



Organization for Social Science  
Research

# **African Capacity Building Foundation and Organization for Social Science Research in Eastern and Southern Africa**

**A Digest of OAU-AU Treaties, Conventions and Agreements 1963 to 2013**

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**A Contribution by the African Capacity Building Foundation to 50<sup>th</sup>  
Anniversary of the OAU-AU, 1963-2013**

## Table of Contents

|                                                                                                                       |     |
|-----------------------------------------------------------------------------------------------------------------------|-----|
| List of Tables .....                                                                                                  | iv  |
| Abbreviations .....                                                                                                   | vii |
| Executive Summary .....                                                                                               | 9   |
| 1. Objectives of the Digest .....                                                                                     | 9   |
| 2. Major findings on ratification.....                                                                                | 9   |
| 3. Recommendations.....                                                                                               | 10  |
| Chapter 1: Introduction.....                                                                                          | 13  |
| Chapter 2: Basic Instruments of General Application .....                                                             | 15  |
| 2.1 The Treaty Establishing the African Economic Community .....                                                      | 15  |
| 2.1.1 Summary of the provisions.....                                                                                  | 15  |
| 2.1.2 Ratification Status of the Treaty Establishing the African Economic Community.....                              | 16  |
| 2.2 The Protocol to the Treaty Establishing an African Economic Community Relating to the Pan African Parliament..... | 17  |
| 2.2.1 Summary of the provisions .....                                                                                 | 17  |
| 2.2.2 Ratification Status .....                                                                                       | 18  |
| 2.3 The Constitutive Act of the African Union, 2000 .....                                                             | 18  |
| 2.3.1 Objectives and structures.....                                                                                  | 18  |
| 2.3.2 Critical issues in the implementation of the Act.....                                                           | 19  |
| 2.3.3 Between regional cooperation and regional integration .....                                                     | 21  |
| 2.4 Protocol on Amendments to the Constitutive Act of the African Union .....                                         | 24  |
| 2.4.1 Summary of provisions.....                                                                                      | 24  |
| 2.4.2 Ratification status of the protocol.....                                                                        | 25  |

|                                                                                                                                                                         |    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| 2.5 The Inter-African Convention Establishing an African Technical Cooperation Programme.....                                                                           | 25 |
| 2.5.1 Summary of provisions.....                                                                                                                                        | 25 |
| 2.5.2 The significance of the Convention.....                                                                                                                           | 26 |
| 2.5.3 Ratification status of the Convention.....                                                                                                                        | 26 |
| Chapter 3: Governance, Transparency and Human Rights.....                                                                                                               | 27 |
| 3.1 The African Charter on Democracy, Elections and Governance .....                                                                                                    | 27 |
| 3.1.1 Summary of provisions .....                                                                                                                                       | 27 |
| 3.1.2 Ratification status of the Charter .....                                                                                                                          | 29 |
| 3.2 The African (Banjul) Charter on Human and People’s Rights.....                                                                                                      | 30 |
| 3.2.1 Summary of provisions.....                                                                                                                                        | 30 |
| 3.2.2 Ratification Status of the African Charter on Human and Peoples’ Rights .....                                                                                     | 31 |
| 3.3 Protocol to the African Charter on Human and Peoples’ Rights on the Establishment of an African Court on Human and Peoples’ Rights.....                             | 32 |
| 3.3.1 Summary of provisions.....                                                                                                                                        | 32 |
| 3.3.2 Ratification Status of the Protocol to the African Charter on Human and People’s Rights on the Establishment of An African Court of Human and Peoples Rights..... | 32 |
| 3.4 The Protocol on the Statute of the African Court of Justice and Human Rights.....                                                                                   | 32 |
| 3.4.1 Summary of provisions.....                                                                                                                                        | 32 |
| 3.4.2 Ratification Status of the Protocol on the Statute of the African Court of Justice and Human Rights.....                                                          | 33 |
| 3.5 The African Union Convention on Preventing and Combating Corruption.....                                                                                            | 33 |
| 3.5.1 Summary of provisions.....                                                                                                                                        | 33 |
| 3.5.2 The mutating nature of corruption in Africa .....                                                                                                                 | 35 |
| 3.5.3 Ratification status of the African Union Convention on Preventing and Combating Corruption .....                                                                  | 36 |

|                                                                                                                                     |    |
|-------------------------------------------------------------------------------------------------------------------------------------|----|
| 3.6 The African Charter on Values and Principles of Public Service and Administration.....                                          | 36 |
| 3.6.1 Summary of provisions .....                                                                                                   | 36 |
| 3.6.2 Status of Ratification of the African Charter on Values and Principles of Public Service and Administration .....             | 38 |
| 3.7 African Charter on Statistics .....                                                                                             | 38 |
| 3.7.1 Summary of Provisions.....                                                                                                    | 38 |
| 3.7.2 Ratification Status of the African Charter on Statistics .....                                                                | 39 |
| Chapter 4: Peace and Security .....                                                                                                 | 40 |
| 4.1 The Protocol Relating to the Establishment of the Peace and Security Council of the African Union .....                         | 40 |
| 4.1.1 Summary of provisions .....                                                                                                   | 40 |
| 4.1.2 Ratification status of the Protocol Relating to the Establishment of the Peace and Security Council of the African Union..... | 41 |
| 4.1.3 Implementation challenges .....                                                                                               | 42 |
| 4.2 The African Union Non-Aggression and Common Defense Pact .....                                                                  | 43 |
| 4.2.1 Summary of provisions.....                                                                                                    | 43 |
| 4.2.2 Ratification status of the pact.....                                                                                          | 44 |
| 4.3 The OAU Convention on the Prevention and Combating of Terrorism.....                                                            | 44 |
| 4.3.1 Summary of provisions.....                                                                                                    | 44 |
| 4.3.2 Ratification States of the OAU Convention on the Prevention and Combating of Terrorism .....                                  | 45 |
| 4.4 The OAU Convention for the Elimination of Mercenarism in Africa.....                                                            | 46 |
| 4.4.1 Summary of provisions .....                                                                                                   | 46 |
| 4.4.2 Status of Ratification of the Convention for the Elimination of Mercenarism in Africa.....                                    | 46 |
| 4.5 The Convention Governing the Specific Aspects of Refugee Problems in Africa .....                                               | 47 |

|                                                                                                                                      |    |
|--------------------------------------------------------------------------------------------------------------------------------------|----|
| 4.5. 1 Summary of provisions.....                                                                                                    | 47 |
| 4.5.2 Ratification status .....                                                                                                      | 48 |
| 4.6 The Africa Union Convention for the Protection and Assistance of Internally Displaced People in Africa (Kampala Convention)..... | 48 |
| 4.6.1 Summary of provisions .....                                                                                                    | 48 |
| 4.6.2 Ratification status of the Kampala Convention .....                                                                            | 51 |
| 4.7 African Nuclear Weapon Free Zone Treaty (Pelindaba Treaty) .....                                                                 | 51 |
| 4.7.1 Summary of provisions.....                                                                                                     | 51 |
| 4.7.2 Status of Ratification of the Treaty.....                                                                                      | 52 |
| Chapter 5: Civil Aviation, Transport and Energy.....                                                                                 | 53 |
| 5.1 The African Civil Aviation Commission Constitution.....                                                                          | 53 |
| 5.1.1 Summary of provisions .....                                                                                                    | 53 |
| 5.1.2 Ratification status of the AFCAC Constitution .....                                                                            | 53 |
| 5.2 The Convention on the Revised Constitution of the African Civil Aviation Commission 2009 .....                                   | 54 |
| 5.2.1 Summary of provisions.....                                                                                                     | 54 |
| 5.2.2 Status of ratification of the 2009 Convention on the Revised Constitution of AFCAC .....                                       | 55 |
| 5.3 The African Maritime Transport Charter .....                                                                                     | 55 |
| 5.3.1 Summary of provisions.....                                                                                                     | 55 |
| 5.3.2 Status of Ratification of the African Maritime Transport Charter .....                                                         | 56 |
| 5.4 The Revised Maritime Transport Charter .....                                                                                     | 57 |
| 5.4.1 Summary of provisions.....                                                                                                     | 57 |
| 5.4.2 Ratification status of the Revised African Maritime Transport Charter .....                                                    | 58 |
| 5.5 The Convention of the African Energy Commission .....                                                                            | 59 |

|                                                                                                                                                                 |    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| 5.5.1 Summary of provisions.....                                                                                                                                | 59 |
| 5.5.2 Status of ratification of the Convention of the African Energy Commission .....                                                                           | 60 |
| Chapter 6: Natural Resources and the Environment .....                                                                                                          | 61 |
| 6.1 The African Convention on the Conservation of Nature and Natural Resources.....                                                                             | 61 |
| 6.1.1 Summary of provisions .....                                                                                                                               | 61 |
| 6.1.2 Ratification status of the African Convention on the Conservation of Nature and Natural Resources.....                                                    | 62 |
| 6.2 The Revised African Convention on the Conservation of Nature and Natural Resources .....                                                                    | 62 |
| 6.2.1 Summary of Provisions.....                                                                                                                                | 62 |
| 6.2.2 Ratification status of the Revised African Convention on the Conservation of Nature and Natural Resources .....                                           | 64 |
| 6.3 Agreement for the Establishment of the African Risk Capacity (ARC) Agency .....                                                                             | 64 |
| 6.3.1 Summary of provisions .....                                                                                                                               | 64 |
| 6.3.2 Ratification status of the Agreement on the Establishment of the African Risk Capacity (ARC) Agency .....                                                 | 66 |
| 6.4 The Convention for the Establishment of the African Centre for Fertilizer Development .....                                                                 | 66 |
| 6.4.1 Summary of provisions .....                                                                                                                               | 66 |
| 6.4.2 Status of ratification of the Convention.....                                                                                                             | 67 |
| 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 ..... | 67 |
| 6.5.1 Summary of provisions .....                                                                                                                               | 67 |
| 6.5.2 Status of ratification of the Bamako Convention .....                                                                                                     | 68 |
| Chapter 7: Trade and Investment .....                                                                                                                           | 69 |
| 7.1 The Constitution of the Association of African Trade Promotion Organizations.....                                                                           | 69 |

