regional, and international organisations at the same time, which may be affecting the capacity or willingness of some Members to sign instruments.

Ninth, some instruments were adopted decades ago when the state was the dominant

player. But the state is no longer in that position, especially on labour market-related issues. The Inter-African Convention Establishing an African Technical Cooperation Programme is one of these instruments. The modalities of organising such exchanges are centralised and have to be processed through the AUC and approved by the Chairperson of the Commission. Such processes are no longer needed or even feasible as such exchanges can be facilitated by the RECs or negotiated through bilateral arrangements.

Another example is the Phytosanitary Treaty for Africa, which is old and has not been modified to reflect new institutional roles of national environmental management authorities and sub-regional and national bodies, or policies on biosafety and biodiversity. To increase the interest of Members in implementing these old instruments, they need to be reviewed and revamped.

Tenth and last, there does not seem to be an effort to link various instruments and the AU organs that oversee their implementation. Instruments related to security, democracy, good governance, anti-corruption, common defence, mercenarism, and terrorism, for example, are so interlinked that bodies overseeing their implementation need to work together. A holistic approach is required, and studies should be conducted on how implementation can at times be undertaken jointly. But given the apparent regimentation within the structures of the Commission, aggravated by budget segmentation and some administrative slowness between commissions and directorates, horizontal networking between these internal structures seems to outsiders to be weak. If this perception is correct, horizontal (and vertical) networking within the Commission should be enhanced to assure the synergies required for multilevel interventions.

On the basis of these observations, it is recommended that the AUC should:

- Continue its efforts to encourage the very few Members that have not ratified the foundational instruments on the AU and its bodies to do so.
- Look for creative ways to bridge the wide gaps between new values of equality for all and old values embedded in certain traditional beliefs and practices that impede some Member States from ratifying dynamic instruments related to the rights of women, children, and youth.
- Support studies at regional, sub-regional and national levels on why election irregularities, corruption, and undemocratic practices still prevail in some countries and how the implementation of instruments on good governance and transparency can be improved.
- Search for ways of increasing capacity for closer cooperation between Member States in implementing instruments related to peace and security, and also look for new modalities for internal networking between bodies of the Commission in inter-related issues of peace and security, common defence, mercenarism, terrorism, and corruption.
- Intensify efforts for increased ratification, implementation, and collective action on instruments related to infrastructure, transport, communication, and energy. These are the drivers of change in the world, and Africa is lagging behind other regions.
- Revive discourses about, and intensify capacity building for, rural development and encourage RECs and Member States to strengthen rural development and environmental studies. These should aim to create cultural foundations for protecting natural resources—the backbone of Africa’s present and future, without which chronic poverty, vulnerability, and resource conflicts will increase.
- Engage countries that have consistently avoided ratifying or even signing some of the crucial instruments in spite of their economic leadership and exemplary role in governance (including Botswana, Cape Verde, Egypt, Lesotho, Mauritius, and the Seychelles). This will allow the AUC to find out the reasons for such reluctance and try to get them involved, in order to strengthen the voice of the continent and enhance capacity for collective action on issues that challenge Africa’s peaceful future.
- Reexamine the whole concept of AU agencies created through instruments requiring annual subscriptions, with a view to transforming them into self-financing, autonomous, less bureaucratic entities with a commercial, service-driven, fee-charging delivery culture. This would help to relieve Member States of the burden of annual subscriptions, which could be a disincentive for signing and ratifying such instruments.
- Revise and renew instruments that were passed long ago whose provisions seem out of step with current developments in governance, regional and sub-regional cooperation, or labour market and other reforms.
- Further strengthen the concept of a people-centred approach by opening up institutions of justice and human rights to individuals who may want to seek redress after exhausting the processes of justice in their own countries. This approach would help to ensure that justice can be

pursued to the highest level for all and not only through their national or accredited non-governmental institutions (as is provided for in existing instruments).

- Sustain efforts to reduce overlapping membership of RECs and intensify diplomatic effort to broker peace and facilitate renewed dialogue between heads of state and government.

It is further recommended that the AUC and the African Capacity Building Foundation (ACBF) identify key areas of convergence between the Africa Capacity Report 2014 of the ACBF and the African Union Agenda 2063, and from those build synergies on how to fast-track regional integration as a way of laying foundations for attaining the Aspirations of Agenda 2063. In that vein, it is recommended that both bodies:

- Take a look at the ACBF Africa Capacity Report 2014 and pick out the key priorities of the RECs in energy, statistics, fiscal policy, financial market development, trade facilitation, and policy development—and develop research and capacity development programmes to address these needs.
- Identify anchor institutions of research and capacity development involved in regional integration studies and equip them with institutional, financial, human resource, and other capacities to create core competencies within the AUC, the RECs, and AU Member States. Such competencies should enable these bodies to fast-track regional integration and accelerate implementation of Agenda 2063.
- Take stock of earlier joint decisions of the heads of state and government on the key capacity priorities expressed by the RECs in the African Capacity Report 2014, link them to instruments on energy, maritime

transport, natural resources management, air transport, and statistics—and develop joint initiatives to develop capacity to fast-track the ratification and implementation of these instruments. These steps should accelerate implementation of Articles 14 and 19 of Agenda 2063.

- Step back and reflect on the chronic failure of RECs to mobilise resources from within the continent and, with them, look for new avenues for generating revenues through, among other approaches, increasing private-sector involvement in project and programme funding, coordinating donor support to stop development partners from sidelining the AU and RECs, developing loan policies, and using customs arrangements to mobilise funds.
- Jointly work on the possibility of providing support to the AUC and RECs to undertake human resource audits and use their results to develop strategy maps based on the link between critical roles and the requisite core competencies for each role. The aim is to reduce redundant staff and increase the number of skilled staff, institutionalising a culture of performance-based human resource management.
- Look for ways of increasing support for increasing ratification and full implementation of three charters—the African Charter on the Values and Principles of Public Service and Administration; the African Charter on the Values and Principles of Decentralization, Local Governance and Local Development; and the African Charter on Statistics—in order to strengthen policy development, management, implementation, monitoring, and evaluation. These should strengthen good governance and help to achieve Aspirations 4, 5, and 6 of Agenda 2063.

- Pay special attention to the overwhelming need of the RECs for fiscal policy capacity development (as stated in Africa Capacity Report 2014). Action steps include jointly developing small grant schemes to provide seed funds to help set up policy management units; providing training support to regional centres offering research and training on fiscal policies and financial markets; facilitating exchange of staff among RECs designing strategies for monetary union; and supporting the AUC and RECs in developing multidisciplinary knowledge networks.
- Assess the role played by the Pan African Parliament, the ECOWAS Parliament, the East African Legislative Assembly, and the SADC Parliamentary Forum (among others) in exercising oversight functions on the activities of the RECs and coordinating national parliaments. Further, provide them with support to strengthen oversight and undertake research on how their AU instruments and their own treaties or protocols are implemented. And support them to fast-track domestication and implementation of AU instruments and policies, laying the foundations for Article 23 of Agenda 2063.
- Generally strengthen cooperation and, with the RECs, AfDB, and ECA, look for ways of supporting inter-ministerial committees dealing with transparency, integrity, equal rights, democracy, and good governance. The goal is to enhance regional cooperation and integration; institutionalise common democratic values; and accelerate implementation of Aspirations 4, 5, and 6 of Agenda 2063.

1

Introduction

The ability of the African Union to advance enduring substantive policy goals through treaties adopted under its auspices depends on two interrelated factors: The political will of its member states and their ability to translate treaty undertakings into binding norms (Maluwa, 2012: 2).

By August 2013, about 42 treaties² had been signed by the Organization of African Unity (OAU) or its successor, the African Union (AU), but only 25 had been ratified. At the meeting of experts on the review of the OAU-AU treaties held between 18 and 20 May 2004 in Dakar, Senegal, the issue of the slow pace of signature and ratification was discussed (Maluwa, 2012). Contributing to the discussion, the Chair of the African Union Commission (AUC) said that “the slow pace of signature and ratification of these treaties is worrisome, bearing in mind the process of integration that the member states had embarked on” (AU, 2013a).

Prior to the Dakar workshop, there had been several meetings, decisions, and commitments, which do not seem to have changed the situation measurably. The first decision (EX.CL/Dec. 128(v)) on accelerating the pace of ratification was made by the Executive Council at its 5th Ordinary Session held from 30 June to 3 July 2004, calling upon all Member States that had not signed or ratified/acceded to the treaties of the OAU-AU to do so as soon as possible (AU, 2004). The second decision (EX.CG/45/XIV) of the Executive Council was adopted by the Fourteenth Ordinary Session of Heads of State and Government (26–30 January 2009) on the Status of Signature and Ratification of the OAU-AU Treaties and Harmonization of Ratification Procedures. This decision urged Member States to urgently sign, ratify, and

accede to all OAU-AU treaties within one year (AU, 2009a).

Another workshop was organized by the AU in Dakar on 26–27 August 2013 to sensitize Member States to the importance of ratifying and domesticating OAU-AU treaties and conventions, specifically those with direct relevance to shared values, and to encourage them to speed up ratification and accession to all OAU-AU treaties. After that workshop, the number of states ratifying conventions did not increase noticeably (AU, 2013a).

In spite of the efforts of several AU organs, the pace of signing and of ratification and accession differs. Member States readily sign but take time to ratify and implement most of the treaties, conventions, and agreements. While the 2004 and 2009 decisions of the Executive Council (now the Council of Ministers) emphasized action on all treaties, the 2013 Dakar workshop put more emphasis on those that refer to common values such as governance, democracy, and elections; human rights and rule of law; justice; humanitarian issues; civil society participation; security; solidarity and interdependence of states; gender equality; and culture (AU, 2013b).

The outcomes of the Dakar 2013 workshop were presented to the AU Summit in January 2014. Compared with the OAU, the record of ratification by the AU has been better because the AU adopted 19 treaties in 10 years while the OAU adopted 23 within 37 years,

although of the 19 only eight were drafted and negotiated under the aegis of the AU. The others were designed under the OAU, and some were protocols either amending earlier treaties or whose ratifications had taken a long time to complete and matured after the AU took over (Maluwa, 2012). However, the pace has increased in recent years: between 2003 and 2009, 10 treaties were adopted,³ five in 2003 and five in 2009.

In the next chapters, we present summaries of treaties, conventions, and agreements adopted by the OAU-AU between 1963 and 2013, and their ratification status. For ease of presentation, they are in thematic clusters in the following chapters:

2. Basic instruments or instruments of general application.
3. Instruments on governance, transparency, and democracy.
4. Instruments on peace and security.

5. Instruments on civil aviation, transport, and energy.
6. Instruments on natural resources and the environment.
7. Instruments on trade and investment.
8. Instruments on rights of special groups.
9. Instruments on African culture.
10. Instruments on health and social protection.

These chapters summarize provisions and ratification status, nearly all with an accompanying table in an annex. Some also have short commentary sections, often outlining implementation challenges. Chapter 11 contains observations and conclusions on the possible causes of the slow pace of ratification and domestication, and recommends how to accelerate these processes at the national and regional levels.

2

Basic Instruments of General Application

2.1 The Treaty Establishing the African Economic Community

2.1.1 Summary of provisions

The Preamble to the Treaty reaffirms common aspirations and objectives of the African Heads of State and Government relating to smooth inter-state relations, the duty to develop national human and other resources, ensuring a secure and prosperous future for the people of Africa; fostering collective self-reliance and economic, social, and cultural integration; and fast-tracking the formation of the African Economic Community (AEC) (OAU, 1991a).

The Treaty, in Article 3, spells out general principles that will guide the AEC, namely equality and interdependence of Member States; solidarity and collective self-reliance; inter-state harmonization of policies, co-operation and integration of programmes; compliance with rules of the community; peaceful settlement of disputes and promotion of a peaceful environment conducive to economic development; recognition, promotion, and protection of human and People's rights (see below, "The African (Banjul) Charter on Human and People's Rights"); and accountability, economic justice, and popular participation in development (OAU, 1991a).

In Article 4(2), the Treaty spells out strategies for attaining the above objectives, which include: strengthening existing regional blocks

and establishing new ones where necessary; concluding agreements aimed at harmonizing and coordinating policies of regional economic communities (RECs); promoting and strengthening joint investment programmes through collective self-reliance; liberalizing trade and abolishing non-tariff barriers; harmonizing national policies in agriculture, industry, transport and communication, energy, natural resources, trade, money and finance, human resources, education, culture, and science and technology; adopting a common trade policy; establishing a common external tariff and a common market; facilitating the free movement of persons, goods, services, and capital; establishing a Community Solidarity Development Fund; extending special treatment to land-locked and semi-land-locked and island countries; establishing organs to facilitate trade in African's resources; facilitating the flow of information among institutional actors in business and trade; and harmonizing and coordinating environmental protection policies (OAU, 1991a).

Article 5 provides for common undertakings, which include: creating favourable conditions for the development of the Community; enacting legislation aimed at implementing the Treaty; and imposing sanctions on Member States that fail to abide by decisions or regulations of the Community.

Article 6 establishes six stages, listed here, to be followed in developing the community. The maximum transitional period for all the stages was set at 40 years. Stage 1:

strengthening RECs within five years. Stage 2: at the level of RECs, streamlining tariffs, non-tariff barriers, customs duties, and internal taxes existing at the date of entry into force of the Treaty; strengthening sectoral integration in the fields of trade, agriculture, money and finance, transport and communications, industry and energy; and coordinating and harmonizing the activities of the RECs. Stage 3: at the level of each REC, within 10 years establishing a free trade area through removal of tariff and non-tariff barriers and establishment of a customs union through adoption of a common external tariff. Stage 4: within two years of completing stage 3, coordinating and harmonizing tariff and non-tariff systems with a view to establishing a continental Customs Union and a common external tariff. Stage 5: establishing an African Common Market with a common policy on agriculture, transport and communications, industry, and energy and scientific research; harmonizing monetary financial and fiscal policy; applying the principle of free movement of persons; and constituting proper resources of the Community (OAU, 1991a).

Stage 6: within five years, strengthening the Common Market through free movement of people, goods, capital, and services, and providing rights of residence and establishment; ensuring cultural, political, economic, and social integration; establishing a single common market and a Pan African Economic and Monetary Union; establishing an African Central Bank and a single African currency; setting up the Pan African Parliament; finalizing harmonization and coordination of the activities of the RECs; and finalizing structures of the community and African multi-national enterprises in all sectors.

Other provisions relate to organs of the Community (Chapter III); strengthening regional economic communities (Chapter IV); Customs Union and liberalization of

trade (Chapter V); free movement of persons and rights of residence and establishment (Chapter VI); money, finance, and payments (Chapter VII); food and agriculture (Chapter VIII); industry, science, technology, energy; natural resources, and environment (Chapter IX); transport, communication, and tourism (Chapter X); standardization and measurement systems (Chapter XI); education, training, and culture (Chapter XII); human resources, social affairs, health, and population (Chapter XIII); cooperation and other fields (Chapter XIV); special provisions for countries in the Southern Africa Customs Union; and for least-developed, land-locked, and semi-land-locked countries, and island states (Chapter XV); a solidarity, development, and compensation fund (Chapter XVI); financial provisions (Chapter XVII); settlement of disputes (Chapter XVIII); relations between the Community and RECs (Chapter XIX); relations between the communities, third states, and international organizations (Chapters XX and XXI); and miscellaneous provisions (Chapter XXII) (OAU, 1991a).

2.1.2 Ratification status

The Treaty was adopted in Abuja on 3 June 1991 and came into force on 12 May 1994 (OAU, 1991a). All Member States at the time signed in 1991; South Sudan was the latest Member to sign on 24 January 2013, though it had not ratified or acceded to it by end-2013. Djibouti, Eritrea, and Madagascar signed in 1991 but have not ratified or acceded to it. (Table A1.)

2.2 The Protocol to the Treaty Establishing an African Economic Community Relating to the Pan African Parliament

2.2.1 Summary of provisions

This Protocol, adopted in Libya on 2 March 2001 and entering into force on 14 December 2003, seeks to implement Articles 7 and 14 of the Treaty Establishing the African Economic Community. These Articles provide for the formation of the Pan African Parliament and state that its composition, powers, functions, and organizational structure shall be provided for in a separate Protocol. The underlying objective is to provide a framework under which the Pan African Parliament will provide a forum for wider popular participation in the institutions of the AEC (OAU, 2001a).

Article 2 establishes the Pan African Parliament. Its ultimate functions will be legislative and its members shall be elected through universal adult suffrage to represent their people. The powers of the Parliament under this Article are advisory. Article 3 provides for the objectives of the Parliament, which include: facilitating implementation of the decisions of the AU; promoting human rights and democracy; encouraging good governance, transparency, and accountability; popularizing regional integration; promoting peace and security; promoting collective self-reliance and economic recovery; and facilitating co-operation and solidarity and supporting RECs (OAU, 2001a).

Article 4 provides for an equal number of five members per Member State in the Parliament and requires that at least one of the five should be a woman. The representation of each country is required to reflect the political composition of its National Parliament. Article 5 defines the modality of electing

members and cessation of membership. Article 6 concerns voting procedures, and Article 7 bars Members from performing executive or judicial roles in their countries. Articles 8 and 9 define the immunities and privileges of members, and Article 10 provides for allowances (OAU, 2001a).

The functions and powers of the Parliament are provided for in Article 11. They include discussing and making recommendations on issues identified by the AU Assembly; reviewing matters relating to human rights, democracy, good governance, and the rule of law; discussing budgets of the AEC; harmonizing laws of Member States; promoting harmonization and coordination of policies of Member States; and advancing the policies and programmes of the Community. The rules of procedures are provided for in Article 12; the Members' oath of office in Article 13; and the number of sessions and quorum in Article 14. Under Article 15, the Parliament is given authority to draw its own budget, subject to the Finance Rules and Regulations of the AU (OAU, 2001a).

Article 18 provides for relations between the Pan African Parliament, those of the RECs, and those of Member States, and empowers it to convene annual consultation forums with those Parliaments. Under Article 19, withdrawal from the Protocol by any Member State terminates membership of its Parliamentarians in the Pan African Parliament. The remaining provisions relate to interpretation, signature, ratification, accession, amendments, review, and revision of the Protocol (OAU, 2001a).

2.2.2 Ratification status

The Protocol has been ratified and acceded to by almost all Member States. Côte d'Ivoire and the Democratic Republic of Congo

(DRC) have signed but not ratified. Equatorial Guinea, Guinea-Bissau, and Mauritius did not sign but have ratified and acceded to it and only Eritrea has not yet acted on the Protocol. (Table A2)

2.3 The Protocol to the Constitutive Act of the African Union Relating to the Pan African Parliament

2.3.1 Summary of provisions

Adopted in Malabo, Equatorial Guinea, on 27 June 2014, this protocol implements Articles 5 and 17 of the Constitutive Act of the African Union, which provide for the functions, powers, and organizational structures of the Pan African Parliament as an organ of the AU to be defined by a Protocol, and Article 25 of the earlier Protocol to the Abuja Treaty, which provided for a review of its effectiveness and the system of representation of the Pan African Parliament after five years.

Under Article 2, the Pan African Parliament (earlier established under the Protocol, which is being amended) continues in existence and its organs are defined as the Plenary, the Bureau, Committees, and regional groups. The Parliament is given the function of representing the interests of all the peoples of Africa and those of the African Diaspora. Its objectives are spelled out in Article 3 and include: giving a voice to the African peoples and the African Diaspora; facilitating effective implementation of the policies of the AU; and encouraging good governance, rule of law, transparency, and accountability. Other objectives include: familiarizing the African peoples and the African Diaspora with policies and objectives of regional integration; facilitating cooperation and development; strengthening solidarity and building a sense of common destiny; facilitating cooperation

among RECs and their Parliamentary forums; encouraging ratification and domestication of instruments; and encouraging the African Diaspora to participate fully in the building of the AU in accordance with modalities approved by the Assembly.

The structure of representation is spelled out in Article 4, under which each State Party will be represented by five Members, at least two of them women. Delegations of State Parties deviating from this requirement will be denied accreditation. Under Article 5, representatives of State Parties have to be elected by National Parliaments from outside their membership. The representation is required to reflect the political diversity of opinion and political affiliation in each sending National Parliament. Members of the national executive or judiciary or office bearers of the AU are ineligible for election to this Parliament. Elections of Members of the Pan African Parliament should take place in the same month throughout the Member States. Immediately after these national elections, the Speakers/Presidents of the National Parliaments have to notify the President of the Pan African Parliament of the election results and of any determination reached in cases of election disputes. At its inaugural meeting chaired by the AU Chairperson, the Members shall elect the President of the Parliament.

The term of office of Members is five years under Article 6. A seat becomes vacant when a Member dies, becomes unable to perform his or her duties due to mental or physical disability, is removed in accordance with the Rules of Procedure, or resigns. Other circumstances include those occasions when a Member is absent from meetings for such a period as prescribed in the Rules of Procedure; or when a Member is convicted for an offense involving dishonesty, fraud, or lack of moral integrity and imprisoned for more than six months; or when a Member is suspended

from participating in the activities of the AU. Voting by Members has to be in person and by proxy only if a Member is away on an official mission.

The legislative functions of the Parliament are defined in Article 8. It has a mandate to develop model legislation, which it has to submit to the Assembly for approval. It can do this upon being directed by the AU or the Assembly to do so. It can also make proposals to the Assembly on areas on which it would like to develop model legislation. Such legislation has to be submitted to the Assembly for approval. In addition, the AU Council or Assembly may refer to it reports of other organs of the AU for recommendations. It has the power to debate its own budget and that of the AU and to discuss matters relevant to the AU. It also has the power to request officials of other AU organs to attend its sessions. It can receive, consider, and submit opinions on draft legal instruments and international agreements referred to it by the Council or the Assembly. It can network with National Parliaments and those of the RECs on matters relating to the AU. It can organize fact-finding missions within the frameworks of the AU and can engage in fundraising, but it has no borrowing powers.

The privileges and immunities of the Members are provided for in Article 9 and they are the same as those extended to representatives of Member States under the OAU and Vienna Conventions on Diplomatic Relations. However, these immunities can be waived under the Rules of Procedure. Under Article 10, allowances payable to Members are payable by their respective State Parties. The leadership of the Parliament is vested in the Bureau, which is composed of the President and four Vice Presidents, each of them representing one of the five regions of the AU. They are elected by secret ballot, simple majority, and on a rotational basis. At least two of the five

should be women. The Bureau is responsible for developing policies for the management and administration of the Pan African Parliament, as approved by the Plenary. These five officers serve for a term of two and half years, renewable only once. The President chairs all Parliamentary proceedings except those of the committees, which have their own chairs. An office on the Bureau becomes vacant when a Member dies, resigns, becomes unable to perform duties due to physical or mental disability, is removed for misconduct, loses membership of the Parliament, or the member's term ends.

On recommendation from the Bureau, the Parliament has power to appoint a Secretary General and two deputies. To qualify for appointment, the candidates should be conversant with Parliamentary practice, management, and administration. The Secretary General is the head of the Secretariat and the accounting officer of the Parliament. The holder of this office is required to send copies of records of the Parliament's proceedings to all Secretaries General/Clerks of National and Regional Assemblies or Parliaments for information and to submit annual reports on the use of funds to the Parliament through the Bureau.

Article 14 provides for an oath or solemn declaration by Members in accordance with Rules of Procedure. Under Article 15, the Parliament should meet at least twice a year and each ordinary session may last up to one month. Extraordinary sessions can be held on request from the Bureau, the Council, the Assembly, or two-thirds of the Members by written notification addressed to the President, stating the reasons for the request and details of the issues to be discussed. The proceedings of the Parliament will be open to the public unless the Bureau directs otherwise. Under Article 16, the budget of the Parliament is an integral part of the budget of the AU. It

is drawn up by the Parliament and approved in accordance with the Financial Rules and Regulations of the AU.

Under Article 17, the seat of the Parliament shall be located in the Republic of South Africa. Under Article 18, its official languages are those of the AU. Under Article 19, the Parliament is required to work with Parliaments of Member States and those of RECs through consultative forums in accordance with its Rules of Procedures. Under Article 20, the Chairperson of the AUC is required to address each inaugural session of the new term of Parliament and submit an activity report of the Commission to it at least once during its term. All other organs of the AU except the Assembly, the Council, and the Court are required to submit annual activity reports to this Parliament. The Parliament is also required to submit its activity report to all organs of the AU annually. The remaining Articles relate to interpretation, signing, ratification and accession, entry into force, amendment, revision, review, and transitional provisions.

2.3.2 Ratification status

Signing and ratification are in progress.

2.4 The Constitutive Act of the African Union, 2000

2.4.1 Summary of provisions

Signed and ratified by all the Members of the AU, this Act established the AU, whose objectives are achieving greater unity and solidarity between African countries and their peoples; defending sovereignty and national integrity of Member States; accelerating political and economic integration; promoting peace and security, democratic principles,

human rights, sustainable economic, social, and cultural development, and cooperation in fields of human activity; coordinating and harmonizing policies of the RECs; and promoting research in all fields, especially in science and technology, and working with other partners to eradicate preventable diseases and promote good health (OAU, 2000a).

The Act establishes nine organs of the AU. The supreme organ is the Assembly of Heads of State and Government, the highest decision-making body. The Assembly meets once a year (Article 6). It aims to reach decisions by consensus but, failing that, by a two-thirds majority; the same is required for it to constitute a quorum (Article 7). It has powers to determine common policies, make decisions on reports, decide on membership, establish organs of the AU, monitor implementation of policies and decisions, adopt AU budgets, appoint judges of the African Court of Justice and Human Rights, and appoint the Chair of the AUC (Article 9). Below the Assembly is the Executive Council (now the Council of Ministers) composed of Ministers of Foreign Affairs or the equivalent. It meets twice a year (Article 10) and makes decisions by consensus (or a two-thirds majority if that fails). The same number is required for it to constitute a quorum (Article 11). Below the Executive Council are specialized, Technical Committees on foreign trade; energy, industry, and national resources; food agriculture and animal resources; livestock and forestry; water resources and irrigation; environment and disaster responses; transport and communications; insurance; education, culture, health, and human resources; science and technology; nationality, residence, and immigration; social security; and the establishment of a system for African awards, medals, and prizes (OAU, 2000a).

In addition, the Act establishes the Pan African Parliament; the Court of Justice of the

AU; the African Central Bank, the African Monetary Fund, and the African Investment Bank; the AUC; the Permanent Representatives Committee; and the Economic, Social, and Cultural Council. Other provisions relate to standard issues such as the imposition of sanctions, working languages, signatures, ratification and accession, membership, suspension from membership, cessation of membership, and amendment and revision (OAU, 2000a).

2.4.2 Implementation challenges

The first set of issues touches on consensus on the integration model. Since 1963, when the OAU was formed, this issue has been unresolved. Green and Seidman (1968) argued that the economies of the African countries were too small and too weak for any of them to stand alone. They called upon African countries to unite and collectively invest in developing their resources.

This study came in the wake of two opposed views about the model for African economic integration and political unity. Kwame Nkrumah made an appeal in 1963 for the immediate formation of an African government as a federal political union. His argument was that because the African countries had just become independent, it was going to be easier for them to unite before they developed internal dynamics that would make political union difficult later. Nkrumah got substantial support from some heads of state but the majority remained sceptical. In a 1965 speech entitled “The Nature and Requirements of African Unity,” Julius Nyerere presented a counter-thesis, arguing that unity had to be strengthened nationally and sub-regionally before it was accomplished continentally. He believed that without strengthening collective decision making and cooperation sub-regionally, a continental system would not be

feasible. He proposed a gradual approach with sub-regional organizations as building blocks for a continental block. At the OAU summit in Accra in 1965, the proposal of a union government by Nkrumah was rejected (OAU, 1965). In 1966, Nkrumah was deposed by a military junta in Ghana and the debate ended for some years.

The Abuja Treaty of 1991 adopted most of the components of the Lagos Plan of Action (1980-2000) (OAU, 1980) and endorsed the gradualist approach sanctioned by the OAU Accra Summit of 1965. The Abuja Treaty opened new avenues for assessing the feasibility of the OAU as a vehicle for rapid regional integration. It was decided in 1999 at Sirte in Libya, that the OAU should be replaced by the AU, led by the AUC. The formation of the AU created an opportunity for renewing the 1963-1965 debates.

In this effort, the AU Heads of State and Government appointed seven from among them to examine ways for fast-tracking regional integration. The team of seven presented its report at the AU Summit of Heads of State and Government in July 2006, after which the AUC was asked by those Heads to undertake an in-depth study on how to fast-track regional integration. The AUC presented its report, a “Study on Union Government: Towards a United States of Africa,” at the AU Summit in Accra in July 2007 (AU, 2007a). It was in this capital that the idea of a union government and a united states of Africa was conceived by Nkrumah in 1963 and rejected by the OAU summit in 1965, but once again a proposal was rejected and a compromise reached: that there was need to take cognizance of global trends; look for areas with common and shared values; widen popular participation in the debate including people in the Diaspora; accelerate existing initiatives in economic and political cooperation; and strengthen regional blocks.⁴ It was also decided that an

audit should be conducted on the institutions of the AU and propose the way forward.

The subsequent audit proposed nothing on union government (AU, 2007b). It proposed shifting from two to one meeting of the Heads of State and Government per year; shortening the term of the Chair to two years; renaming the Executive Council the Ministerial Council; appointing the Chair and Deputy Chairs six months before commissioners are appointed; and establishing National Commissions on AU Affairs. At the January 2008 AU Summit, 12 Heads of State and Government were appointed to review the audit report. At the July 2008 Summit, the AUC was asked to prepare a report that would end the debate on union government. But at the next Summit in February 2009, the issue was not discussed. Instead, a new decision was made to transform the AUC into the AU Authority in line with the recommendations of the 2008 Audit Report (AU, 2008a).

The outcome of these debates is that there is still lack of consensus on the model of integration; even action on transforming the AUC into the AU Authority is very slow. The matter was referred to the Executive Council. When it met in Libya in 2009, it only recommended the transformation of the Commission into an Authority but did not propose substantial changes in its functions or the power of the Chairperson. At the summit of the Heads of State and Government in Libya in July 2009, the recommendations of the Executive Council were endorsed (AU, 2009b).

In essence, the debate seems to have been closed and a gradual transformation cautiously endorsed, though differences between Heads of State on the appropriate model still persist. Oxfam International (2014: 139) summed up the issue:

The long delays in finalizing proposals for the restructuring of the AU reflect not only technical differences about the best way of configuring the secretariat of the AU and the powers that should be given to different organs, but also philosophical differences among African leaders about the future direction of the continent, including concerns about the role of sovereignty in a more integrated Africa.

Another set of factors to be addressed revolve around the achievable goals of the AU. It is not very clear whether the AU and its Member States make a clear distinction between regional *cooperation* and regional *integration* and at what point the former merges into the latter. Within the current six-stage approach, integration starts with stage 4. In order to achieve integration in stages 4 to 6, a comprehensive strategy is required. This strategy could be developed further by stimulating debate and generating consensus on a few matters.

First is the balance between sovereignty and subsidiarity. Cooperation is based on collective action by sovereign states without them surrendering their sovereignty. Integration is achievable when sovereign states cede some of their sovereign powers and even functions to a collective authority. The successful implementation of the eight Protocols of the AU⁵ requires serious acceptance of the principle of subsidiarity. But this is still problematic even within RECs.

Second is a need to sharpen the role of the New Partnership for Africa's Development (NEPAD), an integral part of the AU system. Akokpari (2008) argued that NEPAD is poised to succeed where the Lagos Plan of Action (LPA) failed because the LPA was state centred while NEPAD is market oriented; and the LPA located Africa's woes in the international structures of power and

production while NEPAD locates the problem in the African systems and the solution in cooperation between African and global markets. Still, despite the clear vision and mission of NEPAD, it is uncertain whether its potential has been adequately used. To enhance the move from cooperation to integration, the vision, mission, and role of NEPAD need to be enlarged within the integration process as it moves into stages 4 to 6.

Third is the issue of competition between regional and international space. The resolutions of the Assembly directing Member States to reduce overlapping memberships of RECs have not been fully implemented (AU, 2007c). Further, some countries in Eastern Africa belong to more than two RECs, and a similar problem characterizes Central, Southern and West Africa.

Yet regional cooperation and moves towards integration have progressed. The AU, ECA and AfDB (2012) noted the following: inter-regional coordination is on the rise with the Common Market for Eastern and Southern Africa (COMESA), East African Community (EAC) and SADC having established a Tripartite Free Trade Area, bringing together 530 million people in 26 countries and a combined gross domestic product (GDP) of US\$ 630 billion; the EAC has established a common market; and most countries and their RECs have developed their minimum integration programmes. On the movement of persons, this document noted that the Arab Maghreb Union (UMA) has made progress on freedom to transfer capital and employees' income, and on equal treatment of nationals and foreign individuals; while the rights of movement, residence, and establishment have been harmonized within the West African Economic and Monetary Union (UEMOA) and the Economic Community of West African States (ECOWAS). The latter and EAC have a common passport each.

The report noted that in most of the RECs there are still restrictions on the right of establishment and there is need for protecting migrant workers more and for reducing red tape in issuing travel permits, health certificates, and identity documents. It recommended establishing one-stop border posts (as between Zambia and Zimbabwe) to reduce the amount of bureaucracy that inconveniences travellers at borders.

On the movement of goods and services, the report noted that countries that have made substantial economic and financial-sector reforms have experienced sharp increases in foreign direct investment (FDI), but the share of African FDI within Africa has not risen much overall, and fluctuates. The bulk of intra-African FDI goes to financing mergers and acquisitions rather than greenfield investments, the biggest share in which is through FDI from non-African countries. It also argued that the movement of goods and services could be hastened by harmonizing macroeconomic policies, forming regional financial and capital markets, reviewing tax laws and other regulations that increase costs and encourage corruption, removing non-tariff barriers, and strengthening customs reforms (AU, ECA, and AfDB, 2012).

At the time of the report CEN-SAD was working on the establishment of an FTA based on three principles to guide tariff elimination—solidarity, equality, and freedom—under which solidarity aims at accommodating differences in economic strength with least-developed countries given eight years to eliminate tariffs and the rest four years; COMESA has launched a customs union and is working on the harmonization of monetary, financial and fiscal policies by 2014, monetary union by 2020 and the establishment of single trade and investment space free for movement of goods persons and services in the absence of tariffs and

non-tariff barriers by 2025. EAC had made the East African currencies convertible by 1997, launched a fully-fledged customs union in January 2010 and began its common market with zero tariffs in July 2010. It launched an East African passport and harmonized movement of persons within the community becoming the second REC to launch a common passport. ECOWAS established a Bank for Investment and Development (AU, ECA and AfDB, 2012).

According to the AU, ECA, and AfDB (2012) assessment of progress, by 1999 all the RECs had achieved the first stage of harmonization. By 2007, all the RECs except IGAD had achieved the targets of the second stage (harmonization of activities and progressive elimination of tariffs and non-tariff barriers). The third stage (free trade areas and customs unions by RECs) has not been achieved by all of them.

On monetary integration, Ghana, Guinea, Liberia, Nigeria, and Sierra Leone were setting up a second West African Monetary Zone. ECOWAS was working on establishing an FTA with UEMOA, and in 1999 it had adopted a Protocol on Free Movement of Persons, Residence and Establishment (AU, ECA, and AfDB, 2012).

IGAD, though slow on other processes, has established an Early Warning and Response Mechanism, the IGAD Business Forum and the IGAD Climate Prediction and Application Centre for Monitoring and Forecasting, the IGAD Capacity Building Programme against Terrorism, and the IGAD Regional HIV/AIDS Partnership Programme. It was working setting up an FTA and a Development Bank (AU, ECA, and AfDB, 2012).

SADC was finalizing its FTA and a competition policy model, both aimed at fast-tracking a common market. It was also working on

forming a customs union. It has developed a project on energy and transport; abolished visas for residents of partner states for short visits not exceeding 90 days; and for salaried employees or investors there is a generalized right of settlement. It was also finalizing measures to harmonize customs, tariffs, rules of origin, trade facilitation; and a general policy on how to eliminate non-tariff barriers (AU, ECA; and AfDB, 2012).

AU, ECA; and AfDB (2012) highlighted the following:

- The challenges need to be addressed collectively as no one country can resolve them on its own.
- Limited energy security hampers African's development and integration of immense energy resources, e.g., gas, oil, wind, solar, and biomass sources.
- Too many schemes impose huge burdens on constrained administrative and financial capacities.
- Lack of self-financing mechanisms puts most projects at the mercy of development partners.
- Funding of the minimum integration programmes of the RECS has been a challenge in spite of the decision of the Heads of State and Government to establish an integration fund.

Focusing on the state of integration by sector the African Union Report (AU, 2013c) observed that:

- Preparations for monetary union were advanced in COMESA; progressing fairly well in EAC; planned for launching by ECOWAS in 2015; and entailed a merger

of the CFA zone with the ECOWAS West African Monetary Zone in 2020.

But it also noted, along lines similar to AU, ECA, and AfDB (2012), that:

- Most RECs are facing problems forming or implementing free trade area arrangements.
- Few RECs have elaborated competition policies, and the concept of one-stop border posts has not been fully embraced by all.
- Mobilizing funds for the Programme for Infrastructure Development in Africa has proved very challenging.
- Not all RECs have moved enough to guarantee freedom of movement of goods, persons, and services, specifically ECCAS, CEN-SAD, IGAD, and COMESA. Road-blocks, illegal barriers, bureaucracy, brokers, and corruption still constitute severe obstacles.
- Africa still faces challenges in harmonizing policies. There is limited political will to implement decisions made at the regional level, as some states are still hesitant to cede their competencies and sovereignty.
- Physical infrastructure between countries is not well integrated; grassroots ownership of regional projects is weak, aggravated by poor involvement of the private sector, while financial and human resources are still inadequate.

2.4.3 Ratification status

The Act has been signed and ratified by all the Members of the AU.

2.5 Protocol on Amendments to the Constitutive Act of the African Union

2.5.1 Summary of provisions

This Protocol—passed at the 1st Extraordinary Session of the AU Assembly in Addis Ababa on 3 February 2003 and further discussed and adopted at the 2nd Ordinary Session of the Assembly in Maputo, Mozambique, on 11 July 2003—seeks to ensure the effective participation of women in political, economic and socio-cultural decisions of the AU; to promote common policies on trade, defence and foreign relations; and to invite and to encourage full participation of the Diaspora in building the AU. It provides for the principle of the right of the AU to intervene in Member States in respect of “grave circumstances” such as war crimes, genocide, and crimes against humanity or in order to restore peace and stability to a Member State if recommended by the Peace and Security Council. It seeks to restrict members from entering into treaties or alliances that are incompatible with the principles of the AU and seeks to prohibit Members from allowing use of their territory as a base of subservice activities against other Member States. Article 6 limits the term of the Chairperson of the Assembly to one year on the basis of rotation (AU, 2003a).

Article 7 empowers the Chairperson to represent the AU and, with the Chairperson of the Commission, to carry out the functions of the Assembly in between meetings. It also empowers the Chairperson of the Assembly to convene meetings of the other AU organs through their Chairpersons or Committees subject to their Rules of Procedure (AU, 2003a).

Article 8 provides for the establishment of a Bureau to be chosen by the Executive Council on the basis of equitable geographical representation to assist the Chairperson of the Executive Council. Article 9 establishes a Peace and Security Council for the prevention, management, and resolution of conflicts. Article 10 establishes a Bureau to assist the Chairperson of the Permanent Representatives' Committee, which has to be chosen on the basis of equitable geographical representation. Other Articles provide for entry into force, signature, ratification, and accession (AU, 2003a).

2.5.2 Ratification status

The Protocol has been signed by all Member States except Botswana, Ethiopia, Malawi, and the Seychelles. Only 28 had ratified and acceded to it by end-2013. (Table A3.)

2.6 The Inter-African Convention Establishing an African Technical Cooperation Programme

2.6.1 Summary of provisions

Adopted at the Ordinary Meeting of the Heads of State and Government in July 1975 in Kampala, Uganda and entering into force on 1 August 2008, the Convention seeks to facilitate the exchange of skilled personnel between Member States; facilitate the sharing of technical knowledge among them; enable experts to focus on local problems; and encourage cooperation and solidarity among Member States.

Article 3 provides for the procedure for staff exchange between countries. Article 4 defines the duration for which staff exchange may be requested (short- and long-term). Article 5

requires such exchanges to be through contracts signed between the receiving and sending states. Article 8 relates to conditions under which agreements can be terminated. Article 9 defines the required period of notice in case of termination of such agreements. Articles 11 and 12 provide for salaries and benefits, and exemption from taxes, during the validity of such agreements. Article 13 relates to other benefits. Article 14 relates to privileges and immunities of persons employed under the Convention, while Article 15 covers social protection for employees. Article 16 provides for the rights of employed experts to transfer their earnings to their home countries, and Articles 17 and 18 govern leave. Travel expenses and entitlements are covered by Articles 19, 20, and 21, and Article 22 covers shipping costs. The remaining sections are about administration of the Convention, settlement of disputes, signature, ratification, accession, and amendment (OAU, 1975).