|                                                                                                                               |    |
|-------------------------------------------------------------------------------------------------------------------------------|----|
| 7.1.1 Summary of provisions .....                                                                                             | 69 |
| 7.1.2 Ratification status of the Constitution of the Association of African Trade Promotion Organizations .....               | 70 |
| 7.2 The Statute of the African Investment Bank .....                                                                          | 70 |
| 7.3 The Protocol on the African Investment Bank .....                                                                         | 71 |
| 7.3.1 Summary of Provisions .....                                                                                             | 71 |
| 7.3.2 Subscription Status for Shares of the bank Under the Protocol on the African Investment Bank .....                      | 71 |
| Chapter 8: Rights of Special Groups .....                                                                                     | 73 |
| 8.1 The African Charter on the Rights and Welfare of the Child .....                                                          | 73 |
| 8.1.1 Summary of Provisions .....                                                                                             | 73 |
| 8.1.2 Ratification status of the African Charter on the Rights and Welfare of the Child ..                                    | 75 |
| 8.2 The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women .....                             | 75 |
| 8.2.1 Summary of Provisions .....                                                                                             | 75 |
| 8.2.2 Status of ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women ..... | 77 |
| 8.3 The African Youth Charter .....                                                                                           | 78 |
| 8.3.1 Summary of provisions .....                                                                                             | 78 |
| 8.3.2 Ratification of the African Youth Charter .....                                                                         | 81 |
| Chapter 9: African Culture .....                                                                                              | 82 |
| 9.1 The Cultural Charter for Africa .....                                                                                     | 82 |
| 9.1.1. Summary of provisions .....                                                                                            | 82 |
| 9.1.2 Ratification status of the Cultural Charter for Africa .....                                                            | 83 |
| 9.2. The Charter for African Cultural Renaissance .....                                                                       | 83 |
| 9.2.1 Summary of provisions .....                                                                                             | 83 |

|                                                                                                                        |     |
|------------------------------------------------------------------------------------------------------------------------|-----|
| 9.2.2 Ratification status of the Charter for African Cultural Renaissance .....                                        | 84  |
| Chapter 10: Health and Social Protection .....                                                                         | 85  |
| 10.1. The Phytosanitary Convention for Africa .....                                                                    | 85  |
| 10.1.1 Summary of provisions.....                                                                                      | 85  |
| 10.1.2 Ratification status of the Phytosanitary Convention for Africa .....                                            | 85  |
| 10.2 The Agreement for the Establishment of the African Rehabilitation Institute (ARI)...                              | 86  |
| 10.2.1 Summary of provisions .....                                                                                     | 86  |
| 10.2.2. Ratification status of the Agreement for the Establishment of the African Rehabilitation Institute (ARI). .... | 87  |
| Chapter 11: Observations, Conclusions and Recommendations .....                                                        | 88  |
| References .....                                                                                                       | 97  |
| Annexes .....                                                                                                          | 105 |

## List of Tables

|                                                                                                                                                                                                                 |     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| Table 1: Signature and ratification of foundational instruments of the AU .....                                                                                                                                 | 88  |
| Table 2: Signature and ratification of au instruments on governance, transparency and human rights .....                                                                                                        | 89  |
| Table 3: Signature and ratification of AU instruments on peace and security.....                                                                                                                                | 90  |
| Table 4: Signature and ratification of au instruments on communications, transport and energy .....                                                                                                             | 91  |
| Table 5: Signature and ratification of au instruments on natural resources and the environment.....                                                                                                             | 92  |
| Table A1: List of countries which have signed, ratified/acceded to the treaty establishing the African economic community .....                                                                                 | 105 |
| Table A2: List of countries which have signed, ratified/acceded to the protocol on the treaty establishing the African economic community relating to the pan-African parliament .....                          | 106 |
| Table A3: List of countries which have signed, ratified/acceded to the protocol on the amendments to the constitutive act of the African union.....                                                             | 107 |
| Table A4: List of countries which have signed, ratified/acceded to the inter-African convention establishing an African technical co-operation programme .....                                                  | 108 |
| Table A5: List of countries which have signed, ratified/acceded to the African charter on democracy, elections and governance .....                                                                             | 109 |
| Table A6: List of countries which have signed, ratified/acceded to the African charter on human and peoples' rights.....                                                                                        | 110 |
| Table A7: List of countries which have signed, ratified/acceded to the protocol of the African chapter on human and peoples' rights on the establishment of an African court on human and peoples' rights ..... | 111 |
| Table A8: List of countries which have signed, ratified/acceded to the protocol of the court of justice and human rights.....                                                                                   | 112 |
| Table A9: List of countries which have signed, ratified/acceded to the African union convention on preventing and combating corruption.....                                                                     | 113 |

|                                                                                                                                                                                                        |     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| Table A10: List of countries which have signed, ratified/acceded to the African charter on the values and principles of public service and administration.....                                         | 114 |
| Table A11: List of countries which have signed, ratified/acceded to the African charter on statistics.....                                                                                             | 115 |
| Table A12: List of countries which have signed, ratified/acceded to the protocol relating to the establishment of the peace and Security Council of the African union.....                             | 116 |
| Table A13: List of countries which have signed, ratified/acceded to the African union non-aggression and common defence pact .....                                                                     | 117 |
| Table A14: List of countries which have signed, ratified/acceded to the OAU convention on the prevention and combating of terrorism .....                                                              | 118 |
| Table A15: List of countries which have signed, ratified/acceded to the OAU convention for the elimination of mercenarism in Africa .....                                                              | 119 |
| Table A16: List of countries which have signed, ratified/acceded to the OAU convention governing the specific aspects refugee problems in Africa .....                                                 | 120 |
| Table A17: List of countries which have signed, ratified/acceded to the African union convention for the protection and assistance of internally displaced persons in Africa (Kampala Convention)..... | 121 |
| Table A18: List of countries which have signed, ratified/acceded to the African nuclear-weapon-free zone treaty (the treaty of Pelindaba) .....                                                        | 122 |
| Table A19: List of countries which have signed, ratified/acceded to the African civil aviation commission constitution (AFCAC).....                                                                    | 123 |
| Table A20: List of countries which have signed, ratified/acceded to the constitution for the African civil aviation commission – AFCAC revised version) .....                                          | 124 |
| Table A21: List of countries which have signed, ratified/acceded to the African maritime transport charter .....                                                                                       | 125 |
| Table A22: List of countries which have signed, ratified/acceded to the revised African maritime transport charter .....                                                                               | 126 |
| Table A23: List of countries which have signed, ratified/acceded to the convention of the African energy commission.....                                                                               | 127 |

|                                                                                                                                                                                                                                  |     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| Table A24: List of countries which have signed, ratified/acceded to the African convention on the conservation of nature and natural resources .....                                                                             | 128 |
| Table A25: List of countries which have signed, ratified/acceded to the African convention on the conservation of nature and natural resources (revised version) .....                                                           | 129 |
| Table A26: List of countries which have signed, ratified/acceded to the agreement for the establishment of the African risk capacity (arc) agency .....                                                                          | 130 |
| Table A27: List of countries which have signed, ratified/acceded to the convention for the establishment of the African centre for fertilizer development.....                                                                   | 131 |
| Table A28: List of countries which 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 wastes within Africa ..... | 132 |
| Table A29: List of countries which have signed, ratified/acceded to the constitution of the association of African trade promotion organizations .....                                                                           | 133 |
| Table A30: List of countries which have signed, ratified/acceded to the African charter on the rights and welfare of the child .....                                                                                             | 134 |
| Table A31: List of countries which have signed, ratified/acceded to the protocol to the African charter on human and peoples' rights on the rights of women in Africa .....                                                      | 136 |
| Table A32: List of countries which have signed, ratified/acceded to the African youth charter .....                                                                                                                              | 137 |
| Table A33: List of countries which have signed, ratified/acceded to the cultural charter for Africa.....                                                                                                                         | 138 |
| Table A34: List of countries which have signed, ratified/acceded to the charter for African cultural renaissance .....                                                                                                           | 139 |
| Table A35: List of countries which have signed, ratified/acceded to the phytosanitary convention for Africa .....                                                                                                                | 140 |
| Table A36: List of countries which have signed, ratified/acceded to the establishment of the African rehabilitation institute (ARI) .....                                                                                        | 141 |

## Abbreviations

|          |                                                                            |
|----------|----------------------------------------------------------------------------|
| AATPO    | Association of African Trade Promotion Organizations                       |
| ACBF     | African Capacity Building Foundation                                       |
| AfDB     | African Development Bank                                                   |
| AfGF     | African Governance Forum                                                   |
| ARAPKE   | African Regional Action Plan for Knowledge Economy                         |
| AU       | African Union                                                              |
| COMESA   | Common Market for Eastern and Southern Africa                              |
| CCIA     | COMESA Common Investment Area                                              |
| CEN-SAD  | Community of Sahel – Saharan States                                        |
| CRWC     | Committee on the Rights and Welfare of the Child                           |
| CSOs     | Civil Society Organizations                                                |
| EAC      | East African Community                                                     |
| ECA      | Economic Commission for Africa                                             |
| ECCAS    | Economic Community of Central African States                               |
| ECIM     | ECOWAS Common Investment Market                                            |
| ECOWAS   | Economic Community of West African States                                  |
| EU       | European Union                                                             |
| FTA      | Free Trade Area                                                            |
| HIV/AIDS | Human Immuno-deficiency Virus/ Acquired Immune Deficiency Syndrome         |
| ICAO     | International Civil Aviation Organization                                  |
| IGAD     | Inter-Governmental Authority on Development                                |
| MDAs     | Ministries, Department and Agencies                                        |
| NEP      | National Enquiry Point                                                     |
| NFP      | National Focal Point                                                       |
| NMC      | National Monitoring Committee                                              |
| NSO      | National Statistics Office                                                 |
| NTB      | Non-Tariff Barrier                                                         |
| OAU      | Organization for African Unity                                             |
| OECD     | Organization for Economic and Cooperation Development                      |
| OSBP     | One Stop Border Post                                                       |
| OSSREA   | Organization for Social Science Research in Eastern and Southern Africa    |
| PIDA     | Programme for Infrastructure Development in Africa                         |
| R&D      | Research and Development                                                   |
| REC      | Regional Economic Community                                                |
| SACU     | Southern African Customs Union                                             |
| SADC     | Southern Africa Development Community                                      |
| S&T      | Science and Technology                                                     |
| UEMOA    | West African Economic and Monetary Union                                   |
| UNECA    | United Nations Economic Commission for Africa                              |
| UNHCR    | United Nations High Commission for Refugees                                |
| UMA      | Arab Maghreb Union                                                         |
| UPEDEA   | Union of Producers, Conveyors and Distributors of Electric Power in Africa |

WAMZ      West African Monetary Zone

## **Executive Summary**

### **1. Objectives of the Digest**

The preparation of this Digest was commissioned by the African Capacity Building Foundation in order to highlight progress made in the ratification of 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 in order to give momentum to the processes of regional cooperation and regional integration which the two organizations have right from 1963 set out to achieve. The Digest includes all major instruments of the OAU and AU. For each of them a brief summary is presented on its objectives and main provisions and a table of signatures and ratifications is provided.

### **2. Major findings on ratification**

In the second chapter of the Digest it is clear that foundational instruments of the African Union and its organs have been ratified by almost all the Members. Instruments relating to issues of democracy, good governance and transparency have been signed averagely by 80% of the Members but ratified by an average of 60% of the Members. This is possibly because some Members still find it difficult to cede some of the powers and competencies to regional institutions of governance. The AU Assembly and Commission may want to look for new avenues for easing the apparent tension between sovereignty and the principle of subsidiarity. In addition the problem of corruption has refused to go away and collective efforts are required to tame it as it grows, mutates and changes form.

In the area of peace and security a lot has been achieved but financial sustainability of the AU activities need to be securely insulated against excessive donor dependence. Given the rise of new peace and security needs in Europe triggered by the situation in Ukraine, resource mobilization from non-traditional sources is both timely and urgent as the donors from the North are likely to change winds and drastically reduce support.

Ratification of instruments on peace and security has not been as robust as expected. 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 ratified by 49 or 92.4% of those that signed. On the other hand 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 the AU Members but has been ratified by only 20 or 46.5% of those that signed. The increasing threat of terrorism and cross-border movement of combatants and arms; the link between terrorism, mercenarism, corruption, movement of hazardous wastes and nuclear materials require more cooperation and the involvement of more states through increased ratifications and intensive networking. The number of current ratifications of instruments related to peace and security is not conducive to these issues.

Action on instruments related to transport and energy indicate mixed responses. The African Civil Aviation Commission Constitution (AFCAC) was signed by 45 or 88.3% of the AU Members but its successor, the Revised Constitution of the African Civil Aviation Commission has been signed by only 34 or 63% of the Members and ratified by only 3 or 8.8% of those that signed. Given the acute nature of the air transport problems within the region, reduced support for AFCAC is a step backward in the efforts to improve aviation services and also in the intended harmonization of aviation policies and practices in the region. Further worrisome is the fact that the African Maritime Transport Charter was initially signed by 39 (72.2%) of the AU Member States but after it was revised, its successor, the Revised African Maritime Charter has so far been signed by only 16 or 29.6% of the AU Members and ratified by only 7 or 43.75% of the sixteen that signed. Given the fact that the wealth and prosperity of African nations will improve with improved transport facilities, more efforts are needed to make this a reality.

Ratification of instruments on the protection of natural resources falls short of expectations given the dependence of African economies on agriculture, nature and natural resources. Given this factor collective action through increased ratification and implementation of key instruments in this area is very important in order to prevent the current generations undermining the lives and livelihoods of future generations.

It is rather worrying that some of the middle income countries in Africa such as Botswana, Cape Verde, Lesotho, Mauritius and Seychelles are among the countries with the lowest numbers of signature and ratifications in spite of their exemplary role in governance and economic management. There is need to engage them and bring them on board. In that vein it is also apparent but not yet verified that some of the least developed countries find it difficult to sign or ratify instruments that require them to subscribe annually to new agencies established under these instruments. There is need to look for ways of reducing the burden of annual subscriptions by redefining the structures and business model of such agencies.

Finally, there are old instruments that need to be revised because they have been overtaken by changes in governance and sub-regional cooperation. A regular review of these instruments is necessary.

### **3. Recommendations**

On the basis of these observations it is recommended to the AU Commission to:  
*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 glaring gaps between new values of equality for all and old values embedded in some traditional beliefs and practices that impede some Member States from ratifying some 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 further improved.*

*Search for ways of increasing capacity for closer cooperation between Member States in the implementation of instruments related to peace and security and also to look for new modalities for internal networking between bodies of the Commission in inter-related issues of peace and security, common defense, mercenarism, terrorism and corruption.*

*Intensify efforts for increased ratification, implementation and collective action in the implementation of instruments related to infrastructure, transport, communication and energy because these are the drivers of change in the world and Africa is lagging behind other regions at the moment.*

*Revive the discourse about and intensify capacity building for rural development and encourage RECs and Member States to strengthen rural development and environmental studies aimed at creating cultural foundations for the protection of natural resources which are the backbone of Africa's present and future and without which chronic poverty, vulnerability and resource conflicts will increase.*

*Engage countries which have consistently skipped ratifying or even signing some of the crucial instruments in spite of their economic leadership and exemplary role in governance in the region such as Botswana, Cape Verde, Lesotho, Mauritius and Seychelles and find out the reasons for such reluctance and try to get them on board in order to strengthen 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 various instruments requiring annual subscriptions with the view of transforming them into self-financing, autonomous, less bureaucratic entities with a commercial, service driven, fees charging delivery culture so as to relieve Member States of the burden of continuous annual subscriptions which seems to be a disincentive for signing and ratifying such instruments by Members that consider their capacity already stretched to the limit.*

*Revise and renew instruments that were passed long ago whose provisions seem to be out of step with current developments in governance, regional and sub-regional cooperation or labour market and other reforms.*

*Further strengthen the concept of people centred approach by opening up institutions of justice and human rights to individuals who may want to seek redress after exhausting processes and institutions of justice in their own countries so as to ensure that justice can be pursued to the highest level for all and not only through their national or accredited non-governmental institution as in currently provided for in existing instruments.*

*Sustain* efforts to reduce overlapping membership of regional economic communities and intensify diplomatic effort to broker peace and facilitate renewed dialogue between Heads of State and Government.

## Chapter 1: Introduction

By August 2013 about 42 treaties had been signed but only 25 had been ratified. At the meeting of experts on the review of the OAU/AU treaties held between 18<sup>th</sup> and 20<sup>th</sup> May 2004 in Dakar Senegal, the issue of the slow pace of signature and ratification was discussed (quoted in Maluwa, 2012). Contributing to the discussion, the Chair of the AU Commission said among other things, “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” (African Union, 2013).

Prior to the Dakar workshop there had been several meetings, decisions and commitments which do not seem to have changed the situation significantly. 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 30th June to 3rd July 2004 calling upon all Member States that had not signed, ratified/acceded to the treaties of the OAU/AU to do so as soon as possible (African Union, 2004). The second one was Decision EX.CG/45/XIV of the Executive Council which 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 a period of one year (African Union, 2009a).

Another workshop was organized by the AU in Dakar from the August 26th to 27th 2013 to sensitize Member States on the importance of ratification and domestication of OAU/AU treaties and conventions specifically those with direct relevance to shared values, encourage them to speed up ratification and accession to all OAU/AU treaties. It is not clear whether the workshop had a significant impact on the pace of ratification, since after that workshop the number of states that has ratified the convention did not increase significantly (African Union, 2013a).

In spite of the efforts by several organs of the AU, the pace of signing and the rhythm of ratification and accession have not been at the same level. Member States easily 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 Council of Ministers) emphasized action on all treaties, the 2013 Dakar workshop put more emphasis on those which have reference to common values which include 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 (African Union, 2013b).

The outcomes of the Dakar 2013 workshop were presented to the AU Summit in January 2014. Compared to the OAU, the record of ratification by the AU has been higher because the AU adopted 19 treaties in span of ten years while the OAU adopted 23 within a period of 37 years! But out of the 19 only 8 were drafted and negotiated under the aegis of the AU. The rest were

designed under the OAU and some were protocols either amending earlier treaties or their ratification had taken long and matured after the AU took over (Maluwa, 2012).

However, the pace has increased in recent years. Between 2003 and 2009 ten (10) treaties were adopted; five in 2003 and another five in 2009. “The ability of the African Union (AU) 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). In the next chapters we present summaries of treaties, conventions and agreements that were adopted by the OAU/AU between 1963 and 2013 and their ratification status. For purposes of easy presentation, they are presented in thematic clusters as indicated below.