This convention is about exchange of skilled personnel required to serve government departments in requesting countries. It also relates to provision of technical and advanced advisory services. Given the imbalances in skill levels within the RECs and across the continent, the Convention, if fully implemented, would be very useful in facilitating movement of experts. As will be seen in the various instruments covered in this Digest, there are many old and new problems on which skills exchange is still required. For example, not every country has enough capacity to implement the treaties and conventions on terrorism, mercenaries, corruption, and cross-border transfer of hazardous wastes or issues of climate change, new diseases, humanitarian disasters, and other challenges. Governments could benefit greatly from an orderly exchange of experts rather than poaching each other's expertise, as they do now.

However, it requires a few changes to be effective. Chapter II provides for the procedure of recruitment, which has to go through the Secretariat of the AU (Article 3). What could be done instead is to establish a database of African experts that could be accessed directly by states in need and transactions conducted bilaterally or through RECs. Article 4 may be redundant, as the duration could be left to the parties concerned. The remaining Articles are crucial, because they give incentives and protection to experts serving other governments (OAU, 1975).

2.6.2 Ratification status

It has been signed by only 29 countries. By end-2013, it had been ratified by only six countries, all of which have acceded to it. It has not yet entered into force. (Table A4.)

2.7 African Charter on the Values and Principles of Decentralization, Local Governance, and Local Development

2.7.1 Summary of provisions

Adopted in Malabo, Equatorial Guinea, on 27 June 2014, this Charter seeks to establish common frameworks, standards, and practices on decentralization, local governance, and local development. It defines decentralization as transfer of power, responsibilities, capacities, and resources from national to sub-national levels to strengthen the latter to foster people's participation and high-quality service delivery. It defines local governance as government processes and institutions at sub-national level. It defines local development as mobilization of resources to improve and transform livelihoods and communities at the local level and to ensure that local

development involves the mobilization of local knowledge and skills in a manner that attracts investments that promote inclusive economic activities and the equitable redistribution of resources. Under Article 2, the objectives of the Charter are to promote, protect, and act as a catalyst for decentralization, local governance, and local development; to promote resource mobilization for poverty eradication; promote a common vision and core values on decentralized governance and development; and guide policy processes and encourage effective coordination, harmonization, knowledge sharing, and cooperation among institutions of local governance at all levels.

The core values are spelled out by Article 4 and include community-based participation and inclusiveness; solidarity and respect for people's and human rights; diversity and tolerance; and justice, equity, equality, and integrity. Other values include civic responsibility and citizenship, transparency and accountability, and responsiveness. Article 5 spells out the principles that need to be observed in local governance. They include enacting laws recognizing different levels of government and mandating them to exercise their competencies; and enabling local governments or local authorities to have power to manage their administrations and finances in an accountable and transparent manner through democratically constituted bodies. Other principles include demarcation of boundaries of local governments or local authorities within provisions of the law and consultation of institutions of local governance on national or sub-national laws, policies, programmes, and activities that affect their competencies.

Article 6 provides for the principle of subsidiarity, which calls upon central governments to create enabling conditions for decentralizing policy and programme initiatives and their

implementation to lower levels, and to facilitate cooperation and coordination between national and sub-national levels of government, thereby enabling the latter to discharge their duties and responsibilities. On their part, institutions of local governance are called upon to cooperate with central governments for increased efficiency, efficacy, and public action for quality service delivery.

Article 7 provides for central governments to establish regulatory frameworks enabling the latter to mobilize and disburse resources and to establish oversight mechanisms that ensure that part of the revenues mobilized at national and local levels are transferred to local institutions of governance for economic development. It requires the two levels of government to establish effective frameworks to promote private-sector and community development. To implement these frameworks, local governments and authorities are required to raise, manage, and administer resources in accordance with clearly established, efficient, and transparent mechanisms and in consultation with central governments.

Article 8 is about diversity and differentiation and underlines the need to recognize and respect local realities, values, and customs within the context of broader national principles and to implement programmes and projects in accordance with national laws and in consultation with stakeholders in a manner that recognizes cultural, religious, and gender diversity.

Article 10 states the need for institutions of local governance to discharge their functions in a manner that is inclusive and equitable for all and to ensure that traditionally marginalized groups and communities are given priority in service delivery. These institutions are called upon to refrain from any forms of discrimination, and are required to develop pro-poor initiatives, paying particular

attention to women, youth, elderly persons, persons with disabilities, HIV/AIDS victims, children living in challenging conditions, the unemployed, the homeless, refugees, and displaced minorities.

Under Article 11, State Parties are called upon to ensure that local institutions of governance promote improvement of livelihoods, and involve national, sub-national, private, and civil-society actors in local-development processes in a manner that is consistent with national, regional, and continental development policies. To make this possible, central authorities are tasked to require institutions of local governance to specify their local development plans and operational cooperation frameworks, as well as their mechanisms for cooperation between national and local development actors, and to ensure that local institutions of governance are accountable to central governments and local communities on local development decisions, and on policies and management of financial resources.

Article 12 is about refers to democratic participation and contains provisions requiring central authorities to pass legislation to support citizen participation in planning, implementing, monitoring, and evaluating policies, programmes, and projects through structured community platforms involving communities, civil-society organizations, and other actors in a manner conducive to the democratic and peaceful expression of ideas. It also calls upon central and local institutions of governance to create room for the participation of the African Diaspora in the promotion of decentralization, local governance, and local development.

Under Article 13, State Parties are required to enact laws that provide frameworks for representation through regular, democratic, free, fair, and transparent elections and appropriate mechanisms for full participation in elections

by all eligible citizens. Such frameworks should also contain specific measures on the representation of women and marginalized groups. The Article further requires central governments to pass legislation establishing mechanisms for consultation of citizens by local institutions of governance, facilitating dialogue with them, and providing feedback.

Article 14 calls for legislative measures aimed at promoting transparency and accountability defining clearly the roles and responsibilities of various actors and providing for community participation, publication of annual reports, and full financial disclosure. It also calls for the establishment of innovative mechanisms of handling and resolving grievances and those aimed at protecting whistle-blowers in issues related to transparency and integrity. Central governments are expected to adopt legislation and mechanisms to monitor compliance with standards of ethics by officials of local governance institutions.

Article 15 calls for the integration of gender, youth and disability issues in policy, planning, and service delivery. Article 16 calls for enactments that provide for frameworks of standards aimed at ensuring effective, high-quality service delivery. It requires that institutions of local governance be equipped with the required human, financial, and technological resources in order to be enabled to achieve this goal.

Under Article 16, to ensure efficiency and effectiveness, institutions of local governance and their associations are required to develop programmes for continuous capacity development, and the central governments are required to develop programmes that will facilitate the exchange of best practices and experiences on capacity development. Under the same Article, State Parties are required to pass legislation vesting local governance institutions with powers and responsibility for

fully managing the financial resources at the local level to ensure financial stability at this level. In this vein, the central governments have to provide appropriate support and oversight to ensure that resources are effectively and efficiently managed. In addition, central governments are also expected to define by law conditions under which local governments can secure loans and grants.

Under Article 17, State Parties undertake to adopt legislation regulating partnerships between local governments and similar institutions in other African countries with the view to enhance regional integration or with similar institutions outside Africa with the view to enhance cooperation. State Parties commit to pass laws facilitating the formation of local government associations and to allow such associations to join similar bodies at the regional, continental, and global levels. They also undertake to encourage and support the independent and effective functioning of such associations and to support them to participate fully in the processes of regional integration and cross-border cooperation.

Provisions on implementation require State Parties to domesticate the Charter by integrating its provisions into their policies and strategies; to put decentralization and local development at the centre of governance and development; and to demonstrate political will to translate the core values, principles, and standards of the Charter into their development strategies. RECs are expected to encourage Member States to ratify, accede to, implement, and monitor progress in domesticating the Charter and to integrate its objectives, principles, and values into regional policies. They are also expected to facilitate the establishment of regional local government platforms and forums.

The AUC is expected to develop guidelines for implementation; to facilitate the creation

of favourable conditions for good local governance and effective service delivery through harmonizing policies; and to support and facilitate the formation of an appropriate advisory continental platform for collective voice and action. It is also expected to assist States Parties to implement the Charter and to coordinate evaluation. In addition, the AUC is also expected to mobilize resources to support capacity building and to undertake periodic review of implementation.

Under Article 19, every three years after the Charter comes into force, State Parties will

submit reports to the AUC on legislative measures taken to implement it. Article 20 requires State Parties to institutionalize transparent and impartial systems of recognizing and rewarding outstanding performance, creativity, and innovation in decentralization, local governance, and local development. The remaining Articles relate to safeguards, settlement of disputes, ratification accession, and amendment of the Charter.

3

Governance, Transparency, and Human Rights

3.1 The African Charter on Democracy, Elections, and Governance

3.1.1 Summary of provisions

This Charter was adopted at the Eighth Ordinary Session of the Assembly in Addis Ababa on 30 January 2007. It seeks to promote adherence to universal values and principles of democracy and human rights, rule of law, constitutionalism, and regular free and fair elections; to prohibit, reject, and condemn unconstitutional changes of government; to promote and protect independence of the judiciary; to nurture and support good governance, political pluralism, and the effective coordination and harmonization of good governance policies among State Parties; to promote sustainable development, human security, citizen participation, transparency, access to information, freedom of the press, and accountability; to promote gender balance and equality in governance and the development process; to enhance cooperation between the AU, the RECs, and the international community on democracy, elections, and governance; and to promote best practices in elections that can lead to political stability and good governance (AU, 2007d).

The Charter commits State Parties to implement measures that demonstrate respect for human rights and democratic principles as well as respect for constitutions through ensuring representative governments; holding

regular, free, transparent, and fair elections; ensuring separation of powers; promoting gender equality; ensuring the effective participation of citizens in democratic and development processes; promoting transparency and fairness and rejecting acts of corruption and impunity; strengthening political pluralism; and rejecting unconstitutional changes of government (AU, 2007d).

Chapter 4 of the Charter commits State Parties to promote democracy, rule of law, and human rights; to recognize popular participation through universal suffrage as an inalienable right; to observe constitutions; to ensure that citizens enjoy fundamental freedoms and human rights; to strengthen organs of the AU that promote and protect human rights and to fight impunity; to eliminate all forms of discrimination; to institute legal and administrative measures to protect the rights of women, ethnic minorities, and migrants, people with disabilities, refugees, displaced persons, and other vulnerable and marginalized groups; to respect ethnic, cultural, and religious diversity; to develop social policies conducive to sustainable development and human security; and to protect the rights of equality before the law and equal protection by the law (AU, 2007d).

Chapter 5 is about the culture of democracy and peace, and State Parties undertake to develop policies and frameworks to support democratic principles and practices and to consolidate the culture of democracy and peace by ensuring transparency and

accountability, space for civil society, and the provision of civic education. In Chapter 6, State Parties commit to strengthen democratic institutions, ensuring civilian control over armed and security forces and punishing those who attempt to subvert constitutional order. State Parties undertake to establish autonomous and independent bodies that promote democracy and to provide them with adequate resources.

Chapter 7 provides for regular, transparent, free, and fair elections and calls upon State Parties to establish independent electoral commissions; provide mechanisms for addressing election disputes; ensure fair play in electoral contests; and ensure that there are codes of conduct binding on all political actors, including governments, during elections. Further provisions are made on how State Parties can seek and obtain assistance from the Commission in connection with elections and the duties of State Parties who may be given such assistance (AU, 2007d).

Chapter 8 provides for sanctions in cases of unconstitutional changes of government. It defines ways of changing governments and contains provisions empowering the Peace and Security Council to take action in accordance with its Protocol. Such action includes diplomacy but, where it fails, can extend to suspending the state concerned from the activities of Union, barring the perpetrators from participating in subsequent elections, and possibly putting on trial the perpetrators before the competent court of any state party proved to have instigated or supported an unconstitutional change of government in another state (AU, 2007d).

Chapter 9 covers issues of political, economic, and social governance. It calls for the strengthening of legislative authorities and legally recognized political parties; strengthening popular participation through

civil society organizations; reform of the systems of justice; public service efficiency and transparency; private-sector development; the development and utilization of information and communications technology; freedom of expression; popularization of democratic values; and prevention of chronic and endemic diseases. It also contains commitments to recognize the role of women and ensure their full participation in governance, economic, and political arenas. It also contains commitments to involve youths and groups with special needs in the processes of governance. Commitments on good political governance include ensuring an efficient, effective, and accountable public administration; strong and effective parliaments; independent judicial systems; security-sector reforms; good relations between civilians and armed and security forces; consolidation of multiparty systems; regular, free, and fair elections; and entrenched respect for the rule of law (AU, 2007d).

On good economic governance, the State Parties commit to ensure effective and efficient public-sector management; transparent management of public finances; prevention of corruption; effective public-debt management; sustainable utilization of public resources; poverty alleviation and equitable resources distribution; an environment conducive to private-sector development and foreign capital inflows and investment; public-private partnerships; fight against crime; and effective, transparent, and accountable tax systems (AU, 2007d).

In addition there are commitments to decentralizing power to local bodies and involving traditional authorities in decision making where applicable.

The Charter contains provisions on the use by State Parties of the African Peer Review Mechanism; a commitment to enhance human

development through the Millennium Development Goals; promotion of peace in their own countries and in the region; promotion of culture and recognition and tolerance of diversity; and development of policies aimed at eradicating poverty, diseases, and unemployment, at protecting the environment, increasing access to basic education, and ensuring adult literacy (AU, 2007d).

Chapter 10 spells out the responsibilities of State Parties and the Commission in implementing the Charter. The remaining Articles relate to its entry into force, bi-annual reports on implementation by State Parties, amendments, revision, and review (AU, 2007d).

3.1.2 Ratification status

The Charter entered into force on 15 February 2012. By end-2013, it had been signed by 46 of the 54 AU Member States. Seven countries (Botswana, Egypt, Libya, the Seychelles, Tanzania, and Zimbabwe) have not signed or ratified. Malawi has not signed but has ratified and acceded to it. (Table A5.)

3.1.3 Implementation challenges

While the continent has taken major steps in democratizing the political systems through multiparty politics, many challenges still need collective action and continuous dialogue on how to entrench the culture of democracy. Some include the facts that most of the former one-party systems have been replaced by dominant-party systems where big parties are continuously escorted to power by small parties; accountability to parliaments is still weak in some countries due to the systems of executive presidentialism (Salih, 2005); electoral frauds have persisted in many countries (Mavungu, 2013); and election-related

violence has become a norm due to politically engineered inter-community resentments.

Further, restricted loyalty and the culture of political intolerance, limited state capacity to institute early warning systems aimed at pre-empting violence, loose borders, and election-time importation and migration of voters, the arbitrary demarcation of constituencies in some countries, politicized and sometimes partisan electoral commissions, the winner-take-all first-past-the-post system, the negative role of security forces and the media during elections, and the perceived dividends of being elected on the part of the political elite may make the election process a matter of life and death for many of them (Koko, 2013).

Strengthening democracy and making elections contribute to peace and development will require a new framework of democratic governance subscribed to by all Members, because conflicts arising out of faulty elections lead to increased numbers of refugees and internal displacements, and these affect all countries in the region. More ratifications and increased collective action could make this Charter a strong vehicle for peace and uninterrupted development. (Table A5.)

3.2 The African (Banjul) Charter on Human and People's Rights

3.2.1 Summary of provisions

This Charter, adopted by the OAU Assembly of the Heads of State and Government in Banjul on 27 June 1981 and entering into force on 21 October 1986, was passed to give effect to the fundamental belief enshrined in the 1963 Charter of the OAU that “Freedom, equality, justice and dignity are essential objectives for the achievement of the legitimate

aspirations of the African peoples.” Through the peculiar concept of “human and people’s rights,” the Charter seeks to strike a balance between the universalism of human rights and the particular characteristics of African values and positive cultures. It confers rights on individuals and groups and defines duties and responsibilities that go with those rights. It recognizes human and people’s rights and freedoms contained in the human rights instruments of the OAU-AU, UN, and the Movement of Non-Aligned Countries (OAU, 1981a).

Part I of Chapter I covers human rights and people’s rights. In this chapter, the State Parties undertake to adopt legislative and other measures to recognize the rights, duties, and freedoms of all their people irrespective of race, ethnic group, colour, sex, language, religion, or other grounds; to protect the human dignity of their citizens and protect them from any form of exploitation; and to ensure their liberty, security, freedom of association, conscience, profession, movement, practice of their religion, and their rights to be heard and have access to public services (OAU, 1981a). It incorporates individual and group rights enshrined in the UN Conventions on political, social, economic, and cultural rights.⁶

Part II of Chapter I defines the duties of individuals to the family, society, the state, and other legally recognized bodies and provides that individual rights shall be exercised with due regard to the rights of others, collective security, morality, and common interests. Individuals also have a duty to preserve harmonious development and coherence of the family; to respect parents and support them when in need; to put their intellectual and physical abilities at the service of their national communities; to preserve national security, sovereignty, and solidarity; to pay lawful taxes; and to strengthen African cultural values and African unity.

To safeguard human and people’s rights, Part II of the Charter establishes the African Commission of Human and People’s Rights and provides for its composition. Its members are chosen by secret ballot by Heads of State and Government from among candidates nominated by Member States to assume office for six years. The Charter provides for the functions of the Commission, which include those to promote human and people’s rights; advise governments on cases involving these rights; formulate principles and rules aimed at legal problems related to these rights; and to interpret the provisions of the Charter on request by Member States. Chapter III provides for the procedure to be followed by the Commission in performing its functions (OAU, 1981a).

Chapter IV provides for the principles the Commission has to take into account in discharging its functions. Article 60 defines possible sources of law and principles the Commission can use in implementing the Charter. They include instruments of the OAU-AU, the UN, and UN specialized agencies. Article 61 indicates other possible sources, such as African practices consistent with international norms, legal precedents, doctrines, customs and laws, and principles accepted and recognized by African States. Article 62 provides for reporting by Partner States every two years on legislative and other measures taken by them to activate the rights and freedoms recognized and guaranteed by the Charter (OAU, 1981a).

3.2.2 Ratification status

The Charter has been ratified by all Member States except South Sudan, which is a new Member of the AU. Botswana, Eritrea, and Ethiopia did not sign but have ratified and acceded to it. Most Member States have domesticated the Charter by incorporating

some of its provisions into their national constitutions; and by establishing human rights commissions and passing laws related to group rights (women, youth, children, and people with disabilities).

3.2.3 The importance of domesticating the Charter

While most of these laws cannot be directly attributed to the impact the Charter has had on legislative bodies in Member States, some courts in the region have resorted to the provisions of the Charter when they found national legislation devoid of full protection of individual rights. In Botswana, provisions of the Charter on non-discrimination were used to fill a vacuum in the Botswana Constitution regarding the right of citizenship in the case of *Attorney General of Botswana v. Unit Dow*.⁷ The case led to Botswana amending its constitution to make it compatible with its obligations under the Charter. In Malawi, however, the Supreme Court held in the case of *Chakufwa Chihana v. The Republic* that the Charter could not be invoked because no law had been passed to domesticate its provisions (Maluwa, 2013). These two cases, especially the latter, show the importance of domestication, because while ratification indicates that acceptance is bound by the Charter, it does not in itself make it applicable as part of domestic law. Domestication requires amending the laws and regulations incompatible with the Charter. More effort is needed on this. (Table A6.)

3.3 Protocol to the African Charter on Human and People's Rights on the Establishment of an African Court on Human and People's Rights

3.3.1 Summary of provisions

This Protocol, adopted in Maputo, Mozambique, on 11 July 2003 and coming into force on 11 September 2003, established an African Court of Human and People's Rights. It provides for the jurisdiction of the Court, which is to interpret and apply provisions of the Charter, the Protocol itself, and any other human rights instruments of the AU.⁸ It has the power to advise Member States, the AU, or any other African organization recognized by the AU. Under the Protocol, only the AUC and State Parties have the right to submit cases to the Court, but nongovernmental organizations (NGOs) with observer status before the Commission can also submit cases before it at its own discretion. The Court has 11 judges who serve for six years and are elected by the Assembly by secret ballot from names nominated by Member States. The remaining provisions relate to tenure, quorum, and rules of evidence of procedure, cessation of membership, the Court registry, judgments, and ratification (AU, 2003b).

3.3.2 Ratification status

Although it was signed by 44 of the 54 Member States, only 16 had ratified and acceded to it by end-2013. Botswana, Cape Verde, Eritrea, Malawi, Mauritania, Sahrawi Arab Democratic Republic, the Seychelles, and Sudan have not signed. Gabon and Tunisia did not sign but have ratified and acceded to it. (Table A7.)

3.4 The Protocol on the Statute of the African Court of Justice and Human Rights

3.4.1 Summary of provisions

Adopted by the Eleventh Session of the Assembly in Sharm-El-Sheikh, Egypt, on 1 July 2008, this Protocol replaced the 2003 Protocol (examined above) and established a single Court. Chapter I of the Protocol merged the African Court on Human and People's Rights with the Court of Justice of the African Union. The two were merged to form the African Court of Justice and Human Rights. Chapter II provides for the end of terms of office of the two merged courts' judges and for the transfer of pending cases to the new Court. Chapter III provides for ratification and entry into force (AU, 2008b).

The Statute of the African Court of Justice and Human Rights, a product of the merger, is contained in the Annex to the Protocol. The functions of the Court are spelled out in Article 2. It is designated the main judicial organ of the AU. Article 3 fixes the number of judges at 16, elected by the Executive Council from candidates nominated by Member States with a tenure of six years. Article 9 provides for procedures to be followed in the resignation, suspension, or removal of judges. Article 12 provides for the independence of the judges, and Articles 13 and 14 contain provisions prohibiting conflict of interest. The diplomatic privileges and immunities from legal proceedings are provided for in Article 15 while Articles 16 to 22 contain provisions on the structure, management, and proceedings of the Court. Conditions of service of judges and the Court staff are governed by Articles 23 and 24 (AU, 2008b).

The jurisdiction of the Court is limited to matters related to the AU, especially the

interpretation of AU instruments, specifically the African Charter, the Charter on the Rights and Welfare of the Child, the Banjul Charter, the Protocol to the Charter on Human and People's Rights on the Rights of Women in Africa, or any other human rights instrument ratified by the State Parties involved in a case. It also has jurisdiction over agreements entered into between individual State Parties. The right to bring cases before the Court is confined to the State Parties to this Protocol, the Assembly, Parliament or other organs authorized by the Assembly, and a staff member of the AU on appeal on conditions of service in the AUC. Cases related to the violation of rights guaranteed by the African Charter on the Rights and Welfare of the Child and the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa can only be brought before the Court by State Parties to this Protocol; the Commission on Human and People's Rights; the Committee of Experts on the Rights and Welfare of the Child; African inter-governmental organizations accredited to the AU; African National Human Rights institutions; and individuals or NGOs accredited to the AU. Other provisions relate to procedure, laws applicable, records of proceedings, judgments, compensation, interpretation and revision of judgments, intervention by Member States, and advisory opinions of the Court. The Court is required to submit to the Assembly annual reports on its activities (AU, 2008b).

3.4.2 Ratification status

Unlike the 2003 Protocol on the Establishment of an African Court of Human and People's Rights which it replaced, by end-2013 this Protocol had been signed by only 30 Member States, compared with the 44 who signed its predecessor. Only five (rather than 16) had ratified and acceded to it: Benin,

Burkina Faso, the Republic of Congo, Libya, and Mali. (Table A8.)

3.5 The Protocol on Amendments to the Protocol on the Statute of the African Court of Justice and Human Rights

3.5.1 Summary of provisions

Adopted in Malabo, Equatorial Guinea, on 27 June 2014, this Protocol amends the earlier Protocol by changing the title and replacing the provisions of Chapter 1 of the earlier Protocol. It introduces new provisions relating to the organs of the Court, its jurisdiction, and its relationship with the African Commission on Human and People's Rights.

The organs of the Court are the Presidency, the Registry, and the Defence Office (Article 2). The Court has original and appellate jurisdiction including international criminal jurisdiction in accordance with Article 22 of the Statute of the African Court of Justice and Human and People's Rights, which is an annex to this Protocol. It has jurisdiction to hear matters or appeals relating to agreements involving Member States, RECs, international organizations recognized by the AU, or matters involving the AU (Article 3). Under Article 4, the Court is required to complement the proactive mandate of the African Commission on Human and People's Rights. This Article also provides that, when this Protocol comes into operation, the terms and appointments of the judges of the African Court of Human and People's Rights will terminate, but they will remain in office until new judges are sworn in. The Court retained jurisdiction to continue proceedings on cases and matters that started before this Protocol entered into force, subject to the rules as may be made by the Court.

Between entry into force of this Protocol and ratification by a Member State, the Court has residual jurisdiction in case such a Member State had recognized the jurisdiction of the two other courts replaced by the one established under this Protocol (Article 6 *bis*). The Registry of the African Court of Human and People's Rights and its staff will be absorbed by the Court established under this Protocol (Article 7). In both the Protocol and the Statute, the title "African Court of Justice and Human Rights" is replaced by "African Court of Justice and Human and People's Rights." The remaining provisions relate to signatures, ratification, and accession; depository authority; entry into force; and procedure for amendments.

3.6 The African Union Convention on Preventing and Combating Corruption

3.6.1 Summary of provisions

This Convention, adopted in Maputo, Mozambique, on 11 July 2003 and entering into force on 5 August 2006, was promulgated as a response to the negative effects of corruption and impunity on the political, economic, social, and cultural stability of African States and their negative impacts on the development and welfare of the African people.

Article 3 defines the principles aimed at guiding its implementation, which include respect for democratic principles, popular participation, and rule of law; respect for human and people's rights as recognized by the AU; transparency and accountability in managing public affairs; promotion of social justice for balanced socio-economic development; and condemnation and rejection of corruption and impunity (AU, 2003c).

Article 4 defines acts of corruption, which include soliciting and accepting personal benefits in the discharge of public functions; offering or granting such benefits to a public official in return for public services; illicitly transferring public resources for purposes for which they are not intended; and offering or granting benefits to public officials as an inducement for favourable treatment and illicit enrichment.

Under Article 5, State Parties undertake to establish legislative and other measures that make corruption punishable; establish measures to control and combat cross-border corruption; establish independent anti-corruption commissions; adopt legislative measures to strengthen proper public finance management and procurement systems; protect whistle-blowers and punish false and malicious whistle blowers; and promote awareness and education about the public good and the public interest (AU, 2003c).

Article 6 contains provisions on laundering the proceeds of corruption and calls upon State Parties to establish legislative and administrative mechanisms to combat laundering. To fight and combat corruption in the public service, in Article 7 State Parties commit to require all designated public officials to declare assets at the time of assuming office; to establish internal bodies and to establish and supervise the implementation of public codes of conduct; to establish disciplinary measures and investigation procedures for handling corruption related offences; and to establish transparent procurement systems and to ensure effective prosecution of corrupt officials. Under Article 8, State Parties undertake to adopt laws outlawing illicit enrichment.

Under Article 9, State Parties are called upon to adopt legislative and other measures that allow access to information. State parties are

also required to pass laws that make it illegal to use funds acquired through corrupt practices to finance political parties; to pass laws that prevent corruption in and by agents of the private sector; and to encourage the participation of this sector against corruption (AU, 2003c).

Under Article 12, State Parties undertake to popularize the Convention with the full participation of the media and civil society organizations and to create an enabling environment for the media and civil society to hold governments to the highest levels of transparency. The Convention confers jurisdiction for offenses involving corruption upon State Parties for offenses committed within their territories or those committed by their citizens in other countries if the offense affects the interests of the State Party. Article 14 calls upon State Parties to ensure fair trial in domestic trials with minimum guarantees as provided for in the Banjul Charter.

Article 15 provides for procedures in extraditing offenders. Article 16 calls upon each State Party to adopt legislative measures on the authority to search, trace, freeze, seize, and administer proceeds or instrumentalities of corruption or to confiscate proceeds or property of the value of such proceeds of corruption, and to enable State Parties to repatriate proceeds of corruption (AU, 2003c).

Under Article 17, State Parties are called upon to adopt laws that can enable their anti-corruption authorities to order the production, seizure of, or confiscation of banking, financial, or commercial documents. State Parties shall not invoke banking secrecy to justify refusal to cooperate. Under this Article, State Parties undertake to enter bilateral agreements to waive banking secrecy on doubtful accounts. Article 18 calls upon them to provide each other with technical assistance in preventing, detecting, investigating,

and undertaking studies aimed at preventing corruption.

Article 19 calls upon State Parties to collaborate with countries of origin of multinational companies, to aid agencies and to criminalize and punish corporate cross-border corruption, and to work with other countries in the region to prevent public officials from enjoying ill-acquired wealth by freezing their foreign accounts and facilitating the repatriation of stolen or ill-acquired money (AU, 2003c).

For following up, the AU established an Advisory Board on Corruption. It has 11 members elected by the Executive Council from a list of experts with the highest level of integrity but with consideration of a regional and gender balance. The functions of the Board are to promote the adoption of anti-corruption measures on the continent; to collect and document information on corruption offences in Africa; to study, analyse, and disseminate information on the negative impact of corruption in the region; to advise governments on how to deal with corruption; to collect, analyse, and disseminate information on the conduct of multinational corporations operating in Africa; and to develop and promote harmonization of codes of conduct for public officials. The remaining Articles relate to signature, ratification, accession, reservations, amendments, and denunciation (AU, 2003c).

3.6.2 Ratification status

By end-2013, the Convention had been signed by 48 of the 54 Member States. Botswana, Cape Verde, the Central African Republic, Egypt, Malawi, and the Seychelles had not signed. Of these 48, only 35 have ratified and acceded to it. (Table A9.)

3.6.3 The changing nature of corruption in Africa

For the last three decades or so, African governments have taken strong measures to strengthen accountability and transparency. The political reforms of the 1980s were aimed at increasing space for political accountability through competitive politics focusing on effective public-service delivery. But as the reforms ensued, it became clear that political corruption took new forms. The public-sector reforms to increase transparency in service delivery through competitive bidding and transparency in procurement created new frontiers for cronyism and bureaucratic corruption (Mbaku, 1996). Steps to privatize, commercialize and marketize aspects of national economies—introduced to encourage competition and efficiency—have in some countries become new vehicles for self-enrichment by people in politics and government (Kivuva, 2013; Doig and Theobald, 2000).

According to studies on anti-corruption institutions, some of these bodies have little capacity to tackle powerful groups involved in internal and international corruption, while some of their members have succumbed to corruption (Johnson, Taxell, and Zaum, 2012). Extractive industries have been accused of taking the lead in corruption through natural resources exploitation contracts (Kolstad and Wiig, 2011).

Hence the need for more collective action by all Member States to strengthen and fully implement the Regional Anti-Corruption Programme for Africa (2011-2016), launched by the ECA and the AU Advisory Board on Corruption. Short of a serious attack on corruption by all, the economic and political gains of recent reforms will be eroded by ever-changing corruption. But, as will be seen from the table below, the Continent is still far

from adopting the necessary collective action (Uneke, 2010).

3.7 The African Charter on Values and Principles of Public Service and Administration

3.7.1 Summary of provisions

Adopted in Addis Ababa, Ethiopia, on 31 January 2011, the Charter had not yet entered into force by end-2013 because it has been ratified only by seven Member States. It seeks to promote principles of democracy, good governance, human rights, and the right to development. The main objectives are to ensure high-quality and innovative public-service delivery; to encourage modernization and improvement of capacity in the public service; to promote moral values and improve working conditions in the public service; to encourage harmonization of policies and procedures in the public service; to promote gender equality; and to encourage the exchange of experience and best practices between Member States (Article 1) (AU, 2011).

The Charter spells out the basic principles that should guide public service delivery. They include equality of all users; continuity of public services; adaptability to the needs of users; professionalism and ethics; promotion and protection of the rights of users; institutionalization of accountability; and effective, efficient, and responsible use of resources (Article 3). In Article 5, the Charter calls upon public servants to respect the human rights and dignity of all users and to perform according to laws, regulations, and policies. Article 6 calls upon State Parties to make available to users all the information on public-service delivery; give feedback on decisions made; to establish mechanisms to receive feedback

from users; and to adopt simple and friendly procedures (AU, 2011).

Article 7 calls for effective, efficient, and cost-effective service delivery, appropriate mechanisms for monitoring and evaluation, and respect for time frames in service delivery. Article 8 calls upon State Parties to modernize service delivery through innovative technology and to simplify and make easy formalities in service delivery. Article 9 calls upon public servants to demonstrate professionalism, transparency, and impartiality; and to be innovative and show courtesy, integrity, and neutrality. Article 10 urges them to respect rules and codes of conduct; to refrain from soliciting, accepting, or receiving bribes for services rendered; and not to use their position for personal gain. Under Article 11, public servants are exhorted not to participate in decisions in which they have a vested interest; not to hold positions incompatible with their responsibilities; to respect confidentiality of public information; and to refrain from profiting from offices they previously occupied (AU, 2011).

Under Article 12, State Parties are called upon to establish anti-corruption institutions, sensitize public servants on strategies for combating corruption, institutionalize accountability and integrity systems, and provide and reward exemplary leadership. Under Article 13, public servants are required to declare their assets and income at the beginning, during, and at the end of their service.

Chapter IV provides for the rights of the public servants, which include equality of all without discrimination (Article 14); freedom of expression and association (Article 15); working conditions that guarantee safety and freedom from harassment, insults, threats, or aggression; a coherent, harmonized pay system with equitable remuneration commensurate with qualifications, responsibilities,

performance, and tenure; and the right to paid leave, social security, and retirement benefits (Articles 16, 17, and 18) (AU, 2011).

Article 19 stipulates that recruitment in the public service should be based on equality and non-discrimination, and calls upon State Parties to adopt measures that guarantee the right to employment of women, ethnic minorities, people with disabilities, and other marginalized groups. Article 20 calls for performance-assessment systems to be institutionalized. Article 21 calls upon them to undertake serious capacity-development programmes to strengthen effectiveness and efficiency and to facilitate exchange of expertise, knowledge, information, technology, and best practices.

Article 22 calls for adoption of the principles of transparent public service. Under Article 23, individual State Parties are required to adopt executive, legislative, and administrative instruments that align national laws and regulations with the Charter and to demonstrate political will needed for achieving its objectives. At the continental level, the AUC is required to ensure that: a conference of State Parties is established; guidelines on implementing the Charter are developed; a Secretariat to coordinate the implementation of the Charter is established; policies of Member States are harmonized; and enough support is mobilized to implement the Charter and to conduct a periodical review of the Charter. RECs are required to encourage Member States to ratify and accede to the Charter and to integrate the principles of the Charter into their own instruments (AU, 2011).

Article 24 provides for reporting and follow-up mechanisms and Article 25 calls for the institutionalization of recognition and rewards for outstanding performance and innovation in the public service. The remaining

Articles relate to interpretation, signature, ratification, entry into force, amendment, and revision (AU, 2011).

3.7.2 Ratification status

By end-2013, the Charter had been ratified by only seven countries. (Table A10.) It enters into force 30 days after a 15th Member State deposits its ratification documents.

3.7.3 Implementation challenges

This Charter might exemplify an area where Member States do not want to depart from their own country-specific norms and practices. For example, the Charter requires recruitment to be based on merit, competitiveness, equality, and non-discrimination. However, where leaders sense that there is need to redress historical imbalances in allocating senior positions in the public service, such principles may be perceived as potential constraints. The public service in Africa often remains highly politicized, and leaders prefer to change top and even intermediate officials when a different political party takes the reins of government. Therefore, while the number of countries ratifying the Charter may rise, the pace is unlikely to accelerate without more rigorous mobilization of Member States by the AUC. A special workshop should be held to discuss the benefits of and obstacles to ratification.

3.8 African Charter on Statistics

This is a cross-cutting Charter, but it is more in the cluster of governance because statistics is a tool for planning, management, service delivery, and public administration.

3.8.1 Summary of provisions

The Charter was adopted in recognition of the importance of statistical information to decision making by policy and management actors. It seeks to provide a framework for professional and social responsibility as well as the credibility of African statisticians, and to entrench a culture of respect for the fundamental principles of official statistics, professional ethics, and good practices (Preamble).

Its main objectives include: to provide a policy framework for the production, management, and dissemination of statistical data and information; to serve as an advocacy tool for statistics development; to ensure high-quality comparable statistics; to promote adherence to fundamental principles of production, storage, management, and dissemination and the use of statistical information; to facilitate the coordination of statistical activities in Africa; to build the institutional capacity of statistical authorities at the national level; to support a culture of evidence-based policy formulation as well as monitoring and evaluation; and to reduce duplication in implementing statistical programmes (Article 2) (AU, 2009c).

The Charter spells out best practices and principles to be applied by actors in the field of statistics, which include: professional independence based on scientific independence, impartiality, responsibility, and transparency; high quality based on relevance, sustainability, authentic data sources, accuracy, reliability, continuity, coherence, comparability, timeliness, and topicality; mandates based on the legal power to collect statistics, adequate resources, and careful and efficient use of resources; dissemination characterized by accessibility, stakeholder engagement, clarity, and understanding; capability of data to be corrected in case of new information; and capability to be used by various stakeholders

simultaneously. Other principles are data protection through confidentiality of information on private life and business secrets; openness with interviewees about the future use or non-use of data collected for use in judicial or punitive proceedings; and coordination of statistical activities of Member States (Article 3) (AU, 2009c).

In Article 4, State Parties commit to take all the necessary measures to ensure that their laws and regulations on statistics conform with the Charter. They also commit to implement the Charter and monitor compliance at the national level (Articles 5 and 6). At the continental level, the AUC is called upon to cooperate with Member States in implementing, monitoring, and evaluating the Charter (Article 7). Article 8 establishes a network called the African Statistics System as a partnership linking all statistics authorities empowered to conclude agreements with third parties and to link up with the global statistics system.

Under Article 10, the Charter is applicable to statistical legislation; harmonization of methods in gathering, producing; and disseminating data; and mobilization of human and other resources for statistics activities. It also applies to establishing and updating concepts and standards; coordinating statistical activities; and gathering, processing, managing, archiving, disseminating, and using data (and statistical analysis and research) (AU, 2009c).

State Parties undertake to disseminate the Charter widely, under Article 11. The remaining Articles cover safeguards, interpretation, signature, ratification, and accession, entry into force, amendment, and revision (AU, 2009c).

3.8.2 Ratification status

By end-2013, the Charter had been signed by 30 Member States but only 10 had ratified it: Burkina Faso, the Republic of Congo, Côte d'Ivoire, Ethiopia, Malawi, Mali, Mozambique, Mauritius, Niger, and Zambia. (Table A11.)

3.8.3 The roles of statistics

As we move towards end-2015, statistics are crucial in measuring the extent to which

countries have come close to achieving the Millennium Development Goals (MDGs). That aside, reliable, verifiable, and accessible sources of data will greatly increase administrative and political accountability, reduce conflicts between local and central authorities, and make it much easier for electorates to gauge dimensions of service delivery—thereby strengthening democracy and good governance.⁹

4

Peace and Security

4.1 The Protocol Relating to the Establishment of the Peace and Security Council of the African Union

4.1.1 Summary of provisions

This Protocol, adopted in Durban, South Africa, on 9 July 2002 and entering into force on 26 December 2003, establishes under Article 5(2) of the Constitutive Act of the African Union a Peace and Security Council. This Council is a collective security and early-warning body to facilitate timely and efficient response to crises on the continent. Its broader objectives are to maintain peace, security, and stability; to anticipate, prevent, and manage conflicts and undertake peace-making and peace-building activities; to promote post-conflict reconstitution; to coordinate and harmonize efforts to prevent and combat terrorism; to develop a common defense policy; and to promote democratic practices, good governance, the rule of law, and protection of human rights (AU, 2002).

In the performance of its functions the Protocol is guided by principles of peaceful settlement of disputes and conflicts; early responses to crisis situations; respect for the rule of law and human rights; interdependence between human security and human development; respect for sovereignty and territorial integrity and non-interference by any Member State in the affairs of another; the inalienable right to independent existence; respect for existing borders; the right of the AU to intervene in cases of war crimes, genocide,

and crimes against humanity; and the right of Member States to seek intervention to restore peace and security.

Article 5 provides for the composition of the Council of 15 members elected by the Assembly, with awareness of equitable regional representation and rotation, provided that the elected members meet the criteria spelled out in the Article (AU, 2002).

The functions of the Council are in Article 6 and include promotion of peace, security, and stability; early-warning and preventive diplomacy; peace-making and supporting peace operations and intervention; peace-building and post-conflict reconstruction; and humanitarian action and disaster management. Its powers emanate from those functions and are also provided under Article 7. Article 8 establishes sub-committees of the Council, procedure of the Council meetings, and rules of procedure. Under Article 10, on advice from and in consultation with the Council, the Chairperson of the AUC may take action to prevent, manage, or resolve conflict (AU, 2002).

Article 11 establishes an Advisory Panel of the Wise composed of five highly respected African personalities with an outstanding record of contributions to peace, security, and development in the region. The Panel can give advice to the Council or the Commission Chairperson either on request or at the initiative of its members. Article 12 establishes a continental early-warning system consisting of an observation centre and observation and monitoring units whose task is to collect and

process data and transmit it to the observation centre. The information generated is used by the Chairperson to advise the Council on potential conflicts or threats to peace and security (AU, 2002).

Article 13 establishes an African Standby Force composed of multi-disciplinary contingents with civilian and military components in their countries of origin, and ready for rapid deployment. The deployment of such a force can only be authorized by the Assembly on recommendations of the Council. The standby force is mandated to undertake observation and monitoring missions; peace support missions; intervention in Member States at their request to restore peace and security; and peace-building and humanitarian assistance (AU, 2002).

Article 14 defines situations in which the Council can deploy resources in post-conflict countries to restore peace and stability, reduce negative impacts of conflicts on post-conflict development, and engage in peace-building to reduce hostilities. (Modalities of performing these tasks are outlined in detail.) Article 15 provides for humanitarian action, while Article 16 contains provisions on how the Council should operate with regional mechanisms in conflict prevention, management, and resolution.

Article 17 stipulates how the Council should work with international organizations, including the UN. Article 18 is about the relationship between the Council and the Pan African Parliament. The Chair of the Commission is required to present an annual report to the Pan African Parliament on the activities of the Council.

The Council is encouraged to work closely with the Commission on Human and People's Rights (Article 19) and to encourage civil-society organizations, especially those

involving women, to participate in processes aimed at promoting peace, security, and stability (Article 20) (AU, 2002).

To support activities, the protocol establishes a Special Fund known as the Peace Fund, resourced by allocations from the regular budget of the AUC. In addition, it establishes a revolving Trust Fund (Article 21). The remaining Articles relate to signatures, ratification, accession, and amendments (AU, 2002).

4.1.2 Ratification status

By end-2013, the Protocol had been signed by all Member States except Tunisia, and ratified and acceded to by 49 Member States including Tunisia. Only the Cape Verde, Central African Republic, DRC, Liberia, and South Sudan had not ratified. (Table A12)

4.1.3 Implementation of successes and challenges

In May 2014, the Peace and Security Council celebrated 10 years of existence, when it had distinguished itself from earlier organs of the OAU. It exhibited a marked shift from the doctrine of non-interference under the OAU to a dynamic combination of non-interference and non-indifference. This new doctrine is enshrined in Article 9 of the Protocol. The Protocol created room for direct intervention in "grave situations" involving war crimes and crimes against humanity. The philosophical point of departure is that the doctrine of non-interference was based on the relationship between the OAU and State Parties themselves, while the doctrine of non-indifference extends the relationship between the AU, State Parties, and the *people* in Member States, as marked by the inclusion

of humanitarian support as an area of conflict management and post-conflict reconstruction.

Another positive element of the Protocol is that it distanced the Council from politicians and bureaucrats, giving it the autonomy and executive authority it needs for rapid response, as seen in Articles 6 to 10. One more element is the establishment of the Peace Fund, although this is subject to normal allocations from the budget. Such a fund should draw resources from a consolidated fund that is insulated from political bargaining and fluctuations in funding sources.

Finally, the Protocol strengthens the Kampala Document of 1991 (OAU, 2000b) in which security, stability, development, and cooperation were accepted as inseparable. The Protocol combines these and adds another: the inseparability of the “three d’s,” which are defense, democracy, and development.

Yet conflict prevention and management, peace-making, and post-conflict reconstruction have not been easy for the AU. There is an African saying that if you want to travel in a borrowed garment you cannot leave early—you have to wait till the potential lender wakes up! In the case of both the OAU and now AU, self-sufficiency in funds to support peace and security operations has always been difficult. In the year that the Peace and Security Council was launched, the European Union (EU) announced the creation of the African Peace Support Facility totaling US\$ 300 million. This allowed the AU to allocate US\$ 95.2 million to peace and security efforts in 2004. But in 2007 the allocation was only US\$ 17.3 million. From that time, dependence on donor funding has risen, as has donor apprehension about the accountability of the Peace and Security Council for the funds already made available. Both failure of AU Member States to increase contributions to the AU budget and the dependence of the Council budget on

regular allocations from the budgets of the Commission are a serious threat to the sustainability of peace and security operations over the long haul (Adebajo, 2008).

Article 12 needs a review on how it should operate. The provisions are more administrative than technical, and there is no indication how this system should work with those based on the RECs. The provisions on the African Standby Force also need strengthening. The force is not standalone, but comprises standby forces in Member States over which the Council has no control. There are no provisions for joint military training or exercises by these contingents or coordinated command. This has an impact on how such forces operate when deployed in a crisis without prior coordination.

More creative ways of enforcing decisions must be sought. Ratification implies that State Parties agree to be bound by the instruments they accede to. But it is not unusual that—once a collective decision is made by the Assembly or through the Commission to suspend a Member State for violating a convention, charter or protocol—some states individually continue cooperating with the suspended state. Examples include unconstitutional changes of government or banned supplies of arms to any parties in countries experiencing conflicts (Wairagu, 2004; Bello, 2005).¹⁰ To improve implementation, such glaring loopholes must be blocked.

4.2 The African Union Non-Aggression and Common Defence Pact

4.2.1 Summary of provisions

This Pact, adopted on 31 January 2005 in Abuja, Nigeria, and coming into operation

on 18 March 2010, seeks to ban any acts of subversion and aggression by one Member State against another with the intention to destabilize or overthrow the other regime. Aggression is defined to include use of armed forces against the territorial integrity, sovereignty, and political independence of a Member State; the invasion or military occupation of such a Member State; bombardment or use of any weapons against the territory of a Member State; collusion between two or more states to commit such acts of aggression; sending mercenaries, armed groups, or other transnational criminal groups to carry out acts of aggression in a Member State; and offering any kind of support to groups intent on committing acts of aggression against a fellow Member State (Article 1) (AU, 2005).

Under Article 3, the State Parties undertake to resolve any differences peacefully; to refrain from use of force or threat to use force against each other; to develop and strengthen friendly relations among them; to promote sustainable development and the well-being of the African people; and to prohibit and prevent genocide, other forms of mass murder, and crimes against humanity. Under Article 4, they commit to act individually and collectively to respond to aggression or threats of aggression against any Member State; to provide mutual assistance to their common defense and security; not to recognize any territorial acquisition or special advantage resulting from the use of aggression; to establish an African Army in the last stage of regional integration; and in the meantime to develop a common defense policy and establish an African Standby Force (AU, 2005).

Furthermore, they undertake to collaborate in the fight against international terrorism and to prevent people from being recruited for acts of subversion, aggression, and terrorism (Article 5). Areas of cooperation agreed upon include mutual legal and other assistance;

arrest and prosecution of illegal groups; and exchange of military intelligence information. They also commit to avoid entering into international or regional commitments that are inconsistent with the Pact (Article 6-8) (AU, 2005).

Implementation of the Pact is entrusted to the Peace and Security Council, supervised by the Assembly. The Pact establishes the African Peace Academy as a centre of excellence for research and development of an African peace doctrine; the African Centre for the Study and Research on Terrorism for training and research; and the African Union Commission on International Law. The Council may be assisted by these three bodies. The remaining Articles relate to peaceful settlement of disputes, interpretation of the Pact, ratification, amendment, and review (AU, 2005).

4.2.2 Ratification status

By end-2013, the Pact had been signed by 43 countries and ratified and acceded to by 20 of those. (Table A13.) Given the previous history of some countries that have experienced serious conflicts, including those with direct or indirect involvement of neighbouring states (such as Angola, Liberia, and Mozambique), one would expect such countries to be at the forefront in ratifying this Pact. It is also paradoxical that the countries experiencing conflicts—some of which are supported by neighbouring countries (such as Nigeria, Somalia, Sudan, South Sudan, and Uganda)—have not ratified the Pact. The AUC should enter into dialogue with these countries to find out why they have not ratified the Pact, their reservations, and how they can be accommodated.

4.3 The OAU Convention on the Prevention and Combating of Terrorism

4.3.1 Summary of provisions

This Convention, adopted in Algiers, Algeria, on 14 July 1995 and coming into force on 6 December 2002, seeks to promote human and moral values based on intolerance and rejection of all forms of terrorism; and to strengthen cooperation among Member States to forestall and combat terrorism and to protect human security. In the Convention, State Parties undertake to review their criminal laws and create offenses related to terrorism; to sign, ratify, and implement international instruments on terrorism; and to produce regular reports to the AU on measures taken (Article 2). Liberation struggles against colonial domination were excluded from the definition of terrorism (Article 3) (OAU, 1995).

In implementing the Convention, State Parties undertake to refrain from any acts aimed at facilitating terrorist acts of any kind and in any way; to adopt laws that proscribe and punish acts of terrorism; to establish systems for monitoring illegal cross-border movement of arms and ammunition; to strengthen the protection of security persons, diplomatic and consular missions, and premises of international organizations; to promote information exchange; to take measures to prevent the establishment of terrorist networks; to pass laws for the trial or extradition of perpetrators of acts of terrorism; and to establish links between citizens and security forces so as to enhance public awareness of the scourge of terrorism (Article 4) (OAU, 1995).

Modalities of inter-state cooperation on terrorism include the exchange of information on acts of terrorist groups, methods they use, their behaviour, and movements of their

leaders. Such information should be used to arrest and arraign perpetrators and confiscate and seize arms, ammunition, and other instruments of terrorism (Article 5). The jurisdiction of Member States is confined to acts committed on their territory or on board a vessel or ship flying its flag, or to acts committed by its nationals or group of nationals (Article 6 (1)). But if terrorist acts are committed against a national of a Member State or a state or government facility adopted or by a stateless person with residence in that state or on an aircraft operated by a carrier of that state, such a state has jurisdiction (Article 6(2)). Article 7 provides for procedures to be followed in the investigation, arrest, and prosecution of persons suspected of committing terrorist crimes. Articles 8 to 13 make provisions on the extradition of non-nationals to their Member States (OAU, 1995).

The Convention provides for mutual assistance between Member States in any investigation. It also provides for authorities of Member States to carry out investigations concerning their citizens or crimes committed against them by people residing in another Member State. Procedures for such investigations are provided for in Article 14 and grounds on which permission to carry out such investigation may be refused are in Article 15. Articles 16 to 18 make further provisions on cooperation in the investigation, prosecution, and extradition of suspects across borders. The remaining provisions relate to signatures, ratification, accession, amendments, special protocols, interpretation, and disputes that may arise out of implementation (OAU, 1995).

4.3.2 Ratification status

By end-2013, the Convention had been signed by 50 countries. Cape Verde, Malawi, and Mauritius had not signed but have ratified and

acceded to it, while Mauritius and Zimbabwe had neither signed nor ratified it. The number of countries that had ratified it was 41. (Table A14.)

4.4 The OAU Convention for the Elimination of Mercenarism in Africa

4.4.1 Summary of provisions

This Convention, adopted in Libreville, Gabon, on 3 July 1977 and coming into force on 22 April 1985, was passed when mercenaries were used by the apartheid regime in South Africa to sabotage and fight liberation movements in Africa. It remains important during the recent wave of conflicts involving the extraction of minerals and other natural resources that involve mercenaries.

It defines a mercenary as a person recruited abroad to take part in military and other hostile activities in a country to which he or she does not belong. The crime of mercenarism can be committed by an individual, a group, an association, a representative of a state, or the state itself if it is involved in armed violence to disrupt the process of self-determination or the territorial integrity of another state (Article 9).¹¹ Under Article 3, mercenaries are not entitled to enjoy the status of combatants under international law (OAU, 1977).

Under Article 5, a representative of a state involved in acts of mercenarism, including taking command or giving orders to mercenaries, is liable for crimes under the Convention. Under Article 6, State Parties undertake to prevent their nationals or foreigners on their territories from engaging in acts of mercenarism; to prevent passage of mercenaries or their equipment from passing through their

territories; to prohibit activities by any person or organizations who use mercenaries, against any African state or its people in their struggle for liberation; to communicate to other Members information related to activities of mercenaries; to forbid the recruitment, trafficking, financing, and equipping of mercenaries; and to take legislative measures to ensure the implementation of the Convention. Articles 7 and 8 give jurisdiction to Member States to prescribe penalties and jurisdiction of their courts. Article 9 defines procedures for extradition, and Article 10 provides for mutual assistance between Member States on issues of investigation and criminal prosecution. Article 11 provides guarantees for fair trial of mercenaries. The remaining Articles cover settlement of disputes, signatures, ratification, accession, and entry into force (OAU, 1977).

4.4.2 Ratification status

By end-2013, only 36 out of the 54 Member States had signed the Convention, and 31 of those had ratified it. Several countries have ratified it without signing it, including the Republic of Congo, Equatorial Guinea, Ethiopia, Gabon, Lesotho, Libya, Mali, the Seychelles, and Zimbabwe. Those that have not signed include Botswana, Burundi, the Central African Republic, Malawi, Mauritius, Mozambique, Namibia, South Africa, and the Sahrawi Arab Democratic Republic. (Table A15.)

It is unsurprising that at the time the Convention was adopted Mozambique, Namibia, South Africa, and Zimbabwe did not sign because they were still under colonial rule by white minority regimes. Botswana and Mauritius were independent but seemingly very cautious about taking measures that could antagonize their hostile and aggressive neighbours at that time. What is surprising, though, is that these countries have not signed the

Convention decades after apartheid ended. Burundi and the Central African Republic have in recent years been victims of mercenarism and the threat continues. It is also not clear why these two countries still hesitate to sign the Convention.

4.5 The Convention Governing the Specific Aspects of Refugee Problems in Africa

4.5.1 Summary of provisions

This Convention, adopted on 10 September 1969 in Addis Ababa, Ethiopia, and coming into force on 20 June 1974, seeks to provide for a humanitarian approach to refugee problems; to distinguish between refugees seeking sanctuary to live a peaceful life and those fleeing their countries to foment subversion from outside; and in this vein to determine which subversive elements should be discouraged.

Article 1 defines a refugee as a person who, owing to a well-founded fear of persecution, is outside his or her country and is unable or afraid of going back to their country; or a person who has been rendered stateless and is unable or unwilling to return to their country due to fear of persecution. A person ceases to be a refugee upon return to their country; reacquisition of nationality of their country (if it was lost); acquisition of a new nationality; end of the circumstances that had made them become a refugee; or commission of a serious non-political crime outside of their country of refuge after obtaining refugee status and upon the host country making a determination that the person has committed a crime against peace, a war crime, a crime against humanity, or a serious non-political crime outside the country before being given refugee status; or has been guilty of a crime contrary to the principles of the AU or the UN (OAU, 1969a).

The Convention makes it a duty of every refugee to follow the laws and regulations of the host country and refrain from subversive acts against other Member States. Member States undertake to prohibit refugees on their territory from attacking other Member States (Article 3). Member States undertake to apply the Convention to all refugees without discrimination (Article 4). No refugee should be repatriated against their will. Host countries are required to facilitate the safe return of refugees who leave voluntarily, and receiving countries are required to facilitate their full resettlement and enjoyment of full rights of nationals. Returnees should not be subjected to any penalties for having left the country. If that happens, the Convention provides for a procedure for appeal (Article 5) (OAU, 1969a).

Countries hosting refugees are required to issue travel documents to them and to allow them to travel outside the country unless this is impossible for reasons of national security (Article 6). Article 7 provides for cooperation between national authorities and the AU. Article 8 deals with relations between national authorities and the United Nations High Commissioner for Refugees (UNHCR). The remaining Articles deal with settlement of disputes, signature, ratification, entry into force, amendment, denunciation, and notifications (OAU, 1969a).

4.5.2 Ratification status

By end-2013, 40 countries had signed and 45 had ratified and acceded to the Convention. Many Member States have ratified and acceded to it without signing, including Angola, Cape Verde, Egypt, Gabon, Guinea-Bissau, Lesotho, Libya, Malawi, Mozambique, the Seychelles, South Africa, and Zimbabwe. Nine countries have yet to ratify it. (Table A16.)

Some of these nine, such as Namibia, Sierra Leone, Somalia, and South Africa, have had their citizens living outside their countries as refugees for a long time. It would be expected that they would be eager to ratify the Convention because some of their leaders have experienced the problems facing refugees. Other countries in the Member States that have not yet ratified it include Djibouti, which has received refugees over a long time; Eritrea, which has experienced war; Madagascar, which has experienced a high potential of conflicts that may lead to refugee problems; and São Tomé and Príncipe, which has sheltered refugees over the years. Such countries may need to be reminded that conflicts can break out in any country at any time and lead to refugees seeking asylum or other forms of assistance. They should therefore be encouraged to ratify the Convention.

4.6 The African Union Convention for the Protection and Assistance of Internally Displaced People in Africa (Kampala Convention)

4.6.1 Summary of provisions

This Convention, adopted in Kampala, Uganda, on 23 October 2009 and entering into force on 6 December 2012, was passed in response to the increasing number of internally displaced persons (IDPs) resulting from countries in conflict or with the potential for such conflict. It defines IDPs as groups of persons who have been forced to flee or leave their homes as a result of or in order to avoid armed conflicts or situations of generalized violence, violations of human rights, or natural or human-made disasters (Article 1) (AU, 2009d).

The objectives of the Convention are to promote and strengthen measures to prevent,

mitigate, prohibit or eliminate the root causes of internal displacement; to establish legal frameworks for cooperation in order to promote durable solutions and mutual support between Member States; and to provide for obligations and responsibilities of State Parties regarding prevention of internal displacement and protection of IDPs (AU, 2009d).

State Parties commit to refrain from, prohibit, and prevent internal displacement; to prevent exclusive policies likely to cause displacement; to respect principles of humanity and human dignity with regards to IDPs; to respect the human rights of IDPs; to respect humanitarian activities aimed at protection and assistance to IDPs; to ensure individual responsibility for acts of displacement; to ensure the accountability of state and non-state actors for acts of arbitrary displacement or complicity thereof; to ensure the accountability of non-state actors involved in natural resources extraction leading to displacement; and to meet the basic needs of IDPs and allow access by humanitarian organizations to IDPs to assist them (Article 3 (1)) (AU, 2009d).

Article 3(2) requires State Parties to incorporate their obligations under the Convention into national legislation; to designate bodies to take responsibility for implementing the Convention; to promulgate other policies relevant to the Convention and provide the necessary funds for the protection and assistance of IDPs; and to incorporate the principles enshrined in the Convention into peace negotiations and agreements.

In Article 4(1), (2), and (8), State Parties commit to take pre-emptive measures to prevent conditions that may lead to the internal displacement of persons; to establish early-warning systems in potential displacement areas and establish and implement risk-reduction strategies; to establish cooperation with

international organizations, humanitarian agencies, and NGOs; and to protect all persons against arbitrary displacement arising from policies of racial, ethnic, or religious discrimination, mass displacement of persons due to conflict, displacement internally used as a method of warfare, generalized violence, harmful practices, forced evacuations, or collective punishment (Article 4(4)).

Article 4(5) commits State Parties to protect communities with special attachment to and dependency on land due to their culture or spiritual values. They are called upon to treat acts of arbitrary displacement as genocide, war crimes, or crimes against humanity, depending on their characteristics (Article 4 (6)) (AU, 2009d).

The obligations of State Parties include the duty to provide protection and humanitarian assistance; to cooperate with other State Parties upon request from an affected State Party or Conference of State Parties; to respect mandates of the UN and AU and humanitarian organizations in providing support to IDPs; to protect IDPs, assess their vulnerability and the needs of their host communities; to take the necessary measures to organize relief and allow rapid and unimpeded access of humanitarian agencies providing support to IDPs; to uphold and ensure the observance of humanitarian principles, which include humanity, neutrality, impartiality, and independence of humanitarian actors; to respect, protect, and refrain from attacking humanitarian personnel; and to ensure that armed groups comply with provisions of the Convention (Article 5) (AU, 2009d).

International organizations and humanitarian agencies are obliged to comply with international law and laws of the country in which they operate; to respect the rights of IDPs and to abide by the humanitarian principles summarized above (Article 6). Armed groups

are required to comply with international and domestic law if they deal with IDPs and they are prohibited from carrying out arbitrary displacement, hampering provision of protection to IDPs, or denying IDPs access to assistance, basic needs, and amenities; restricting their movement; recruiting children and involving them in hostilities; forcibly abducting, recruiting, kidnapping, or taking hostage or engaging in sexual slavery and trafficking of persons, especially women and children; obstructing humanitarian assistance; or from attacking or harming humanitarian personnel and violating the civilian and humanitarian character of places where IDPs are sheltered. All of these offenses are punishable under the Convention (Article 7) (AU, 2009d).

The Convention gives the AU the right to intervene in a Member State in situations of “grave circumstances” if the Assembly authorizes it and only upon request of the affected Member State. Upon such request the Commission is obliged to respond. In addition, the Commission is required to strengthen institutional mechanisms within the AU for supporting IDPs; to coordinate the mobilization of resources for this support; to collaborate with other humanitarian actors in order to protect and provide assistance to them; and to share information with the African Commission on Human and People’s Rights on the situation of displacement and measures being taken (Article 8) (AU, 2009d).

State Parties affected by displacement have a duty to protect IDPs irrespective of the cause of displacement and without discriminating against any person or group. They have a duty to refrain from and to prevent acts of genocide, war crimes, arbitrary killings and summary executions, arbitrary detention, abduction, enforced disappearance or torture and other forms of cruel, inhuman, or degrading treatment or punishment, sexual and

gender-based violence in all its forms, sexual exploitation, slavery, recruitment of children and their use in hostilities, forced labour, human trafficking, and starvation. In preventing these acts, State Parties are required to ensure the safety and dignity of IDPs; to provide them with adequate humanitarian assistance; to take care of IDPs with special needs; to take measures to provide for reproductive and sexual health; to ensure their rights to seek safety in another part of the state and protect them against forcible return or resettlement; to guarantee them freedom of movement; and to respect and maintain the civilian character of the places where they are settled (Article 9) (AU, 2009d).

Article 10 relates to displacement induced by projects. It obliges State Parties to prevent displacement caused by public or private projects. It requires the provision of alternatives with the consultation of people likely to be displaced and it calls upon them to undertake socio-economic and environmental-impact assessment of proposed projects. Article 11 requires State Parties to seek lasting solutions to the problem of internal displacement; to enable IDPs to return voluntarily and be integrated; to enable IDPs to make free and informed choices whether to return, integrate locally, or relocate; to work with the AU, international organizations, and civil society organizations in providing solutions for return, integration, or relocation; to establish simple and workable procedures for resolving disputes relating to the property of displaced persons; and, where possible, to take measures to restore the lands of the communities with special attachment to such lands (AU, 2009d).

Article 12 provides for remedies for displaced persons. The State Parties undertake to provide legal frameworks for just and fair composition for damage incurred as a result of their displacement and to pay compensation

where the State Party refrains from protecting and assisting IDPs in the event of natural disasters. Under Article 13, IDPs are entitled to be issued relevant travel and identification documents and, where such documents have been destroyed or lost, they are entitled to be given replacements (AU, 2009d).

The implementation of the Convention is monitored by a Conference of State Parties. The Conference facilitates cooperation between partner states and between them and the AU. When reporting to the African Commission on Human and People's Rights, State Parties are required to indicate legislative and other measures taken to effect this Convention.

The rest of the provisions relate to application, signature, ratification and accession, entry into force, amendment, revision, denunciations, reservations, and settlement of disputes (AU, 2009d).

4.6.2 Ratification status

By end-2013, 39 Member States had signed the Convention and only 22 had ratified it. To secure the numbers required for the Convention to enter into force, the UNHCR has organized missions to RECs and other lobbying activities, and in 2011, with the Organization for Social Science Research in Eastern and Southern Africa, it organized a big conference at which some members pledged to ratify the Convention. Immediately after that conference, the number of ratifications increased. Malawi, Niger, and Swaziland ratified without signing. Those that have not ratified include Algeria, Botswana, Cameroon, Cape Verde, Egypt, Kenya, Libya, Madagascar, Mauritania, the Seychelles, South Africa, and Sudan. The UNHCR strategy should be emulated by other agencies. (Table A17)

4.7 African Nuclear Weapon Free Zone Treaty (Pelindaba Treaty)

4.7.1 Summary of provisions

The Pelindaba Treaty was adopted in Cairo on 11 April 1996 and entered into force on 15 July 2009. It was preceded by the Declaration on the Denuclearization of Africa passed by the OAU Heads of State and Government at the first session of the OAU Assembly, held in Cairo from 17 to 21 July 1964.¹²

The Pelindaba Treaty covers nuclear installations, nuclear explosive devices, handling of nuclear materials, and transporting of such materials or equipment. In Article 3, State Parties undertake not to conduct research on, develop, manufacture, acquire, or stockpile nuclear materials or explosives; not to receive any assistance in the research on, development, or manufacture of nuclear materials or explosive devices; and not to assist or encourage research on nuclear materials or explosives. In Article 4, they undertake to prohibit the stationing of any nuclear explosives on their territories; and in Article 5, they undertake not to test or allow the testing of any nuclear devices on their territories.

In Article 6, State Parties commit to declare any capability for manufacturing nuclear explosives illegal; to dismantle and destroy any nuclear devices in their possession and facilities supporting them; and to permit the International Atomic Energy Agency to verify processes of such destruction or dismantling. In Article 7, each party undertakes to implement effectively the Convention Banning the Import into Africa and Control of Transboundary Movement and Management of Hazardous Wastes¹³ and not to take any action to encourage the dumping of radioactive wastes in Africa.

Article 8 permits the use of nuclear science and technology for peaceful purposes and for economic and social development. State Parties commit to establish and strengthen bilateral and regional cooperation to enhance those goals. Under Article 9, a procedure is established for verifying what constitutes peaceful use of nuclear science and technology (OAU, 1996).

Under Article 10, State Parties undertake to ensure the highest standards of security and safety to prevent the unauthorized use and handling of nuclear facilities. In Article 11, they commit to prevent any armed attack by conventional means on any nuclear installation in the African nuclear weapon-free zone created by this Convention. Mechanisms for supervising compliance are spelled out in Article 12, reporting to the AUC is provided for under Article 13, and the Conference of Parties is provided for under Article 14. The remaining Articles relate to interpretation, reservations, signatures, ratification, amendments, withdrawal, and safeguards of the International Atomic Energy Agency (OAU, 1996).

4.7.2 Ratification status

By end-2013, the Treaty had been signed by 51 countries and ratified by 38 of them. Equatorial Guinea and Madagascar did not sign but have ratified and acceded to the Treaty. South Sudan is the only country that has not taken any action on it. (Table A18.)

4.8 The African Union Convention on Cross-Border Cooperation (Niamey Convention)

4.8.1 Summary of provisions

Adopted in Malabo, Equatorial Guinea, on 27 June 2014, this Convention seeks to strengthen cross-border cooperation at local, sub-regional, and regional levels; to facilitate delineation, demarcation, and reaffirmation of inter-state borders; to facilitate the peaceful resolution of border disputes; to promote peace and stability through prevention of conflicts; to ensure efficient and effective integrated-border management; and to transform border areas into catalysts for growth and the socio-economic integration of the continent.

Article 3 spells out areas of cooperation between State Parties, which include: mapping and geographical information, development of infrastructure, trade, energy, industry, agro-pastoralism, health, water, sanitation, environmental protection, and education. Other areas include culture and sports, security, and institutional development in its broad sense. Under Article 4, State Parties commit to solve any legal, administrative, security-related, cultural, or technical impediments to the smooth functioning of cross-border cooperation. Under Article 5, each of the State Parties undertakes to provide information requested by other State Parties to facilitate the latter to perform their obligations under the Convention and, in that vein, to encourage, promote, and facilitate information and intelligence sharing on matters related to the protection and security of border areas. Under Article 6, State Parties are required to communicate to the AUC a list of competent authorities or bodies responsible for border issues, which can be done at ratification or accession, or as soon as possible thereafter.

Under Article 7, State Parties are encouraged to harmonize their domestic laws with the provisions of the Convention and to ensure that local territorial administrations or authorities in their border areas are aware of opportunities available to them and their obligations under the Convention. In Article 8, State Parties commit to apply the provisions of the Convention by establishing cooperation mechanisms including legal frameworks and to domesticate the provisions of the Convention in developing their policies and strategies. They are required to submit biannual reports to the AUC on the implementation of the Convention. This Article further provides that the activities related to cross-border cooperation shall be undertaken by local territorial communities in conformity with domestic laws. State Parties are encouraged to establish border-consultative committees to assist, in advisory capacity, the border communities on cross-border matters.

To facilitate cross-border cooperation, the AUC is expected to establish a framework for cooperation with RECs on the implementation of the Border Programme of the AU. The AUC may request the RECs to encourage Member States to sign, ratify, or accede to the Convention and designate focal points for coordination, evaluation, and monitoring. The Commission is expected to encourage the RECs to form Regional Cross-Border Consultative Committees, which will help to formulate policies on cross-border cooperation, prepare action plans, coordinate activities, and facilitate, on request from State Parties, dialogue and consultation between regional and local authorities on either side of border areas. On request from State Parties, these committees will also recommend best practices for the effective management of border areas and examine, analyse, and recommend ways for promoting cross-border activities undertaken by entities within border areas (Article 9).

Under Article 10, the AUC is mandated to coordinate and facilitate implementation of the Convention, by acting as the central coordinating body by supporting State Parties; cooperating with RECs and national authorities in the evaluation of the implementation processes; supporting intelligence and information sharing; and establishing the Continental Consultative Committee. This Committee will advise the Commission on cross-border cooperation, proposing general guidelines to promote cross-border cooperation and identifying priority actions and resources required for implementing these guidelines. It is also charged with promoting best practices relating to developing border areas, examining problems faced by border populations, and making recommendations in coordination with and with the approval of State Parties involved.

Article 11 provides for the establishment and management of a Border Programme

Fund whose resources will be raised through voluntary contributions by Member States, miscellaneous income, donations, and grants. Article 12 provides that the interpretation of the Convention should be consistent with the principles of international law, should not affect more favourable provisions contained in the domestic laws of any of the State Parties, and should take into consideration the specificities and needs of island states. The remaining Articles relate to the settlement of disputes, signatures, ratification, accession, entry into force, and amendments to the Convention.

4.8.2 Ratification status

Signing and ratification are still in progress.

5

Civil Aviation, Transport, and Energy

5.1 The African Civil Aviation Commission Constitution

5.1.1 Summary of provisions

This Treaty, adopted in Addis Ababa on 17 January 1969 and entering into force on 15 March 1972, aimed to provide a framework for the African Civil Aviation Commission (AFCAC). The objectives were to help facilitate, coordinate, and harmonize policies among the civil aviation authorities of Member States and to promote better and more orderly development and use of air transport in Africa. The AFCAC, formed under this Treaty, was mandated to formulate plans for the operation of air services at regional and sub-regional levels; to undertake studies on the feasibility of standardizing flying equipment and aircraft; to study the possibility of integrating policies of governments on commercial air transport; to study inter-African fares and rates and advise governments accordingly; to study the economic aspects of regional and sub-regional air transport; to promote standards in civil aviation including those set by the International Civil Aviation Organization (ICAO); to facilitate inter-state cooperation in enforcing ICAO standards and in training; and to study the need for collective arrangements for technical assistance in Africa (Article 4) (OAU, 1969b).

Articles 5 to 11 provide for the composition, meetings, and administrative procedures of AFCAC. Article 12 makes provisions on the Secretariat, whose tasks include carrying out studies, organizing meetings, keeping records,

working with civil aviation authorities and the ICAO, and preparing and presenting budgets and reports. The remaining Articles relate to signatures, ratification, entry into force, amendments, and withdrawal from AFCAC (OAU, 1969b).

5.1.2 Ratification status

By end-2013, the Treaty had been signed by 45 of the 54 AU Member States and ratified by 44 of the 45. The last country to sign was South Sudan on 24 January 2013 but it has not yet ratified it. The countries that have neither signed nor ratified it are Cape Verde and Sahrawi Arab Democratic Republic. Angola, Botswana, Eritrea, Gabon, Gambia, Guinea, and Kenya have not signed but have ratified and acceded to the Treaty. (Table A19.)

5.2 The Convention on the Revised Constitution of the African Civil Aviation Commission 2009

5.2.1 Summary of provisions

This Convention, adopted in Dakar on 16 December 2009 and entering into force on 11 May 2010, seeks to consider new developments in implementing the Abuja Treaty of 1991 and to implement the letter and spirit of the Yamoussoukro Declaration of 14 November 1999 relating to the liberalization of access to air transport markets in Africa. It seeks to strengthen the AFCAC and enables it to facilitate harmonization of civil aviation

policies and practices on the continent as part of regional integration (AU, 2009e).

The Convention sanctioned the continued existence of AFCAC as a specialized agency of the AU, whose objectives are to coordinate civil aviation matters in Africa in collaboration with the ICAO; to support the implementation of the Yamoussoukro Declaration; to formulate and enforce civil aviation rules aimed at fair competition and equal opportunity for all stakeholders; and to promote the implementation of ICAO standards and enforcing decisions of the AU Executive Council (now Council of Ministers) (Article 3).

The functions of AFCAC include those to study technical, regulatory, and economic developments in the aviation industry; to foster and coordinate the development of training programmes in Africa; to support the creation of autonomous civil-aviation authorities; to develop collective resource-mobilization programmes and activities; to defend common African positions at international forums; to cooperate with RECs; to advise Member States on civil aviation; to develop and harmonize common rules and regulations to increase aviation safety and security, environmental protection, fair competition, effective dispute settlement, and consumer protection; to facilitate synergies in search, rescue, salvage, and accident investigation; to coordinate the development of plans on infrastructure; to facilitate the election of Africa's representatives on the ICAO Council and the Air Navigation Commission; and to support the appointment of Africans to ICAO and other international aviation organizations (Article 4) (AU, 2009e).

The organizational structure of AFCAC, based in Dakar, is spelled out in Article 9. The organs include the Plenary, Bureau, and Secretariat. The Plenary is the supreme organ

composed of members accredited by Member States. The plenary makes policies; elects the president and vice president; approves work plans, budgets, reports, rules, and procedures; considers external audit reports and appoints auditors; and ensures implementation of the Yamoussoukro Declaration (Article 11). The Bureau, comprising the president and five vice presidents, is elected by the plenary and convenes ordinary and extraordinary meetings; supervises the Secretariat; implements the decisions of the Plenary; selects candidates for the post of Secretary General; and submits periodic reports to the Plenary (Article 12) (AU, 2009e).

The secretariat carries out the day-to-day management of AFCAC's programmes and activities. It organizes meetings, prepares reports, presents reports to the bureau, and carries out other functions as defined in the Convention (Article 14). Under Article 17, the regular budget of AFCAC is funded by Member States. Under Article 18, any Member that fails to honour its financial obligations for two years or more loses the right to vote or nominate candidates at the plenary meetings. Default on financial obligations for three subsequent years leads to the loss of rights and privileges of membership. The remaining Articles relate to signatures, ratification, accession, denunciation, amendments, settlement of disputes, working languages, registration, and abrogation of the 1969 constitution (the latter is discussed in section 5.1 above) (AU, 2009e).

5.2.2 Ratification status

By end-2013, the Convention had been signed by 34 Member States but ratified by only three (Burundi, the Republic of Congo, and Mali). Surprisingly the countries with the biggest airlines (Ethiopia, Kenya, Nigeria, and South Africa) had not signed the Convention. Other

Member States that had not signed include Algeria, Botswana, Burundi, Cameroon, Cape Verde, Djibouti, DRC, Equatorial Guinea, Eritrea, Kenya, Libya, Lesotho, Liberia, Malawi, Mauritius, Sahrawi Arab Democratic Republic, São Tomé and Príncipe, the Seychelles, Swaziland, and Tunisia. (Table A20.)

5.3 The African Maritime Transport Charter

5.3.1 Summary of provisions

This Charter was adopted in Tunis in June 1994 and came provisionally into force on 5 January 2004. Only 13 Members had deposited their documents of ratification by end-2013. It will enter into full force thirty days after the eighteenth Member deposits its ratification documents. At the launch of the Charter, the Secretary General of the OAU stated that African's participation in sea-borne trade was very low, tariffs for sea freight were very high, and services were poor (Preamble). The Charter therefore seeks to increase the solidarity and independence of African States in maritime transport; to coordinate and harmonize maritime policies of Member States; to increase efficiency in maritime services; and to protect the right of free access to ports by land-locked Member States, as long as they comply with the laws and regulations of transit states (Article 2) (OAU, 1994).

The specific objectives of the Charter are to define and harmonize shipping policies for harmonious and sustainable development; to facilitate regular consultations by Member States for the development of common positions; to harmonize Members' views on international maritime conventions; to promote bilateral and multilateral cooperation; and to encourage the establishment of regional and sub-regional shipping lines (Article 3).

The Charter established a Continental Unit for the Coordination of Activities of Regional Cooperation Organizations in Shipping and Port Operations (UCCMAR) (Article 4). Member States commit to establish regional and sub-regional organizations in maritime and port operations and to strengthen existing ones (Article 5). In Article 6, they commit to establish or strengthen national shippers' councils, national shipping lines, and regional and sub-regional maritime research and training institutes.

Under Article 7, Member States undertake to establish pools of cargo-booking offices and traffic rights and to promote the establishment of marketing networks of shipping agencies to increase the efficiency of shipping lines. In Article 8, they commit to harmonize traffic arrangements, establish systems of cargo sharing, and establish guarantees for a fair share of traffic for national shipping lines. In Article 9, they agree on employment/staff exchange to alleviate human-resource shortages where the numbers of skilled personnel are limited. Article 10 is about the establishment of multi-modal transport and joint ventures and, in Article 11, Member States agree to promote cabotage at regional and sub-regional levels. In Article 13, Member States undertake to set up an enabling legal and regulatory framework to guarantee the stability of maritime transport joint ventures.

In order to promote the sustainability of maritime transport, under Article 15 Member States commit to promote cooperation in ship repair and to establish or reactivate research, training, and information centres; to establish information-exchange centres and encourage use of electronic data interchange systems; and to set up or strengthen and use maritime research and training institutions (OAU, 1994).

In Article 16, Member States are called upon to support the creation of shippers' organizations; to promote the consolidation of cargo; and to establish national, sub-regional, and regional committees on facilitating, harmonizing, and simplifying administrative and customs procedures. In Article 19, Member States commit to agree to rationalize services at their ports and to encourage the upgrading and dredging of port facilities. To improve their ports' competitiveness, they will encourage atomization and harmonization of tariff and statistical systems; undertake periodic surveys and studies; and formulate strategic plans (Article 20). In Article 21, they undertake to update and harmonize existing laws and regulations to make them compatible with regional and international commitments and obligations (OAU, 1994).

In Article 23, transit countries agree to grant facilities and benefits to land-locked countries without discrimination. Both land-locked and transit countries commit to coordinate their policies on inland transport. The remaining Articles relate to signing, ratification, accession, entry into force, amendment, and revision (OAU, 1994).

5.3.2 Ratification status

By end-2013, 39 countries had signed the Charter but only 13 had deposited ratification documents. Some of the countries that have yet to sign are land-locked (Botswana, Burundi, South Sudan, and Zimbabwe). Cameroon, Cape Verde, Eritrea, Mauritania, and South Africa have not yet signed. Lesotho and Tanzania did not sign but have deposited documents of ratification. (Table A21.)

5.4 The Revised Maritime Transport Charter

5.4.1 Summary of provisions

This Revised Charter was adopted in Kampala, Uganda, on 26 July 2010 and will enter into force 30 days after the fifteenth instrument of ratification is deposited. By end-2013, only seven Members had deposited their documents with the AU. The Revised Charter seeks to strengthen the role of maritime transport authorities in trade facilitation. Its main objectives are to articulate and implement harmonized maritime transport policies; to facilitate and encourage regular consultations to generate common positions on international maritime policies; to promote bilateral and multilateral cooperation on maritime and inland waterways; to promote funding by national institutions for research that encourages regional cooperation on waterways; to encourage the establishment of national maritime and ports authorities, shippers' councils, and national shipping lines; and to promote mutual assistance, information sharing, staff exchange, and the development of multimodal transport and integrated models of transport (Article 3) (AU, 2010a).

The Charter seeks to promote inter-Member State cooperation based on solidarity, sovereignty, and interdependence; harmonization and coordination of policies; safe, secure, and efficient shipping on clean waters; and transparency and accountability (Article 4). In Article 5, the Commission is mandated to establish UCCMAR as agreed upon in the original Charter. Member States also undertake to establish an Association of African Maritime Administrations. In Article 6, they undertake to establish sub-regional cooperation organizations and encourage interaction between RECs and these regional organizations. Under Article 7, State Parties commit

to establish national ports authorities where they do not exist and strengthen their capacity to enforce safety, security, and environmental laws and regulations (AU, 2010a).