1. Basic instruments or instruments of general application
2. Instruments on governance, transparency and democracy
3. Instruments on peace and security
4. Instruments on civil aviation, transport and energy
5. Instruments on natural resources and the environment
6. Instruments on trade and investments
7. Instruments on rights of special groups
8. Instruments on African culture
9. Instruments on health and social protection

In each chapter a summary of provisions is presented followed by a table on the status of signature, ratification and accession. The last chapter contains observations on the possible causes of the slow pace and rhythm of ratification and domestication and recommendations on how to accelerate these processes at national and regional level.

## **Chapter 2: Basic Instruments of General Application**

### **2.1 The Treaty Establishing the African Economic Community**

#### **2.1.1 Summary of the provisions**

The Preamble of 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 (Organization of African Unity, 1991a).

The Treaty spells out general principles in Article 3 which will guide the African Economic Community namely equality and interdependence of Member States; solidarity and collective self-reliance; inter-state harmonization of policies, cooperation 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 peoples' rights; and accountability, economic justice and popular participation in development (Organization of African Unity, 1991a).

In Article 4(2) the Treaty spells out strategies for attaining the above mentioned 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; promoting and strengthening joint investment programmes through collective self-reliance; liberalization of trade and abolition of non-tariff barriers; harmonization of national policies in the fields of agriculture, industry, transport and communication, energy, natural resources, trade, money and finance, human resources, education, culture, 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 environment protection policies (Organization of African Unity, 1991a).

Article 5 provides for common undertakings which include: creation of favorable conditions for the development of the Community; enactment of 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 to be followed in the development of the community: Stage 1 – strengthening regional economic communities within five years; Stage 2 – at the level of regional economic communities 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 coordination and harmonization of the activities of the regional economic communities. Stage 3 - at the level of each regional economic community within 10 years the establishment of a free trade area through removal of tariff and non-tariff barriers and the establishment of a customs union through adoption of a common external tariff. Stage 4: within 2 years of completing stage 3, coordination and harmonization of tariff and non-tariff systems with a view to establishing a continental Customs Union and a common external tariff. Stage 5 - the establishment of an African Common Market with a common policy on agriculture, transport and communications, industry, energy and scientific research; harmonization of monetary financial and fiscal policy; application of the principle of free movement of persons; and constituting proper resources of the Community (Organization of African Unity, 1991a).

Stage 6 - within 5 years strengthening the Common Market through free movement of people goods, capital and services, and providing rights of residence and establishment; cultural, political, economic and social integration; establishing a single common market and a Pan African Economic and Monetary Union; 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. The maximum transitional period for all the stages was set at 40 years. 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 in respect to countries in the Southern Africa Customs Union; least developed, land-locked, semi-land-locked countries and island states (Chapter XV); a solidarity, development and compensations 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) (Organization of African Unity, 1991a).

### **2.1.2 Ratification Status of the Treaty Establishing the African Economic Community**

The Treaty was adopted in Abuja on the 3<sup>rd</sup> June, 1991 and came into force on 12<sup>th</sup> May 1994 (Organization of African Unity, 1991a). All the existing Member States at that time signed in 1991 with South Sudan as the latest Member to sign on the 24<sup>th</sup> January, 2013. However, it had neither ratified nor acceded by end of 2013. Djibouti, Eritrea and Madagascar signed in 1991 but have not ratified or acceded. See table A1 showing the ratification and accession status of this Treaty as of March 2013.

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

### **2.2.1 Summary of the provisions**

This Protocol which was adopted in Libya on the 2<sup>nd</sup> March 2001 and entered into force on 14<sup>th</sup> December 2003, seeks to implement Articles 7 and 14 of the Treaty Establishing the African Economic Community which provide for the formation of the Pan African Parliament and state that the composition, powers, functions and organizational structure of the Parliament 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 African Economic Community (Organization of African Unity, 2001a).

Article 2 establishes the Pan African Parliament whose ultimate functions will be legislative and whose 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: to facilitate the 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; facilitating cooperation, solidarity and supporting Regional Economic Communities (RECs) (Organization of African Unity, 2001a).

Article 4 provides for an equal number of 5 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 is about 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 (Organization of African Unity, 2001a).

The functions and powers of the Parliament are provided for in Article 11 and they include discussing and making recommendations on issues identified by the AU Assembly, matters relating to human rights, democracy, good governance and rule of law; discussing budgets of the African Economic Community;; harmonization of 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 by Article 13 and the number of sessions and quorum by 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 (Organization of African Unity, 2001a).

Article 18 provides for relations between the Pan African Parliament, those of the Regional Economic Communities and those of Member States and empowers it to convene annual consultations 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 (Organization of African Unity, 2001a).

### **2.2.2 Ratification Status**

The Protocol has been ratified and acceded to by almost all the Member States. Cote d'Ivoire and the Democratic Republic of Congo signed but have not ratified. Equatorial Guinea, Guinea Bissau and Mauritius did not sign but have ratified and acceded to it and it is only Eritrea that has not yet acted on the Protocol. For details of dates of signature etc. see the table A2.

## **2.3 The Constitutive Act of the African Union, 2000**

### **2.3.1 Objectives and structures**

This Act has been signed and ratified by all the members of the African Union. It establishes the African Union whose objectives are to achieve 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; promoting research in all fields especially in science and technology and working with other partners to eradicate preventable diseases and promote good health (Organization of African Unity, 2000a).

The Act establishes nine organs of the union. The supreme organ is the Assembly of Heads of State and Government which is the highest decision making body. The Assembly meets once a year (Article 6) and it makes decisions by consensus but if that fails by two-thirds majority and the same number 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 African Union Commission (Article 9). Below the Assembly is the Executive Council (now Council of Ministers) composed of Ministers of Foreign Affairs or equivalent which meets twice a year (Article 10) and makes decisions by consensus or two thirds majority if that fails. The same number is required for it 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 (Organization of African Unity, 2000a).

In addition to the bodies covered above, the Act establishes the Pan African Parliament; the Court of Justice of the Union; the African Central Bank, the African Monetary Fund and the

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

### **2.3.2 Critical issues in the implementation of the Act**

Most of the instruments and policies covered in this Digest are implemented by the African Union Commission. Therefore, the Commission can be credited with most of the successes that will be narrated in the subsequent chapters and lessons to be learnt from areas where implementation has been slow. Before we look at other instruments, it is important to raise issues that either impinge on or enhance the capacity of the AU to fast track regional integration as the overarching goal. Laporte and Mackie (2002) raise the following points:

- The AU agenda is too ambitious and does not match the human capacity and other resources available to the commission;
- Ratification on the proposal to replace the Commission with an Authority has been very slow;
- There is no unanimous agreement among Heads of State and Government on the model of integration as opinions on this differ among them.

The issues raised by the two authors merit serious attention. First is the issue of consensus on the integration model. From 1963 when the OAU was formed to date, this issue has remained 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 the development of their resources. This study came in the wake of two opposed views about the model African economic integration and political unity were to take. Nkrumah made a passionate appeal in 1963 for the immediate formation of an African government in form of 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 at a future stage. Nkrumah got substantial support from a number of heads of state but the majority remained sceptical. In a passionate 1965 speech titled, 'The Nature and Requirements of African Unity' published later in his book, Nyerere (1966) presented a counter thesis to the Nkrumah model of African Unity. He argued that unity had to be strengthened at national and sub-regional levels before it was accomplished at continental level. He opined that without strengthening collective decision making and cooperation at sub-regional level, 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 Kwame Nkrumah was rejected (Organization of African Unity, 1965). In 1966 Nkrumah was deposed by a military junta in Ghana and the debate was discontinued for some time.

The Abuja Treaty of 1991 adopted most of the components of the Lagos Plan of Action (1980-2000) (Organisation of African Unity, 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 African Union led by the African Union Commission. The formation of the AU created opportunity for renewal of the 1963-1965 debates.

In this effort the AU Heads of State and Government appointed seven 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 AU Commission was asked by the Heads of State and Government to undertake an in-depth study on how to fast track regional integration. The AU Commission presented its report titled, 'Study on Union Government: Towards a United States of Africa' at the AU Summit in Accra in July 2007 (African Union, 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. Once again in Accra in 2007 the proposal for the formation of a union government was rejected and a compromise reached that there was need to take cognizance of the global trends; look for areas where there are 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<sup>1</sup>. It was also decided an audit should be conducted on the institutions of the AU and propose the way forward.

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

The clear outcome of these discussions and debates is that there is lack of consensus on the model of integration. As Laporte and Mackie (2002) have indicated, action on the transformation from AU Commission to AU Authority has also been 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 (African Union, 2009b). In essence, the debate seems to have been closed and the

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<sup>1</sup> For more details on this on this process see Oxfam International (2014), Chapter 6.

issue of the gradual transformation cautiously endorsed. The differences between Heads of State on the appropriate model still persist. Oxfam International (2014; 139) has summed up the whole issue in the following words:

“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 African Union 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.”

### **2.3.3 Between regional cooperation and regional integration**

Another set of factors that need to be addressed revolve around the achievable goals of the African Union. 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 in time the former transforms into the other. Within the current six stages 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 a debate and generating consensus on a few things. First is the balance between sovereignty and subsidiarity. Cooperation is based on collective action by sovereign states without 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 8 Protocols of the AU<sup>2</sup> requires serious acceptance of the principle of subsidiarity. This is still problematic even within Regional Economic Communities.

Secondly there is need to re-sharpen the role of NEPAD. As Akokpari (2008) indicates NEPAD is poised to succeed where the Lagos Plan of Action (LPA) failed because according to him the LPA was state centered while NEPAD is market oriented; 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. In spite of the clear vision and mission of NEPAD which is an integral part of the AU system, it is not clear at the moment whether its potential has been adequately utilized. 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 of the roadmap.