In Article 8, State Parties undertake to establish or strengthen maritime training and research institutions and encourage cooperation between them at the regional level. In Article 9, State Parties undertake to promote the formation of shipper's councils tasked to defend the interests of shippers. They also have the responsibility to establish databases for shippers. Under Article 10, State Parties undertake to establish maritime transport observatories and in Article 11 to set up freight exchanges at national and regional levels (AU, 2010a).

The State Parties also agreed to encourage the formation of African shipping lines, including public-private partnerships, for that purpose; to promote the formation of common maritime agencies within and outside Africa; and to promote the formation of a dedicated fund for developing African shipping lines (Article 13). Article 14 is about support for maritime transport auxiliary services by supporting the access of African operations to these auxiliary services, creating an enabling environment for equity investment in maritime professions and transport auxiliary services, and encouraging resource pooling to foster the emergence of African maritime transport auxiliary groupings. In Article 16, State Parties commit to intensify cooperation in the management of efficient, safe, secure, and environmentally friendly inland waterways. The provisions on cooperation between land-locked and transit countries are the same as in the previous Charter (Chapter VI) (AU, 2010a).

Chapter VII contains commitments to promote multimodal transport by developing an appropriate framework for improving

existing policies, developing integrated transport master plans, upgrading infrastructure and establishing economic communities and logistics platforms, and promoting the stability of multimodal joint ventures. In Article 22, State Parties undertake to reform port services, promote competitiveness through public-private partnerships, build capacity for port operators, harmonize statistics and performance indicators, upgrade port facilities, promote safe and secure operations, raise standards, and facilitate consultation among port stakeholders.

Chapter VIII covers the implementation of laws and international obligations; information sharing on marine traffic; expertise sharing in the fields of navigation and hydrography and in the enactment of laws required for the full implementation of the Charter; and combating acts of piracy, armed robbery, and other unlawful acts against shipping. In Chapter IX, provisions require State Parties to ensure the protection of the marine environment, to prevent and combat pollution, and to implement common policies to that end. Article 29 creates an obligation to ensure the availability of properly functioning port reception services and facilities. Article 30 requires State Parties to put in place up-to-date information-technology systems for developing and managing the movement of ships. Measures to facilitate maritime traffic are the same as in the previous Charter (Article 31). In Articles 32 and 33, State Parties are encouraged to pass legislation on the safety of inland waters.

Chapter XIII refers to human-resource development. It requires State Parties to invest in training and education, with an emphasis on gender balance and on the participation of women in the maritime sector (Article 37). In Article 39, State Parties agree to promote research and sharing of research reports on maritime transport (AU, 2010a).

In Chapter XIV, State Parties commit to accept the objectives and principles in the Charter, and to take all the necessary measures to implement them at national, sub-regional, regional, and continental levels. Ministers responsible for Maritime Transport are charged to follow up on these measures. The remaining Articles are about safeguards, competence, settlement of disputes, signature, ratification, accession, entry into force, amendment, revision, and withdrawal from the Charter (AU, 2010a).

5.4.2 Ratification status

By end-2013, the Revised Charter had been signed by only 16 Member States and ratified and acceded to by only seven of those. It has not therefore entered into force. (Table A22.)

5.5 The Convention of the African Energy Commission

5.5.1 Summary of provisions

This Convention was adopted in Lusaka, Zambia, on 11 May 2001 and entered into force on 13 December 2006. It stemmed from the severe energy shortages and recurrent energy crises that have crippled African's economies over the decades. To facilitate collective action in addressing energy issues on the continent, the Convention established the African Energy Commission (AFREC), composed of each Member State and guided by the following principles: development of use of energy for development and to eradicate poverty, combat desertification, and improve quality of life; development of sustainable and environmentally sound energy; coordination and harmonization of policies and programmes on energy; promotion of research and development on energy;

provision of reliable energy supply; support for human-resource development in the energy field; harmonization of standards and procedures; promotion of partnerships on energy; equitable sharing of implementation costs; and peaceful settlement of disputes (Article 3) (OAU, 2001b).

The functions of AFREC are to map out policies, strategies, and plans; develop and disseminate continental databases on energy; advise on human-resource development; mobilize financial resources for Member States and RECs; facilitate trade and transit of energy goods and services by removing barriers; provide technical assistance to Member States and RECs; recommend use of harmonized standards and procedures; facilitate cooperation in exploiting energy resources; promote adoption of measures to prevent environmental pollution in developing and managing energy resources; assist in the development and use of new and renewable energy; and to provide assistance in feasibility studies of energy projects (Article 4). The organs of AFREC include the Conference of Ministers Responsible for Energy. This is the highest authority and meets every two years to discuss and approve policy, consider budgets, receive reports, adopt rules and procedures, approve staff regulations and elect other organs—the Bureau and Executive Board (OAU, 2001b).

The Executive Board serves for two years, meets once a year to prepare and submit annual budgets, and reports to the Conference and the AUC; prepares meetings of the Conference; recommends appointment or removal of the Executive Director and performs other functions as assigned by the Conference. It comprises 15 senior energy experts elected on the basis of regional representation; a senior energy expert from AU representing the Chair of the Commission; one representative of each recognized REC; one ex-officio representative of the Union of Producers,

Conveyors and Distributors of Electric Power in Africa (UPEDEA); a senior energy expert from the AfDB (ex officio); a senior energy expert from ECA (ex officio); and the Executive Director as secretary.

The Secretariat is headed by the Executive Director and is responsible for supporting the other bodies and day-to-day management of AFREC's activities (Articles 8 and 9). There is a Technical Advisory Body comprising the RECs, the Joint Secretariat of AU/ECA/AfDB/UN agencies, and other bodies dealing with energy issues. It is a consultative forum on energy policies and programmes and advises the Commission (Article 2). Other articles relate to rules of procedure, observers, obligations, assets, financial resources, audits, contributions by members,

privileges and immunities, amendment, cessation of membership, special relations with RECs, subsidiary bodies, signatures, ratification, accession, and entry into force (OAU, 2001b).

5.5.2 Ratification status

By end-2013, the Convention had been signed by 46 Member States out of which 32 had ratified and acceded to it. Members that had not signed were Botswana, Cape Verde, Eritrea, Malawi, and the Seychelles. Angola, Namibia, and Nigeria had ratified it without having signed it. (Table A23.)

6

Natural Resources and the Environment

6.1 The African Convention on the Conservation of Nature and Natural Resources

6.1.1 Summary of provisions

This Convention was adopted in Algiers on 15 September 1968 and came into force on 16 June 1969. It was registered with the UN on 31 March 1976. Its aim was to generate common policies on the conservation of soil, water, flora, and fauna resources for developing the African peoples (Article II). In Article IV, the State Parties undertake measures for soil improvement and conservation through land-use plans as well as agrarian reforms aimed at controlling soil erosion, and improving farming methods and soil conservation. Under Article V, State Parties commit to establish policies on water conservation and to endeavour to ensure a sufficient supply of suitable water and to control water pollution. In Article VI, they agree to adopt scientific methods of managing and using forests and range lands, ensuring water balance and soil fertility; to set aside areas for forest reserve and afforestation; and to establish botanical gardens and regeneration of plant species of particular interest (AU, 1968).

In Article VII, the State Parties undertake to ensure conservation and proper use of fauna by developing policies to protect wildlife and aquatic environments, and to develop adequate legislation on hunting, capture, and fishing through prohibition of illegal methods and proper regulation of permits. The Article spells out hunting, capture, and

fishing methods that are prohibited under the Convention such as the use of drugs, poison, explosives, or methods leading to mass destruction. (Article VII (2)) (AU, 1968).

In Article VIII, the State Parties agree to protect threatened species of animals and the Convention spells out the classes of such protected species. Article IX makes provisions on the trade and transport of unprotected species and procedures to be followed in case such animals are exported. Under Article X, State Parties undertake to set aside conservation areas to protect ecosystems that are peculiar to their territories. Under Article XV, State Parties commit to establish agencies to deal with conservation activities and policies, and in Article XVI State Parties undertake to cooperate either to support the Convention or wherever national measures of one state are likely to affect national resources of another or other states. Under the same Article, State Parties are required to give to the AU a list of laws or policies passed to implement the Convention. The remaining Articles relate to exceptions, settlement of disputes, signature, ratification, reservations, entry into force, denunciation, and revision (AU, 1968).

6.1.2 Ratification status

At the time it was adopted in 1968, the Convention was signed by 40 Member States. By end-2013, only five more Member States had signed. Those that have not acted at all include Cape Verde, Eritrea, Namibia, Sahrawi Arab Democratic Republic, South Africa, and Zimbabwe. Malawi, Mozambique, and

the Seychelles have deposited documents of ratification without signing. The number of Member States that had ratified and acceded to the Convention by end-2013 was 31. (Table A24.)

6.2 The Revised African Convention on the Conservation of Nature and Natural Resources

6.2.1 Summary of provisions

This Convention was adopted in Maputo on 11 July 2003 but will only enter into force after 15 Members ratify it. By end-2013, only 12 Member States had deposited their documents of ratification. Its objectives remain the same as in the original Convention, although its principles are wider, with a rights-based approach. The new principles include the right of all peoples to a satisfactory environment favourable to development. The Convention also obliges the State Parties individually and collectively to ensure the enjoyment of the right to development. The new principles also include the duty of states to ensure that developmental and environmental needs are met in a fair, sustainable, and equitable way. These principles were not in the original version of the Convention (AU, 2003d).

In the 1968 Convention, the focus was more on soil conservation and prevention of soil erosion. The Revised Convention covers wider issues. The thrust is prevention of land degradation, which includes its physical, chemical, biological, and economic properties. The new Convention contains provisions in which State Parties undertake to prevent land development and management from causing land degradation and/or air pollution. These are new provisions (Article VI). The provisions on water use and conservation have not changed much. Instead of “flora,”

which is the focus of the original Convention, the Revised Convention extends the provisions to vegetation cover for broader areas such as woodlands, forests, rangelands, wetlands, and other areas with vegetation cover. The earlier Convention concentrated on forests and rangelands. In the new Convention, State Parties undertake to control fires, forest exploitation, land clearing for cultivation, and grazing by domestic and wild animals and invasive species (AU, 2003d).

Article IX of the Revised Convention contains provisions on a broader category of genetic diversity—an expansion on the earlier provisions that concentrated only on endangered species. The conservation is extended to “socially, economically and ecologically valuable species.” The Article also calls for continued scientific research to manage plant and animal populations, various animal habits, and aquatic environments. These are new provisions. Also new is the requirement to make inventories of natural resources, develop data on migratory and congregatory species, and to protect them (AU, 2003d).

Article X is about protected species. In this Article, parties undertake to identify the causes of depletion of threatened animal or plant species and to protect them from extinction. This is new. The provisions on trade in specimens and on conservation areas have not changed much. There is a completely new Article in the Revised Convention that deals with activities and processes affecting the environment. In Article XIII (1), the State Parties commit to take all measures necessary to prevent and eliminate the detrimental effects arising from radioactive, toxic, and other hazardous substance and wastes; to establish national standards with emission and discharge limits; to provide for economic incentives for preventing harm to the environment; and to ensure use and reuse of renewable resources and energy (AU, 2003d).

Article XIV contains provisions on sustainable development and natural resources, capturing the “Rio 1992” spirit. This new article calls upon parties to ensure that conservation policies are part of local and national development agendas; to ensure that all development processes are based on sound environmental policies; and to institute policies requiring environmental impact analysis for all projects and programmes likely to affect the environment (AU, 2003d).

Article XV (also new) covers military and hostile activities. Its provisions commit parties to protect the environment during conflicts; to refrain from using methods that may cause widespread, long-term harm to the environment; to refrain from using destruction as a means of combat or reprisal; and to rehabilitate areas damaged during conflicts. Article XVII provides for the need to pass laws that recognize and protect traditional rights, and the intellectual property rights of local communities, including farmers’ rights, from being abused.¹⁴ In Article XVIII, provisions on research are more robust than earlier, requiring State Parties to carry out scientific and technological research on conservation, sustainable utilization, and management of natural resources. Other novel provisions include Article XIX on strengthening co-operation for the acquisition and transfer of environmentally sound technologies, and Article XX, in which parties agree to promote environmental education; training and awareness; and the exchange of information, knowledge, and expertise (AU, 2003d).

Unlike the 1968 Convention, the Revised Convention spells out the organizational machinery for implementing the Convention. It establishes a Conference of Parties to be convened by the Chair of the AU within a year of the Convention entering into force. It will be held once every two years. It will make policy recommendations on implementing the

Convention, receive reports, establish subsidiary bodies, and promote cooperation and exchange of information etc. (AU, 2003d).

There will be a Secretariat based in an organization designated by the Conference of Parties to host the Conference. The Secretariat will organize meetings, execute decisions of the Conference of Parties, gather laws intended for implementing the Convention, and administer budgets. It will prepare studies, coordinate its activities with those of regional and international bodies dealing with natural resources, and carry out other functions as directed by the Conference of Parties (Article XVII).

Financial matters are provided for under Article XVIII (AU, 2003d). Under this Article, parties are obliged to finance the activities under the Convention and the AU is expected to contribute to the budget. The Conference of Parties is expected to establish a conservation fund from voluntary contributions of parties and other partners. There are wider provisions on reporting in this Convention than in the previous one (Article XXIX). The remaining articles relate to settlement of disputes, amendments, adoption, signatories, voting, ratification, reservations amendments, and relations between parties to the Revised Convention and parties bound by the 1968 Convention¹⁵ (AU, 2003d).

6.2.2 Ratification status

Although it has been signed by 42 Members, only 12 had deposited their documents by end-2013. A month after a fifteenth Member deposits its documents of ratification, the new Convention will enter into force. The Members that have not yet signed are Algeria, Botswana, Cameroon, Cape Verde, Egypt, Eritrea, Malawi, Mauritania, Mauritius, Sahrawi Arab Democratic Republic, the Seychelles,

and Tunisia. Those that had ratified by end-2013 are Angola, Burundi, Côte d'Ivoire, Comoros, the Republic of Congo, Ghana, Libya, Lesotho, Mali, Niger, Rwanda, and South Africa. (Table A25)

6.3 Agreement for the Establishment of the African Risk Capacity (ARC) Agency

6.3.1 Summary of provisions

This Agreement was adopted in Pretoria, South Africa, on 23 November 2012 and provisionally entered into force the same day but will effectively enter into force 30 days from the date a tenth Member deposits its documents of ratification. By end-2013 no member had ratified it.

The Agreement was entered into in response to extreme changes in the weather, aggravated by climate changes that have led to natural disasters leading to loss of lives and livelihoods. It builds on the spirit and provisions of the African Risk Capacity Project Special Arrangement concluded on 24 June 2011 between the AU and the World Food Programme. It establishes the African Risk Capacity (ARC) Agency to help Member States to improve capacity to better plan, prepare, and respond to extreme weather events and natural disasters in a more timely, cost-effective, objective, and transparent way (Articles 2 and 3). Its functions are to enable Member States to increase their capacity to quantify and manage risks through modern and innovative financial tools; to help them prepare for emergencies generated by extreme weather events; to help them develop contingency plans for such events and monitor their effectiveness; to assist parties in assessing the financial impacts of such events; facilitate pooling of financial resources to

engage in insurance, reinsurance, and other means of risk transfer; and to assist members in establishing a regional contingent credit or revolving grant facility (Articles 4 to 6) (AU, 2012).

The ARC Agency is established as an independent legal entity with immunities and privileges of the AU with three organs: the Conference of Parties, the Governing Board, and the Secretariat. The Conference of Parties is composed of all parties to the Agreement represented by Ministers or designated representatives. It meets at least once a year. It elects a Bureau (President and two Vice Presidents). The quorum and decisions require a two-thirds majority. It adopts rules of procedure; sets membership fees; appoints the Director General of the ARC Agency; adopts work plans and budgets; and elects the Board and decides on all key policy issues.

The Governing Board is composed of five members elected by the Conference, two appointees of the AU Chairperson, and the Director General as a non-voting member. Those eligible to be voted for are representatives of countries that have expressed their intention to take out insurance contracts once they are available. The Board members serve for three years. The functions of the Board are, among others, to draw strategic plans; establish timing, mode of payment, and currency in which contributions shall be paid; to establish ARC Agency subsidiaries; advise members on how to manage subsidiaries and evaluate performance of the subsidiaries and that of the Director General; set standards for developing and upscaling contingency plans by parties; consider reports of the Secretariat; approve the issue or withdrawal of certificates of good standing for parties; approve policies; and set guidelines on receipts of grants and donations and prepare meetings of the Conference of Parties. The Governing Board meets twice a year. The quorum is a two-thirds

majority and decisions are by consensus, but where that fails a two-thirds majority prevails (Articles 15 and 16) (AU, 2012).

The Secretariat is headed by a Director General appointed by the Conference of Parties. His or her tasks are control and coordination of technical and administrative activities; human-resource management; preparation of budgets and work plans; evaluation of activities; capacity building; recommendations of contingency plans; issue and withdrawal of certificates of good standing; preparation of financial regulations for agencies and staff rules and regulations; and preparation and presentation of reports and representation of the ARC Agency (Article 17) (AU, 2012).

Members are required to pay subscription fees and those who default are penalized. But further resources have to be mobilized by the Secretariat (Article 18). The remaining provisions relate to settlement of disputes, signatures, ratification, accession, reservations, and withdrawal and dissolution (AU, 2012).

6.3.2 Ratification status

By end-2013, not a single Member had ratified the agreement. Twenty-four members had signed it. (Table A26)

6.4 The Convention for the Establishment of the African Centre for Fertilizer Development

6.4.1 Summary of provisions

This Convention was adopted in February 1981 but only six Member States had ratified it by end-2013, and therefore it has not come

into force. The planned Centre for Fertilizer Development has not been established.

The Convention was adopted to promote collective efforts in advancing agriculture, agricultural technology, and productivity. The Centre is expected to help stabilize agriculture in Africa, and serve as a centre for technology transfer for improved fertilizer production; to conduct research, and promote and demonstrate the role fertilizers can play in the improvement of agriculture; to develop collaborative cooperation and joint projects with national, regional, and international institutes aimed at adopting, testing, and applying improved fertilizers on the basis of accumulated knowledge about them; and to conduct capacity building on the fertilizer sector (Article II). The Centre will be based in Harare, Zimbabwe, and its membership will be open to all members of the AU (OAU, 1981b).

The Centre will have a Board of Directors and an Executive Committee. The Board will have not more than 13 members with experience, qualifications, and recognized competence in disciplines relevant to the objective of the Centre. The composition is spelled out in Article VII (i). The Board will elect a Vice Chairperson from among its members; appoint a Managing Director, determine policies, lay down general standards and guidelines, review and approve annual activity, and audit reports; publish these reports; and establish rules of procedure (Article VIII). The Managing Director will be the Chief Executive Officer of the Centre (OAU, 1981b).

There will be an Executive Committee consisting of the Chairperson of the Board, the Vice Chairperson, the Managing Director and one member elected by the Board. The Committee will act on behalf of the Board in between Board meetings. Article X provides

for the establishment of National Associations for Fertilizer Technology and Development to be designated by each Member State as soon as the Convention enters into force. The resources of the Centre will comprise fixed assets, annual contributions by members, and donations. The Centre will be an autonomous inter-governmental organization with full diplomatic status (Article XIV). It will establish operational arrangements with all national, regional, and international organizations within Member States whose interests and objectives are relevant to its objectives (Article XV).

The remaining Articles relate to arbitration, signature, ratification, and accession, entry into force, amendments, withdrawal, and dissolution of the Centre (OAU, 1981b).

6.4.2 Ratification status

Although adopted 32 years ago and signed by 31 Member States, it had been ratified by only six Members by end-2013. (Table A27)

6.5 The Bamako Convention on the Ban of the Import into Africa and the Control of Trans-boundary Movement and Management of Hazardous Waste within Africa

6.5.1 Summary of provisions

This Convention, adopted in Bamako, Mali, on 30 January 1991 and entering into force on 22 April 1998, was driven by the increasing dumping of toxic wastes by multinational companies in the territories of developing countries. It was grounded in the need to protect African peoples from health hazards likely to arise from such waste. It seeks to implement UN resolutions on the

sound management of hazardous waste and the principles enshrined in the 1968 African Convention on the Conservation of Nature and Natural Resources (AU, 1991b).

Under Article 3, Member States undertook, within three months of accession, to inform the Secretariat on what types of wastes are covered by their laws and regulations. Under Article 4, they are required to take administrative and legal measures prohibiting the import of hazard wastes and to ban dumping of hazardous wastes at sea or in inland waters. Under the same article, parties are required to ensure that institutions generating waste submit reports to the secretariat to enable it to conduct waste audits and to impose liability on hazardous wastes generators. They are also required to ensure both the availability of adequate waste-disposal facilities and the presence of safeguards against pollution arising from such waste, to promote clean production methods, and to prevent imports of polluting technologies (AU, 1991b).

The parties have obligations to prevent the export of hazardous waste to states where their import is illegal; not to allow export of such waste to states without the capacity to dispose them; to prohibit persons under their jurisdiction from transporting, storing, or disposing of such wastes without official authorization; and to regulate trans-boundary movement of such wastes within the provisions of the Convention (Article 4). Under Article 5, State Parties are required to establish a competent authority and appoint a focal point to receive notification in case hazardous wastes are moved from one country to another. Article 6 spells out the trans-boundary notification procedures (the format to be used is in Annex IV of the Convention). Notification procedures prescribed in the Convention apply also to trans-boundary movement of hazardous wastes from a State Party to a non-State Party to the Convention (Article 7). Article 8 makes

it mandatory for exporters to reimport the waste in case movement cannot be completed within the contract period, in which case the sending and receiving states have a duty to allow reimport (Article 8) (AU, 1991b).

Movement of hazardous waste without notification or consent or in a manner that does not conform with the documents is illegal, and State Parties are required to pass criminal laws on such illegal movement (Article 9). To give effect to the Convention, Article 10 provides for cooperation within Africa through exchanging information, monitoring the effects of managing waste, and developing standards and policies. Article 12 makes provisions on liabilities and compensation for damages resulting from trans-boundary movement of hazardous wastes. Under Article 13, if an accident involving hazardous waste occurs in one state with a potential to affect the human health and the environment in other states, the latter have to be notified (AU, 1991b).

The Convention establishes a Conference of Parties composed of Ministers in Charge of the Environment. It is convened by the Chairperson of the AU. It adopts rules of procedure and financial rules; it reviews performance in the implementation of the Convention; it

promotes coordination and harmonization of policies; it considers and adopts protocols and has the power to establish subsidiary bodies; and it makes decisions for peaceful settlement of disputes arising from trans-boundary movement of hazardous waste.¹⁶ The day-to-day activities under the Convention are managed by a Secretariat that organizes meetings, prepares plans and budgets, coordinates activities of Member States, and communicates with focal points, competent authorities, and “Dump Watch”; compiles and disseminates information; and provides Member States with legal resources on hazardous waste. Article 17 is about amendment of the Convention and its protocols. The remaining Articles are about adoption, amendment of annexes, verification, acceptance, confirmation, approval, accession, right to vote, entry into force reservations, withdrawal, depositary, and registration with the UN (AU, 1991b).

6.5.2 Ratification status

Although adopted in 1991, 23 years later the Convention had been signed by only 35 Member States and ratified by only 25, less than 50% of the AU membership. (Table A28)

7

Trade and Investment¹⁷

7.1 The Constitution of the Association of African Trade Promotion Organizations

7.1.1 Summary of provisions

This Constitution, adopted on 18 January 1974, entered into force on 28 March 2012. It establishes the Association of African Trade Promotion Organizations, which operates under the aegis of the AU and ECA (Article I). Its main objective is to foster contacts and regular flow of information between African countries on matters of trade and to facilitate the coordination and harmonization of commercial policies in order to enhance intra-African trade. It is also intended to promote market research, assist members to establish or strengthen trade-promotion organizations, advise Member States on trade policies, assist in organizing sub-regional trade centres, and facilitate networking between business communities (Article II) (OAU, 1974).

Membership of the association is open to all members of the AU and ECA. Each member is obliged to facilitate collection and dissemination of trade information, submit reports to the association, support training and research, and pay annual contributions as determined by the General Assembly of the Association (Articles III and IV) (OAU, 1974).

The organs of the Association include the General Assembly and its Bureau, the Sub-regional Conferences, the Secretariat, and National Associations. The General Assembly

consists of representatives of Member States; it meets once every two years and elects one of the representatives to be the President, as well as two Vice Presidents and a Rapporteur, four of whom constitute the Bureau. The General Assembly determines the general policies; approves annual budgets, work plans, and reports; admits associate members and observers; and adopts rules of procedure and administration. The Bureau chaired by the President considers and submits work plans, annual reports, and budgets to the General Assembly; reviews activities of the association; and directs the secretariat on its mandate (Article VII) (OAU, 1974).

Sub-regional conferences consist of members within a sub-region. They oversee the implementation of the decisions and policies of the General Assembly; are responsible for obtaining and disseminating information on trade issues; and take decisions on trade in the sub-region following the policies and decisions of the General Assembly (Article VIII). The Secretariat, headed by a Secretary General, is responsible for the day-to-day execution of decisions of the General Assembly (Article IX). National Associations are the basic organizations of the Association and act as centres for information about the organization (Article X). The remaining articles relate to amendments, membership, arbitration, and dissolution (OAU, 1974).

7.1.2 Ratification status

Although it was adopted in January 1974, it entered into force only in March 2012, after

38 years. By end-2013, it had been signed by 39 members and ratified by only 13 of the 39, or 46% of signatories and 26% of AU Members. (Table A29)

7.2 The Statute of the African Investment Bank

7.2.1 Summary of provisions

This Statute, adopted on 2 February 2009 in Addis Ababa, implements the provisions of the Abuja Treaty on the establishment of continental bodies in the furtherance of regional integration and Article 19 of the Constitutive Act of the African Union. It establishes the African Investment Bank as an organ of the AU with the objective to foster economic integration and development through investment in development projects.

Its tasks are to make financing available; to finance public and private projects aimed at advancing regional economic integration; to support the strengthening of private-sector activities; and to assist in modernizing the rural sector in low-income State Parties (Article 4). The headquarters of the Bank are in Libya. Membership is extended to all AU Members and membership is also open to public financial institutions or enterprises in State Parties, individual nationals of State Parties, individuals in the Diaspora, and legal entities registered in State Parties. Of its capital, 51% is owned by nationals and financial institutions of RECs.

Article 7 provides for the capital stock of the Bank, subscriptions for shares, voting rights, and payments of subscriptions. Article 8 provides for ordinary capital resources of the Bank, authorized capital stock, loans, and funds received in repayments of loans etc. (AU, 2009f).

Article 9 establishes a special fund for making loans and insurance guarantees for projects in low-income State Parties. The resources of this fund are derived from special contributions of State Parties, voluntary contributions, donations, loans, and other sources. The Bank is also empowered to administer development funds of donors and other banks (Article 10). It has power to borrow, invest, and deposit funds not needed for immediate operations. It is guaranteed independence and financial autonomy under Article 11. The General Assembly of the Bank has the power to decide on allocation of Bank funds (AU, 2009f).

The General Assembly, which consists of shareholders, is the top policy body deciding on the number of directors and the composition of the Board. It elects, disciplines, and can suspend board members, can propose amendments to the protocol, admits members, decides on the Bank's capital and loans, appoints auditors, approves reports, authorizes agreements, and makes other decisions relating to governance and financial resources.

Below the General Assembly is the Board of Directors, whose membership is tied to the classes of shares held by eligible members. The Board prepares the sessions of the General Assembly, and appoints and can remove or suspend Vice Presidents. It makes decisions on loans, guarantees, and investments, determines rates of interest, submits accounts of each financial year to the General Assembly, and approves annual budgets (AU, 2009f).

The Bank is managed by the President, who is elected and supervised by the General Assembly and controlled by the Board, has the power to appoint and remove staff, implement the statute of the Bank, and ensure its day-to-day management. In the performance of their duties, the President and staff of the Bank are prohibited from taking instructions from any government or authority other than

the Bank, and their tasks are full time (Article 15) (AU, 2009f).

Under Article 16, any member can withdraw from the Bank after giving notice of at least six months. The General Assembly can suspend any member that fails to fulfil its obligations (Article 17). In cases of emergency, the Board may temporarily suspend the operations of the Bank (Article 19). Under Article 20, the General Assembly can recommend to the AU Assembly the termination of the operations of the Bank. Articles 21 and 22 provide for distribution of assets and settlement of liabilities upon the Bank's dissolution. The remaining articles relate to the status, immunities, and privileges of the Bank and its officials (Chapter VII), channels of communication, dissemination of information on the Protocol and Bank reports, commencement of operations, settlement of disputes, entry into force, amendment, and revision (Chapter VII) (AU, 2009f).

7.3 The Protocol on the African Investment Bank

7.3.1 Summary of provisions

This Protocol, adopted in February 2009 in Addis Ababa, Ethiopia, establishes the Bank as provided for in Article 19 of the Act; and reaffirms the functions of the Bank as provided for in the Act, to which functions the Protocol adds provision of technical assistance to State Parties and other stakeholders for studying or preparing and implementing investment projects. The Protocol provides that the headquarters of the Bank shall be in Tripoli, Libya (Article 5). Under Article 8, the African Court of Justice (formerly the African Court of Justice and Human Rights) is charged with interpreting the Act and the Protocol (AU, 2009f).

7.3.2 Subscription status for shares of the Bank under the Protocol

Information on subscription to the initial capital of the African Investment Bank is contained in the annexes to the Protocol (AU, 2010b). However, the initial authorized capital stock of the African Investment Bank is yet to be determined. As of February 2010, Algeria, Egypt, Libya, Nigeria, and South Africa, with 10% shares each, have the highest initial subscriptions to the authorized capital stock for prospective Members that may become Members. (Table A30)

The authorized initial capital stock of the Bank is expected to be US\$ 25 billion, divided among 2.5 million shares, each having a par value of US\$ 10,000. The authorized capital stock is to be divided into paid-in shares (US\$ 4 billion) and callable shares (US\$ 21 billion).

7.4 Protocol on the Establishment of the African Monetary Fund

7.4.1 Summary of provisions

Adopted in Malabo, Equatorial Guinea, on 27 June 2014, this Protocol seeks to put into operation the annexed Statute of the African Monetary Fund. The main objectives of the Statute include correcting disequilibriums in the balance of payments of State Parties; stabilizing exchange rates and ensuring mutual convertibility of currencies; promoting African monetary cooperation; strengthening capacity in the design and implementation of debt-management policies; and promoting the development of African financial markets. Other objectives include facilitating settlement of commercial debts and establishing a clearing system for trade transactions among State Parties (Article 1 of the Statute).

Article 2 of the Protocol establishes the Fund as a corporate legal personality and as an organ of the AU. It mandates the Fund to function within the relevant provisions of the Constitutive Act of the African Union, of this Protocol, and of the Statute of the African Monetary Fund. Article 3 spells out the purpose of the Fund: to foster microeconomic stability, sustainable shared economic growth, and balanced development in order to facilitate effective and predictable regional integration. In Article 4, Yaoundé is designated the headquarters of the Fund and in Article 5 the languages of the fund will be those of the AU. Under Article 6, the Fund can be dissolved upon recommendation of the Board of Governors. Under Article 7, the African Court of Justice and Human and People's Rights has jurisdiction over interpreting the Protocol and the annexed Statute.

The Statute covers in detail the functions of the Fund, issues of membership, capital structures and capitalization procedures, shares and other resources, types of fund operations, and governance and management structures.

It also spells out procedures for withdrawal and suspension of members; for temporary suspension and termination of the operations of the Fund; and for subsequent procedures for settling liabilities and dividing assets. It also contains provisions on the privileges and immunities of the Fund, State Parties, and officeholders of the Fund. The Statute ends up with provisions on the mode of communication between the Fund and State Parties, depositories, information dissemination on the Statute, the Protocol, and financial transactions. It is provided that the Fund shall commence operations upon payment of at least 25% of its paid-up capital. The Protocol ends with articles on signing, ratification and accession, entry into force, and deposit of documents.

7.4.2 Ratification status

Signing and ratification are in progress.

8

Rights of Special Groups

8.1 The African Charter on the Rights and Welfare of the Child**8.1.1 Summary of provisions**

This Charter, adopted in Addis Ababa, Ethiopia, on 11 July 1990 and entering into force on 20 November 1990, seeks to implement the Declaration on the Rights and Welfare of the African Child adopted by the OAU Assembly in Monrovia, Liberia, in July 1979. It makes provisions that seek to ensure that an African child grows up in a family environment characterized by happiness, love, and understanding.

Chapter One of the Charter spells out the obligations of State Parties to recognize the rights, freedoms, and duties enshrined in the Charter and to discourage any customs, traditions, and cultural or religious practices that are inconsistent with the provisions of the Charter (Article I). The Charter calls upon State Parties to ensure that all human beings under the age of 18 years enjoy all rights provided for in the Charter without discrimination; to give priority to the best interests of the child in implementing the Charter; to protect the right of the child to be heard in judicial or administrative proceedings; to protect by law children's rights to life, name, and nationality; to prohibit capital punishment for children; to protect children's freedom of expression, association, thought, conscience, and religion; to protect children's privacy and protect their rights to education; and to ensure that children who become pregnant while in school are given an opportunity to continue

with their education after delivery (Article II) (OAU, 1990).

Article 13 provides for the right of mentally or physically disabled children to be protected, and measures taken to ensure their dignity and active participation in society. Under Article 14, State Parties undertake to recognize the right of the child to rest and leisure and to engage in play and recreation; they also commit to promote the right of the child to participate in cultural and artistic activities. Under the same Article, every child is entitled to enjoy the best attainable state of physical, mental, and spiritual health and, to achieve this, State Parties undertake to institute measures to reduce infant mortality, support provision of adequate nutrition and drinking water, promote preventive health care and family life education, integrate basic health in national development plans, make society aware of the fundamentals of child health and nutrition, and involve civil society organizations in planning and managing basic health care programmes for children (OAU, 1990).

Under Article 15, children should be protected from all forms of economic exploitation and any hazardous work that may interfere with their development. State Parties are called upon to implement International Labour Organization (ILO) conventions on child work and child labour. Under Article 16, State Parties are called upon to take all the necessary measures to protect children from all forms of torture, and of inhuman and degrading treatment; to establish monitoring facilities to watch, investigate, and report on children's welfare, especially those in care.

Under Article 17, children in conflict with the law should be given special treatment and should not be subjected to inhuman and degrading treatment while in custody; they should be separated from adults and afforded legal representation in case of trial, which should be held in the absence of the press (OAU, 1990).

Article 18 provides that the family is the natural unit and should be protected. State Parties are called upon to take appropriate steps to ensure equality of rights and responsibilities of spouses with regard to children. Article 19 provides for the right of the child to parental care and protection and the right of the child to maintain contacts with both parents in case they are separated. Article 20 spells out parental responsibilities to provide support for the child's development and it calls upon State Parties to take all measures within their means to support programmes on children's nutrition, health, education, clothing, and housing and to support institutions responsible for providing care for children (OAU, 1990).

Under Article 21, State Parties are required to take all the necessary measures to eliminate harmful cultural and social practices affecting the welfare, dignity, and normal growth and development of the child, especially those that are discriminatory, harmful to health or life, or involve child marriages. Under Article 22, State Parties are required to prevent the participation of children in hostilities and to protect children affected by armed conflict. Under Article 23, they are required to protect children refugees, and to assist in tracing the parents or their close relatives. Under Article 24, State Parties that recognize adoption are required to establish competent authorities to administer adoption laws and regulations; to recognize inter-country adoption and apply provisions of the international Convention on the Rights of the Child; and to ensure that

inter-country adoption does not lead to trafficking of children (OAU, 1990).

Children who are temporarily or permanently deprived of a family environment should be helped through placement in another family or in a suitable institution, with the best interests of the child prioritized. Article 27 requires State Parties to protect children from sexual exploitation, and Article 28 requires them to take measures to protect children from the use of narcotics and psychotropic substances or from being forced to traffick these substances. Article 29 requires State Parties to take measures to prevent the abduction, sale, or trafficking of children or use of children in all forms of begging (OAU, 1990).

Article 30 makes provision for protecting mothers convicted of offenses by ensuring a non-custodial sentence for them where possible; establishing alternative custodial facilities; and ensuring that such mothers are imprisoned with their children, are not sentenced to death, and are, during their sentences, rehabilitated and integrated back into society (OAU, 1990).

Children's responsibilities under the Charter include the duty to work hard for the cohesion of the family, respect parents and superiors, and assist them in case of need; to serve the national community; to preserve social and national solidarity; to preserve and strengthen African cultural values, and the independence and integrity of their country; and to contribute to achieving African unity (OAU, 1990).

Chapter Two contains provisions on the establishment and organizational structure of the Committee on the Rights and Welfare of the Child. This consists of 11 members elected by secret ballot by the AU Assembly from among candidates nominated by State Parties to this Charter. On being elected, members hold office for five years. The Committee elects a

Bureau and below the Bureau is a Secretariat headed by the Secretary to the Committee. The Committee is mandated to promote and protect the rights of the child to collect and commission inter-disciplinary assessment of situations in Africa regarding the rights of the child in Africa; to formulate policies and rules on the protection of the child; to monitor implementation of the Charter; and to interpret the Charter at the request of the AU or State Parties.

Article 43 is about reporting procedures. The Committee can receive communication from the AU or State Parties or any person within a Member State Party to the Charter and act on such communication. Action can be by way of investigation as provided for in Article 45. Reports on such investigations and communication are presented to the AU Assembly every two years. In acting and making recommendations, the Committee can refer to UN and AU instruments on human and children's rights. The remaining articles relate to signatures, ratification adherence, amendment, and revision (OAU, 1990).

8.1.2 Ratification status

By end-2013, the Charter had been signed by 44 Member States and ratified and acceded to by 47. Equatorial Guinea, Eritrea, Ethiopia, Gambia, Kenya, Lesotho, Mozambique, Mauritania, Sudan, and Zimbabwe ratified without signing. (Table A31) Several countries expressed reservations. The government of Botswana expressed its intention not to be bound by Article 42 on the definition of a child. Egypt expressed reservations on Article 21 (2) on child marriage; Article 24 on adoption; Article 30 (e) forbidding that mothers be sentenced to death while imprisoned; and Articles 44 and 45 (1) on communications by any person or organization and related investigations.

Mauritius does not regard itself bound by Article 9 on freedom of thought, conscience, and religion, and Sudan does not consider itself bound by Article 10 on protection of privacy (Heyns and van der Linde, 2004).

8.2 The Protocol to the African Charter on Human and People's Rights on the Rights of Women

8.2.1 Summary of provisions

This Protocol, adopted in Maputo, Mozambique, on 11 July 2003 and entering into force on 25 November 2005, seeks to strengthen Article 2 of the African Charter on Human and People's Rights. This Charter is against any form of discrimination; its Article 18 calls upon Member States to eliminate any form of discrimination against women. Article 2 of the Protocol calls upon State Parties to include in their constitutions and laws the principle of equality between men and women and to ensure their effective application; to pass laws prohibiting harmful practices that endanger the health and well-being of women; and to modify social and cultural patterns of conduct of men and women through public education and more. (Article 2) (AU, 2003e).

Article 3 guarantees women the right to dignity and calls upon State Parties to adopt and implement policies prohibiting the exploitation and degradation of women. Article 4 guarantees women the right to life, integrity, and security and calls upon State Parties to pass laws prohibiting and punishing acts involving all forms of violence against women; to promote peace education through curriculum and social communication; to eradicate elements in traditional cultural beliefs, practices, and stereotypes that perpetuate tolerance of violence against women; to punish perpetrators of acts of violence against

women and establish systems and institutions to support victims of such violence; to prevent and prosecute perpetrators of women trafficking; and to prohibit medical or scientific experiments on women without their informed consent (AU, 2003e).

In Article 5, State Parties are called upon to outlaw harmful practices that negatively affect the rights of women under national, regional, and international law; to prohibit by law, backed by sanctions, all forms of female genital mutilation, scarification, medicalization, and para-medicalization of female genital mutilation.

Article 6 calls upon State Parties to ensure that men and women enjoy equal rights as parties in marriage; that there is no forced marriage; that the minimum age of marriage for women is 18; that all marriages are officially registered; that a married woman has a right to retain her maiden name and nationality; that a woman and man shall jointly contribute to safeguarding the interests of the family, protecting and educating their children; and that during marriage a woman shall have a right to acquire and administer her own property (AU, 2003e).