Third is the issue of competition between regional and international space. The resolutions of the Assembly directing Member States to reduce overlapping memberships of Regional Economic Communities have not been fully implemented (African Union, 2007c). Some

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<sup>2</sup>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; Supplementary Protocol on Democracy and Good Governance and the General Convention on the Recognition and Equivalence of Degrees, Diplomas, Certificates and other Qualifications and the 1998 AU-RECs Protocol.

countries in Eastern Africa belong to more than two RECs and a similar problem characterizes Central, Southern and West Africa.

In spite of these challenges, there has been a lot of progress in the process of regional cooperation and moves towards integration. AU, ECA, and AfDB (2012) has noted the following areas of achievements: inter-regional coordination is on the rise with COMESA, EAC and SADC having established a Tripartite Free Trade Area bringing together 530 million people in 26 countries and a total GDP of US \$630 billion; the EAC has already established a common market and most countries and their RECs have developed their Minimum Integration Programmes (MIPs). On the movement of persons it has noted that the UMA has made progress on freedom to transfer capital, transfer of income of employees and equal treatment of nationals and foreign individuals while the rights of movement, residence and establishment have been harmonized within UEMOA and ECOWAS. The latter and EAC have a common passport each. It further noted that in most of the RECs there are still restrictions on the right of establishment and there is need for more protection of migrant workers, reducing red tape in the issue of travel permits, health certificates and identity documents. It has recommended the establishment of one-stop border posts such as the one between Zambia and Zimbabwe to reduce bureaucracy at the borders.

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

It has further indicated that CEN-SAD is 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 8 years to eliminate tariffs and the rest 4 years; COMESA has launched a customs union and it 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. The East African Community had made the East African currencies convertible by 1997, launched a fully-fledged customs union in January 2010 and its common market with zero tariffs in July 2010. It has established a common higher education area and launched joint infrastructure development projects in energy, marine, road and railway transport and joint projects in research and defence. It has launched an East African passport and harmonized movement of persons within the community becoming the second REC to launch a common passport in addition to ECOWAS. ECOWAS launched its Regional Poverty Reduction Strategy Paper on the 11<sup>th</sup> January 2010. It has also established a Bank for Investment and Development (AU, ECA and AfDB, 2012).

According to the report, ECCAS has had problems launching its instruments on free movement of goods, persons and services due to security and other constraints and has delayed the launch of its customs union. However, it launched its FTA in 2004 (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. By the year 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 which involves the establishment of free trade areas and customs unions by all RECs has not been achieved by all.

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

Other achievements include the report that IGAD although 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 is working on the establishment of an FTA and a Development Bank. In addition to other achievements reported upon above, SADC is finalizing its FTA and a competition policy model both aimed at fast tracking the formation of a common market. It is also working on the establishment of 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's a generalized right of settlement. It is 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).

The Report (AU, ECA and AfDB, 2012) has highlighted the following for action by RECS and Member States:

- 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.

The African Union Report (African Union, 2013c) has focused on the state of integration per sector and noted that:

- Preparations for monetary union are advanced at the level of COMESA; fairly progressing in the EAC; planned for launching by ECOWAS in 2015 and a merger of the CFA with the ECOWAS West African Monetary Zone (WAMZ) in 2020.
- Work is advanced on the establishment of the African financial institutions. The instrument on the establishment of the African Central Bank was presented to the AU summit in 2011 and was expected to be finalized at the July 2013 Summit but it was not put on the agenda.

However, in spite of these significant achievements, the report (African Union, 2013c) noted a few constraints and challenges such as:

- The African Charter on Statistics requiring providers, producers and users of statistics to work closely to enhance the quality and usefulness of statistical information was adopted by Heads of State and Government in 2009 but although it has been signed by 22 countries and only 6 have ratified it.
- 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 (OSBPs), has not been fully embraced by all.
- Mobilizing funds for the Programme for Infrastructure Development in Africa (PIDA) has proved to be very challenging.
- Not all RECs have moved sufficiently to guarantee freedom of movement of goods, persons and services specifically ECCAS, CEN-SAD, IGAD and COMESA. Even where progress has been made on free movement, roadblocks, illegal barriers, bureaucracy, brokers and corruption still constitute severe obstacles.
- Notwithstanding the advances made, Africa still faces a number of challenges in the harmonization of policies. There is limited political will to implement decisions made at the regional level. Some states are still hesitant to cede their competencies and sovereignty.
- Physical infrastructure between countries is not well integrated; grass roots ownership of regional projects is weak aggravated by poor involvement of the private sector and financial and human resources are still inadequate.

## **2.4 Protocol on Amendments to the Constitutive Act of the African Union**

### **2.4.1 Summary of provisions**

This Protocol which was passed at the 1<sup>st</sup> Extraordinary Session of the AU Assembly in Addis Ababa on the 3<sup>rd</sup> February 2003 and further discussed and adopted at the 2<sup>nd</sup> Ordinary Session of the Assembly in Maputo, Mozambique, on the 11<sup>th</sup> July 2003, seeks to ensure the effective participation of women in political, economic and socio-cultural decisions of the African Union; to promote common policies on trade, defense and foreign relations; to invite and to encourage full participation of the Diaspora in building the African Union. It provides for the principle of the right of the Union to intervene in Members 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 which are incompatible with the principles of the Union and it also seeks to prohibit members from allowing use of their territory as a base of subservice activities against other member states. Article 6 substitutes the term ‘Chairman,’ in Article 6 of the Act with the term ‘Chairperson’, provides for one session of the Assembly per year instead of two sessions. It also limits the term of the Chairperson of the Assembly to one year on the basis of rotation (African Union, 2003a).

Article 7 empowers the Chairperson of the Assembly to represent the Union and together with the Chairperson of the Commission to carry out the functions of the Assembly in between its 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 respective ‘Rules of Procedure’ (African Union, 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. Article 11 added Spanish and Kiswahili to the number of official languages of the AU. Other articles provide for entry into force, signature, ratification and accession (African Union, 2003a).

#### **2.4.2 Ratification status of the protocol**

The Protocol was signed by all Member States except four (Botswana, Ethiopia, Malawi and Seychelles). Only 28 had ratified and acceded by the end of 2013. For full details on signatures, ratification and accession see the table A3.

### **2.5 The Inter-African Convention Establishing an African Technical Cooperation Programme**

#### **2.5.1 Summary of provisions**

Adopted at the Ordinary Meeting of the Heads of State and Government held in July 1975 in Kampala, Uganda and entered into force 1<sup>st</sup> 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 i.e. short term 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 and 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 while Article 13 relates to other benefits. Article 14 relates to privileges and immunities of persons employed under the Convention while Articles 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 (Organisation of African Unity, 1975).

### **2.5.2 The significance of the Convention**

This convention is not about ordinary or regular movement of persons or skilled personnel. It 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 within the continent. 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 adequate 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 a lot from an orderly exchange of experts as opposed to poaching on each other's expertise as is currently the case.

However having been adopted in 1975 it requires a few changes in order to be more effective. Chapter II provides for the procedure of recruitment which has to go through the Secretariat of the African Union (Article 3). What could be done is to establish a database of African experts which could be accessed directly by states in need and transactions conducted bilaterally or through RECs. Article 4 which defines medium term and long term contracts may be redundant as the duration could be left to the parties concerned. The remaining articles are very crucial because they give incentives and protection to experts serving governments outside their own (Organisation of African Unity, 1975). It is important to emphasize that there are serious skill imbalances within all RECs while there is surplus capacity in other countries. This convention can help a lot in facilitating staff exchange for rapid regional development.

### **2.5.3 Ratification status of the Convention**

In spite of the fact that this convention was passed in 1975 and it is crucial for exchange of critical skills, it was signed only by 29 countries the last ones being Sao Tome (01/02/2010) and Angola (27/01/2012). By the end of 2013 it had been ratified only by six countries all of which have acceded to it. As a result it has not yet entered into force. For details of the status, see table A4.

## **Chapter 3: Governance, Transparency and Human Rights**

This chapter covers the African Charter on Democracy, Elections and Governance, the African Union Convention on Preventing and Combating Corruption, the African Charter on Human and Peoples' Rights and the Statute of the African Court of Justice and their respective protocols.

### **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 the 30<sup>th</sup> 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, nurture and support good governance, political pluralism and effective coordination and harmonization of good governance policies amongst state parties; 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 African Union, 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 (African Union, 2007d).

The Charter commits State Parties to implement measures that demonstrate respect for human rights and democratic principles; respect for constitutions; ensuring representative governments; holding regular, free, transparent and fair elections; ensuring separation of powers; promoting gender equality; ensuring effective participation of citizens in democratic and development processes; promoting transparency, fairness and rejecting acts of corruption and impunity; strengthening political pluralism and rejecting unconstitutional changes of government (African Union, 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 citizens enjoy fundamental freedoms and human rights; to strengthen organs of the union which 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 right of equality before the law and equal protection by the law (African Union, 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 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 they commit to strengthen democratic institutions ensuring civilian control over armed and security forces and punishing those who attempt to subvert constitutional order. They undertake to establish autonomous and independent bodies that promote democracy and 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 there are codes of conduct binding 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 (African Union, 2007d).

Chapter 8 provides for sanctions in cases of unconstitutional changes of government. Ways of changing governments are clearly defined and the chapter contains provisions empowering the Peace and Security Council to take action in accordance with its Protocol. Such action includes diplomacy but where it fails suspension of the state concerned from the activities of Union, barring the perpetrators from participating in subsequent elections and possible trial of the perpetrators before the competent court of any state party proved to have instigated or supported an unconstitutional change of government in another state (African Union, 2007d).