Article 7 contains provisions on separation, divorce, and annulment of marriage. It calls for enactment of laws conferring equal rights in these situations. Article 8 reaffirms the equality of women and men before the law and calls upon State Parties to ensure through legislation that women have effective access to judicial and legal services; to establish educational and other appropriate systems to sensitize the public to the rights of women; to ensure that women are represented equally in the judiciary and law-enforcement organs; and to reform existing laws to promote and protect the rights of women (AU, 2003e).

Article 9 calls upon State Parties to promote participative governance and the equal participation of women in political affairs. Article 10 calls upon them to ensure the increased participation of women in the peace process; in peace education; in conflict prevention, management and resolution; and in post-conflict reconstruction. In situations of armed conflict, State Parties undertake to protect women asylum seekers, refugees, returnees, and IDPs from all forms of sexual violence, and to ensure that such crimes are considered crimes against humanity and that their perpetrators are brought to justice (Article 11). Article 12 provides for the protection of women against all forms of discrimination in education. State Parties undertake to eliminate all stereotypes in textbooks, syllabuses, and the media; to protect women against sexual harassment in educational institutions; to provide support facilities for victims of sexual harassment; and to integrate gender and human rights issues into education at all levels (AU, 2003e).

Under Article 13, State Parties commit to take all the necessary legal and administrative measures to ensure equal remuneration opportunities for employed men and women; to guarantee freedom of choice of occupation; to create conditions for women's participation in business; to establish social protection for women in the informal sector; to take measures to recognize the economic value of women in the household; to guarantee paid maternity leave; and to ensure equal application of tax laws (AU, 2003e).

Article 14 commits State Parties to recognize, respect, and promote women's sexual and reproductive health, including their rights to control their fertility, decide when to have children, protect themselves and be protected against sexually transmitted diseases, and their right to family- planning education. Article 15 commits State Parties to ensure that

women have the right to nutritious and adequate food. Article 16 guarantees women's equal rights to housing and acceptable living conditions. Article 17 requires State Parties to ensure that women live in a positive cultural context and take part in determining cultural policies. Article 18 guarantees the right to live in a healthy environment and calls upon State Parties to ensure that women participate in planning, managing, and preserving the environment. Article 19 provides for the prerogative of women to fully enjoy the right to sustainable development and calls upon State Parties to integrate gender issues into national policies and plans; promote women's access to credit, training, and skill development; and provide women with a higher quality of life (AU, 2003e).

Article 20 covers the rights of widows and calls upon State Parties to take legal and other measures to prevent inhuman, humiliating, and degrading treatment of widows; to ensure widows become guardians of children after the death of their husbands; and to protect the right of a widow to remarry and to a person of her choice. Article 21 guarantees the right of women to inherit the property of their husbands and to have an equal share of inheritance of their parents' property. Article 22 calls upon State Parties to protect elderly women and to ensure that they are free from violence and discrimination based on age. Article 23 calls upon State Parties to protect women with disabilities. Article 24 calls upon them to ensure the protection of poor women and women heads of households, and to ensure the protection and dignified treatment of pregnant or nursing women in detention or legal custody (AU, 2003e).

Under Article 25, State Parties are called upon to provide appropriate remedies to women whose rights are violated. The remaining Articles relate to implementation and monitoring, interpretation, signature, ratification

and accession, entry into force, amendment, and revision (AU, 2003e).

8.2.2 Ratification status

By end-2013, the Protocol had been signed by 48 Members of the AU and ratified and acceded to by 36 Members. (Table A32.)

8.2.3 Reasons for non-ratification

In a report submitted by Solidarity for African Women's Rights (2012), reasons for non-ratification were given by the countries themselves. Burundi had problems accepting Articles 14 and 21 on land inheritance, and during the Maputo Summit, which adopted the Protocol, it expressed reservations on the right to health and control of reproduction. Cameroon ratified the Protocol but expressed reservations on Article 14 on promoting abortion, for fear of a religious backlash. The Central African Republic has not ratified the Protocol because of lack of capacity and weak institutional mechanisms. Ethiopia has not ratified it and has not expressed any reservations, but the same report stated that the Ethiopian government believes that it has already done more than what is provided for in the Protocol.

Mauritius has expressed reluctance or inability to implement Article 6 (h) and (c) on fixing the age of marriage for women at 18 or making monogamy the preferred form of marriage, as that would violate its existing laws, according to the report. It also expressed reservations on Article 10 (2) and (4) on the involvement of women in peace activities on the grounds that the article could not or did not apply to Mauritius. Somalia has not ratified for obvious reasons of prolonged conflict, while Sudan has found it difficult to ratify on cultural and religious grounds. Tunisia

has also not ratified the Protocol on similar grounds, according to the report.

Other reservations were by Mauritius and Egypt on Article 6 and Tunisia and Sudan on Article 7. The Central African Republic, Congo, Niger, Sierra Leone, Somalia, and Sudan expressed lack of funds to support public awareness of the provisions of the Protocol. In some countries, NGOs are severely restricted and cannot effectively carry out advocacy activities to popularize the Protocol (Solidarity for African Women's Rights, 2012).

8.3 The African Youth Charter

8.3.1 Summary of provisions

This Charter, adopted in Banjul, Gambia, on 2 July 2006 and entering into force on 8 August 2009, is based on the conviction that Africa's greatest resource is its youthful population, through whose active participation the continent can "surmount the difficulties that lie ahead" (Preamble). It seeks to strengthen the body of instruments dedicated to human and People's rights in Africa.

It defines a young person as anyone aged between 15 and 35 years. In Article 1, State Parties undertake to recognize the rights, freedoms, and duties of youth and to formulate the necessary laws and policies to implement the Charter. Article 2 guarantees the right of young people to enjoy the rights enshrined in the Charter without discrimination. State Parties are called upon to take all measures preventing discrimination against youth on any grounds. Articles 3, 4, 5, and 6 call for the protection of youths' freedom of movement, association, expression, thought, conscience, and religion. Article 7 is about the protection of their privacy. Article 8 protects their right

to belong to a family and, in case of marriage, their right to enter into it of their own free consent. Article 9 is about the right of youth to own property and calls upon State Parties to ensure that youth are not arbitrarily deprived of their acquired or inherited property (AU, 2006a).

Their right to economic social and cultural development is guaranteed in Article 10, which also calls upon State Parties to encourage youth to take the lead in youth programmes; to disseminate information that can lead to the development of young people; to promote youth media; and to provide information and education on democratic processes, citizenship, decision making, governance, and leadership. Youth participation in community and national development is provided for in Article 11, which calls on State Parties to include youth in key decision-making bodies; to create or facilitate platforms for youth participation; to give priority to youth-centred policies and programmes; to promote awareness on rights of youth; and to provide technical and financial support to build youth capacity (AU, 2006a).

Under Article 12, State Parties are required to develop comprehensive and coherent national youth policies after extensive consultation with youth. Youth policies are expected to be cross-sectoral and youth issues mainstreamed in all policies and programmes. The policies are expected to be adopted by parliaments and enacted into law, and national youth-coordinating mechanisms established to link youth organizations and facilitate their participation in decision-making and policy formulation (AU, 2006a).

Article 13 provides that every young person shall have the right to education of good quality and provides that such education should be holistic, foster respect for human rights, prepare youth for responsible adulthood,

and be aimed at developing their life skills, including awareness of issues such as HIV/AIDS, reproductive health, substance abuse, and harmful cultural practices. In taking measures to protect this right, State Parties are required to provide free and compulsory basic education, make secondary education easily accessible, reduce numbers of drop-outs, revitalize vocational education, make higher education equally accessible to all, provide opportunities for girls who become pregnant or get married while in school to continue with their education, and introduce scholarships and bursaries to encourage entry into post-primary education institutions by outstanding youth, especially girls, from disadvantaged communities (AU, 2006a).

Article 14 calls upon State Parties to recognize the right of young people to a standard of living adequate for their holistic development and calls upon them to enhance the attractiveness of rural areas to young people by improving rural services and facilities; to train young people in productive skills; to provide grants to youth for socio-economic development; to facilitate easy access to credit; and to involve youth in the design, implementation, and monitoring of national development programmes.

Article 15 provides for the right of every youth to gainful employment and calls for protection of youth from economic exploitation. It also aims to ensure availability of adequate data on youth employment, unemployment, and underemployment, and to prioritize these issues in national development plans. Article 16 provides for the right of youth to enjoy the best attainable state of physical, mental, and spiritual health and calls upon State Parties to ensure equitable access to health in rural and poor urban areas; to involve youth in identifying their reproductive and health needs; to institute programmes to address health

pandemics; to take legal measures to outlaw illegal abortions; to pass laws to regulate advertisements for and consumption of tobacco and alcohol; to raise awareness among youth on the dangers of drug abuse; to provide rehabilitation services for young people abusing drugs; and to provide technical and financial support to organizations addressing youth health issues (AU, 2006a).

Article 17 calls upon State Parties to promote peace and non-violence and involve youth in peace education and building, and conflict prevention and resolution, and to institute mechanisms for promoting a culture of peace and tolerance among them. Article 18 refers to youth in conflict with the law and calls upon State Parties to ensure that they are treated humanely and are not subjected to cruel, inhuman, or degrading treatment; to ensure that minors are segregated from adult convicts; and to use incarceration of youth as part of reforming them and socially rehabilitating and integrating them (AU, 2006a).

Article 20 calls upon State Parties to take measures to promote and protect morals and traditional values recognized by their various communities; to eliminate traditional values that undermine the integrity and dignity of women; to recognize and value beliefs that contribute to development; to harness the creativity of youth to promote positive cultural values; to intensify teaching in African languages at all levels of education; and to strengthen inter-youth exchanges between State Parties. Article 21 calls on State Parties to recognize youth in the Diaspora and promote accreditation and certification to enable them to work in State Parties; to promote the recruitment of skilled youth in the Diaspora; and to establish policies that will enable them to return. Article 22 calls for recognition of the right of youth to leisure, rest, and recreation (AU, 2006a).

Article 23 calls upon State Parties to eliminate discrimination against girls and young women as regards obligations enshrined in instruments on women's rights. It requires State Parties to introduce laws and other measures that eliminate all forms of discrimination against them and to ensure that they participate fully and equally with boys at all levels. Under Article 24, State Parties recognize the right of physically and mentally challenged youth to special care and calls upon the Parties to work towards eliminating any obstacles to integrating them. Article 25 obliges State Parties to eliminate social and cultural practices harmful to the health or dignity of youth (AU, 2006a).

Article 26 provides for the responsibilities of youth, which include the duty to become custodians of development; to protect and work for family cohesion; to respect parents and elders and assist them; to perform duties of citizenship; to promote youth development and economic development; to avoid corruption and substance abuse; to promote tolerance, dialogue, and respect for others; to defend democracy and human rights; and to

protect the environment and conserve nature (AU, 2006a).

Article 28 calls upon the AUC to ensure that State Parties respect commitments made in the Charter by identifying best practices on youth policy, by including youths on their delegations to ordinary sessions of the Assembly, and by increasing awareness and facilitating exchange and cooperation between youth organizations. The remaining Articles address issues related to signature, ratification, adherence, amendments, and revision (AU, 2006a).

8.3.2 Ratification status

By end-2013, the Charter had been signed by 42 Member States and ratified and acceded to by 36. Those that have neither signed nor ratified include Botswana, Eritrea, and Somalia. Cape Verde, Djibouti, Gabon, Malawi, Mauritius, the Seychelles, Swaziland, Uganda, and Zimbabwe did not sign the Charter but have ratified and acceded to it. (Table A33.)

9

African Culture

9.1 The Cultural Charter for Africa**9.1.1 Summary of provisions**

This Charter was adopted in Port Louis, Madagascar, on 5 July 1976 and entered into force on 19 September 1990. It was passed to implement the Declaration of Principles of International Cultural Cooperation adopted by the UNESCO General Conference in 1966, and the principles enshrined in the Pan-African Cultural Manifesto of Algiers (1969), and the Accra Conference organized by UNESCO in 1975 on cultural policies in Africa. The aims of the Charter are to liberate African people from socio-cultural conditions that impede their development; to rehabilitate, restore, preserve, and promote African cultural heritage; to assert the dignity of African culture; to eliminate and combat all forms of cultural suppression; to encourage cultural cooperation; and to develop all the dynamic values in Africa's cultural heritage and reject all elements that impede progress (Article 1) (OAU, 1976).

To achieve these objectives, State Parties committed to provide access to education and culture to all their citizens; to promote freedom of creation and creativity; to respect national culture; to integrate selective elements of technology into the cultural life of African people; and to facilitate inter-African cultural exchanges. In Article 6, State Parties recognize the need to take into account national identities and cultural diversity. In Part III, State Parties undertake to recognize the contributions of people who work to advance

African culture; to develop national cultural policies; to integrate cultural development into national development plans and activities; to encourage artists and protect creative artists and cultural assets; to establish research centres on culture; and to support research on local African medicine and pharmacopeia.

In Articles 7 and 8, State Parties commit to take measures to promote People's participation in cultural life; to abolish caste systems where they exist; and to rehabilitate the function of artists and craftsmen. In Articles 9, 10, and 11, they undertake to support the continuous cultural development of youth; to promote awareness about African cultural values; and to ensure that youth are enabled to become aware of African civilization (Article 1) (OAU, 1976).

In Articles 12, 13, and 14, State Parties commit to create conditions conducive to people's participation in cultural life; to adopt training policies on this; and to improve professional training for artists. Articles 15 and 16 call upon African governments to pay attention to and support lifelong learning, and to make such learning needs based. Articles 17 to 19 call for efforts to develop African languages and for reforms to back up this effort. Further roles of Member States are spelled out in Article 23, and include organizing competitions and mobile exhibitions of art; supporting cultural assets through tax exemptions; supporting researchers working on arts and culture through scholarships; and creating national funds to support art and culture (Article 1) (OAU, 1976).

In Articles 24 and 25, African States are called upon to adopt a convention on copyright in order to protect African works of art and to enact laws and regulations protecting intellectual property in such works. In Articles 26 and 27, State Parties are called upon to enact national laws that protect African cultural heritage and cultural intellectual property in times of peace and of war. Articles 30 and 31 commit African States to cooperate through joint cultural activities to strengthen information exchange through the Association of African Universities and to establish national institutions for training on culture. The remaining articles address issues of signature, ratification, accession, registration, and interpretation (Article 1) (OAU, 1976).

9.1.2 Ratification status

The peculiarity of this Charter is that by end-2013 it had not been signed by any Member States but had been ratified and acceded to by 34 members. Botswana, the Central African Republic, Cape Verde, Comoros, Côte d'Ivoire, DRC, Equatorial Guinea, Eritrea, Gambia, Lesotho, Liberia, Mauritania, Mozambique, Namibia, Sahrawi Arab Democratic Republic, Sierra Leone, São Tomé and Príncipe, South Africa, and Swaziland have not yet signed or ratified it. (Table A34.)

9.2 The Charter for African Cultural Renaissance

9.2.1 Summary of provisions

This Charter was adopted in Khartoum, Sudan, on 24 January 2006, but by end-2013 had not yet entered into force because it had been ratified by only seven Member States. It replaces the Cultural Charter for Africa and binds only the Parties signatory to it, while

the old Charter remains binding only upon its signatories.

The objectives of the new Charter are more robust than its predecessor's. They include the need to assert the dignity of African men and women as well as popular foundations of their culture; to promote freedom of expression and a culture of democracy; to preserve and promote African cultural heritage; to combat and eliminate all forms of alienation, exclusion, and cultural oppression; to foster cultural cooperation among Member States; to encourage international cultural cooperation; to promote the popularization of science and technology, including traditional knowledge systems, for better understanding and preservation of Africa's cultural and natural heritage; to develop dynamic values of African culture that promote peace and good governance; and to provide African peoples with resources to enable them to cope with globalization (Article 3) (AU, 2006b).

The means to achieve these objectives are spelled out in Article 4 and do not differ from those in the old Charter. In Article 5, which is about cultural diversity and identity, a new element of African renaissance is added and State Parties commit themselves to defend minorities, their cultures, rights, and fundamental freedoms. Another new aspect is the recognition that cultural diversity contributes to national and regional identities, to Pan-Africanism, and to universal civilization (Articles 5 and 6). In Article 7, African States commit to work for African renaissance; to reconstruct the historical memory and conscience of Africa and the Diaspora; and to adopt a general history of Africa published by UNESCO and recommend it for use in teaching across the continent (Article 7) (AU, 2006b).

The part on cultural development differs from that of the earlier Charter. In this one,

the Charter calls for national and regional approaches to carrying out policies on culture, and there is acceptance that culture is not static. State Parties are called upon to support cultural innovation and development (Articles 9 and 10). Articles 11 to 13 introduce a new concept of cultural stakeholders. The State Parties recognize institutional and non-institutional actors such as designers, private developers, associations, local governments, and the private sector, and commit to support such actors through incentive measures in fiscal, legislative, and administrative plans. They also recognize elders and traditional leaders, and undertake to integrate them in conflict-resolution processes and inter-cultural dialogue systems (Article 14). To facilitate the full participation of all in cultural development, State Parties undertake to support training (Articles 16 and 17) (AU, 2006b).

State Parties commit to develop national language policies and organize reforms to introduce the use of African languages in education (Articles 18 and 19). They also commit to promote use of information and communication media for cultural development (Articles 20 and 21) (AU, 2006b).

The role of the state in cultural development is covered by Article 22 and its provisions do not differ substantially from those of the previous Charter. The protection of African artistic goods and services is provided for in

Article 23 (and here, too, the provisions do not differ from those in the old Charter). The same applies to the provisions on the protection of African cultural heritage (Articles 25 to 29). Articles 30 and 31 are about intra- and inter-African cultural cooperation, and their provisions are similar to those in the old Charter. Articles 32 and 33 concern strengthening links and ties to the Diaspora in order to promote positive awareness about Africa; to promote African positions and perspectives; and to support the efforts of the Diaspora to integrate with African communities. The remaining articles relate to signature, ratification, entry into force, registration, integration, adhesion, accession, amendment, and revision (AU, 2006b).

9.2.2 Ratification status

By end-2013, the Charter had been signed by 31 Member States but ratified by only eight. Botswana, Burundi, the Central African Republic, Cape Verde, Djibouti, Equatorial Guinea, Eritrea, Kenya, Lesotho, Libya, Malawi, Mauritania, Mauritius, Namibia, Rwanda, Sahrawi Arab Democratic Republic, the Seychelles, Somalia, South Africa, Sudan, Swaziland, and Uganda had neither signed nor ratified it. Ethiopia has ratified without signing it. (Table A35.)

10

Health and Social Protection

10.1. The Phytosanitary Convention for Africa**10.1.1 Summary of provisions**

This is one of the oldest conventions of the OAU. It was adopted in Kinshasa, DRC, on 13 September 1967, but has never been signed by any member, although it has been ratified by 10. It does not contain any provisions on its entry into force.

It is an important convention that seeks to prevent the introduction of diseases, insect pests, and other plant diseases through movement of organic materials. It makes provisions for members to take quarantine or inspection measures of living organisms, plants, seeds, plant materials, soil, compost, or packing material that may be considered by the AU to constitute a threat to agriculture in any part of Africa (Articles II and III). Under Article IV, members are required to prohibit any such materials once recommended by the AU from being admitted into any part of Africa, and once a disease breaks out, the Member State in which this happens is obliged to take measures to control it (Article V) (AU, 2003f).

Article VII provides for the establishment of a panel of scientific consultants to advise the AU on issues relating to plant health and protection. The panel is appointed by the Council of Ministers from among experts recommended by the Scientific Council of Africa submitted to the Educational, Scientific, Cultural and Health Commission of the AU.¹⁸ At the request of this Council or a Member State

and after approval of half of the members of the AU, a meeting of plant experts of Member States may be called to deal with Phytosanitary matters (Article VIII). The remaining articles relate to disputes, amendment, and revision. There are no provisions about signature or ratification (AU, 2003f).

10.1.2 Ratification status

No Member State had signed this Convention by end-2013. However, Benin, Burundi, Cameroon, the Central African Republic, Egypt, Ethiopia, Lesotho, Niger, Rwanda, and Togo have ratified and acceded to it without signing. (Table A36.)

10.2 The Agreement for the Establishment of the African Rehabilitation Institute (ARI)**10.2.1 Summary of provisions**

This agreement was preceded by a Conference of African Ministers of Social Affairs, which adopted guiding principles on preventing disability and rehabilitating disabled persons. It establishes the African Rehabilitation Institute (ARI), whose aims are to develop a unified approach to disability prevention and rehabilitation services; to create facilities to satisfy the needs of handicapped people; to promote the development of rehabilitation centres at national level and harmonize their conceptual principles and practices; to facilitate inter-African cooperation and mutual assistance; to

provide a framework for launching a training and research programme on rehabilitation; to promote exchange of information; and to organize special projects on rehabilitation and disability prevention (Article II) (OAU, 1981c).

The ARI is established as an independent legal entity with diplomatic immunities and privileges, and the capacity to contract or own property etc. (Articles III, IV, and V). Its supreme policy body is the Conference of African Ministers Responsible for Social Affairs, which determines the general principles and policies of the ARI, approving programmes, budgets, and reports, appointing the Executive Director, and establishing the organs of the ARI (OAU, 1981c).

Below the Conference is the Governing Board composed of appointees of the AUC Chairperson, a representative of the ILO, a representative of ECA, and two representatives of each of the five regions of Africa, with the Executive Director as Secretary of the Board in an advisory capacity. The board submits to the conference programmes of activities, budgets, and audit reports; it appoints auditors; draws up regulations; appoints members of the Technical Advisory Committee; and submits annual reports to the Conference (Article VIII) (OAU, 1981c).

The Technical Advisory Committee, which is responsible to the Board, comprises a representative of the AUC Chairperson, a representative of the ILO, a representative of the ECA, the Executive Director, Directors of Regional Centres, four African specialists chosen by the Board, the Executive Secretary of the Association of Social Work Education in Africa, the Executive Director of CARTI-SOD, and any experts whose advice may be useful to it. The Committee assists the Executive Director in programme preparation;

advises the Board and Executive Director on technical matters; and acts on any other matter as directed by the Board (Article IX) (OAU, 1981c).

The Executive Director heads the Secretariat and has responsibility to coordinate and control technical and administrative activities; recruit and manage the staff of the Secretariat; prepare and submit annual plans to the Board; mobilize funds and administer the ARI's property; manage finances and have them audited; and to represent the ARI in its relations with states and other bodies (OAU, 1981c).

The financial resources of the ARI come from contributions paid by members at rates determined by the Board, and special contributions by members, gifts, legacies, grants, loans, or other contributions from other organizations and institutions (Article XI). All expenses have to be within budget limits, and expenses incurred by representatives of Member States or participating states and organizations have to be borne by sending governments or organizations (Article XII). Other Articles refer to the relationship between the ARI and the AUC, that with participating states and organizations, and amendments, settlement of disputes, and dissolution of the ARI (OAU, 1981c).

10.2.2 Ratification status

By end-June 2012, 31 countries had signed the Agreement, and 26 countries had ratified and acceded to it. However, Cameroon, Libya, Mali, Mauritania, Mozambique, Namibia, Nigeria, Rwanda, and Zambia have deposited ratification documents without signing it. (Table A37.)

11

Observations, Conclusions, and Recommendations

11.1 Observations and Conclusions

The details discussed above and summarized in the following tables deserve further analysis by African policymakers, in 10 areas.

First, basic or foundational instruments of general application such as the Treaty Establishing the African Economic Community, the Constituent Act of the African Union, and the Protocol Amending the Constituent Act were signed and ratified by more than 90% of AU Members. This is not unexpected, as these instruments are aimed at defining the entire architecture of the AU and its organs, and they contain provisions that do not require Member States to surrender sovereignty and do not encroach on the individual powers of Member States.

Table 1 shows that the majority of African countries have signed all the foundational instruments of the AU. Besides the Protocol

on Amendments to the Constitutive Act of the AU, which has been ratified by 56% of its signatories, all other fundamental instruments have been ratified and acceded to by more than 90% of their signatories.

Second, some instruments on transparency, good governance, and human rights, which reflect a renewed commitment of African governments towards democracy and human rights, but include commitments that conflict with the traditional norms and beliefs of dominant groups and culture in some countries, have received a high number of signatures but only an average rate of ratification. These include the African Charter on Democracy, Elections, and Governance, which was signed by 46 Member States or 85% of AU Members but ratified by only 26 Members out of the 46 that signed (50%). Similarly, Protocols that seem to encroach upon the powers and functions of institutions of justice or public administration at the national level have attracted a high number of signatures

Table 1: Signature and ratification of foundational instruments of the AU

Instrument	Number of signatories	Percentage of Members that signed	Number of signatories that ratified	Percentage of signatories that ratified and acceded
Treaty Establishing the African Economic Community	54	100	49	91
Protocol to The Treaty Establishing the African Economic Community Relating to the Pan African Parliament	50	92	47	94
The Constitutive Act of the African Union	54	100	53	98
Protocol on Amendments to the Constitutive Act of the AU	50	92	28	56

but registered low numbers of ratifications. These include the Protocol of the African Charter on Human and People's Rights on the Establishment of an African Court of Human and People's Rights. This was signed by 52 or 90% of AU Members but ratified by only 27 or 51.9% of those that signed. The Protocol of the African Court of Justice that replaced this Protocol was signed by 44 or 81% of AU Members but ratified by only 16 or 36.3% of those that signed. The African Charter on Values of Public Service and Administration was signed by 32 Members (59.2%) and has been ratified by only 7 or 21.8% of those that signed. The same applies to the African Charter on Statistics, which was signed by 30 or 55.6% of AU Member States but has so far been ratified by only 7 or 21.8% of those that signed.

In the area of transparency and good governance, only the Convention on Preventing and Combating Corruption obtained signatures from 48 or 88.88% of AU Members and has

been ratified by 35 or 72.9% of those that signed. But as mentioned earlier, ratification of this Charter has not meant that corruption has been contained on the continent. On the contrary, it has been mutating (Cho and Kirwin, 2007; UNECA, 2011). Therefore, there is need for further reflection on why instruments on good governance and transparency have not attracted a high number of ratifications in spite of high numbers of Member States signing them. Table 2 shows that fewer than 15% of the 32 countries that signed the African Charter on the Values and Principles of Public Service and Administration have ratified and acceded to the Charter.

Third, instruments on peace and security have not obtained the robust support expected from Member States given the recent security challenges (Boko Haram, Al-shabaab; Al-Qaida; AQIM, Mali Crisis, etc.). Only the Protocol on the Establishment of the Peace Security Council of the African Union was signed by 53 (98.1%) of the 54 AU Member States and

Table 2: Signature and ratification of AU instruments on governance, transparency, and human rights

Instrument	Number of signatories	Percentage of members that signed	Number of signatories that ratified/acceded	Percentage of signatories that ratified/acceded
The African Charter on Democracy, Elections, and Governance	46	85.19	23	50
The African Charter on Human and People's Rights (the Banjul Charter)	44	81.48	53 ¹⁹	98.15
The Protocol to the African Charter of Human and People's Rights on the Establishment of an African Court on Human and People's Rights	52	96.3	27	51.92
The Statute on the African Court of Justice and Human Rights	44	81.48	16	36.36
The AU Convention on Preventing and Combating Corruption	48	88.88	35	72.9
The African Charter on the Values and Principles of Public Service and Administration	32	59.25	7	12.96
The African Charter on Statistics	30	55.55	10	33.33

Table 3: Signature and ratification of AU instruments on peace and security

Instrument	Number of signatories	Percentage of Members that signed	Number of signatories that ratified	Percentage of signatories that ratified/acceded
The Protocol Relating to the Establishment of the Peace and Security Council of the African Union	53	98.15	49	92.45
The African Union Non-Aggression and Common Defence Pact	43	79.63	20	46.51
The OAU Convention on the Prevention and Combating of Terrorism	50	92.6	41	82
The OAU Convention for the Elimination of Mercenarism In Africa	36	66.66	31	86.11
The Convention Governing the Specific Aspects of Refugees Problems in Africa	40	75.47	45 ²⁰	83.33
The African Union Convention For the Protection and Assistance of Internally Displaced Persons in Africa	39	72.22	22	56.41
The Africa Nuclear Weapon-Free Zone Treaty (Pelindaba Treaty)	51	94.44	38	75.5

ratified by 49 or 92.4% of those that signed (Table 3). The African Union Non-Aggression and Common Defence Pact, which seeks to prevent inter-state conflicts and mobilize states for collective action in case of conflicts, was signed by 43 (79.6%) of AU Members but has been ratified by only 20 or 46.5% of those that signed. In spite of the current scourge of terrorism that threatens to engulf the region, the Convention on the Prevention and Combating of Terrorism has been signed by 50 (92.6%) of AU Member States but ratified by only 41 (82%) of Members that signed.

The Convention for the Elimination of Mercenarism in Africa is another very important instrument which, if ratified and fully implemented by all, could reduce the role of mercenaries in resource-related conflicts in the region. But it has been signed by only

36 (66.66%) of AU Members and ratified by only 31 (66.66%) of those that signed. The Kampala Convention for the Protection and Assistance of Internally Displaced Persons has been signed by only 39 (72.2%) of Members and ratified by only 22 (56.4%) of those that signed. Given the increasing intensity in intra-state conflicts and their impact on the development of countries in which they occur, more signatures and ratifications could strengthen peace and human security in many countries.

On peace and security, only the Convention Governing Specific Aspects of Refugee Problems was signed by 40 (75.5%) of AU Member States and ratified by 45 Members, including those that have not yet signed (83.1%), while the African Nuclear-Weapon-Free Zone Treaty was signed by 51

(94.4%) of AU Members and ratified by 38 (74.5%) of those that signed.

There is therefore a need to intensify campaigns for more ratifications of the instruments on peace and security given the increase in intra- and inter-state tensions and cross-border movement of arms and armed groups.

Fourth, ratifications of instruments related to transport and energy indicate mixed responses. The African Civil Aviation Commission Constitution (AFCAC) was signed by 45 (88.3%) of AU Members but its successor, the Revised Constitution of the African Civil Aviation Commission, has been signed by only 34 (63%) of AU Members and ratified by only 3 (8.8%) of those that signed (Table 4). Given the acute nature of air transport problems within the region, reduced support for AFCAC is a step backward in efforts to improve aviation services and to harmonize aviation policies and practices. Also worrisome is that the African Maritime Transport Charter was initially signed by 39 (72.2%) of AU Member States but after it was revised,

its successor (the Revised African Maritime Charter) has so far been signed by only 16 (29.6%) of AU Members and ratified by only 7 (43.75%) of the 16 that signed.

Given the state and cost of maritime transport in the region and the potential for inland waterways to support the easy movement of goods and people if the Charter was implemented, there is a need to intensify awareness campaigns among those that have not signed or implemented it.

Fifth, ratification rates of instruments related to natural resources and the environment have been disappointing. This is especially true given the new environmental challenges of climate change, environmental degradation, increasing numbers of environmental refugees, ecological stress, and intra-community conflicts. These are caused by resources stress, rising levels of vulnerability and chronic poverty, and aggravated by loss of natural-resource-based livelihoods. One would expect African countries to be more proactive in protecting their natural resources and environment. But while the first

Table 4: Signature and ratification of AU instruments on communications, transport and energy

Instrument	Number of signatories	Percentage of Members that signed	Number of signatories that ratified/acceded	Percentage of signatories that ratified/acceded
The African Civil Aviation Commission Constitution	45	83.33	44	97.77
The Convention on the revised Constitution of the African Civil Aviation Commission 2009	34	62.96	3	8.82
The African Maritime Transport Charter	39	72.22	13	33.33
The Revised Maritime Transport Charter	16	29.62	7	43.75
The Convention of the African Energy Commission	46	85.18	32	69.56

Table 5: Signature and ratification of AU instruments on natural resources and the environment

Instrument	Number of signatories	Percentage of members that signed	Number of signatories that ratified	Percentage of signatories that ratified
The African Convention on the Conservation of Nature and Natural Resources	45	84.9	31	68.88
The Revised African Convention on the Conservation of Nature and Natural Resources	42	79.24	12	28.57
The Agreement for the Establishment of the African Risk Capacity (ARC) Agency	24	44.44	0	0
The African Convention for the Establishment of the African Centre for Fertilizer Development	31	58.49	6	19.35
The Bamako Convention on the Ban of the Import into Africa and the Control of Trans-boundary Movement and Management of Hazardous Waste Within Africa	35	64.81	25	71.42

African Convention on the Conservation of Nature and Natural Resources was signed by 45 (84.9%) of AU Members and ratified by 31 (68.88%) of those that signed, the Revised Convention has been signed by 42 (77.7%) of AU Members but ratified by only 12 (28.5%) of those that signed (Table 5).

The Agreement on the Establishment of the African Risk Capacity (ARC) Agency, which seeks to address issues of resilience, vulnerability, and proneness to disasters was signed by only 24 (54.44%) of AU Members and has so far been ratified by none of those that signed. The Convention for the Establishment of the African Centre for Fertilizer Development has been signed by only 31 (64.8%) of AU Members but ratified by only 6 (19%) of those that signed. The Bamako Convention on the Ban of the Import into Africa and the Control of Trans-boundary Movement and Management of Hazardous Waste within Africa has been signed by 35 (64.8%) of AU Members but ratified by only 25 (71.4%) of those that signed.

The ratification trends on environmental protection and renewal require renewed momentum. Given the heavy reliance of the African economies on nature and natural resources, increased collective action through increased ratification and implementation of key instruments is important to prevent the current generation from further undermining the lives and livelihoods of future generations.

Sixth, in the area of the rights of special groups, there has been an apparent clash between traditional beliefs and practices and the provisions of key instruments that seek to introduce new approaches to the rights of the children, youth, and women. While attracting solid numbers of signatures and ratifications, the number of reservations by Member States on provisions relating to, for example, child marriage, freedom of conscience, freedom of religion, and the minimum age of marriage is very high. Similarly, on grounds of religious and traditional practices several Member States have expressed their intention not to be bound by some provisions relating to selected

rights of women. Therefore, while the African Charter on the Rights and Welfare of the Child was signed by 44 (81.5%) of AU Members and ratified by 47 (87%) of them (Table 6), including three Members that did not sign, there were quite a few reservations. Likewise, while the Protocol to the African Charter of Human and People's Rights on the Rights of Women was signed by 48 (88.8%) of AU Members, it has so far been ratified by only 36 (75%) of those that signed.

The African Youth Charter was signed by 42 (77.7%) AU Members and has been ratified by only 36 (85.71%) of those that signed it. Further dialogue is needed on why some countries have found it difficult to even sign these instruments in spite the global drive to strengthen equality and equal opportunity for all.

To this group of instruments should be added the two instruments related to culture. The Cultural Charter for Africa was signed by 50 (92.6%) of all AU members but has been ratified by only 34. Its successor, the Charter for African Cultural Renaissance, was signed by only 31 (57.4%) of AU Members and has been ratified by only 26 out of those that signed (48% of AU Members).

These two areas—culture and the rights of special groups—need further dialogue and educational outreach to the non-supportive nations by organs of the AU and the RECs.

Seventh, some of the middle-income countries in Africa such as Botswana, Cape Verde, Lesotho, Mauritius, and the Seychelles are among the countries with the lowest number of signatures and ratifications. In spite of this, some of them have the best record for good governance, excellent economic management, and high scores on human development. One possible reason for the disparity is that they feel they are ahead of others and have already put in place the laws and policies required by the instruments. Another reason may be that they feel they do not require collective action or mutual support from others. There are no doubt other reasons, but given these countries' economic position and their exemplary role on issues on which others are lagging behind, bringing them on board would add value to the efforts of the AU in fostering regional cooperation and harmonizing policies and initiatives.

Eighth, instruments that create new agencies requiring Members to pay annual subscriptions to their funds have attracted

Table 6: Signature and ratification of AU instruments on rights of special groups and African culture

Instrument	Number of signatories	Percentage of Members that signed	Number of signatories that ratified	Percentage of signatories that ratified
The African Charter on the Rights and Welfare of the Child	44	81.48	47	106.81 ²¹
The Protocol to The African Charter on Human and People's Rights on the Rights of Women	48	88.88	36	75
The African Youth Charter	42	77.77	36	85.71
The Cultural Charter for Africa	50	92.6	34	64.15 ²²

a limited number of signatories and ratifications. They include the African Civil Aviation Commission Constitution and the Revised Constitution of the African Civil Aviation Commission, the latter of which has been ratified by only three out of the 34 Members that signed. Important as this initiative is, air transport in the region is highly constrained and national authorities are struggling to sustain national civil aviation authorities that cannot be adequately funded from revenues from air services. It is possible that some of these countries will continue finding it hard to support a regional civil aviation commission when they have difficulties supporting their own authorities.

The same problem may be facing some countries not signing or ratifying the Convention of the African Energy Commission, the Agreement for the Establishment of the African Risk Capacity (ARC) Agency, the Convention for the Establishment of the African Centre for Fertilizer Development, the Constitution of the Association of African Trade Promotion Organizations, and the Agreement for the Establishment of the African Rehabilitation Institute (ARI). These and other instruments provide for big agencies with employees whose status is equal to the status of employees of the AUC. Given that some countries still find it difficult to pay their annual subscriptions to the Commission on time, and that there are many more agencies including sub-regional and international bodies to which they have to pay subscriptions, it is perhaps time to look for new modalities to make such agencies self-financing, distanced from the Commission, and demand oriented.

Such agencies should be autonomous agencies providing services to those that need them and charging service fees. In an initial period of three years, they could be given some core start-up funds, after which they have to raise their own funds. If their architecture is revised

and made simpler and less bureaucratic, the instruments related to them may attract more signatories and greater ratification. It is just too much for all countries to pay membership dues to sub-regional, regional, and international organizations at the same time, which may be affecting the capacity or willingness of some Members to sign instruments.

Ninth, some instruments were adopted decades ago when State was the dominant player. But the State is no longer in that position, especially on labour market-related issues. The Inter-African Convention Establishing an African Technical Cooperation Programme is one of these instruments. The modalities of organizing such exchanges are centralized and have to be processed through the AUC and approved by the Chairperson of the Commission. Such processes are no longer needed or even feasible as such exchanges can be facilitated by the RECs or negotiated through bilateral arrangements.

Another example is the Phytosanitary Treaty for Africa, which is old and has not been modified to reflect new institutional roles of national environmental management authorities and sub-regional and national bodies, or policies on bio-safety and biodiversity. To increase the interest of Members in implementing these old instruments, they need to be reviewed and revamped.

Tenth and finally, there does not seem to be an effort to link various instruments with the AU organs that oversee their implementation. Instruments related to security, democracy, good governance, anti-corruption, common defense, mercenarism, and terrorism, for example, are so interlinked that bodies overseeing their implementation need to work together. A holistic approach is required, and studies should be conducted on how implementation can at times be undertaken jointly. But given the apparent regimentation within

the structures of the Commission, aggravated by budget segmentation and some administrative slowness between commissions and directorates, horizontal networking between these internal structures seems to outsiders to be weak. If this perception is correct, horizontal (and vertical) networking within the Commission should be enhanced to assure the synergies required for multilevel interventions.

11.2 Recommendations

On the basis of these observations, it is recommended that the AUC should:

- *Continue* its efforts to encourage the very few Members that have not ratified the foundational instruments on the AU and its bodies to do so.
- *Look* for creative ways of bridging the wide gaps between new values of equality for all and old values embedded in certain traditional beliefs and practices that impede some Member States from ratifying dynamic instruments related to the rights of women, children, and youth.
- *Support* studies at regional, sub-regional, and national levels on why election irregularities, corruption, and undemocratic practices still prevail in some countries and how the implementation of instruments on good governance and transparency can be improved.
- *Search* for ways of increasing capacity for closer cooperation between Member States in implementing instruments related to peace and security and to look for new modalities on internal networking between bodies of the Commission in inter-related issues of peace and security, common defence, mercenarism, terrorism, and corruption.
- *Intensify* efforts aimed at increased ratification, implementation, and collective action on instruments related to infrastructure, transport, communication, and energy. These are the drivers of change in the world, and Africa is lagging behind other regions.
- *Revive* discourses about, and intensify capacity building for, rural development and encourage RECs and Member States to strengthen rural development and environmental studies. These should aim to create cultural foundations for protecting natural resources—the backbone of Africa's present and future, without which chronic poverty, vulnerability, and resource conflicts will increase.
- *Engage* countries that have consistently avoided ratifying or even signing some of the crucial instruments in spite of their economic leadership and exemplary role in governance (including Botswana, Cape Verde, Egypt, Lesotho, Mauritius, and the Seychelles). This will allow the AUC to find out the reasons for such reluctance and try to get them involved, so as to strengthen the voice of the continent and enhance capacity for collective action on issues that challenge Africa's peaceful future.
- *Re-examine* the whole concept of AU agencies created through instruments requiring annual subscriptions with a view to transforming them into self-financing, autonomous, less bureaucratic entities with a commercial, service-driven, fee-charging delivery culture. This would help to relieve Member States of the burden of annual subscriptions, which could be a disincentive for signing and ratifying such instruments.