Chapter 9 covers issues on political, economic and social governance. It calls for the strengthening of legislative authorities and legally recognized political parties; strengthening popular participation through CSOs; reform of the systems of justice; public service efficiency and transparency; private sector development; development and utilization of ICTs; 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 through various strategies. Commitments on good political governance include ensuring an efficient, effective and accountable public administration; strong and effective parliaments; independent judicial systems; security sector reforms; promoting good relations between civilians and armed and security forces; consolidating multiparty systems; holding regular, free and fair elections and entrenching respect for the rule of law (African Union, 2007d).

On good economic governance the State Parties commit to ensure effective and efficient public sector management; transparent management of public finances; preventing and combating corruption; effective public debt management; sustainable utilization of public resources; poverty alleviation and equitable resources distribution; creating a conducive environment for private sector development and foreign capital inflows and investment; encouraging public private partnerships; combating crime and the development of effective, transparent and accountable tax systems (African Union, 2007d).

In addition there are commitments to decentralization of power to local bodies and the involvement of traditional authorities in decision making where applicable.

The Charter also 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; the promotion of peace in their own countries and in the region; the promotion of culture and recognition and tolerance of diversity; the development policies aimed at eradicating poverty, diseases and unemployment, protect the environment, increase access to basic education and ensure adult literacy (African Union, 2007d).

Chapter 10 spells out the responsibilities of State Parties and the commission in the implementation of the charter. The remaining articles relate to its entry into force, bi-annual reports on the implementation by state parties, amendments, revision and review (African Union, 2007d).

### **3.1.2 Ratification status of the Charter**

As mentioned earlier the Charter was adopted on the 30<sup>th</sup> January 2007. It entered into force on the 15<sup>th</sup> February 2012. By the end of 2013 it has been signed by 46 of the 54 AU Member States. Seven countries (Botswana, Egypt, Libya, Seychelles, Tanzania and Zimbabwe) have not signed or ratified. Malawi has not signed but it has ratified and acceded. For details on ratification see Table A5.

It is important to note that while the continent has taken major steps in democratizing the political systems through multiparty politics, there are still many challenges that need collective action and continuous dialogue on how to entrench the culture of democracy. Some of these challenges include the fact 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), election related violence has become a norm due to politically engineered inter-community resentments<sup>3</sup>, 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 takes all first past the post system, the negative role of security forces and the media during the elections and the perceived dividends of being elected on the part of the political elite which makes 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, internal displacement and these affect all countries in the region. More ratifications

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<sup>3</sup> An example of where political liberalization has led to ethnic tensions is Cote d'Ivoire. See Barnégas, Toh and Adingra (2010).

and increased collective action could make this Charter a strong vehicle for peace and uninterrupted development. For details of the status, see table A5.

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

#### **3.2.1 Summary of provisions**

This Charter which was adopted by the OAU Assembly of the Heads of State and Government in Banjul on the 27th June, 1981 and entered into force on the 21<sup>st</sup> October, 1986, was passed to give effect to the fundamental belief enshrined in the 1963 Charter of the Organization of African Unity 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 peoples' 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' rights and freedoms contained in the human rights instruments of the OAU/AU, UN and the Movement of Non-Aligned Countries (Organisation of African Unity, 1981a).

Part I of Chapter I covers human 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 the 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; ensure their liberty, security, freedom of association, conscience, profession, movement, practice of their religion and their rights to be heard and get access to public services (Organisation of African Unity, 1981a). It incorporates individual and group rights enshrined in the UN Conventions on political, social economic and cultural rights<sup>4</sup>.

Part II Chapter 1 defines 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. In this chapter, 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; pay lawful taxes and to strengthen African cultural values and African unity. To safeguard human and peoples' rights, Part II of the Charter establishes the African Commission of Human and Peoples' Rights and provides for its composition. The members of the Commission are chosen by secret ballot by Heads of State and Government from among candidates nominated by Member States to assume office for a period of six years. The chapter provides for the functions of the Commission which include to promote human and peoples' Rights; advise governments on cases of involving these rights; formulate principles and rules aimed at legal

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<sup>4</sup>The International Covenant on Civil and Political Rights, 1966; the International Covenant on Economic, Social and Cultural Rights, 1966 etc.

problems related to these rights and 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 (Organisation of African Unity, 1981a).

Chapter IV of the Charter provides for the principles the Commission has to take into account in the discharge of its functions. Article 60 in this chapter 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 also 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 in this chapter provides for reporting by Partner States every two years on legislative and other measures taken by them to give effect to the rights and freedoms recognized and guaranteed by the charter (Organisation of African Unity, 1981a).

### **3.2.2 Ratification Status of the African Charter on Human and Peoples' Rights**

The Charter has been ratified by all member states except South Sudan which is a new member of the Union. Botswana, Eritrea and Ethiopia did not sign but have ratified and acceded. Most Member States have domesticated the Charter by incorporating some of its provisions in their national constitutions; establishing human rights commissions and passing laws related to group rights (women, youth, children and people with disabilities). 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 famous case of Attorney General of Botswana v. Unit Dow<sup>5</sup> and the case led to Botswana amending its constitution in order to make it compatible with its obligations under the charter. However in Malawi the Supreme Court held in the case of Chafukwa Chihana v. The Republic, that the Charter could not be invoked in this case because no law had been passed to domesticate its provisions (Maluwa, 2013). These two cases, especially the Malawian case, show the importance of domestication because while ratification indicates acceptance to be bound by the charter, it does not in itself make it applicable as part of the domestic law. Domestication requires amending the laws and regulations that are incompatible with the Charter and more efforts need to be undertaken on this. For information on ratification status see the table A6.

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<sup>5</sup>[1992] LRC (Const) 623

### **3.3 Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights**

#### **3.3.1 Summary of provisions**

This Protocol which was adopted in Maputo, Mozambique on the 11<sup>th</sup> July 2003 and came into force on 11<sup>th</sup> September 2003, establishes an African Court of Human and Peoples' 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.<sup>6</sup> It has power to give advisory opinion to member states, the AU or any other African organization recognized by the AU. Under the Protocol only the AU Commission and State Parties have the right to submit cases to the court but NGOs with observer status before the Commission can also submit cases before it at its own discretion. The court is resourced by eleven judges who serve for a period of 6 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 (African Union, 2003b).

#### **3.3.2 Ratification Status of the Protocol to the African Charter on Human and People's Rights on the Establishment of An African Court of Human and Peoples Rights**

Although it was signed by 44 of the 54 Member States, only 16 had ratified and acceded to it by the end of 2013. Botswana, Cape Verde, Eritrea, Malawi, Mauritania, Saharawi Arab Democratic Republic, Seychelles, and Sudan have not signed. Gabon and Tunisia did not sign but have ratified and acceded. For more details see 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 in Egypt on the 1<sup>st</sup> July 2008, this Protocol replaced the 2003 Protocol examined above and it established a single court. Chapter I of the Protocol merged the African Court on Human and Peoples' Rights and 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 end of term of office of the judges of the two courts that were merged and the transfer of pending cases to the new court. Chapter III provides for ratification, entry into force (African Union, 2008b).

The Statute of the African Court of Justice and Human Rights, a product of the merger, is contained in the Annex to this Protocol. The functions of the court are spelt out in Article 2. It

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<sup>6</sup>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 etc.

is designated the main judicial organ of the African Union. Article 3 fixes the number of judges at sixteen 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 contains provisions on the structure, management and proceedings of the court. Terms and conditions of service of judges and the court staff are governed by Articles 23 and 24 (African Union, 2008b).

The jurisdiction of the court is limited to matters related to the African Union, especially the interpretation of the 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 Peoples' 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 Union on appeal on terms and conditions of service in the Commission. 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 Peoples' 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 Peoples' 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 (African Union, 2008b).

### **3.4.2 Ratification Status of the Protocol on the Statute of the African Court of Justice and Human Rights**

Unlike the 2003 Protocol on the Establishment of an African Court of Human and Peoples' Rights which it replaced, by the end of 2013 this Protocol had been signed by only 30 compared to the 44 who signed its predecessor. Only five as compared to 16 had ratified and acceded to it. The only five are Benin, Burkina Faso, Congo, Libya and Mali. For more details see Table A8.

## **3.5 The African Union Convention on Preventing and Combating Corruption**

### **3.5.1 Summary of provisions**

This Convention which was adopted in Maputo, Mozambique on the 11<sup>th</sup> July 2003 and entered into force on the 5<sup>th</sup> 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 its negative impact 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 peoples' rights as recognized by the AU; transparency and accountability in the management of public affairs; promotion of social justice for balanced socio-economic development; condemnation and rejection of corruption and impunity (African Union, 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; illicit transfer of public resources for purposes for which they are not intended; 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; to protect whistle blowers and punish false and malicious whistle blowers; and promote awareness and education about public good and public interest (African Union, 2003c).

Article 6 contains provisions about the laundering of the proceeds of corruption and calls upon State Parties to establish legislative and administrative mechanisms to combat laundering. In order 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; 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 required in the fight against corruption. State parties are also required to pass laws that make it illegal to use funds acquired through corrupt practices to finance political parties and to pass laws that prevent corruption in and by agents of the private sector and to encourage the participation of this sector in the fight against corruption (African Union, 2003c).

Under Article 12 the 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 offences involving corruption upon State Parties for offences committed within their territories or those committed by their citizens in other countries provided in this case the offence affects the interests of the State Party concerned. 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 the case of extradition of 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 (African Union, 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 in the fight against corruption and it is provided that State Parties shall not invoke bank secrecy to justify refusal to cooperate with regard to acts of corruption. Under this Article State Parties undertake to enter bilateral agreements to waive banking secrecy on doubtful accounts and Article 18 calls upon them to provide each other with technical assistance in preventing, detecting, investigating and undertaking studies aimed at preventing corruption. Under Article 19 State Parties are called upon to collaborate with countries of origin of multinational companies and 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 (African Union, 2003c).