- *Revise and renew* instruments that were passed long ago whose provisions seem out of step with current developments in governance, regional and sub-regional cooperation, or labour market and other reforms.
- *Further strengthen* the concept of a people-centred approach by opening up institutions of justice and human rights to individuals who may want to seek redress after exhausting the processes of justice in their own countries. This approach would help to ensure that justice can be pursued to the highest level for all and not only through their national or accredited non-governmental institutions (as is provided for in existing instruments).
- *Sustain* efforts to reduce overlapping membership of RECs and intensify diplomatic effort to broker peace and facilitate renewed dialogue between Heads of State and Government.

It is further recommended that the AUC and the African Capacity Building Foundation (ACBF) identify key areas of convergence between the Africa Capacity Report 2014 of the ACBF and the African Union Agenda 2063, and from those build synergies on how to fast-track regional integration as a way of laying foundations for attaining the Aspirations of Agenda 2063. In that vein it is recommended to both bodies to:

- *Take a look at* the ACBF Africa Capacity Report 2014 and pick out the key priorities of the RECs in energy, statistics, fiscal policy, financial-market development, trade facilitation, and policy development—and develop research and capacity-development programmes to address these needs.
- *Identify* anchor institutions of research and capacity development involved in regional

integration studies and equip them with institutional, financial, human resource, and other capacities to create core competencies within the AUC, the RECs, and AU Member States. Such competencies should enable these bodies to fast-track regional integration and accelerate the implementation of Agenda 2063.

- *Take stock of* earlier joint decisions of the Heads of State and Government on the key capacity priorities expressed by the RECs in the African Capacity Report 2014, link them to instruments on energy, maritime transport, natural resources management, air transport, and statistics—and develop joint initiatives to develop capacity to fast-track the ratification and implementation of these instruments.²³ These steps should accelerate implementation of Articles 14 and 19 of Agenda 2063.
- *Step back and reflect on* the chronic failure of RECs to mobilize resources from within the continent and, with them, look for new avenues for generating revenues through, among other approaches, increasing private-sector involvement in project and programme funding, coordinating donor support to stop development partners from side-lining the AU and RECs, developing loan policies, and using customs arrangements to mobilize funds.
- *Jointly work on* the possibility of providing support to the AUC and RECs to undertake human-resource audits and use their results to develop strategy maps based on the link between critical roles and the requisite core competencies for each role. The aim is to reduce redundant staff and increase the number of skilled staff, institutionalizing a culture of performance-based human-resource management.

- *Look for* ways of increasing support for increasing ratification and full implementation of three Charters—the African Charter on the Values and Principles of Public Service and Administration; the African Charter of Values and Principles of Decentralization, Local Governance and Local Development; and the African Charter on Statistics—in order to strengthen policy development, management, implementation, monitoring, and evaluation. These should strengthen good governance and help to achieve Aspirations 4, 5, and 6 of Agenda 2063.
- *Pay special attention to* the overwhelming need of the RECs for fiscal policy capacity development (as stated in the Africa Capacity Report 2014). Action steps include jointly developing small grant schemes to provide seed funds to help set up policy-management units; providing training support to regional centres offering research and training on fiscal policies and financial markets; facilitating the exchange of staff among RECs designing strategies for monetary union; and supporting the AUC and RECs in developing multidisciplinary knowledge networks.
- *Assess the role played by* the Pan African Parliament, the ECOWAS Parliament, the East African Legislative Assembly and the SADC Parliamentary Forum (among others) in exercising oversight functions on the activities of the RECs and coordinating national parliaments. Further, provide them with support to strengthen oversight and undertake research on how their AU instruments and their own treaties or protocols are implemented. And support them to fast-track the domestication and implementation of AU instruments and policies, laying the foundations for Article 23 of Agenda 2063.
- *Generally strengthen* cooperation and, with the RECS, AfDB, and ECA, look for ways of supporting inter-ministerial committees dealing with transparency, integrity, equal rights, democracy, and good governance. The goal is to enhance regional cooperation and integration; institutionalize common democratic values; and accelerate the implementation of Aspirations 4, 5, and 6 of Agenda 2063.

Notes

1. The term “instrument” covers treaties, conventions, regional agreements, pacts, charters, and statutes of the OAU-AU. It excludes declarations and general acts. In international law, the term “treaty” covers all these instruments through which states bind themselves to act or not to act in a particular way. For further views on this, see A. D. McNair, *The Law of Treaties*, Oxford University Press, 1961; *The Vienna Convention on the Law of Treaties*, Vienna, May 1969, Article 2(1); and Malcolm N. Shaw, *International Law*, Cambridge University Press, 1997, p. 73.
2. The term “instrument” covers treaties, conventions, regional agreements, pacts, charters, and statutes of the OAU-AU. It excludes declarations and general acts. In international law the term “treaty” covers all these instruments through which states bind themselves to act or not to act in a particular way. For further views on this, see A. D. McNair (1961), *The Law of Treaties*, Oxford University Press; *The Vienna Convention on the Law of Treaties*, Vienna, May 1969, Article 2(1); and Malcolm N. Shaw (1997), *International Law*, Cambridge University Press, 1997, p. 73.
3. The Vienna Convention on the Law of Treaties defines the various stages an instrument must go through to become fully binding. Once its terms are negotiated and accepted by representatives of State Parties, it is presented for discussion at a general meeting and it becomes adopted if it is supported by at least a two-thirds majority. Once adopted, it is opened for signature, which signifies consent. Once Heads of State and Government sign, they take the instrument through the process of ratification through their institutions of governance. This allows them to inform the legislature and other bodies of the instrument and obtain their consent. Under Article 14 of the Vienna Convention, ratification is an expression of the state’s intention to be bound, done by depositing the requisite documents signifying this. Accession is the last process that follows these other stages. It signifies consent to be bound and to implement the instrument.
4. For more details on this process, see Oxfam International (2014), chapter 6.
5. The key Protocols include: Protocol on Free Movement of Persons, Goods, Services and Capital; Protocol on Multilateral Surveillance Mechanism; Protocol on Trade and Customs Liberalization; Protocol on Compensation for Revenue Loss; Protocol on Rules of Origin; Protocol on Elimination of Tariff and Non-Tariff Barriers; Protocol Relating to Mechanism for Conflict Prevention, Management, Peacekeeping and Security; and Supplementary Protocol on Democracy and Good Governance; the General Convention on the Recognition and Equivalence of Degrees, Diplomas, Certificates and other Qualifications; and the 1998 AU-RECs Protocol.
6. The International Covenant on Civil and Political Rights, 1966; the International Covenant on Economic, Social and Cultural Rights, 1966; etc.
7. [1992] LRC (Const) 623.
8. These include almost all instruments in which human rights are mentioned, especially the African Charter on the Rights and Welfare of the child (1990); The Bamako Convention (1993); The OAU Convention on the Prevention of

- Terrorism (1991); The African Youth Charter (2006); etc.
9. On the use of statistics for planning, monitoring, and evaluation of programmes in Burundi, Ethiopia, Mali, South Africa, Tunisia, and Uganda, see African Development Bank (2008).
10. The best examples of such violations are in the Great Lakes Region and East Africa, where combatants easily acquire arms from AU Member States to wage and continue wars in other Member States in spite of the ban on supply of such arms to combatants in war-torn areas and conflict countries.
11. This Convention needs another Protocol extending it to activities of mercenaries involved not only in attempts to disrupt struggles for self-determination but also in current conflicts like those that have occurred in Sierra Leone, Liberia, DRC, CAR, and Mali.
12. AHG/Res.11(1).
13. The Convention on the Ban of the Import into Africa and Control of Transboundary Movement and Management of Hazardous Wastes within Africa, will be covered in the chapter on natural resources and the environment. <ED: Chapter 6 as the doc. is now organized.>
14. These provisions were passed in the light of the WTO Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS), especially Article 27(1), which allows easy patenting of indigenous knowledge unless it is protected by local legislation. See Corea (2000).
15. The original convention remains binding on its signatories while this one only binds those who will sign and ratify it.
16. This is without prejudice to the jurisdiction of the African Court of Justice, which was formed after the adoption of this Convention.
17. The Abuja Treaty (Chapter 2) provides the background to cooperation in trade and investment as the continent progresses towards regional integration. Most of the comments made in that chapter on trade and investment should be taken into consideration in examining the three instruments covered in this chapter.
18. Assume it has been replaced by the Economic, Social and Cultural Council.
19. Nine countries ratified without signing. Therefore the number of ratifications is higher than that of signatories.
20. The number of signatories was lower than that of those who ratified.
21. The number of Members that ratified was higher than that of those which signed.
22. The Cultural Charter for Africa and The Charter for African Cultural Renaissance are not in the category of rights of special groups but are included in this cluster.
23. The African Civil Aviation Commission Constitution, The Convention on the Revised Constitution of the African Civil Aviation Commission, the African Maritime Transport Charter, and the Convention of the African Energy Commission.

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Annexes

Table A1: List of countries that have signed, ratified/acceded to the treaty establishing the African economic community

Country	Date of signature	Date of ratification/accession	Date deposited
Algeria	03/06/1991	21/06/1995	17/07/1995
Angola	03/06/1991	11/04/1992	23/06/1992
Benin	27/02/1992	10/05/1999	31/05/1999
Botswana	03/06/1991	27/06/1996	03/07/1996
Burkina Faso	03/06/1991	19/05/1992	17/06/1992
Burundi	03/06/1991	05/08/1992	06/10/1992
Cameroon	03/06/1991	20/12/1995	08/04/1996
Central African Republic	03/06/1991	18/06/1993	22/06/1993
Cape Verde	03/06/1991	12/04/1993	11/05/1993
Chad	03/06/1991	26/06/1993	24/08/1993
Côte d'Ivoire	03/06/1991	22/02/1993	11/05/1993
Comoros	03/06/1991	06/06/1994	20/06/1994
Congo, Rep. of	03/06/1991	30/07/1996	15/01/1997
Djibouti	03/06/1991	--	--
Democratic Rep. of Congo	03/06/1991	19/06/1993	21/06/1993
Egypt	03/06/1991	18/12/1992	26/01/1993
Equatorial Guinea	03/06/1991	20/12/2002	19/02/2003
Eritrea	25/04/2012	--	--
Ethiopia	03/06/1991	05/11/1992	06/11/1992
Gabon	03/06/1991	06/11/2007	16/11/2007
Gambia	03/06/1991	20/04/1993	14/05/1993
Ghana	03/06/1991	25/09/1991	25/10/1991
Guinea-Bissau	03/06/1991	24/06/1992	30/06/1992
Guinea	03/06/1991	17/07/1992	21/09/1992
Kenya	03/06/1991	18/06/1993	22/06/1993
Libya	03/06/1991	02/11/1992	28/01/1993
Lesotho	03/06/1991	12/08/1997	11/02/1998
Liberia	03/06/1991	23/06/1993	29/06/1993
Madagascar	03/06/1991	--	--
Mali	03/06/1991	13/11/1992	27/01/1993
Malawi	03/06/1991	26/06/1993	22/07/1993
Mozambique	03/06/1991	14/05/1992	04/07/1992
Mauritania	03/06/1991	20/11/2001	04/07/2002
Mauritius	03/06/1991	14/02/1992	27/02/1992
Namibia	03/06/1991	28/06/1992	01/07/1992
Nigeria	03/06/1991	31/12/1991	09/01/1992
Niger	03/06/1991	22/06/1992	22/07/1992
Rwanda	03/06/1991	01/10/1993	15/11/1993
South Africa	03/06/1991	31/05/2001	25/06/2001
Sahrawi Arab Democratic Republic	03/06/1991	25/08/1992	23/10/1992
Senegal	03/06/1991	26/02/1992	18/03/1992
Seychelles	03/06/1991	11/10/1991	07/11/1991
Sierra Leone	03/06/1991	15/03/1994	12/04/1994
Somalia	03/06/1991	--	--
São Tomé and Príncipe	03/06/1991	02/06/1993	22/06/1993
Sudan	03/06/1991	08/02/1993	15/05/1993
South Sudan	24/01/2013	--	--
Swaziland	29/06/1992	06/06/2001	22/06/2004
Tanzania	03/06/1991	10/01/1992	03/02/1992
Togo	03/06/1991	05/05/1998	18/05/1998
Tunisia	03/06/1991	03/05/1994	10/06/1994
Uganda	03/06/1991	31/12/1991	09/03/1992
Zambia	03/06/1991	26/10/1992	09/11/1992
Zimbabwe	03/06/1991	06/11/1991	26/11/1991
Number of countries	54	Number of ratifications	49
Number of signatories	54	Number of deposits	49

Source: <http://www.au.int/en/sites/default/files/Treaty%20Establishing%20the%20AEC.pdf> (downloaded on 20/05/2014).

Table A2: List of countries that have signed, ratified/acceded to the protocol on the treaty establishing the African economic community relating to the pan African parliament

Country	Date of signature	Date of ratification/accession	Date deposited
Algeria	15/05/2001	22/04/2003	03/06/2003
Angola	26/06/2003	29/10/2003	28/11/2003
Benin	13/11/2001	11/11/2003	27/11/2003
Botswana	10/07/2001	10/07/2001	11/07/2001
Burkina Faso	10/07/2001	23/06/2003	25/07/2003
Burundi	29/11/2002	04/11/2003	18/12/2003
Cameroon	10/07/2001	04/11/2003	18/12/2003
Central African Republic	04/02/2003	12/03/2004	17/03/2003
Cape Verde	11/07/2001	17/02/2004	20/12/2004
Chad	03/02/2003	07/01/2004	20/02/2004
Côte d'Ivoire	27/02/2004	--	--
Comoros	26/02/2004	13/03/2004	16/03/2004
Congo, Rep. of	04/03/2004	23/02/2004	27/02/2004
Djibouti	20/02/2004	10/03/2004	11/03/2004
Democratic Rep. of Congo	05/12/2003	--	--
Egypt	11/08/2003	08/10/2003	24/10/2003
Equatorial Guinea	--	03/02/2004	16/02/2004
Eritrea	--	--	--
Ethiopia	28/04/2004	29/05/2003	17/06/2003
Gabon	22/06/2001	29/12/2003	27/01/2004
Gambia	17/06/2003	04/07/2003	10/07/2003
Ghana	20/09/2002	15/09/2003	19/06/2004
Guinea-Bissau	--	09/06/2009	19/06/2009
Guinea	07/07/2003	--	--
Kenya	07/07/2003	19/12/2003	22/12/2003
Libya	15/06/2001	10/08/2002	06/11/2002
Lesotho	11/07/2001	16/04/2003	02/05/2003
Liberia	10/12/2001	17/09/2007	15/07/2008
Madagascar	07/07/2003	09/02/2004	19/02/2004
Mali	07/05/2001	26/05/2001	30/05/2001
Malawi	10/07/2001	03/07/2002	16/07/2002
Mozambique	09/07/2002	20/05/2003	02/06/2003
Mauritania	06/02/2004	22/12/2003	06/02/2004
Mauritius	--	09/02/2004	12/02/2004
Namibia	07/05/2001	13/08/2002	20/09/2002
Nigeria	08/06/2001	23/12/2003	21/01/2004
Niger	07/07/2003	07/08/2003	27/08/2003
Rwanda	15/06/2001	22/08/2001	25/07/2002
South Africa	14/03/2002	03/07/2002	03/07/2002
Sahrawi Arab Democratic Republic	01/06/2001	04/06/2001	12/06/2001
Senegal	22/06/2001	14/10/2003	14/11/2003
Seychelles	09/07/2003	24/03/2003	21/04/2003
Sierra Leone	31/05/2001	16/05/2003	05/07/2003
Somalia	23/02/2006	--	--
São Tomé and Príncipe	01/02/2010	--	--
Sudan	29/11/2002	16/10/2002	29/11/2002
South Sudan	24/01/2013	--	--
Swaziland	07/12/2004	11/03/2004	16/03/2004
Tanzania	07/12/2004	04/07/2002	16/08/2002
Togo	18/09/2001	03/01/2003	27/02/2003
Tunisia	21/01/2004	01/03/2004	04/03/2004
Uganda	10/07/2001	09/07/2003	22/07/2003
Zambia	11/11/2002	21/11/2003	27/11/2003
Zimbabwe	04/12/2003	07/07/2003	10/07/2003

Number of countries **54** Number of ratifications **47**
Number of signatures **50** Number of deposits **47**

Source: http://www.au.int/en/sites/default/files/PAP_1.pdf (downloaded on 20/05/2014).

Table A3: List of countries that have signed, ratified/acceded to the protocol on amendments to the constitutive act of the African Union

Country	Date of signature	Date of ratification/accession	Date deposited
Algeria	29/12/2003	--	--
Angola	02/02/2010	--	--
Benin	23/09/2003	01/12/2005	07/03/2006
Botswana	--	--	--
Burkina Faso	26/02/2004	05/04/2005	11/05/2005
Burundi	03/12/2003	12/12/2006	29/12/2006
Cameroon	25/07/2006	--	--
Central African Republic	17/06/2008	16/05/2008	18/02/2009
Cape Verde	27/01/2012	--	--
Chad	06/12/2004	19/08/2008	06/10/2008
Côte d'Ivoire	27/02/2004	--	--
Comoros	26/02/2004	02/04/2004	16/04/2004
Congo, Rep. of	27/02/2004	20/11/2012	27/12/2012
Djibouti	18/12/2003	--	--
Democratic Rep. of Congo	05/12/2003	--	--
Egypt	10/08/2007	19/06/2008	02/09/2008
Equatorial Guinea	30/01/2005	11/05/2006	02/07/2006
Eritrea	25/04/2012	--	--
Ethiopia	--	--	--
Gabon	28/01/2005	18/05/2007	12/06/2007
Gambia	24/12/2003	30/04/2009	09/07/2009
Ghana	31/10/2003	28/06/2007	06/08/2007
Guinea-Bissau	08/03/2005	21/12/2011	04/01/2012
Guinea	16/12/2003	17/06/2011	11/07/2011
Kenya	17/12/2003	22/05/2007	08/06/2007
Libya	05/11/2003	22/05/2007	08/06/2007
Lesotho	27/02/2004	26/10/2004	05/11/2004
Liberia	16/12/2003	17/09/2007	15/07/2008
Madagascar	28/02/2004	--	--
Mali	09/12/2003	07/05/2004	01/06/2004
Malawi	--	--	--
Mozambique	15/12/2003		
Mauritania	29/01/2008		
Mauritius	29/01/2005		
Namibia	09/12/2003		
Nigeria	02/07/2007		
Niger	06/07/2004		
Rwanda	24/09/2003		
South Africa	16/03/2004		
Sahrawi Arab Democratic Republic	21/05/2007		
Senegal	26/12/2003		
Seychelles	--	--	--
Sierra Leone	09/12/2003	--	--
Somalia	23/02/2006	--	--
São Tomé and Príncipe	01/02/2010	--	--
Sudan	30/06/2008	--	--
South Sudan	24/01/2013	--	--
Swaziland	07/12/2004	--	--
Tanzania	05/11/2003	14/04/2004	30/04/2004
Togo	30/12/2003	10/01/2007	23/01/2007
Tunisia	15/05/2007	--	--
Uganda	18/12/2003	--	--
Zambia	03/08/2005	--	--
Zimbabwe	18/11/2003	--	--

Number of countries 54

Number of ratifications 28

Number of signatures 50

Number of deposits 28

Source: http://www.au.int/en/sites/default/files/Amendments%20to%20the%20Constitutive%20Act_0.pdf (downloaded on 20/05/2014).

Table A4: List of countries that have signed, ratified/acceded to the inter-African convention establishing an African technical co-operation programme

Country	Date of signature	Date of ratification/accession	Date deposited
Algeria	--	--	--
Angola	27/01/2012	--	--
Benin	13/11/2001	--	--
Botswana	--	--	--
Burkina Faso	07/12/2004	--	--
Burundi	--	--	--
Cameroon	--	--	--
Central African Republic	04/02/2003	--	--
Cape Verde	--	--	--
Chad	06/12/2004	--	--
Côte d'Ivoire	27/02/2004	--	--
Comoros	26/02/2004	18/03/2004	16/04/2004
Congo, Rep. of	16/03/2004	--	--
Djibouti	15/11/2005	--	--
Democratic Rep. of Congo	05/12/2003	--	--
Egypt	23/09/2004	--	--
Equatorial Guinea	31/01/2011	--	--
Eritrea	--	--	--
Ethiopia	28/12/2007	30/12/2008	06/01/2009
Gabon	--	18/05/2007	12/06/2007
Gambia	24/12/2003	30/04/2009	09/07/2009
Ghana	02/07/2004	--	--
Guinea-Bissau	08/03/2005	--	--
Guinea	16/12/2003	--	--
Kenya	--	--	--
Libya	--	--	--
Lesotho	--	--	--
Liberia	16/12/2003	--	--
Madagascar	02/07/2004	--	--
Mali	29/10/1999	03/05/2000	20/06/2000
Malawi	--	--	--
Mozambique	--	--	--
Mauritania	--	--	--
Mauritius	--	--	--
Namibia	--	--	--
Nigeria	--	--	--
Niger	06/07/2004	08/12/2005	10/05/2006
Rwanda	--	--	--
South Africa	--	--	--
Sahrawi Arab Democratic Republic	--	--	--
Senegal	26/12/2003	--	--
Seychelles	--	--	--
Sierra Leone	09/12/2003	--	--
Somalia	01/06/1991	--	--
São Tomé and Príncipe	01/02/2010	--	--
Sudan	--	--	--
South Sudan	--	--	--
Swaziland	07/12/2004	--	--
Tanzania	--	--	--
Togo	30/12/2003	--	--
Tunisia	--	--	--
Uganda	02/07/2004	--	--
Zambia	03/08/2005	--	--
Zimbabwe	--	--	--

Number of countries	54	Number of ratifications	6
Number of signatures	29	Number of deposits	6

Source: <http://www.au.int/en/sites/default/files/technical%20Cooperation%20Programme.pdf> (downloaded on 20/05/2014).

Table A5: List of countries that have signed, ratified/acceded to the African charter on democracy, elections, and governance

Country	Date of signature	Date of ratification/accession	Date deposited
Algeria	14/07/2012	--	--
Angola	27/01/2012	--	--
Benin	16/07/2007	28/06/2012	11/07/2012
Botswana	--	--	--
Burkina Faso	02/08/2007	26/05/2010	06/07/2010
Burundi	20/06/2007	--	--
Cameroon	16/01/2012	--	--
Central African Republic	28/06/2009	--	--
Cape Verde	27/01/2012	--	--
Chad	22/01/2009	11/07/2011	13/10/2011
Côte d'Ivoire	11/06/2009	16/10/2013	28/11/2013
Comoros	02/02/2010	--	--
Congo, Rep. of	18/06/2007	--	--
Djibouti	15/06/2007	02/12/2012	22/01/2013
Democratic Rep. of Congo	29/06/2008	--	--
Egypt	--	--	--
Equatorial Guinea	30/01/2011	--	--
Eritrea	--	--	--
Ethiopia	28/12/2007	05/12/2008	06/01/2009
Gabon	02/02/2010	--	--
Gambia	29/01/1008	--	--
Ghana	15/01/2008	06/09/2010	19/10/2010
Guinea-Bissau	17/06/2008	23/12/2011	04/01/2012
Guinea	09/05/2007	17/06/2011	11/07/2011
Kenya	28/06/2008	--	--
Libya	--	--	--
Lesotho	17/03/2010	30/06/2010	09/07/2010
Liberia	18/06/2008	--	--
Madagascar	31/01/2014	--	--
Mali	29/06/2007	13/08/2013	02/09/2013
Malawi	--	11/10/2012	24/10/2012
Mozambique	27/05/2010	--	--
Mauritania	29/01/2008	07/07/2008	28/07/2008
Mauritius	14/12/2007	--	--
Namibia	10/05/2007	--	--
Nigeria	02/07/2007	01/12/2011	09/01/2012
Niger	17/06/2008	04/10/2011	14/07/2010
Rwanda	29/06/2007	09/07/2010	14/07/2010
South Africa	01/02/2010	24/12/2010	24/01/2011
Sahrawi Arab Democratic Republic	25/07/2010	27/11/2013	27/01/2014
Senegal	15/12/2008	--	--
Seychelles	--	--	--
Sierra Leone	17/06/2008	17/02/2009	08/12/2009
Somalia	28/01/2013	--	--
São Tomé and Príncipe	01/02/2010	--	--
Sudan	30/06/2008	19/06/2013	16/09/2013
South Sudan	24/01/2013	--	--
Swaziland	29/01/2008	--	--
Tanzania	--	--	--
Togo	30/10/2007	24/01/2012	20/03/2012
Tunisia	27/01/2013	--	--
Uganda	16/12/2008	--	--
Zambia	31/01/2010	31/05/2011	08/07/2011
Zimbabwe	--	--	--

Number of countries	54	Number of ratifications	24
Number of signatures	46	Number of deposits	24

Source: http://www.au.int/en/sites/default/files/Charter%20on%20Democracy%20and%20Governance_0.pdf (downloaded on 20/05/2014).

Table A6: List of countries that have signed, ratified/acceded to the African (Banjul) charter on human and people's rights

Country	Date of signature	Date of ratification/accession	Date deposited
Algeria	10/04/1986	01/03/1987	20/03/1987
Angola	27/01/2012	02/03/1990	09/10/1990
Benin	11/02/2004	20/01/1986	25/02/1986
Botswana	--	17/07/1986	22/07/1986
Burkina Faso	05/03/1984	06/07/1984	21/09/1984
Burundi	28/06/1989	28/07/1989	30/08/1989
Cameroon	23/07/1987	20/06/1989	18/09/1989
Central African Republic	04/02/2003	26/04/1986	27/07/1986
Cape Verde	21/03/1986	02/06/1987	06/08/1987
Chad	29/05/1986	09/10/1986	11/11/1986
Côte d'Ivoire	30/08/2005	06/10/1992	31/08/1992
Comoros	07/12/2004	01/06/1986	18/07/1986
Congo, Rep. of	27/11/1981	09/12/1986	18/07/1986
Djibouti	20/12/1991	09/12/1982	17/01/1983
Democratic Rep. of Congo	23/07/1987	20/07/1987	28/07/1987
Egypt	16/11/1981	20/03/1984	03/04/1984
Equatorial Guinea	18/08/1986	07/04/1986	18/08/1986
Eritrea	--	14/01/1999	15/03/1999
Ethiopia	--	15/06/1998	22/06/1998
Gabon	26/02/1982	20/02/1986	26/06/1986
Gambia	11/02/1983	08/06/1983	13/06/1983
Ghana	03/07/2004	24/01/1989	01/03/1989
Guinea-Bissau	08/03/2005	04/12/1985	06/03/1986
Guinea	09/12/1981	16/02/1982	13/05/1982
Kenya	--	23/01/1992	10/02/1992
Libya	30/05/1985	19/07/1986	26/03/1987
Lesotho	07/03/1984	10/92/1992	27/02/1992
Liberia	31/01/1983	04/08/1982	29/12/1982
Madagascar	--	09/03/1992	19/03/1992
Mali	13/11/1981	21/12/1981	22/01/1982
Malawi	23/02/1990	17/11/1989	23/02/1990
Mozambique	--	22/02/1989	23/02/1990
Mauritania	25/02/1982	14/06/1986	26/06/1986
Mauritius	27/02/1992	19/02/1992	01/07/1992
Namibia	--	30/07/1992	16/09/1992
Nigeria	31/08/1982	22/06/1983	22/07/1983
Niger	09/07/1986	15/07/1986	21/07/1986
Rwanda	11/11/1981	15/07/1983	22/07/1983
South Africa	09/07/1996	09/07/1996	09/07/1996
Sahrawi Arab Democratic Republic	10/04/1986	02/05/1986	23/05/1986
Senegal	23/09/1981	13/08/1982	25/10/1982
Seychelles	--	13/04/1992	30/04/1992
Sierra Leone	27/08/1982	30/07/1985	20/03/1986
Somalia	26/02/1982	30/07/1985	20/03/1986
São Tomé and Príncipe	--	23/05/1986	28/07/1986
Sudan	03/09/1982	18/02/1986	11/03/1986
South Sudan	24/01/2013	--	--
Swaziland	20/12/1991	15/09/1995	09/10/1995
Tanzania	31/05/1982	18/02/1984	09/03/1984
Togo	26/02/1982	05/11/1982	22/11/1982
Tunisia	--	16/03/1983	22/04/1983
Uganda	18/08/1986	10/05/1986	27/05/1986
Zambia	17/01/1983	10/11/1984	02/02/1984
Zimbabwe	20/02/1986	30/05/1986	12/06/1986

Number of countries	54	Number of ratifications	53
Number of signatures	44	Number of deposits	53

Source: <http://www.au.int/en/sites/default/files/African%20Charter%20on%20Human%20and%20Peoples%20Rights.pdf> (downloaded on 20/05/2014).

Table A7: List of countries that have signed, ratified/acceded to the protocol of the African chapter on human and people's rights on the establishment of an African court on human and people's rights

Country	Date of signature	Date of ratification/accession	Date deposited
Algeria	13/07/1999	22/04/2003	03/06/2003
Angola	22/01/2007	--	--
Benin	09/06/1998	--	--
Botswana	09/06/1998	--	--
Burkina Faso	09/06/1998	31/12/1998	23/02/1999
Burundi	09/05/1998	02/04/2003	12/06/2003
Cameroon	25/07/2006	--	--
Central African Republic	04/03/2002	--	--
Cape Verde	--	--	--
Chad	06/12/2004	--	--
Côte d'Ivoire	09/06/1998	07/01/2003	21/03/2003
Comoros	09/06/1998	23/12/2003	26/12/2003
Congo, Rep. of	09/06/1998	10/09/2010	06/10/2010
Djibouti	15/11/2005	--	--
Democratic Rep. of Congo	09/09/1998	--	--
Egypt	17/02/1999	--	--
Equatorial Guinea	09/06/1998	--	--
Eritrea	--	--	--
Ethiopia	09/06/1998	--	--
Gabon	09/06/1998	14/08/2000	29/06/2004
Gambia	09/06/1998	30/06/1999	15/10/1999
Ghana	09/06/1998	25/08/2004	16/08/2005
Guinea-Bissau	09/06/1998	--	--
Guinea	08/07/2003	--	--
Kenya	07/07/2003	04/02/2004	18/02/2005
Libya	09/06/1998	19/11/2003	08/12/2003
Lesotho	29/10/1999	28/10/2003	23/12/2003
Liberia	09/06/1998	--	--
Madagascar	09/06/1998	--	--
Mali	09/06/1998	10/05/2000	20/06/2000
Malawi	09/06/1998	09/09/2008	09/10/2008
Mozambique	23/05/2003	17/07/2004	20/07/2004
Mauritania	22/03/1999	19/05/2005	14/12/2005
Mauritius	09/06/1998	03/03/2003	24/03/2003
Namibia	09/06/1998	--	--
Nigeria	09/06/2004	20/05/2004	09/06/2004
Niger	09/06/1998	17/05/2004	26/06/2004
Rwanda	09/06/1998	05/05/2003	06/05/2003
South Africa	09/06/1999	03/07/2002	03/07/2002
Sahrawi Arab Democratic Republic	25/07/2010	27/11/2013	27/10/2014
Senegal	09/06/1998	29/09/1998	30/10/1998
Seychelles	09/06/1998	--	--
Sierra Leone	09/06/1998	--	--
Somalia	23/02/2006	--	--
São Tomé and Príncipe	01/02/2010	--	--
Sudan	09/06/1998	--	--
South Sudan	24/01/2013	--	--
Swaziland	07/12/2004	--	--
Tanzania	09/06/1998	07/02/2006	10/02/2006
Togo	09/06/1998	23/06/2003	06/07/2003
Tunisia	09/06/1998	21/08/2007	05/10/2007
Uganda	01/02/2001	16/02/2001	06/06/2001
Zambia	09/06/1998	--	--
Zimbabwe	09/06/1998	--	--

Number of countries 54

Number of ratifications 27

Number of signatures 52

Number of deposits 27

Source: http://www.au.int/en/sites/default/files/achpr_1.pdf (downloaded on 20/05/2014).

Table A8: List of countries that have signed, ratified/acceded to the protocol of the court of justice and human rights

Country	Date of signature	Date of ratification/accession	Date deposited
Algeria	31/01/2009		
Angola	27/01/2012		
Benin	14/01/2009	28/06/2012	11/07/2012
Botswana			
Burkina Faso	21/01/2009	23/06/2010	04/08/2010
Burundi			
Cameroon			
Central African Republic			
Cape Verde			
Chad	22/01/2009		
Côte d'Ivoire	11/06/2009		
Comoros			
Congo, Rep. of	28/06/2009	14/12/2011	06/08/2012
Djibouti			
Democratic Rep. of Congo	02/02/2010		
Egypt			
Equatorial Guinea			
Eritrea			
Ethiopia			
Gabon	19/12/2008		
Gambia	02/02/2009		
Ghana	28/06/2009		
Guinea-Bissau	27/01/2012		
Guinea	26/11/2008		
Kenya			
Libya	14/05/2009	06/05/2009	17/06/2009
Lesotho	14/06/2011		
Liberia	31/05/2011		
Madagascar			
Mali	24/12/2008	13/08/2009	27/08/2009
Malawi			
Mozambique	08/11/2011		
Mauritania			
Mauritius			
Namibia			
Nigeria	22/12/2008		
Niger	28/01/2009		
Rwanda			
South Africa			
Sahrawi Arab Democratic Republic	25/07/2010		
Senegal	15/12/2008		
Seychelles			
Sierra Leone	14/01/2009		
Somalia			
São Tomé and Príncipe	01/02/2010		
Sudan			
South Sudan	24/01/2013		
Swaziland			
Tanzania	05/01/2009		
Togo	12/02/2009		
Tunisia	15/07/2012		
Uganda			
Zambia	31/01/2010		
Zimbabwe			

Number of countries	54	Number of ratifications	5
Number of signatures	29	Number of deposits	5

Source: <http://www.au.int/en/sites/default/files/Protocol%20on%20Statute%20of%20the%20African%20Court%20of%20Justice%20and%20HR.pdf> (downloaded on 20/05/2014).

Table A9: List of countries that have signed, ratified/acceded to the African union convention on preventing and combating corruption

Country	Date of signature	Date of ratification/accession	Date deposited
Algeria	29/12/2003	23/05/2006	06/07/2006
Angola	22/01/2007	--	--
Benin	11/02/2004	28/09/2007	07/11/2007
Botswana	--	--	--
Burkina Faso	26/02/2004	29/11/2005	15/02/2006
Burundi	03/12/2003	18/01/2005	10/03/2005
Cameroon	30/06/2008	--	--
Central African Republic	--	--	--
Cape Verde	--	--	--
Chad	06/12/2004	--	--
Côte d'Ivoire	27/02/2004	14/02/2012	05/11/2012
Comoros	26/02/2004	02/04/2004	16/04/2004
Congo, Rep. of	27/02/2004	31/01/2006	24/04/2006
Djibouti	15/11/2005	--	--
Democratic Rep. of Congo	05/12/2003	--	--
Egypt	--	--	--
Equatorial Guinea	30/01/2005	--	--
Eritrea	25/04/2012	--	--
Ethiopia	01/06/2004	18/09/2007	16/10/2007
Gabon	29/06/2004	02/03/2009	08/04/2009
Gambia	24/12/2003	30/04/2009	09/07/2009
Ghana	31/10/2003	13/06/2007	20/07/2012
Guinea-Bissau	21/01/2006	23/12/2011	04/01/2012
Guinea	16/12/2003	05/03/2012	12/04/2012
Kenya	17/12/2003	03/12/2007	07/03/2007
Libya	05/11/2003	23/05/2004	30/06/2004
Lesotho	27/02/2004	26/10/2014	05/11/2004
Liberia	16/12/2003	20/06/2007	20/07/2007
Madagascar	28/02/2004	06/10/2004	09/02/2005
Mali	09/12/2003	17/12/2004	14/01/2005
Malawi	--	26/11/2007	27/12/2007
Mozambique	15/12/2003	02/08/2006	24/10/2006
Mauritania	30/12/2005	--	--
Mauritius	06/07/2006	--	--
Namibia	09/12/2003	05/08/2004	26/08/2004
Nigeria	16/12/2003	25/09/2006	29/12/2006
Niger	06/07/2004	15/02/2006	10/05/2006
Rwanda	19/12/2003	25/06/2004	01/07/2004
South Africa	16/03/2004	11/11/2005	07/12/2005
Sahrawi Arab Democratic Republic	25/07/2010	27/11/2013	27/11/2014
Senegal	26/12/2003	12/04/2007	15/05/2007
Seychelles	--	01/06/2008	17/06/2008
Sierra Leone	09/12/2003	03/12/2008	11/12/2008
Somalia	23/02/2006	--	--
São Tomé and Príncipe	01/02/2010	--	--
Sudan	30/06/2008	--	--
South Sudan	24/01/2013	--	--
Swaziland	07/12/2004	--	--
Tanzania	05/11/2003	22/02/2005	12/04/2005
Togo	30/12/2003	14/09/2009	22/10/2009
Tunisia	27/01/2003	--	--
Uganda	18/12/2003	30/08/2004	29/10/2004
Zambia	03/08/2003	30/03/2007	26/04/2007
Zimbabwe	18/11/2003	17/12/2006	28/02/2007

Number of countries	54	Number of ratifications	35
Number of signatures	48	Number of deposits	35

Source: <http://www.au.int/en/sites/default/files/Corruption.pdf> (downloaded on 20/5/2014).

Table A10: List of countries that have signed, ratified/acceded to the African charter on values and principles of public service and administration

Country	Date of signature	Date of ratification/accession	Date deposited
Algeria	14/07/2012	11/12/2012	28/02/2013
Angola	27/01/2012	--	--
Benin	27/01/2012	--	--
Botswana	--	--	--
Burkina Faso	26/12/2012	--	--
Burundi	14/05/2011	--	--
Cameroon	27/07/2013	--	--
Central African Republic	--	--	--
Cape Verde	--	--	--
Chad	27/07/2013	--	--
Côte d'Ivoire	23/12/2011	--	--
Comoros	--	--	--
Congo, Rep. of	14/05/2011	18/03/2013	20/05/2013
Djibouti	--	--	--
Democratic Rep. of Congo	11/05/2013	--	--
Egypt	--	--	--
Equatorial Guinea	--	--	--
Eritrea	--	--	--
Ethiopia	--	--	--
Gabon	27/07/2013	--	--
Gambia	14/05/2011	--	--
Ghana	14/05/2011	--	--
Guinea-Bissau	27/01/2012	--	--
Guinea	13/06/2011	--	--
Kenya	14/05/2011	17/08/2011	31/08/2011
Libya	--	--	--
Lesotho	27/07/2013	--	--
Liberia	--	--	--
Madagascar	31/01/2014	--	--
Mali	04/03/2013	05/09/2013	24/09/2013
Malawi	--	--	--
Mozambique	14/05/2011	06/02/2013	27/03/2013
Mauritania	--	--	--
Mauritius	15/09/2011	17/01/2012	23/01/2012
Namibia	14/05/2011	21/01/2013	25/01/2013
Nigeria	28/06/2011	--	--
Niger	22/10/2013	--	--
Rwanda	--	--	--
South Africa	--	--	--
Sahrawi Arab Democratic Republic	01/07/2011	--	--
Senegal	12/07/2011	--	--
Seychelles	--	--	--
Sierra Leone	13/12/2011	--	--
Somalia	--	--	--
São Tomé and Príncipe	--	--	--
Sudan	--	--	--
South Sudan	24/01/2012	--	--
Swaziland	--	--	--
Tanzania	19/09/2012	--	--
Togo	01/07/2011	--	--
Tunisia	--	--	--
Uganda	14/03/2013	--	--
Zambia	14/05/2011	--	--
Zimbabwe	--	--	--

Number of countries	54	Number of ratifications	7
Number of signatures	32	Number of deposits	7

Source: http://www.au.int/en/sites/default/files/Public%20Services_0.pdf (downloaded on 20/05/2014).

Table A11: List of countries that have signed, ratified/acceded to the African charter on statistics

Country	Date of signature	Date of ratification/accession	Date deposited
Algeria	--	--	--
Angola	27/01/2012	--	--
Benin	17/08/2009	--	--
Botswana	--	--	--
Burkina Faso	06/07/2010	08/05/2013	12/06/2013
Burundi	04/07/2013	--	--
Cameroon	--	--	--
Central African Republic	--	--	--
Cape Verde	10/07/2012	--	--
Chad	--	--	--
Côte d'Ivoire	11/06/2009	16/10/2013	28/11/2013
Comoros	02/02/2010	--	--
Congo, Rep. of	28/06/2009	18/08/2013	26/11/2013
Djibouti	--	--	--
Democratic Rep. of Congo	02/02/2010	--	--
Egypt	--	--	--
Equatorial Guinea	--	--	--
Eritrea	--	--	--
Ethiopia	--	13/02/2014	24/04/2014
Gabon	29/01/2010	--	--
Gambia	30/06/2009	--	--
Ghana	28/06/2009	--	--
Guinea-Bissau	27/01/2012	--	--
Guinea	27/01/2012	--	--
Kenya	25/01/2010	--	--
Libya	--	--	--
Lesotho	20/05/2013	17/04/2014	21/05/2014
Liberia	--	--	--
Madagascar	--	--	--
Mali	22/10/2010	06/04/2011	13/07/2011
Malawi	05/08/2010	15/06/2012	10/07/2012
Mozambique	17/06/2009	02/04/2013	25/04/2013
Mauritania	--	--	--
Mauritius	21/01/2010	27/01/2010	09/02/2010
Namibia	--	--	--
Nigeria	--	--	--
Niger	12/05/2009	10/05/2012	13/06/2012
Rwanda	12/05/2009	--	--
South Africa	--	--	--
Sahrawi Arab Democratic Republic	--	--	--
Senegal	24/02/2010	--	--
Seychelles	--	--	--
Sierra Leone	18/06/2009	--	--
Somalia	--	--	--
São Tomé and Príncipe	01/01/2010	--	--
Sudan	--	--	--
South Sudan	--	--	--
Swaziland	--	--	--
Tanzania	23/03/2012	--	--
Togo	12/05/2009	--	--
Tunisia	15/07/2012	--	--
Uganda	22/01/2014	--	--
Zambia	31/01/2010	15/11/2013	26/12/2013
Zimbabwe	--	--	--

Number of countries	54	Number of ratifications	11
Number of signatures	30	Number of deposits	11

Source: http://www.au.int/en/sites/default/files/Charter%20on%20Statistics_0.pdf (downloaded on 20/05/2014).

Table A12: List of countries that have signed, ratified/acceded to the protocol relating to the establishment of the peace and Security Council of the African union

Country	Date of signature	Date of ratification/accession	Date deposited
Algeria	09/07/2002	29/01/2003	04/02/2003
Angola	07/07/2003	30/08/2004	03/11/2004
Benin	09/07/2002	10/05/2004	31/05/2004
Botswana	24/06/2005	24/06/2005	25/07/2005
Burkina Faso	09/07/2002	01/12/2003	05/12/2003
Burundi	09/07/2002	04/11/2003	18/12/2003
Cameroon	03/02/2003	04/11/2003	17/12/2003
Central African Republic	04/02/2003	--	--
Cape Verde	27/01/2012	--	--
Chad	09/07/2002	07/04/2004	11/06/2004
Côte d'Ivoire	27/02/2004	24/08/2007	03/10/2007
Comoros	09/07/2002	26/07/2003	23/09/2003
Congo, Rep. of	04/03/2003	23/02/2004	27/02/2004
Djibouti	26/02/2003	18/10/2005	07/11/2005
Democratic Rep. of Congo	05/12/2003	--	--
Egypt	16/03/2004	01/02/2005	01/03/2005
Equatorial Guinea	30/01/2005	29/01/2003	14/05/2003
Eritrea	23/11/2011	14/10/2011	23/11/2011
Ethiopia	09/07/2002	29/05/2003	27/01/2003
Gabon	09/07/2002	29/12/2003	27/01/2004
Gambia	09/07/2002	19/11/2003	29/11/2003
Ghana	09/07/2002	04/07/2003	07/07/2003
Guinea-Bissau	09/07/2002	23/12/2011	04/01/2012
Guinea	09/07/2002	20/01/2012	23/01/2012
Kenya	07/07/2003	19/12/2003	22/12/2003
Libya	03/01/2003	24/06/2003	06/07/2003
Lesotho	09/07/2002	30/06/2003	07/07/2003
Liberia	09/07/2002	--	--
Madagascar	07/07/2003	28/06/2004	12/07/2004
Mali	09/07/2003	28/06/2004	19/03/2003
Malawi	09/07/2002	07/07/2003	08/07/2003
Mozambique	03/02/2003	20/05/2003	02/06/2003
Mauritania	23/05/2003	07/07/2008	28/07/2008
Mauritius	09/07/2002	16/06/2003	05/07/2003
Namibia	09/07/2002	19/11/2003	09/12/2003
Nigeria	09/07/2002	23/12/2003	26/12/2003
Niger	09/07/2002	07/08/2003	27/08/2003
Rwanda	09/07/2002	19/05/2003	22/05/2003
South Africa	09/07/2002	15/05/2003	22/05/2003
Sahrawi Arab Democratic Republic	03/02/2003	10/05/2004	26/05/2004
Senegal	09/07/2002	09/09/2003	17/10/2003
Seychelles	07/07/2003	28/11/2003	11/12/2003
Sierra Leone	14/11/2002	16/06/2003	05/07/2003
Somalia	09/07/2002	16/06/2003	05/07/2003
São Tomé and Príncipe	09/07/2002	22/09/2003	28/10/2003
Sudan	03/12/2002	05/07/2003	07/07/2003
South Sudan	24/01/2013	--	--
Swaziland	07/12/2004	30/12/2005	05/01/2006
Tanzania	09/07/2002	03/09/2003	23/09/2004
Togo	03/02/2003	23/02/2004	07/03/2004
Tunisia	--	25/12/2006	08/01/2007
Uganda	09/07/2002	10/03/2004	15/03/2004
Zambia	09/07/2002	04/07/2003	07/07/2003
Zimbabwe	04/02/2003	02/02/2004	09/03/2004

Number of countries	54	Number of ratifications	49
Number of signatures	53	Number of deposits	49

Source: <http://www.au.int/en/sites/default/files/Peace%20and%20Security.pdf> (downloaded on 20/05/2014).

Table A13: List of countries that have signed, ratified/acceded to the African union non-aggression and common defence pact

Country	Date of signature	Date of ratification/accession	Date deposited
Algeria	21/01/2006	06/06/2007	11/01/2008
Angola	27/01/2012	--	--
Benin	11/04/2005	--	--
Botswana	--	--	--
Burkina Faso	11/05/2005	03/09/2009	18/11/2009
Burundi	07/03/2005	--	--
Cameroon	25/07/2006	--	--
Central African Republic	17/06/2008	--	--
Cape Verde	--	--	--
Chad	07/03/2005	19/08/2008	06/10/2008
Côte d'Ivoire	30/08/2005	--	--
Comoros	02/02/2010	12/07/2012	24/07/2012
Congo, Rep. of	07/03/2005	28/12/2006	22/05/2007
Djibouti	15/11/2005	--	--
Democratic Rep. of Congo	29/06/2008	--	--
Egypt	--	--	--
Equatorial Guinea	03/07/2007	--	--
Eritrea	25/04/2012	--	--
Ethiopia	08/03/2005	14/04/2014	24/04/2014
Gabon	24/01/2006	18/05/2007	12/06/2007
Gambia	04/07/2005	30/04/2009	09/07/2009
Ghana	08/03/2005	28/06/2007	06/09/2009
Guinea-Bissau	08/03/2005	23/12/2011	04/01/2012
Guinea	08/03/2005	17/06/2011	11/07/2011
Kenya	24/05/2007	--	--
Libya	21/01/2006	04/06/2006	21/06/2006
Lesotho	--	--	--
Liberia	18/06/2008	--	--
Madagascar	04/07/2005	--	--
Mali	05/06/2007	21/08/2007	04/09/2007
Malawi	--	--	--
Mozambique	14/06/2007	02/09/2008	09/10/2008
Mauritania	29/01/2008	07/07/2008	28/07/2008
Mauritius	--	--	--
Namibia	23/06/2010	--	--
Nigeria	02/07/2007	--	--
Niger	21/03/2007	29/05/2007	20/07/2007
Rwanda	29/06/2007	09/07/2010	14/07/2010
South Africa	24/01/2006	--	--
Sahrawi Arab Democratic Republic	21/05/2007	27/04/2009	04/06/2009
Senegal	07/03/2005	14/02/2006	15/03/2006
Seychelles	--	--	--
Sierra Leone	09/03/2005	--	--
Somalia	23/02/2006	--	--
São Tomé and Príncipe	01/02/2010	--	--
Sudan	30/06/2008	--	--
South Sudan	24/01/2013	--	--
Swaziland	--	--	--
Tanzania	--	--	--
Togo	26/04/2007	29/06/2007	02/07/2007
Tunisia	15/05/2007	--	--
Uganda	--	--	--
Zambia	--	--	--
Zimbabwe	20/06/2007	--	--

Number of countries	54	Number of ratifications	20
Number of signatures	43	Number of deposits	20

Source: http://www.au.int/en/sites/default/files/Non%20Aggression%20Pact_0.pdf (downloaded on 20/05/2014).

Table A14: List of countries that have signed, ratified/acceded to the OAU convention on the prevention and combating of terrorism

Country	Date of signature	Date of ratification/accession	Date deposited
Algeria	14/07/1999	16/09/2000	03/11/2000
Angola	26/08/1999	20/08/1999	17/12/2001
Benin	14/07/1999	01/03/2004	26/03/2004
Botswana	14/07/1999	--	--
Burkina Faso	18/12/2001	23/06/2003	25/07/2003
Burundi	14/07/1999	04/11/2003	18/12/2003
Cameroon	13/03/2002	--	--
Central African Republic	04/02/2003	--	--
Cape Verde	--	03/05/2002	25/06/2002
Chad	14/07/1999	03/09/2007	01/10/2007
Côte d'Ivoire	14/07/1999	--	--
Comoros	14/07/1999	13/09/2002	14/09/2002
Congo, Rep. of	14/07/1999	08/09/2006	10/10/2006
Djibouti	26/02/2003	16/05/2004	19/07/2004
Democratic Rep. of Congo	09/09/1999	--	--
Egypt	14/07/1999	08/02/2001	19/03/2001
Equatorial Guinea	14/07/1999	20/12/2002	19/02/2003
Eritrea	14/07/1999	22/12/2000	09/02/2000
Ethiopia	24/09/1999	24/02/2003	05/03/2003
Gabon	14/07/1999	25/02/2005	31/03/2005
Gambia	14/07/1999	30/04/2009	09/07/2009
Ghana	14/07/1999	30/08/2002	06/11/2002
Guinea-Bissau	14/07/1999	31/07/2008	14/10/2008
Guinea	19/06/2002	20/06/2003	10/07/2003
Kenya	10/12/2001	28/11/2001	10/12/2001
Libya	14/07/1999	16/01/2002	20/02/2002
Lesotho	14/07/1999	06/03/2002	14/03/2002
Liberia	16/12/2003	--	--
Madagascar	14/07/1999	12/09/2003	23/12/2003
Mali	14/07/1999	11/03/2002	09/04/2002
Malawi	--	23/06/2003	04/07/2003
Mozambique	14/07/1999	21/10/2002	03/01/2003
Mauritania	14/07/1999	03/03/2004	25/03/2004
Mauritius	--	27/01/2003	21/02/2003
Namibia	14/07/1999	11/10/2012	17/10/2012
Nigeria	26/04/2002	28/04/2002	16/05/2003
Niger	10/12/2001	14/09/2004	13/01/2005
Rwanda	14/07/1999	29/04/2002	14/05/2002
South Africa	14/07/1999	07/11/2002	18/11/2002
Sahrawi Arab Democratic Republic	14/07/1999	09/01/2002	04/03/2002
Senegal	14/07/1999	21/01/2002	07/02/2002
Seychelles	09/07/2003	17/07/2003	05/08/2003
Sierra Leone	14/07/1999	--	--
Somalia	23/02/2006	--	--
São Tomé and Príncipe	02/02/2010	--	--
Sudan	14/07/1999	15/04/2003	10/06/2003
South Sudan	24/01/2003	--	--
Swaziland	14/07/1999	--	--
Tanzania	14/07/1999	03/09/2003	23/09/2003
Togo	14/07/1999	03/02/2003	27/02/2003
Tunisia	14/07/1999	13/11/2001	27/12/2001
Uganda	02/09/1999	17/10/2003	20/04/2004
Zambia	03/08/2005	--	--
Zimbabwe	--	--	--

Number of countries	54	Number of ratifications	41
Number of signature	50	Number of deposits	41

Source: <http://www.au.int/en/sites/default/files/Convention%20on%20Terrorism.pdf> (downloaded on 20/05/2014).

Table A15: List of countries that have signed, ratified/acceded to the OAU convention for the elimination of mercenarism in Africa

Country	Date of signature	Date of ratification/accession	Date deposited
Algeria	21/07/1978	06/06/2007	11/01/2008
Angola	19/07/1979	--	--
Benin	16/07/1978	17/01/1979	03/05/1982
Botswana	--	--	--
Burkina Faso	05/03/1984	06/07/1984	21/09/1984
Burundi	--	--	--
Cameroon	19/07/1978	11/04/1987	08/06/1987
Central African Republic	--	--	--
Cape Verde	10/07/2012	--	--
Chad	06/12/2004	02/08/2012	27/10/2012
Côte d'Ivoire	27/02/2004	--	--
Comoros	26/02/2004	18/03/2004	16/04/2004
Congo, Rep. of	--	01/04/1988	09/09/1988
Djibouti	15/11/2005	--	--
Democratic Rep. of Congo	20/03/1979	13/07/1979	13/07/1979
Egypt	31/03/1978	10/05/1978	21/06/1978
Equatorial Guinea	--	20/12/2002	19/02/2003
Eritrea	25/04/2012	--	--
Ethiopia	--	07/02/1982	16/06/1982
Gabon	--	18/05/2007	12/06/2007
Gambia	24/12/2003	30/04/2009	09/07/2009
Ghana	08/06/1978	20/07/1978	21/08/1978
Guinea-Bissau	08/03/2005	--	--
Guinea	10/02/1978	14/03/2003	22/05/2003
Kenya	17/12/2003	--	--
Libya	--	25/01/2005	11/05/2005
Lesotho	--	29/10/1982	21/01/1983
Liberia	19/07/1985	31/03/1982	09/06/1982
Madagascar	17/03/2004	31/08/2005	15/11/2005
Mali	--	25/09/1978	25/09/1978
Malawi	--	--	--
Mozambique	--	--	--
Mauritania	31/01/2011	--	--
Mauritius	--	--	--
Namibia	--	--	--
Nigeria	10/02/1978	14/05/1986	24/06/1986
Niger	08/11/1979	11/07/1980	16/09/1980
Rwanda	13/03/1978	08/05/1979	01/06/1979
South Africa	--	--	--
Sahrawi Arab Democratic Republic	--	--	--
Senegal	08/02/1978	02/10/1981	08/01/1982
Seychelles	--	15/10/1979	15/10/1979
Sierra Leone	09/12/2003	--	--
Somalia	23/02/2006	--	--
São Tomé and Príncipe	01/02/2010	--	--
Sudan	13/11/1978	26/08/1978	26/08/1978
South Sudan	24/01/2013	--	--
Swaziland	07/12/2004	--	--
Tanzania	30/05/1979	04/03/1985	22/03/1985
Togo	16/07/1978	30/03/1987	05/05/1987
Tunisia	19/07/1985	24/04/1984	04/06/1984
Uganda	02/07/2004	--	--
Zambia	14/04/1982	21/01/1983	15/02/1983
Zimbabwe	--	27/01/1992	14/02/1992

Number of countries	54	Number of ratifications	31
Number of signature	36	Number of deposits	31

Source: <http://www.au.int/en/sites/default/files/Mercenarism.pdf> (downloaded on 20/05/2014).

Table A16: List of countries that have signed, ratified/acceded to the OAU convention governing the specific aspects of refugee problems in Africa

Country	Date of signature	Date of ratification/accession	Date deposited
Algeria	10/09/1969	24/05/1974	20/06/1974
Angola	==	30/04/1981	13/12/1982
Benin	10/09/1969	26/02/1973	12/03/1973
Botswana	10/09/1969	04/05/1995	16/05/1995
Burkina Faso	10/09/1969	19/03/1974	16/08/1978
Burundi	10/09/1969	31/10/1975	10/12/1975
Cameroon	10/09/1969	07/09/1985	10/01/1986
Central African Republic	10/09/1969	23/07/1970	09/08/1970
Cape Verde	--	16/02/1989	09/08/1970
Chad	10/09/1969	12/08/1981	10/09/1981
Côte d'Ivoire	10/09/1969	26/02/1998	20/04/1998
Comoros	26/02/2004	02/04/2004	16/04/2004
Congo, Rep. of	10/09/1969	16/01/1971	01/02/1971
Djibouti	15/11/2005	--	--
Democratic Rep. of Congo	10/09/1969	14/02/1973	04/05/1973
Egypt	--	12/06/1980	17/11/1980
Equatorial Guinea	10/09/1969	08/09/1980	28/01/1981
Eritrea	25/04/2012	--	--
Ethiopia	10/09/1969	15/10/1973	25/10/1973
Gabon	--	21/03/1986	26/06/1986
Gambia	10/09/1969	15/10/1973	25/10/1973
Ghana	10/09/1969	19/06/1975	18/08/1983
Guinea-Bissau	--	27/06/1969	12/07/1990
Guinea	10/09/1969	18/10/1972	16/04/1973
Kenya	10/09/1969	23/06/1992	16/04/1973
Libya	--	25/04/1981	17/07/1981
Lesotho	--	18/11/1988	30/12/1988
Liberia	10/09/1969	01/10/1971	07/02/1972
Madagascar	10/09/1969	--	--
Mali	10/09/1969	10/10/1981	16/11/1981
Malawi	--	04/11/1987	02/02/1987
Mozambique	--	22/02/1989	07/03/1990
Mauritania	10/09/1969	22/07/1972	04/08/1972
Mauritius	10/09/1969	--	--
Namibia	11/11/2009	--	--
Nigeria	10/09/1969	23/05/1986	24/06/1986
Niger	10/09/1969	16/09/1971	29/09/1971
Rwanda	10/09/1969	19/11/1979	04/02/1980
South Africa	--	15/12/1995	15/01/1996
Sahrawi Arab Democratic Republic	--	--	--
Senegal	10/09/1969	01/04/1971	21/05/1971
Seychelles	--	11/09/1980	24/09/1980
Sierra Leone	10/09/1969	28/12/1987	14/03/1988
Somalia	10/09/1969	--	--
São Tomé and Príncipe	01/02/2010	--	--
Sudan	10/09/1969	24/12/1972	12/01/1975
Swaziland	10/09/1969	16/01/1989	09/02/1989
Tanzania	10/09/1969	10/01/1975	24/01/1975
Togo	10/09/1969	10/04/1970	28/05/1970
Tunisia	10/09/1969	17/11/1989	18/12/1989
Uganda	10/09/1969	24/07/1987	07/08/1987
Zambia	10/09/1969	30/07/1973	15/08/1973
Zimbabwe	--	28/09/1985	17/10/1985

Number of countries	53	Number of ratifications	45
Number of signatures	40	Number of deposits	45

Source: http://www.au.int/en/sites/default/files/refugee%20Problems%20in%20Africa_0.pdf (downloaded on 20/05/2014).

Table A17: List of countries that have signed, ratified/acceded to the African union convention for the protection and assistance of internally displaced persons in Africa (Kampala Convention)

Country	Date of signature	Date of ratification/accession	Date deposited
Algeria	--	--	--
Angola	27/01/2012	14/05/2013	14/06/2013
Benin	25/03/2010	28/02/2012	28/03/2012
Botswana	--	--	--
Burkina Faso	25/07/2010	05/07/2012	09/08/2012
Burundi	23/10/2009	--	--
Cameroon	--	--	--
Central African Republic	23/10/2009	20/12/2010	08/03/2011
Cape Verde	--	--	--
Chad	24/06/2010	11/07/2011	13/10/2011
Côte d'Ivoire	12/11/2009	20/12/2013	22/01/2014
Comoros	02/02/2010	--	--
Congo, Rep. of	23/10/2009	--	--
Djibouti	23/10/2009	--	--
Democratic Rep. of Congo	02/02/2010	--	--
Egypt	--	--	--
Equatorial Guinea	23/10/2009	--	--
Eritrea	25/04/2012	--	--
Ethiopia	23/10/2009	--	--
Gabon	29/10/2010	26/01/2011	21/02/2011
Gambia	23/10/2009	27/04/2011	17/08/2011
Ghana	02/02/2010	--	--
Guinea-Bissau	04/01/2012	23/12/2011	04/01/2012
Guinea	05/01/2012	--	--
Kenya	--	--	--
Libya	--	--	--
Lesotho	20/12/2010	19/01/2012	20/02/2012
Liberia	23/10/2009	--	--
Madagascar	--	--	--
Mali	23/11/2009	07/11/2012	26/11/2012
Malawi	--	18/04/2013	29/05/2013
Mozambique	23/04/2010	--	--
Mauritania	27/01/2013	--	--
Mauritius	--	--	--
Namibia	23/10/2009	--	--
Nigeria	23/10/2009	17/04/2012	22/05/2012
Niger	--	10/05/2012	13/06/2012
Rwanda	23/10/2009	27/12/2012	31/01/2013
South Africa	--	--	--
Sahrawi Arab Democratic Republic	23/10/2009	27/11/2013	27/01/2014
Senegal	12/07/2011	--	--
Seychelles	--	--	--
Sierra Leone	23/10/2009	15/07/2010	08/10/2010
Somalia	23/10/2009	--	--
São Tomé and Príncipe	01/02/2010	--	--
Sudan	--	--	--
South Sudan	24/01/2013	--	--
Swaziland	--	05/10/2012	06/11/2012
Tanzania	08/12/2010	--	--
Togo	24/12/2009	08/07/2011	09/08/2011
Tunisia	15/07/2012	--	--
Uganda	23/10/2009	29/01/2010	04/03/2010
Zambia	23/10/2009	14/01/2011	24/01/2011
Zimbabwe	23/10/2009	22/07/2013	07/11/2013

Number of countries 54

Number of ratifications 22

Number of signatures 39

Number of deposits 22

Source: <http://www.au.int/en/sites/default/files/Convention%20on%20IDPs%20-%20displaced....pdf> (downloaded on 20/05/2014)..

Table A18: List of countries that have signed, ratified/acceded to the African nuclear-weapon-free zone treaty (Pelindaba Treaty)

Country	Date of signature	Date of ratification/accession	Date deposited
Algeria	11/04/1996	23/12/1997	11/02/1998
Angola	11/04/1996	--	--
Benin	11/04/1996	17/07/2007	04/09/2007
Botswana	09/06/1998	04/02/1999	16/06/1999
Burkina Faso	11/04/1996	12/05/1998	27/08/1998
Burundi	11/04/1996	22/06/2009	15/07/2009
Cameroon	11/04/1996	11/06/2009	28/09/2010
Central African Republic	11/04/1996	--	--
Cape Verde	11/04/1996	--	--
Chad	11/04/1996	18/10/2011	18/01/2012
Côte d'Ivoire	11/04/1996	20/05/1999	28/07/1999
Comoros	11/04/1996	12/07/2012	24/07/2012
Congo, Rep. of	27/01/1997	18/08/2013	26/11/2013
Djibouti	11/04/1996	--	--
Democratic Rep. of Congo	11/04/1996	--	--
Egypt	27/01/1997	--	--
Equatorial Guinea	--	20/12/2002	19/02/2003
Eritrea	11/04/1996	--	--
Ethiopia	11/04/1996	18/02/2008	13/03/2008
Gabon	11/04/1996	18/05/2007	12/06/2007
Gambia	11/04/1996	03/09/1996	16/10/1996
Ghana	11/04/1996	11/05/2011	27/06/2011
Guinea-Bissau	11/04/1996	23/12/2011	04/01/2012
Guinea	11/04/1996	26/05/1999	21/01/2000
Kenya	11/04/1996	15/11/2000	09/01/2001
Libya	11/04/1996	12/02/2005	11/05/2005
Lesotho	11/04/1996	06/03/2002	14/03/2002
Liberia	09/07/1996	--	--
Madagascar	--	12/12/2003	23/12/2003
Mali	11/04/1996	27/05/1999	22/07/1999
Malawi	11/04/1996	06/03/2009	22/07/1999
Mozambique	11/04/1996	29/07/2008	28/08/2008
Mauritania	11/04/1996	10/01/1998	24/02/1998
Mauritius	11/04/1996	19/04/1996	24/04/1996
Namibia	11/04/1996	06/02/2012	01/03/2012
Nigeria	11/04/1996	20/04/2000	18/06/2001
Niger	11/04/1996	--	--
Rwanda	11/04/1996	23/01/2007	01/02/2007
South Africa	11/04/1996	13/03/1998	27/03/1998
Sahrawi Arab Democratic Republic	20/06/2006	27/11/2013	25/10/2006
Senegal	11/04/1996	20/09/2006	25/10/2006
Seychelles	09/07/1996	--	--
Sierra Leone	11/04/1996	--	--
Somalia	23/02/2006	--	--
São Tomé and Príncipe	09/07/1996	--	--
Sudan	11/04/1996	--	--
South Sudan	--	--	--
Swaziland	11/04/1996	13/11/1996	17/07/2000
Tanzania	11/04/1996	27/05/1998	19/06/1998
Togo	11/04/1996	28/06/2000	18/07/2000
Tunisia	11/04/1996	14/09/2009	07/10/2009
Uganda	11/04/1996	--	--
Zambia	11/04/1996	28/06/2010	18/08/2010
Zimbabwe	11/04/1996	09/02/1998	06/04/1998

Number of countries	54	Number of ratifications	38
Number of signatures	51	Number of deposits	38

Source: <http://www.au.int/en/sites/default/files/pelindaba%20Treaty.pdf> (downloaded on 20/05/2014).

Table A19: List of countries that have signed, ratified/acceded to the African civil aviation commission constitution (AFCAC)

Country	Date of signature	Date of ratification/accession	Date deposited
Algeria	03/03/1971	08/10/1970	08/10/1970
Angola	--	20/01/1977	25/03/1977
Benin	17/02/1972	13/01/1973	31/01/1973
Botswana	--	29/07/1998	18/09/1998
Burkina Faso	17/01/1969	27/02/1971	12/03/1971
Burundi	21/02/1969	11/08/1971	12/01/1972
Cameroon	17/01/1969	11/08/1971	12/01/1972
Central African Republic	17/01/1969	--	--
Cape Verde	--	--	--
Chad	06/12/2004	05/02/1971	10/03/1971
Côte d'Ivoire	17/01/1969	16/11/1970	16/11/1970
Comoros	26/02/2004	18/03/2004	16/04/2004
Congo, Rep. of	17/01/1969	12/03/1973	02/04/1973
Djibouti	15/11/2005	--	--
Democratic Rep. of Congo	02/02/2010	19/09/1973	12/12/1973
Egypt	17/01/1969	28/07/1969	28/07/1969
Equatorial Guinea	31/01/2011	--	--
Eritrea	--	18/04/1997	13/05/1997
Ethiopia	17/01/1969	23/12/2974	08/01/1975
Gabon	--	18/03/1972	17/04/1972
Gambia	--	13/12/1977	05/01/1978
Ghana	17/01/1969	26/11/1970	10/12/1970
Guinea-Bissau	27/01/2012	--	--
Guinea	--	19/05/1975	02/06/1975
Kenya	--	12/05/1969	16/05/1969
Libya	17/01/1969	03/01/1971	29/08/1973
Lesotho	27/08/1973	29/03/1973	27/08/1973
Liberia	18/01/1969	15/06/1974	20/07/2007
Madagascar	09/06/1983	12/06/1984	12/07/1984
Mali	17/01/1969	31/03/1970	16/04/1970
Malawi	25/06/1969	03/07/1969	07/08/1969
Mozambique	23/05/2003	05/02/2004	22/03/2004
Mauritania	17/01/1969	12/03/1979	03/04/1979
Mauritius	09/04/1990	25/05/1990	01/08/1990
Namibia	21/02/2002	12/03/2002	10/05/2002
Nigeria	17/01/1969	08/12/1969	14/12/1970
Niger	08/07/1969	08/06/1970	22/06/1970
Rwanda	09/12/1970	21/02/1974	08/04/1970
South Africa	03/01/1996	17/01/1996	08/03/1996
Sahrawi Arab Democratic Republic	--	--	--
Senegal	17/01/1969	03/02/1971	13/04/1971
Seychelles	09/06/1998	--	--
Sierra Leone	17/01/1969	26/06/1973	17/08/1973
Somalia	23/02/2006	03/04/1971	05/04/1972
São Tomé and Príncipe	01/02/2010	--	--
Sudan	11/08/2013	11/04/1971	05/04/1972
South Sudan	24/01/2013	--	--
Swaziland	23/06/1971	27/05/1971	23/06/1971
Tanzania	17/01/1969	26/09/1969	26/09/1969
Togo	17/01/1969	15/01/1990	12/02/1990
Tunisia	09/06/1972	26/06/1972	04/08/1972
Uganda	01/01/1984	19/01/1984	20/03/1984
Zambia	17/01/1969	19/11/1970	10/12/1971
Zimbabwe	10/02/1988	--	--

Number of countries	54	Number of ratifications	44
Number of signatures	45	Number of deposits	44

Source: <http://www.au.int/en/sites/default/files/afcac.pdf> (downloaded on 20/05/2014).

Table A20: List of countries that have signed, ratified/acceded to the Convention on the Revised Constitution of the African civil aviation commission

Country	Date of signature	Date of ratification/accession	Date deposited
Algeria	--	--	--
Angola	27/01/2012	--	--
Benin	11/05/2010	--	--
Botswana	--	--	--
Burkina Faso	11/05/2010	--	--
Burundi	--	29/06/2012	06/06/2013
Cameroon	--	--	--
Central African Republic	13/05/2010	--	--
Cape Verde	--	--	--
Chad	11/05/2010	--	--
Côte d'Ivoire	11/05/2010	--	--
Comoros	11/05/2010	--	--
Congo, Rep. of	11/05/2010	20/11/2012	27/12/2012
Djibouti	--	--	--
Democratic Rep. of Congo	--	--	--
Egypt	11/05/2010	--	--
Equatorial Guinea	--	--	--
Eritrea	--	--	--
Ethiopia	11/05/2010	--	--
Gabon	11/05/2010	--	--
Gambia	14/12/2010	--	--
Ghana	11/05/2010	--	--
Guinea-Bissau	27/01/2012	--	--
Guinea	27/01/2012	--	--
Kenya	--	--	--
Libya	--	--	--
Lesotho	--	--	--
Liberia	--	--	--
Madagascar	31/01/2014	--	--
Mali	11/05/2010	22/11/2011	03/01/2012
Malawi	--	--	--
Mozambique	19/07/2012	--	--
Mauritania	31/01/2011	--	--
Mauritius	--	--	--
Namibia	11/05/2010	--	--
Nigeria	01/03/2010	--	--
Niger	13/05/2010	--	--
Rwanda	12/05/2010	--	--
South Africa	24/11/2011	--	--
Sahrawi Arab Democratic Republic	--	--	--
Senegal	11/05/2010	--	--
Seychelles	--	--	--
Sierra Leone	13/12/2011	--	--
Somalia	15/03/2010	--	--
São Tomé and Príncipe	--	--	--
Sudan	04/04/2012	--	--
South Sudan	24/01/2013	--	--
Swaziland	--	--	--
Tanzania	11/05/2010	--	--
Togo	11/05/2010	--	--
Tunisia	--	--	--
Uganda	12/05/2010	--	--
Zambia	11/05/2010	--	--
Zimbabwe	21/06/2010	--	--

Number of countries	54	Number of ratifications	3
Number of signatures	34	Number of deposits	3

Source: <http://www.au.int/en/sites/default/files/Revised%20AFCAC.pdf> (downloaded on 20/05/2014).

Table A21: List of countries that have signed, ratified/acceded to the African maritime transport charter

Country	Date of signature	Date of ratification/accession	Date deposited
Algeria	13/07/1999	--	--
Angola	27/01/2012	--	--
Benin	13/11/2001	--	--
Botswana	--	--	--
Burkina Faso	07/12/2004	--	--
Burundi	--	--	--
Cameroon	--	--	--
Central African Republic	04/02/2003	--	--
Cape Verde	--	--	--
Chad	06/12/2004	--	--
Côte d'Ivoire	27/02/2004	--	--
Comoros	26/02/2004	18/03/2004	16/04/2004
Congo, Rep. of	26/05/1999	08/01/2014	04/02/2014
Djibouti	15/11/2005	--	--
Democratic Rep. of Congo	05/12/2003	--	--
Egypt	26/02/1998	17/05/2000	21/06/2000
Equatorial Guinea	30/01/2011	--	--
Eritrea	--	--	--
Ethiopia	19/03/1998	07/08/1998	14/08/1998
Gabon	19/2/2008	10/09/2013	08/10/2013
Gambia	24/12/2003	--	--
Ghana	02/07/2004	--	--
Guinea-Bissau	08/03/2005	--	--
Guinea	16/12/2003	--	--
Kenya	17/12/2003	28/03/2014	23/04/2014
Libya	09/06/1998	--	--
Lesotho	--	09/08/1999	29/10/1999
Liberia	--	--	--
Madagascar	13/07/1999	--	--
Mali	13/07/1999	10/05/2000	20/06/2000
Malawi	13/07/1999	--	--
Mozambique	26/05/1999	--	--
Mauritania	--	28/12/2012	13/01/2013
Mauritius	26/02/1998	28/07/1998	12/08/1998
Namibia	13/07/1999	--	--
Nigeria	13/07/1999	13/05/2002	07/07/2012
Niger	13/07/1999	09/02/2010	14/07/2010
Rwanda	15/09/2005	09/07/2010	14/07/2010
South Africa	--	--	--
Sahrawi Arab Democratic Republic	--	--	--
Senegal	13/07/1999	08/11/2005	04/01/2006
Seychelles	--	--	--
Sierra Leone	09/12/2003	--	--
Somalia	23/02/2006	--	--
São Tomé and Príncipe	01/02/2010	--	--
Sudan	--	--	--
South Sudan	--	--	--
Swaziland	07/12/2004	--	--
Tanzania	--	25/04/2005	22/09/2005
Togo	30/12/2003	--	--
Tunisia	01/08/1997	31/12/2004	10/03/2005
Uganda	28/10/1999	12/11/2008	10/12/2008
Zambia	03/08/2005	--	--
Zimbabwe	--	--	--

Number of countries 54

Number of ratifications 16

Number of signatures 39

Number of deposits 16

Source: <http://www.au.int/en/sites/default/files/Maritime%20Transport%20Charter.pdf> (downloaded on 20/05/2014).

Table A22: List of countries that have signed, ratified/acceded to the revised maritime transport charter

Country	Date of signature	Date of ratification/accession	Date deposited
Algeria	--	--	--
Angola	27/01/2012	--	--
Benin	27/01/2012	11/09/2012	11/10/2012
Botswana	--	--	--
Burkina Faso	26/12/2012	--	--
Burundi	--	--	--
Cameroon	--	--	--
Central African Republic	--	--	--
Cape Verde	--	--	--
Chad	--	--	--
Côte d'Ivoire	23/12/2011	--	--
Comoros	--	--	--
Congo, Rep. of	28/12/2012	09/01/2014	04/02/2014
Djibouti	--	--	--
Democratic Rep. of Congo	--	--	--
Egypt	--	--	--
Equatorial Guinea	--	--	--
Eritrea	--	--	--
Ethiopia	--	15/10/2012	29/10/2012
Gabon	--	10/09/2013	08/10/2013
Gambia	25/05/2011	--	--
Ghana	--	--	--
Guinea-Bissau	27/01/2012	--	--
Guinea	27/01/2012	--	--
Kenya	--	28/03/2014	23/04/2014
Libya	--	--	--
Lesotho	--	--	--
Liberia	--	--	--
Madagascar	31/01/2014	--	--
Mali	--	--	--
Malawi	--	--	--
Mozambique	24/11/2011	--	--
Mauritania	--	--	--
Mauritius	--	28/12/2012	03/01/2013
Namibia	08/03/2013	--	--
Nigeria	--	--	--
Niger	20/06/2011	--	--
Rwanda	--	--	--
South Africa	24/11/2011	--	--
Sahrawi Arab Democratic Republic	--	--	--
Senegal	--	--	--
Seychelles	--	--	--
Sierra Leone	06/05/2011	--	--
Somalia	--	--	--
São Tomé and Príncipe	--	--	--
Sudan	--	--	--
South Sudan	--	--	--
Swaziland	--	--	--
Tanzania	--	--	--
Togo	01/07/2011	26/06/2012	10/07/2012
Tunisia	27/01/2013	--	--
Uganda	--	--	--
Zambia	--	--	--
Zimbabwe	--	--	--

Number of countries 54 Number of ratifications 7

Number of signatures 16 Number of deposits 7

Source: http://www.au.int/en/sites/default/files/Revised%20-%20Maritime%20Transport%20Charter_1.pdf (downloaded on 20/05/2014).

Table A23: List of countries that have signed, ratified/acceded to the convention of the African energy commission

Country	Date of signature	Date of ratification/accession	Date deposited
Algeria	02/10/2001	22/04/2003	03/06/2003
Angola	--	03/03/2005	20/09/2006
Benin	13/11/2001	--	--
Botswana	--	--	--
Burkina Faso	07/12/2004	05/03/2009	14/05/2009
Burundi	08/04/2002	30/12/2006	26/02/2007
Cameroon	25/07/2006	26/06/2007	26/05/2009
Central African Republic	04/02/2003	--	--
Cape Verde	--	--	--
Chad	06/12/2004	--	--
Côte d'Ivoire	27/02/2004	30/11/2011	09/03/2012
Comoros	26/02/2004	18/03/2004	16/04/2004
Congo, Rep. of	16/03/2004	22/10/2010	02/12/2010
Djibouti	15/11/2005	--	--
Democratic Rep. of Congo	05/12/2003	--	--
Egypt	16/03/2004	23/12/2004	18/02/2005
Equatorial Guinea	30/01/2005	--	--
Eritrea	--	--	--
Ethiopia	28/03/2008	25/11/2008	06/01/2009
Gabon	19/12/2008	05/06/2012	13/08/2012
Gambia	24/12/2003	12/03/2007	20/06/2008
Ghana	02/07/2004	12/01/2005	28/02/2006
Guinea-Bissau	21/01/2006	--	--
Guinea	16/12/2003	16/05/2008	03/06/2008
Kenya	17/12/2003	29/12/2006	7/01/2007
Libya	27/12/2001	06/01/2002	20/02/2002
Lesotho	01/03/2005	--	--
Liberia	10/12/2001	--	--
Madagascar	29/06/2006	--	--
Mali	30/10/2002	06/02/2006	09/03/2006
Malawi	--	--	--
Mozambique	15/12/2003	27/10/2003	04/02/2004
Mauritania	02/07/2013	--	--
Mauritius	23/05/2002	18/03/2011	25/03/2011
Namibia	--	14/05/2007	30/05/2007
Nigeria	--	22/10/2004	08/07/2008
Niger	10/12/2001	10/05/2006	13/11/2006
Rwanda	30/07/2003	25/10/2004	10/12/2004
South Africa	11/08/2005	--	--
Sahrawi Arab Democratic Republic	20/06/2006	09/05/2007	21/05/2007
Senegal	06/07/2002	08/10/2004	14/12/2004
Seychelles	--	--	--
Sierra Leone	09/12/2003	--	--
Somalia	23/02/2006	--	--
São Tomé and Príncipe	01/02/2006	--	--
Sudan	03/06/2002	23/04/2006	21/06/2006
South Sudan	24/01/2013	--	--
Swaziland	07/12/2004	05/10/2012	06/11/2012
Tanzania	27/01/2005	21/03/2006	05/04/2006
Togo	16/01/2002	20/02/2008	10/11/2008
Tunisia	11/03/2002	03/04/2006	17/04/2006
Uganda	02/07/2004	--	--
Zambia	03/08/2005	23/06/2006	12/07/2006
Zimbabwe	15/07/2008	18/02/2008	15/07/2008

Number of countries	54	Number of ratifications	32
Number of signatures	46	Number of deposits	32

Source: http://www.au.int/en/sites/default/files/afrec_1.pdf (downloaded on 20/05/2014).