For purposes of follow-up the AU established an Advisory Board on Corruption which has 11 members elected by the Executive Council from a list of experts with the highest level of integrity bearing in mind 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, analyze and disseminate information on the negative impact of corruption in the region; to advise governments on how to deal with corruption; to collect, analyze and disseminate information on the conduct of multinational corporations operating in Africa and to develop and promote the harmonization of codes of conduct of public officials. The remaining articles relate to signature, ratification, accession, reservations, amendments and denunciation (African Union, 2003c).

### **3.5.2 The mutating nature of corruption in Africa**

For the last three or so decades African governments have taken serious measures to strengthen accountability and transparency. The political reforms of the eighties were aimed at increasing space for political accountability through competitive politics which would be focusing on effective and efficient public service delivery. But as the political reforms ensued it became clear that political corruption took new forms. The public sector reforms that were organized to increase transparency in service delivery through competitive bidding and transparency in procurement have created new frontiers for cronyism and bureaucratic corruption in some countries (Mbaku, 1996). Privatization, commercialization and marketization which were 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). Unrealistic expectations and demands from constituents have made some Members of Parliament in the region prone to grand corruption and diluted their role as watchdogs on the conduct of public servants in service delivery (Davies, 2009). According to studies on anti-corruption institutions, some of these institutions have limited capacity to tackle powerful groups involved in internal and international corrupt transactions and activities while some 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). Given these developments there is need for more collective action by all Member States to strengthen and fully implement the Regional Anti-Corruption Programme for Africa (2011-2016) which has been launched by both the ECA and the AU Advisory Board on Corruption. Short of a serious attack on corruption by all, the economic and political gains of the recent reforms will be eroded by ever mutating corruption on the continent. But as will be seen from the table below, the Continent is still far from the collective action on corruption (Uneke, 2010).

### **3.5.3 Ratification status of the African Union Convention on Preventing and Combating Corruption**

By the end 2013 the convention had been signed by 48 of the 54 member states. Botswana, Central Africa Republic, Cape Verde, Egypt, Malawi and Seychelles had not yet signed it. Out of the 48 countries which signed only 35 have ratified and acceded. For more information see table A9.

## **3.6 The African Charter on Values and Principles of Public Service and Administration**

### **3.6.1 Summary of provisions**

Adopted in Addis Ababa, Ethiopia on the 31<sup>st</sup> January 2011, the Charter had not yet entered into force by the end of 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 of the Charter are to ensure 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 exchange of experience and best practices between Member States (Article 1) (African Union, 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, to give feedback on decisions made and establish mechanisms to receive feedback from users; to adopt simple and friendly procedures (African Union, 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, to be innovative, show courtesy, integrity and neutrality. Article 10 calls upon them to respect rules and codes of conduct; to refrain from soliciting, accepting or receiving bribes for services rendered and not to use their positions for personal gain. Under Article 11 public servants are called upon not to participate in decisions in which they have vested interest; not to hold positions which are incompatible with their responsibilities; to respect confidentiality of public information and to refrain from profiting from offices they previously occupied (African Union, 2011).

Under Article 12 State Parties are called upon to establish anti-corruption institutions, sensitize public servants on strategies for combating corruption; institutionalizing accountability and integrity systems and providing and rewarding 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 (Article 16, 17 and 18) (African Union, 2011).

Under Article 19 recruitment in the public service should be based on equality and non-discrimination and State Parties are called upon to adopt measures that guarantee the right to employment of women, ethnic minorities, people with disabilities and other marginalized groups. Article 20 calls for the institutionalization of performance assessment systems. 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 States Parties are required to adopt executive, legislative and administrative instruments that align national laws and regulations to the Charter and to demonstrate political will needed for the achievement of its objectives. At the continental level, the AU Commission is required to ensure a conference of State Parties is established; guidelines on the implementation of the Charter are developed; a secretariat to coordinate the implementation of the Charter is established; policies of Member States are harmonized; enough support is mobilized for the implementation of the Charter and periodical review of the charter is undertaken. Regional Economic Communities 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 (African Union, 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 (African Union, 2011).

### **3.6.2 Status of Ratification of the African Charter on Values and Principles of Public Service and Administration**

The Charter was adopted on the 31<sup>st</sup> January 2011 in Addis Ababa, Ethiopia. By the end of 2013 it had been ratified by only 7 countries and it will enter into force 30 days after a 15<sup>th</sup> Member deposits its ratification documents. It not very surprising the Charter has so far been ratified by seven countries. This could be an example of 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. In some cases however where some leaders sense that there is need to redress historical imbalances in the allocation of senior positions in the public service such principles may be perceived as potential constraints to such objectives. In most cases the public service in Africa has remained highly politicized. In such cases leaders prefer to change top and even intermediate officials in the public service where government changes hands between political parties. Therefore while the number of countries ratifying the Charter may rise over time the pace is unlikely to be accelerated without more rigorous mobilization of Member States by the AU Commission. It is therefore suggested that a special workshop should organized to discuss the benefits of and obstacles to ratification. For more details on ratification see table A10.

### **3.7 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.

#### **3.7.1 Summary of Provisions**

This Charter was adopted in recognition of the importance of statistical information to decision making processes by various 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 quality comparable statistics; to promote adherence to fundamental principles of production, storage, management and dissemination and the use of statistical information; to facilitate coordination of statistical activities in Africa; to build the institutional capacity of statistical authorities at national level; to support a culture of evidence - based policy formulation; monitoring and evaluation and to reduce duplication in the implementation of statistics programmes (Article 2) (African Union, 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; *quality* based on relevance, sustainability, authentic data sources, accuracy, reliability, continuity, coherence, comparability, timeliness

and topicality; *mandates* based on 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 also its 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 of data, *non-use* of data collected for use in judicial or punitive proceedings; and *coordinating* statistical activities of Member Countries (Article 3) (African Union, 2009c).

In Article 4 State Parties commit to take all the necessary measures to ensure their laws and regulations on statistics conform to the Charter. They also commit to implement the Charter and monitor compliance at national level (Articles 5 and 6). At continental level the AU Commission 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 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; mobilization of human and other resources for statistics activities, establishing and updating concepts and standards; coordinating statistical activities; gathering, processing, management, archiving, dissemination and use of data and statistical analysis and research (African Union, 2009c).

Under Article 11 state parties undertake to disseminate the Charter widely. The remaining articles cover safeguards, interpretation, signature, ratification, and accession, entry into force, amendment and revision (African Union, 2009c).

### **3.7.2 Ratification Status of the African Charter on Statistics**

By the end of 2013, the charter had been signed by 30 Member States but only ten members had ratified it. These include: Burkina Faso, Cote d'Ivoire, Congo, Ethiopia, Mali, Malawi, Mozambique, Mauritius, Niger and Zambia. For more details see table A11 in the Annex. It is important to note that as we move towards 2015 statistics are very crucial in the measurement of the extent to which our countries have come close to achieving the MDGs. In addition reliable, verifiable and accessible sources of data will go a long way to increase administrative and political accountability, reduce conflicts between local and central authorities, make it easy for the electorate to gauge several dimensions of service delivery thereby strengthening democracy and good governance<sup>7</sup>. See Table A11 for the status of ratifications.

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<sup>7</sup>On the use of statistics for planning, monitoring and evaluation of programmes in Burundi, Ethiopia, Mali, South Africa, Tunisia, Uganda and South Africa see African Development Bank (2008).

## **Chapter 4: Peace and Security**

This chapter covers seven instruments related to peace and security: The Protocol Relating to the Establishment of the Peace and Security Council of the African Union; The African Union Non-Aggression and Common Defence Pact; the Convention on the Elimination of Mercenarism in Africa; The OAU Convention on Preventing and Combating Terrorism in Africa; The Convention on Refugee Problems in Africa and the Convention for the Protection and Assistance to Internally Displaced Persons in Africa. Several Protocols relating to some of these are also covered.

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

In the performance of its functions it 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 Union 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 bearing in mind equitable regional representation and rotation provided the elected members meet the criteria spelt out in the Article (African Union, 2002).

The functions of the Council are spelt out Article 6 and include promotion of peace, security and stability; early warning and preventive diplomacy; peacemaking 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 for 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 AU Commission may take action to prevent, manage and resolve conflict (African Union, 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 (African Union, 2002).

Article 13 establishes an African Standby Force composed of standby multi-disciplinary contingents with civilian and military components in their countries of origin which are 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; peace building and humanitarian assistance (African Union, 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 provision on how the council should operate in collaboration with regional mechanisms involved in conflict prevention, management and resolution. Article 17 is about 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. In addition the council is encouraged to work closely with the Commission on Human and Peoples' 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) (African Union, 2002).

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

#### **4.1.2 Ratification status of the Protocol Relating to the Establishment of the Peace and Security Council of the African Union**

By the end of 2013 the Protocol had been signed by all Member States except Tunisia and ratified and acceded to by 49 Members including Tunisia which did not sign. Only Central African Republic, Cape Verde, DRC, Liberia and South Sudan had not yet ratified. For more

details on the list of countries which have signed, ratified/acceded to the protocol, see the table A12.

#### **4.1.3 Implementation challenges**

In May 2014 the Peace and Security Council celebrated its 10 years of existence. During these ten years it has qualitatively distinguished itself from the earlier organs of the OAU. First it has exhibited a marked shift from the inactive 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. Secondly the Protocol creates 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 *per se* while the doctrine of non-indifference extends the relationship between the AU, State Parties and the people in Member States.

The second positive element of the Protocol is that it distances the Council from politicians and bureaucrats giving it the autonomy and executive authority it needs for rapid responses to crises. This is clear from the reading of Articles 6 to 10. The third positive element is the establishment of the Peace Fund. However this is subjected to normal allocations from the budget. Such a fund should draw resources from a consolidated fund which is insulated from political bargaining and fluctuations in funding sources.