Table A24: List of countries that have signed, ratified/acceded to the African convention on the conservation of nature and natural resources

Country	Date of signature	Date of ratification/accession	Date deposited
Algeria	15/09/1968	05/02/1983	24/05/1983
Angola	02/02/2010	--	--
Benin	15/09/1968	--	--
Botswana	15/09/1968	--	--
Burkina Faso	15/09/1968	16/08/1969	29/08/1969
Burundi	15/09/1968	--	--
Cameroon	15/09/1968	18/07/1977	29/09/1978
Central African Republic	15/09/1968	16/03/1970	16/03/1970
Cape Verde	--	--	--
Chad	15/09/1968	--	--
Côte d'Ivoire	15/09/1968	15/09/1968	15/09/1968
Comoros	07/12/2004	18/03/2004	16/04/2004
Congo, Rep. of	15/09/1968	04/04/1981	29/04/1981
Djibouti	15/11/1968	11/04/1978	17/04/1978
Democratic Rep. of Congo	15/09/1968	29/05/1976	14/10/1978
Egypt	15/09/1968	06/03/1972	12/04/1972
Equatorial Guinea	30/01/2011	--	--
Eritrea	--	--	--
Ethiopia	15/09/1968	--	--
Gabon	15/09/1968	09/05/1988	18/11/1988
Gambia	15/09/1968	--	--
Ghana	15/09/1968	17/05/1969	17/05/1969
Guinea-Bissau	27/01/2012	--	--
Guinea	15/09/1968	07/05/2012	17/09/2012
Kenya	15/09/1968	12/05/1969	12/05/1969
Libya	15/09/1968	--	--
Lesotho	15/09/1968	--	--
Liberia	15/09/1968	21/09/1978	22/11/1978
Madagascar	15/09/1968	02/09/1971	23/09/1971
Mali	15/09/1968	03/06/1974	20/06/1974
Malawi	--	06/03/1973	12/03/1973
Mozambique	--	28/02/1981	01/04/1981
Mauritania	15/09/1968	--	--
Mauritius	15/09/1968	--	--
Namibia	--	--	--
Nigeria	15/09/1968	02/04/1974	07/05/1974
Niger	15/09/1968	10/01/1970	27/01/1970
Rwanda	15/09/1968	19/11/1979	04/02/1980
South Africa	--	--	--
Sahrawi Arab Democratic Republic	--	--	--
Senegal	15/09/1968	03/02/1972	24/02/1972
Seychelles	--	31/08/1977	14/10/1977
Sierra Leone	15/09/1968	--	--
Somalia	15/09/1968	--	--
São Tomé and Príncipe	01/02/2010	--	--
Sudan	15/09/1968	09/10/1973	21/10/1969
South Sudan	24/01/2013	--	--
Swaziland	15/09/1968	25/03/1969	07/04/1969
Tanzania	15/09/1968	07/09/1974	15/11/1974
Togo	15/09/1968	24/10/1979	20/11/1979
Tunisia	15/09/1968	21/12/1976	04/02/1977
Uganda	15/09/1968	15/11/1977	30/11/1977
Zambia	15/09/1968	29/03/1972	01/05/1972
Zimbabwe	--	--	--

Number of countries	54	Number of ratifications	31
Number of signature	45	Number of deposits	31

Source: http://www.au.int/en/sites/default/files/Nature%20and%20Natural%20Resources_0.pdf (downloaded on 20/05/2014).

Table A25: List of countries that have signed, ratified/acceded to the Revised African convention on the conservation of nature and natural resources

Country	Date of signature	Date of ratification/accession	Date deposited
Algeria	--	--	--
Angola	27/01/2012	17/02/2014	28/03/2014
Benin	11/02/2004	--	--
Botswana	--	--	--
Burkina Faso	26/02/2004	--	--
Burundi	03/12/2003	14/05/2007	20/06/2007
Cameroon	--	--	--
Central African Republic	04/07/2012	--	--
Cape Verde	--	--	--
Chad	06/12/2004	--	--
Côte d'Ivoire	27/02/2004	22/07/2013	23/10/2013
Comoros	26/02/2004	02/04/2004	16/04/2004
Congo, Rep. of	27/02/2004	08/01/2014	04/02/2014
Djibouti	18/12/2003	--	--
Democratic Rep. of Congo	29/06/2008	--	--
Egypt	--	--	--
Equatorial Guinea	30/01/2005	--	--
Eritrea	--	--	--
Ethiopia	01/06/2004	--	--
Gabon	21/01/2014	--	--
Gambia	24/12/2003	--	--
Ghana	31/10/2003	13/06/2007	20/07/2007
Guinea-Bissau	08/03/2005	--	--
Guinea	16/12/2003	--	--
Kenya	17/12/2003	--	--
Libya	19/02/2004	04/06/2006	21/06/2006
Lesotho	27/02/2004	26/10/2004	05/11/2004
Liberia	16/12/2003	--	--
Madagascar	28/02/2004	--	--
Mali	09/12/2003	13/01/2005	03/02/2005
Malawi	--	--	--
Mozambique	04/02/2004	--	--
Mauritania	--	--	--
Mauritius	--	--	--
Namibia	09/12/2003	--	--
Nigeria	16/12/2003	--	--
Niger	06/07/2004	11/10/1006	28/02/2007
Rwanda	19/12/2003	25/06/2004	01/07/2004
South Africa	18/04/2012	23/04/2013	15/05/2013
Sahrawi Arab Democratic Republic	--	--	--
Senegal	16/01/2004	--	--
Seychelles	--	--	--
Sierra Leone	09/12/2003	--	--
Somalia	23/02/2006	--	--
São Tomé and Príncipe	01/02/2010	--	--
Sudan	30/06/2008	--	--
South Sudan	24/01/2013	--	--
Swaziland	07/12/2004	--	--
Tanzania	05/11/2003	--	--
Togo	30/12/2003	--	--
Tunisia	--	--	--
Uganda	18/12/2003	--	--
Zambia	03/08/2005	--	--
Zimbabwe	18/11/2003	--	--

Number of countries	54	Number of ratifications	12
Number of signatures	42	Number of deposits	12

Source: http://www.au.int/en/sites/default/files/Revised%20-%20Nature%20and%20Natural%20Resources_1.pdf (downloaded on 20/05/2014).

Table A26: List of countries that have signed, ratified/acceded to the agreement for the establishment of the African risk capacity (arc) agency

Country	Date of signature	Date of ratification/accession	Date deposited
Algeria	--	--	--
Angola	--	--	--
Benin	--	--	--
Botswana	--	--	--
Burkina Faso	23/11/2012	--	--
Burundi	23/11/2012	--	--
Cameroon	--	--	--
Central African Republic	23/11/2012	--	--
Cape Verde	--	--	--
Chad	23/11/2012	--	--
Côte d'Ivoire	06/02/2013	--	--
Comoros	15/02/2013	--	--
Congo, Rep. of	23/11/2012	--	--
Djibouti	23/11/2012	--	--
Democratic Rep. of Congo	--	--	--
Egypt	--	--	--
Equatorial Guinea	--	--	--
Eritrea	--	--	--
Ethiopia	--	--	--
Gabon	30/01/2014	--	--
Gambia	23/11/2012	--	--
Ghana	--	--	--
Guinea-Bissau	--	--	--
Guinea	23/11/2012	--	--
Kenya	28/01/2013	--	--
Libya	23/11/2012	--	--
Lesotho	--	--	--
Liberia	23/11/2012	--	--
Madagascar	31/01/2014	--	--
Mali	--	--	--
Malawi	23/11/2012	--	--
Mozambique	23/11/2012	--	--
Mauritania	28/01/2013	--	--
Mauritius	--	--	--
Namibia	--	--	--
Nigeria	--	--	--
Niger	23/11/2012	--	--
Rwanda	23/11/2012	--	--
South Africa	--	--	--
Sahrawi Arab Democratic Republic	23/11/2012	--	--
Senegal	23/11/2012	--	--
Seychelles	--	--	--
Sierra Leone	--	--	--
Somalia	--	--	--
São Tomé and Príncipe	--	--	--
Sudan	--	--	--
South Sudan	--	--	--
Swaziland	--	--	--
Tanzania	--	--	--
Togo	23/11/2012	--	--
Tunisia	--	--	--
Uganda	--	--	--
Zambia	--	--	--
Zimbabwe	23/11/2012	--	--

Number of countries	54	Number of ratifications	0
Number of signatures	24	Number of deposits	0

Source: http://www.au.int/en/sites/default/files/Africa%20Risk%20Capacity%20-%20ARC_0.pdf (downloaded on 20/05/2014).

Table A27: List of countries that have signed, ratified/acceded to the convention for the establishment of the African centre for fertilizer development

Country	Date of signature	Date of ratification/accession	Date deposited
Algeria	--	--	--
Angola	--	--	--
Benin	13/11/2001	--	--
Botswana	--	--	--
Burkina Faso	07/12/2004	--	--
Burundi	10/11/2006	--	--
Cameroon	25/07/2006	--	--
Central African Republic	04/02/2003	--	--
Cape Verde	--	--	--
Chad	06/12/2004	--	--
Côte d'Ivoire	27/02/2004	--	--
Comoros	26/02/2004	18/03/2004	16/04/2004
Congo, Rep. of	16/03/2004	--	--
Djibouti	15/11/2005	--	--
Democratic Rep. of Congo	05/08/1986	--	--
Egypt	--	--	--
Equatorial Guinea	--	--	--
Eritrea	--	--	--
Ethiopia	28/12/2007	25/11/2008	06/01/2009
Gabon	--	03/08/2007	26/09/2007
Gambia	24/12/2003	--	--
Ghana	02/07/2004	--	--
Guinea-Bissau	--	--	--
Guinea	16/12/2003	--	--
Kenya	--	--	--
Libya	29/07/1987	04/01/1989	04/05/1989
Lesotho	--	--	--
Liberia	16/12/2003	--	--
Madagascar	02/07/2004	--	--
Mali	29/10/1999	23/05/2000	24/08/2000
Malawi	--	--	--
Mozambique	--	--	--
Mauritania	--	--	--
Mauritius	--	--	--
Namibia	--	--	--
Nigeria	24/02/1987	--	--
Niger	30/07/1987	--	--
Rwanda	--	--	--
South Africa	--	--	--
Sahrawi Arab Democratic Republic	--	--	--
Senegal	26/12/2003	--	--
Seychelles	--	--	--
Sierra Leone	09/12/2003	--	--
Somalia	23/02/2006	--	--
São Tomé and Príncipe	01/02/2010	--	--
Sudan	29/07/1987	--	--
South Sudan	--	--	--
Swaziland	07/12/2004	--	--
Tanzania	--	--	--
Togo	30/12/2003	--	--
Tunisia	--	--	--
Uganda	05/01/1987	--	--
Zambia	23/10/1987	--	--
Zimbabwe	30/12/1986	20/07/2012	06/11/2012

Number of countries 54

Number of ratifications 6

Number of signatures 31

Number of deposits 6

Source: http://www.au.int/en/sites/default/files/Fertilizer%20Development_0.pdf (downloaded on 20/05/2014).

Table A28: List of countries that have signed, ratified/acceded to the Bamako convention on the ban of the import into Africa and the control of trans-boundary movement and management of hazardous waste within Africa

Country	Date of signature	Date of ratification/accession	Date deposited
Algeria	--	--	--
Angola	02/02/2010	--	--
Benin	30/01/1991	01/12/1997	21/01/1998
Botswana	--	--	--
Burkina Faso	30/01/1981	10/06/2009	13/08/2009
Burundi	30/01/1981	22/07/1996	17/07/2006
Cameroon	01/03/1991	11/07/1994	21/12/1995
Central African Republic	30/01/1991	--	--
Cape Verde	--	--	--
Chad	27/01/1992	03/07/2012	31/05/2013
Côte d'Ivoire	30/01/1991	13/07/1994	16/09/1994
Comoros	26/02/2004	18/03/2004	16/04/2004
Congo, Rep. of	--	19/03/1997	25/06/1997
Djibouti	20/12/1991	--	--
Democratic Rep. of Congo	02/02/2010	15/09/1994	13/04/1995
Egypt	30/01/1991	18/05/2004	23/06/2004
Equatorial Guinea	--	--	--
Eritrea	--	--	--
Ethiopia	--	24/07/2003	28/08/2003
Gabon	--	18/05/2007	12/06/2007
Gambia	--	26/06/2000	08/09/2000
Ghana	02/07/2004	--	--
Guinea-Bissau	01/03/1991	--	--
Guinea	30/01/1991	--	--
Kenya	17/12/2003	--	--
Libya	30/01/1991	02/11/1992	28/01/1993
Lesotho	01/06/1991	--	--
Liberia	16/12/2003	--	--
Madagascar	17/03/2004	--	--
Mali	30/01/1991	06/06/1991	21/02/1996
Malawi	--	--	--
Mozambique	--	05/02/1991	29/03/1999
Mauritania	31/01/2011	--	--
Mauritius	--	29/10/1992	26/11/1992
Namibia	--	--	--
Nigeria	22/12/2008	--	--
Niger	30/01/1991	01/10/1996	12/12/1996
Rwanda	26/08/1991	--	--
South Africa	--	--	--
Sahrawi Arab Democratic Republic	--	--	--
Senegal	30/01/1991	16/02/1994	29/03/1994
Seychelles	--	--	--
Sierra Leone	09/12/2003	--	--
Somalia	01/06/1991	--	--
São Tomé and Príncipe	01/02/2010	--	--
Sudan	--	21/09/1993	11/11/1993
South Sudan	14/01/2013	--	--
Swaziland	29/06/1992	--	--
Tanzania	26/11/1991	15/02/1993	05/04/1993
Togo	30/01/1991	06/05/1996	23/08/1996
Tunisia	20/05/1991	06/04/1992	14/05/1992
Uganda	--	01/10/1998	27/05/1999
Zambia	03/08/2005	--	--
Zimbabwe	--	10/07/1992	03/08/1992

Number of countries	54	Number of ratifications	25
Number of signatures	35	Number of deposits	25

Source: <http://www.au.int/en/sites/default/files/Bamako%20Convention.pdf> (downloaded on 20/05/2014).

Table A29: List of countries that have signed, ratified/acceded to the constitution of the association of African trade promotion organizations

Country	Date of signature	Date of ratification/accession	Date deposited
Algeria	19/11/1975	24/03/1975	13/11/1975
Angola	--	--	--
Benin	13/11/2001	28/02/2012	28/03/2012
Botswana	--	--	--
Burkina Faso	18/01/1974	--	--
Burundi	23/03/1976	--	--
Cameroon	16/05/1977	--	--
Central African Republic	28/02/1977	--	--
Cape Verde	--	--	--
Chad	06/12/2004	--	--
Côte d'Ivoire	27/02/2004	--	--
Comoros	26/02/2004	--	--
Congo, Rep. of	16/03/2004	18/03/2013	20/05/2013
Djibouti	15/11/2005	--	--
Democratic Rep. of Congo	18/01/1974	--	--
Egypt	18/01/1974	--	--
Equatorial Guinea	31/01/2011	--	--
Eritrea	--	--	--
Ethiopia	18/01/1974	05/02/1975	05/02/1975
Gabon	18/01/1974	--	--
Gambia	24/12/2003	--	--
Ghana	25/02/1974	12/08/1974	08/05/1978
Guinea-Bissau	27/01/2012	--	--
Guinea	--	13/01/1982	08/02/1982
Kenya	18/01/1974	--	--
Libya	02/01/1976	--	--
Lesotho	--	--	--
Liberia	29/01/1974	04/08/1982	29/12/1982
Madagascar	02/07/2004	--	--
Mali	26/02/1977	--	--
Malawi	--	--	--
Mozambique	--	--	--
Mauritania	--	--	--
Mauritius	--	--	--
Namibia	--	--	--
Nigeria	15/10/1974	11/01/1975	27/01/1975
Niger	04/06/1981	27/11/1978	27/12/1978
Rwanda	16/01/1974	--	--
South Africa	--	--	--
Sahrawi Arab Democratic Republic	--	--	--
Senegal	06/01/1976	--	--
Seychelles	--	--	--
Sierra Leone	09/12/2003	--	--
Somalia	28/04/1977	--	--
São Tomé and Príncipe	01/02/2010	--	--
Sudan	18/01/1974	28/10/1975	19/11/1975
South Sudan	24/01/2013	--	--
Swaziland	18/01/1974	--	--
Tanzania	18/01/1974	--	--
Togo	18/01/1974	02/12/1977	12/01/1978
Tunisia	18/01/1974	08/12/1976	12/01/1977
Uganda	18/01/1974	--	--
Zambia	18/01/1974	04/04/1984	24/04/1984
Zimbabwe	--	--	--

Number of countries	54	Number of ratifications	13
Number of signatures	39	Number of deposits	13

Source: http://www.au.int/en/sites/default/files/Trade%20Promotion_0.pdf (downloaded on 20/05/2014).

Table A30: Initial subscriptions to the authorized capital stock for prospective members which may become members (article 6 of the statute)

No.	African Union member states	Total subscriptions (millions US\$)	Percentage (%)	Paid-in capital shares in (millions US\$)	Callable capital shares (millions US\$)
1	Algeria	2,100.00	10	300	1,800.00
2	Egypt	2,100.00	10	300	1,800.00
3	Libya Arab Jamahiriya	2,100.00	10	300	1,800.00
4	Nigeria	2,100.00	10	300	1,800.00
5	South Africa	2,100.00	10	300	1,800.00
6	Ethiopia	718.2	3.42	102.5	616.7
7	Angola	672	3.2	95.96	576.04
8	Sudan	638.4	3.04	91.14	547.26
9	Tunisia	594.3	2.83	84.98	509.32
10	Kenya	541.8	2.58	77.41	464.39
11	Tanzania	512.4	2.44	73.34	439.06
12	D.R.Congo	510.3	2.43	72.87	437.43
13	Botswana	392.7	1.87	56.01	336.69
14	Côte d'Ivoire	386.4	1.84	55.09	331.31
15	Uganda	371.7	1.77	53.09	318.61
16	Cameroon	369.6	1.76	52.74	316.86
17	Ghana	338.1	1.61	48.19	289.91
18	Senegal	287.7	1.37	41.21	246.49
19	Madagascar	270.9	1.29	38.67	232.23
20	Mozambique	256.2	1.22	36.67	219.53
21	Mali	237.3	1.13	33.93	203.37
22	Zambia	226.8	1.08	32.34	194.46
23	Burkina Faso	224.7	1.07	32.15	192.55
24	Equatorial Guinea	210	1	30.12	179.88
25	Zimbabwe	207.9	0.99	29.67	178.23
26	Niger	176.4	0.84	25.11	151.29
27	Chad	174.3	0.83	24.9	149.4
28	Benin	165.9	0.79	23.74	142.16
29	Mauritius	165.9	0.79	23.74	142.16
30	Gabon	163.8	0.78	23.29	140.51
31	Malawi	161.7	0.77	23.25	138.45
32	Congo, Rep. of	157.5	0.75	22.4	135.1
33	Guinea	136.5	0.65	19.35	117.15
34	Namibia	136.5	0.65	19.45	117.05
35	Rwanda	134.4	0.64	19.08	115.32
36	Comoros	132.3	0.63	19.01	113.29
37	Somalia	105	0.5	15.03	89.97
38	Togo	98.7	0.47	14.07	84.63
39	Burundi	84	0.4	11.95	72.05
40	Sierra Leone	73.5	0.35	10.54	62.96
41	Lesotho	65.1	0.31	9.24	55.86
42	Mauritania	63	0.3	8.97	54.03
43	Central Africa Rep.	60.9	0.29	8.84	52.06
44	Swaziland	60.9	0.29	8.7	52.2
45	Eritrea	56.7	0.27	8.11	48.59
46	Liberia	42	0.2	5.89	36.11
47	Cape Verde	27.3	0.13	4.01	23.29
48	Gambia (The)	25.2	0.12	3.54	21.66
49	Djibouti	21	0.1	3.03	17.97
50	Guinea-Bissau	21	0.1	3.15	17.85
51	Seychelles	16.8	0.08	2.26	14.54
52	Sahrawi Arab Democratic Republic	4.2	0.02	0.65	3.55
53	São Tomé and Príncipe	4.2	0.02	0.62	3.58
I. Total AU Countries		21,000.00 [i]	100	3,000.00	18,000.00
II. Non Allocated [ii]		4,000.00		1,000.00	3,000.00
III. Grand Total		25,000.00		4,000.00	21,000.00

Source: <http://www.au.int/en/sites/default/files/Statute%20of%20the%20African%20Investment%20Bank%20-%20EN.pdf> (downloaded on 20/05/2014).

[i]: figures may not add due to rounding. [ii]: membership as defined in paragraph 2 of Article 6 of the Statute.

Table A31: List of countries that have signed, ratified/acceded to the African charter on the rights and welfare of the child

Country	Date of signature	Date of ratification/accession	Date deposited
Algeria	21/05/1999	08/07/2003	24/09/2003
Angola	27/01/2012	11/04/1992	07/10/1999
Benin	27/02/1992	17/04/1997	30/05/1997
Botswana	10/07/2001	10/07/2001	10/07/2001
Burkina Faso	27/02/1992	08/06/1992	10/07/1992
Burundi	21/05/2004	28/06/1992	10/07/1992
Cameroon	16/09/1992	05/09/1997	23/06/1999
Central African Republic	04/02/2003	--	--
Cape Verde	27/02/1992	20/07/1993	01/09/1993
Chad	06/12/2004	30/03/2000	04/04/2000
Côte d'Ivoire	27/02/2004	01/03/2002	18/06/2007
Comoros	26/02/2004	18/03/2004	16/04/2004
Congo, Rep. of	28/02/1992	03/01/2011	25/01/2011
Djibouti	28/02/1992	03/01/2011	25/01/2011
Democratic Rep. of Congo	02/02/2010	--	--
Egypt	30/06/1999	09/05/2001	22/05/2001
Equatorial Guinea	--	20/12/2002	19/02/2003
Eritrea	--	22/12/1999	25/01/2000
Ethiopia	--	02/10/2002	27/12/2002
Gabon	27/02/1992	18/05/2007	12/06/2007
Gambia	--	14/12/2000	30/03/2001
Ghana	18/08/1997	10/06/2005	15/07/2005
Guinea-Bissau	08/03/2005	19/06/1999	21/01/2000
Guinea	22/05/1998	27/05/1999	21/01/2000
Kenya	--	25/07/2000	10/08/2000
Libya	09/06/1998	23/09/2000	03/11/2000
Lesotho	--	27/09/1999	29/10/1999
Liberia	14/05/1992	01/08/2007	15/07/2008
Madagascar	27/02/1992	30/03/2005	24/06/2005
Mali	28/02/1996	03/06/1998	14/08/1998
Malawi	13/07/1999	16/09/1999	17/11/1999
Mozambique	--	15/07/1998	22/12/1998
Mauritania	--	21/09/2005	14/12/2005
Mauritius	07/11/1991	14/02/1992	27/02/1992
Namibia	13/07/1999	23/07/2001	02/05/2003
Nigeria	13/07/1999	23/07/2001	02/05/2003
Niger	13/07/1999	11/12/1996	05/03/1997
Rwanda	02/10/1991	11/05/2001	17/05/2001
South Africa	10/10/1977	07/01/2000	21/01/2000
Sahrawi Arab Democratic Republic	23/10/1992	--	--
Senegal	18/05/1992	29/09/1998	30/10/1998
Seychelles	27/02/1992	13/02/1992	27/02/1992
Sierra Leone	14/04/1992	13/05/2002	18/06/2002
Somalia	01/06/1991	--	--
São Tomé and Príncipe	01/02/2010	--	--
Sudan	--	30/07/2005	18/07/2008
South Sudan	24/01/2013	--	--
Swaziland	29/06/1992	05/10/2012	06/11/2012
Tanzania	23/10/1998	16/03/2003	09/05/2003
Togo	27/02/1992	05/05/1998	18/05/1998
Tunisia	16/06/1995	--	--
Uganda	26/02/1992	17/08/1994	21/10/1994
Zambia	28/02/1992	02/12/2008	10/02/2009
Zimbabwe	--	19/01/1995	22/02/1995

Number of countries	54	Number of ratifications	47
Number of signatures	44	Number of deposits	47

Source: http://www.au.int/en/sites/default/files/Welfare%20of%20the%20Child_0.pdf (downloaded on 20/05/2014).

Table A32: List of countries that have signed, ratified/acceded to the protocol to the African charter on human and people's rights on the rights of women in Africa

Country	Date of signature	Date of ratification/accession	Date deposited
Algeria	29/12/2003	--	--
Angola	22/01/2007	30/08/2007	13/10/2005
Benin	11/02/2004	30/09/2005	13/10/2005
Botswana	--	--	--
Burkina Faso	26/02/2004	09/06/2006	09/08/2006
Burundi	03/12/2003	--	--
Cameroon	25/07/2006	13/09/2012	28/12/2012
Central African Republic	17/06/2008	--	--
Cape Verde	--	21/06/2005	22/07/2005
Chad	06/12/2004	--	--
Côte d'Ivoire	27/02/2004	05/10/2011	09/03/2012
Comoros	26/02/2004	18/03/2004	16/04/2004
Congo, Rep. of	27/02/2004	14/12/2011	06/08/2012
Djibouti	18/12/2003	02/02/2005	04/02/2005
Democratic Rep. of Congo	05/12/2003	09/06/2008	09/02/2009
Egypt	--	--	--
Equatorial Guinea	30/01/2005	27/10/2009	29/06/2011
Eritrea	25/04/2012	--	--
Ethiopia	01/06/2004	--	--
Gabon	27/01/2005	10/01/2011	10/02/2011
Gambia	11/09/2003	25/05/2007	20/07/2007
Ghana	31/10/2003	13/06/2007	20/07/2007
Guinea-Bissau	08/03/2005	19/06/2008	14/10/2008
Guinea	16/12/2003	16/04/2012	17/09/2012
Kenya	17/12/2003	06/10/2010	13/10/2010
Libya	05/11/2003	23/05/2004	30/06/2004
Lesotho	27/02/2004	26/10/2004	05/11/2004
Liberia	16/12/2003	14/12/2007	15/07/2008
Madagascar	28/02/2004	--	--
Mali	09/12/2003	13/01/2005	03/02/2005
Malawi	--	20/05/2005	29/06/2005
Mozambique	15/12/2003	09/12/2005	30/12/2005
Mauritania	--	21/09/2005	14/12/2005
Mauritius	29/01/2005	--	--
Namibia	09/12/2003	11/08/2004	26/08/2004
Nigeria	16/12/2003	16/12/2004	18/02/2005
Niger	06/07/2004	--	--
Rwanda	19/12/2003	25/06/2004	01/07/2004
South Africa	16/03/2004	17/12/2004	14/01/2005
Sahrawi Arab Democratic Republic	20/06/2006	--	--
Senegal	26/12/2003	27/12/2004	30/01/2005
Seychelles	24/01/2006	09/03/2006	25/04/2006
Sierra Leone	09/12/2003	--	--
Somalia	23/02/2006	--	--
São Tomé and Príncipe	01/02/2010	--	--
Sudan	30/06/2008	--	--
South Sudan	24/01/2013	--	--
Swaziland	07/12/2004	05/10/2012	06/11/2012
Tanzania	05/11/2003	03/03/2007	07/05/2007
Togo	30/12/2003	12/10/2007	26/10/2005
Tunisia	--	--	--
Uganda	18/12/2003	22/07/2010	22/07/2010
Zambia	03/08/2005	02/05/2006	07/06/2006
Zimbabwe	18/11/2003	15/04/2008	05/09/2008

Number of countries	54	Number of ratifications	36
Number of signatures	48	Number of deposits	36

Source: <http://www.au.int/en/sites/default/files/Rights%20of%20Women.pdf> (downloaded on 20/05/2014).

Table A33: List of countries that have signed, ratified/acceded to the African youth charter

Country	Date of signature	Date of ratification/accession	Date deposited
Algeria	30/06/2011	--	--
Angola	02/02/2010	10/06/2009	13/05/2010
Benin	27/04/2007	--	--
Botswana	--	--	--
Burkina Faso	25/03/2008	17/09/2008	24/10/2008
Burundi	10/11/2006	--	--
Cameroon	15/12/2009	11/01/2011	29/06/2011
Central African Republic	17/06/2008	--	--
Cape Verde	--	15/02/2011	09/05/2011
Chad	22/10/2007	29/08/2012	27/10/2012
Côte d'Ivoire	15/02/2008	30/11/2009	13/04/2010
Comoros	02/02/2010	--	--
Congo, Rep. of	14/01/2008	14/12/2011	06/08/2012
Djibouti	--	28/08/2008	08/10/2008
Democratic Rep. of Congo	29/06/2008	--	--
Egypt	16/10/2008	--	--
Equatorial Guinea	02/02/2009	--	--
Eritrea	--	--	--
Ethiopia	28/12/2007	13/02/2014	24/04/2014
Gabon	--	17/07/2007	26/09/2007
Gambia	29/01/2008	30/04/2009	09/07/2009
Ghana	15/01/2008	28/10/2013	27/12/2013
Guinea-Bissau	17/06/2008	31/07/2008	14/10/2008
Guinea	08/04/2008	17/06/2011	11/07/2011
Kenya	28/06/2008	23/01/2014	29/01/2014
Libya	10/01/2008	11/08/2008	26/11/2008
Lesotho	31/01/2014	--	--
Liberia	18/06/2008	--	--
Madagascar	31/01/2014	--	--
Mali	25/10/2006	21/08/2007	04/09/2007
Malawi	--	13/08/2010	29/09/2010
Mozambique	25/10/2007	29/07/2008	28/08/2008
Mauritania	12/04/2012	21/03/2012	12/04/2012
Mauritius	--	08/02/2008	15/02/2008
Namibia	16/05/2008	17/07/2008	23/07/2008
Nigeria	02/07/2007	21/04/2009	13/07/2009
Niger	16/10/2007	03/06/2008	07/07/2008
Rwanda	29/06/2007	07/08/2007	17/08/2007
South Africa	07/05/2009	28/05/2009	08/07/2009
Sahrawi Arab Democratic Republic	25/07/2010	--	--
Senegal	09/10/2007	17/09/2009	20/10/2009
Seychelles	--	11/01/2011	11/02/2011
Sierra Leone	17/06/2008	--	--
Somalia	--	--	--
São Tomé and Príncipe	01/02/2010	--	--
Sudan	30/06/2008	--	--
South Sudan	24/01/2013	--	--
Swaziland	--	05/10/2012	06/11/2012
Tanzania	13/11/2008	20/12/2012	21/03/2013
Togo	20/11/2006	28/12/2008	28/01/2009
Tunisia	31/03/2008	08/06/2011	06/07/2008
Uganda	--	06/08/2008	22/10/2008
Zambia	10/04/2008	16/09/2009	02/10/2009
Zimbabwe	--	16/03/2009	21/08/2009

Number of countries	54	Number of ratifications	35
Number of signature s	42	Number of deposits	35

Source: <http://www.au.int/en/sites/default/files/youth%20Charter.pdf> (downloaded on 20/05/2014).

Table A34: List of countries that have signed, ratified/acceded to the cultural charter for Africa

Country	Date of signature	Date of ratification/accession	Date deposited
Algeria	--	08/11/1986	29/12/1986
Angola	--	25/06/1984	08/01/1985
Benin	--	10/08/1981	19/02/1982
Botswana	--	--	--
Burkina Faso	--	17/10/1986	13/11/1986
Burundi	--	02/03/1990	04/04/1990
Cameroon	--	29/08/1981	13/10/1981
Central African Republic	--	--	--
Cape Verde	--	--	--
Chad	--	15/08/1990	19/09/1990
Côte d'Ivoire	--	--	--
Comoros	--	--	--
Congo, Rep. of	--	13/04/1981	02/04/1986
Djibouti	--	11/04/1978	17/04/1978
Democratic Rep. of Congo	--	--	--
Egypt	--	26/06/1978	21/07/1978
Equatorial Guinea	--	--	--
Eritrea	--	--	--
Ethiopia	--	07/06/1977	16/06/1977
Gabon	--	20/08/2007	26/09/2007
Gambia	--	--	--
Ghana	--	15/06/1977	28/07/1977
Guinea-Bissau	--	12/12/1976	12/12/1976
Guinea	--	02/02/1978	15/03/1978
Kenya	--	28/01/1981	05/11/1981
Libya	--	12/01/1977	01/12/1977
Lesotho	--	--	--
Liberia	--	--	--
Madagascar	--	01/12/1976	28/04/1977
Mali	--	25/03/1982	27/05/1982
Malawi	--	03/07/1987	21/08/1987
Mozambique	--	--	--
Mauritania	--	--	--
Mauritius	--	18/03/1986	02/04/1986
Namibia	--	--	--
Nigeria	--	24/09/1986	24/11/1986
Niger	--	22/08/1978	29/09/1978
Rwanda	--	16/05/1978	12/06/1978
South Africa	--	--	--
Sahrawi Arab Democratic Republic	--	--	--
Senegal	--	23/05/1977	17/06/1977
Seychelles	--	03/03/1977	30/03/1977
Sierra Leone	--	--	--
Somalia	--	09/04/1978	19/06/1978
São Tomé and Príncipe	--	--	--
Sudan	--	07/07/1981	20/11/1981
South Sudan	--	--	--
Swaziland	--	--	--
Tanzania	--	05/05/1978	12/10/1978
Togo	--	31/08/1978	25/10/1978
Tunisia	--	22/06/1977	11/07/1977
Uganda	--	10/05/1986	27/05/1986
Zambia	--	06/06/1986	20/06/1986
Zimbabwe	--	05/07/1988	01/08/1988

Number of countries	54	Number of ratifications	34
Number of signatures	0	Number of deposits	34

Source: <http://www.int.ao/en/sites/default/files/Cultural%20Charter%20for%20Africa.pdf> (downloaded on 20/05/2014).

Table A35: List of countries that have signed, ratified/acceded to the charter for African cultural renaissance

Country	Date of signature	Date of ratification/accession	Date deposited
Algeria	20/09/2011	--	--
Angola	02/02/2010	--	--
Benin	14/01/2010	--	--
Botswana	--	--	--
Burkina Faso	21/01/2009	--	--
Burundi	--	--	--
Cameroon	01/08/2012	--	--
Central African Republic	--	--	--
Cape Verde	--	--	--
Chad	22/01/2009	02/08/2012	27/10/2012
Côte d'Ivoire	11/06/2009	--	--
Comoros	02/02/2010	--	--
Congo, Rep. of	28/06/2009	11/06/2012	06/08/2012
Djibouti	--	--	--
Democratic Rep. of Congo	02/02/2010	--	--
Egypt	02/11/2009	19/06/2008	02/09/2008
Equatorial Guinea	--	--	--
Eritrea	--	--	--
Ethiopia	--	15/10/2012	08/11/2012
Gabon	19/12/2008	--	--
Gambia	02/02/2009	--	--
Ghana	21/01/2009	--	--
Guinea-Bissau	27/01/2012	--	--
Guinea	27/01/2012	--	--
Kenya	--	--	--
Libya	--	--	--
Lesotho	--	--	--
Liberia	31/01/2009	--	--
Madagascar	31/10/2014	--	--
Mali	16/12/2008	12/01/2010	1/02/2010
Malawi	--	--	--
Mozambique	04/07/2013	--	--
Mauritania	--	--	--
Mauritius	--	--	--
Namibia	--	--	--
Nigeria	22/12/2008	18/10/2010	03/11/2010
Niger	20/06/2011	25/01/2010	18/10/2013
Rwanda	--	--	--
South Africa	--	--	--
Sahrawi Arab Democratic Republic	--	--	--
Senegal	15/12/2008	27/09/2010	13/10/2010
Seychelles	--	--	--
Sierra Leone	14/01/2009	--	--
Somalia	--	--	--
São Tomé and Príncipe	01/02/2010	--	--
Sudan	--	--	--
South Sudan	24/01/2013	--	--
Swaziland	--	--	--
Tanzania	01/02/2013	--	--
Togo	12/02/2009	--	--
Tunisia	15/07/2012	--	--
Uganda	--	--	--
Zambia	31/01/2010	--	--
Zimbabwe	20/02/2014	--	--

Number of countries 54

Number of ratifications 8

Number of signatures 31

Number of deposits 8

Source: http://www.au.int/en/sites/default/files/Cultural%20Renaissance%20Charter_2.pdf (downloaded on 20/05/2014).

Table A36: List of countries that have signed, ratified/acceded to the phytosanitary convention for Africa

Country	Date of signature	Date of ratification/accession	Date deposited
Algeria	--	--	--
Angola	--	--	--
Benin	--	30/02/1974	01/04/1974
Botswana	--	--	--
Burkina Faso	--	--	--
Burundi	--	04/07/1992	06/10/1992
Cameroon	--	11/04/1987	08/06/1987
Central African Republic	--	07/05/1974	22/12/1983
Cape Verde	--	--	--
Chad	--	--	--
Côte d'Ivoire	--	--	--
Comoros	--	--	--
Congo, Rep. of	--	--	--
Djibouti	--	--	--
Democratic Rep. of Congo	--	--	--
Egypt	--	10/10/1968	10/10/1968
Equatorial Guinea	--	--	--
Eritrea	--	--	--
Ethiopia	--	19/06/1972	15/08/1973
Gabon	--	--	--
Gambia	--	--	--
Ghana	--	--	--
Guinea-Bissau	--	--	--
Guinea	--	--	--
Kenya	--	--	--
Libya	--	--	--
Lesotho	--	29/10/1982	21/01/1983
Liberia	--	--	--
Madagascar	--	--	--
Mali	--	--	--
Malawi	--	--	--
Mozambique	--	--	--
Mauritania	--	--	--
Mauritius	--	--	--
Namibia	--	--	--
Nigeria	--	--	--
Niger	--	25/04/1968	25/04/1968
Rwanda	--	30/04/1981	31/08/1981
South Africa	--	--	--
Sahrawi Arab Democratic Republic	--	--	--
Senegal	--	--	--
Seychelles	--	--	--
Sierra Leone	--	--	--
Somalia	--	--	--
São Tomé and Príncipe	--	--	--
Sudan	--	--	--
South Sudan	--	--	--
Swaziland	--	--	--
Tanzania	--	--	--
Togo	--	24/10/1979	20/11/1979
Tunisia	--	--	--
Uganda	--	--	--
Zambia	--	--	--
Zimbabwe	--	--	--

Number of countries	53	Number of ratifications	10
Number of signatures	0	Number of deposits	10

Source: <http://www.au.int/en/sites/default/files/Phytosanitary%20Convention%20for%20Africa.pdf> (downloaded on 20/05/2014).

Table A37: List of countries that have signed, ratified/acceded to the agreement for the establishment of the African Rehabilitation Institute (ARI)

Country	Date of signature	Date of ratification/accession	Date deposited
Algeria	-	-	-
Angola	27/01/2012	26/03/2007	08/10/2007
Benin	11/02/2004	-	-
Botswana	26/09/1990	10/08/1990	31/08/1990
Burkina Faso	07/12/2004	11/08/1992	14/10/1992
Burundi	-	-	-
Cameroon	-	06/03/2003	09/06/2004
Central African Rep.	04/02/2003	-	-
Cape Verde	-	-	-
Chad	08/04/1986	18/10/1991	22/07/1992
Côte d'Ivoire	08/04/1986	30/11/2009	13/04/2010
Comoros	09/04/1986	-	-
Congo, Rep. of	08/04/1986	22/02/1992	30/04/1992
Djibouti	15/11/2005	-	-
Democratic Rep. of Congo	02/02/2010	-	-
Egypt	08/04/1986	-	-
Equatorial Guinea	-	-	-
Eritrea	-	-	-
Ethiopia	28/12/2007	30/12/2008	06/01/2009
Gabon	08/04/1986	-	-
Gambia	24/12/2003	-	-
Ghana	02/07/2004	-	-
Guinea-Bissau	27/01/2012	-	-
Guinea	16/12/2003	05/01/1991	21/03/1991
Kenya	17/12/2003	09/05/2006	23/05/2006
Libya	-	10/05/1989	19/02/1991
Lesotho	08/04/1986	27/09/1989	13/03/1990
Liberia	16/12/2003	-	-
Madagascar	-	-	-
Mali	-	27/04/1999	19/05/1999
Malawi	16/06/1986	30/01/1991	19/03/1991
Mozambique	-	01/03/1994	23/05/1994
Mauritania	-	20/04/1999	04/07/2002
Mauritius	-	-	-
Namibia	-	22/08/1996	25/09/1996
Nigeria	-	13/05/2002	08/12/2004
Niger	06/07/2004	12/11/1999	18/05/2000
Rwanda	-	09/07/2010	14/07/2010
South Africa	-	-	-
Sahrawi Arab Democratic Republic	-	-	-
Senegal	08/04/1986	19/07/1991	02/09/1991
Seychelles	-	-	-
Sierra Leone	14/01/2009	-	-
Somalia	23/02/2006	-	-
São Tomé and Príncipe	01/02/2010	-	-
Sudan	-	-	-
Swaziland	07/12/2004	27/11/1996	06/02/1997
Tanzania	-	-	-
Togo	12/02/2009	23/10/1996	09/12/1996
Tunisia	-	-	-
Uganda	08/04/1986	26/03/1997	22/09/1997
Zambia	-	19/12/1990	28/02/1991
Zimbabwe	12/06/1986	29/03/1990	17/05/1990

Number of countries	53	Number of ratifications	26
Number of signatures	31	Number of deposits	26

Source: http://au.int/en/sites/default/files/ari_0.pdf (downloaded on 20/05/2014).