The inclusion of humanitarian support as an area in the conflict management and post conflict reconstruction is the fourth positive element. It shows a shift from the state to state relationship focus of the OAU to an AU- state – people centered approach. It also points to a shift from an exclusive focus on state security to both state and human security. Finally on the positive elements it is worth noting that the Protocol further strengthens the Kampala Document of 1991 (Organization of African Unity, 2000b) in which security, stability, development and cooperation were accepted as inseparable. The Protocol combines these and even adds another element-the inseparability of the three 'ds' – defence, democracy and development.

In spite of these positive elements conflict prevention and management as well as peacemaking 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 terms of funds to support peace and security operations has always been a challenge. In the year the Peace and Security Council was launched the EU announced the creation of the African Peace Support Facility totalling US \$300 million. This gave the possibility of the AU to allocate US\$95.2 million to peace and security efforts in 2004. But in 2007 the allocation to peace and security was only \$17.3 million. From that time the dependence on donor funding has increased but together with this has been increasing donor apprehension about the accountability of the Peace and Security Council for the funds already made available. 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 is a serious threat to the sustainability of peace and security operations in the long term (Adebajo, 2008).

Article 12 needs review in terms of how it should operate. The current provisions are more administrative than technical and there is no indication how this system can or should work with those based in the RECs. The provisions on the African Standby Force also need further strengthening. The force is not a standalone one but it is comprised of standby forces in Member Countries 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 situation without prior coordination.

Finally there is need to look for more creative ways of enforcing decisions. 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 for violating any convention, charter or protocol, some states at individual level continue cooperating with the suspended state for example in the case of unconstitutional changes of government. In some cases collective decisions have been taken banning supply of arms to any parties in countries experiencing conflicts but individual states have continued such supply or other support (Wairagu, 2004; Bello, 2005).<sup>8</sup> To improve on implementation, there is need to study the loopholes and address them.

## **4.2 The African Union Non-Aggression and Common Defence Pact**

### **4.2.1 Summary of provisions**

This Pact which was adopted on the 31<sup>st</sup> January 2005 in Abuja, Nigeria and came into operation on the 18<sup>th</sup> 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 regime of that other Member State. 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) (African Union, 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

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<sup>8</sup> The best examples of such violations are in the Great Lakes Region and East Africa where combatants easily acquire arms from AU Members 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. For examples refer to Wairagu (2004) and Bello (2005).

relations among them; to promote sustainable development and the wellbeing 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 defence 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 defence policy and establish an African Standby Force (African Union, 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; exchange of military intelligence information and they commit not to enter into international or regional commitments inconsistent with the pact (Article 6 - 8) (African Union, 2005).

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

#### **4.2.2 Ratification status of the pact**

By the end of 2013 the Pact had been signed by 43 countries and ratified and acceded to by 20 of those. Given the previous history of some countries which have experienced serious conflicts including those with direct or indirect involvement of neighbouring states (Angola, Liberia and Mozambique) one would expect such countries to be at the forefront of ratification of this Pact. Furthermore it is paradoxical the countries currently experiencing conflicts some of which are supported by neighbouring countries (Nigeria, Somalia, Sudan, South Sudan and Uganda) have not ratified the Pact. The AU Commission should enter into dialogue with these countries to find out why they have not ratified, their reservations and how they can be accommodated. For details see the table A13.

### **4.3 The OAU Convention on the Prevention and Combating of Terrorism**

#### **4.3.1 Summary of provisions**

This Convention which was adopted in Algiers, Algeria on the 14<sup>th</sup> July 1995 and came into force on the 6<sup>th</sup> December 2002 seeks to promote human and moral values based on intolerance and rejection of all forms of terrorism; to strengthen cooperation among Member States in order

to forestall and combat terrorism and to protect human security. In the Convention, State Parties undertake to review their criminal laws and create offences related to terrorism; to sign and ratify and implement international instruments related to terrorism; and to produce regular reports to the Union on measures taken (Article 2). Liberation struggles against colonial domination were excluded from the definition of terrorism (Article 3) (Organization of African Unity, 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; take measures to prevent the establishment of terrorist networks; pass laws for trial or extradition of perpetrators of acts of terrorism and to establish links between citizens and security forces in order to enhance public awareness on the scourge of terrorism (Article 4) (Organization of African Unity, 1995).

Modalities of inter-state cooperation on terrorism include 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 within their territory or on board a vessel or ship flying its flag or acts committed by its national 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 (Organization of African Unity, 1995).

The Convention provides for mutual assistance between Member States in the investigation and 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 spelt out 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 the implementation of the convention (Organization of African Unity, 1995).

#### **4.3.2 Ratification States of the OAU Convention on the Prevention and Combating of Terrorism**

By the end of 2013 the convention had been signed by 50 countries. Cape Verde, Malawi and Mauritius had not signed but have ratified and acceded to the Convention while Mauritius and

Zimbabwe had neither signed nor ratified. The total number of countries that had ratified was 41. For more details on the ratification status see the table A14.

#### **4.4 The OAU Convention for the Elimination of Mercenarism in Africa**

##### **4.4.1 Summary of provisions**

This Convention which was adopted in Libreville, Gabon on the 3<sup>rd</sup> July, 1977 and came into force on the 22<sup>nd</sup> April, 1985 was passed at the time when mercenaries were being used by the apartheid regime in South Africa to sabotage and fight liberation movements in Africa and remains very important during the recent wave of conflicts involving the extraction of minerals and other natural resources which 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 in order to disrupt the process of self-determination or the territorial integrity of another state (Article 9)<sup>9</sup>. Under Article 3 mercenaries are not entitled to enjoy the status of combatants under international law (Organisation of African Unity, 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 in their territories to engage 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 while Article 10 provides for mutual assistance between Member States on issues of investigation and criminal prosecution. Article 11 provides guarantee for a fair trial of mercenaries. The remaining articles cover settlement of disputes, signatures, ratification, accession and entry into force (Organisation of African Unity, 1977).

##### **4.4.2 Status of Ratification of the Convention for the Elimination of Mercenarism in Africa**

By the end of 2013 only 36 out of the 54 Member States had signed and 31 out of those had ratified. However several countries have ratified without signing and those include Congo, Equatorial Guinea, Ethiopia, Gabon, Libya, Lesotho, Mali, Seychelles and Zimbabwe. Those

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<sup>9</sup>This Convention needs another Protocol extending it to activities of mercenaries involved not only in attempts to disrupt struggle for self-determination but also in current conflicts as has been the case in Sierra Leone, Liberia, DRC, CAR and Mali.

which have not signed include Botswana, Burundi, Central African Republic, Malawi, Mozambique, Mauritius, Namibia, South Africa and Sahrawi Arab Democratic Republic. It is not surprising that at the time the convention was adopted South Africa, Mozambique, Namibia 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 them with their hostile and aggressive neighbours at that time. What is surprising however is that these countries have not signed onto the Convention decades after the end of apartheid. Burundi and Central African Republic have in recent years been victims of mercenarism and the threat continues. It is not clear also why these two countries still hesitate to sign the Convention. For details on ratification see table A15.

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

### **4.5.1 Summary of provisions**

This Convention which was adopted on the 10<sup>th</sup> September 1969 in Addis Ababa, Ethiopia and came into force on the 20<sup>th</sup> June, 1974 seeks to make provision for a humanitarian approach to refugee problems, to distinguish between refugees seeking a sanctuary in order to live a peaceful life and those fleeing their countries in order to foment subversion from outside and in this vein to determine which subversive elements should be discouraged. In Article 1 a refugee is defined as a person who owing to well-founded fear of persecution is outside his or her country and is unable or afraid of going back to his/her country or a person who has been rendered stateless and is unable or unwilling to return to his/her country due to fear of persecution. A person ceases to be a refugee upon return to his/her country, reacquisition of nationality of his/her country in case it has been lost, acquisition of new nationality, end of circumstances that had made him or her become a refugee, commission of a serious non-political crime outside his country of refuge after obtaining refugee status and upon the host country making a determination that the person concerned has committed a crime against peace, a war crime, a crime against humanity or has committed 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 (Organisation of the African Unity, 1969a).

The Convention makes it a duty of every refugee to conform to laws and regulations of the host country and refrain from subversive acts against other Member States and Member States undertake to prohibit refugees within 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 his/her will. Host countries are required to facilitate 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) (Organisation of the African Unity, 1969a).

Countries hosting refugees are required to issue travel documents to them and to allow them to travel outside the country unless for national security reasons this is not possible (Article 6). Article 7 provides for cooperation between national authorities and the AU and Article 8 deals with relations between national authorities and the UNHCR. The remaining articles deal with settlement of disputes, signature, and ratification entry into force, amendment, denunciations and notifications (Organisation of the African Unity, 1969a).

#### **4.5.2 Ratification status**

By the end of 2013 a total of 40 countries had signed and 45 had ratified and acceded. There are many Member States that have ratified and acceded without signing. They include Angola, Cape Verde, Egypt, Gabon, Guinea Bissau, Lesotho, Libya, Malawi, Mozambique, South Africa, Seychelles and Zimbabwe. Nine countries are yet to ratify. Some of these such as Namibia, South Africa, Sierra Leone and Somalia have had their citizens living outside their countries as refugees for a long time. It would be expected that they would be eager and ready to ratify because some of their leaders have good experiences of problems facing refugees. Other countries in the group of Members that have not yet ratified include Djibouti which has received refugees over a long period of time, Eritrea which has experienced war, Madagascar which has experienced a high potential of conflicts that may lead to refugee problems and Sao Tome and Principe which has sheltered refugees over the years. Such countries need to be reminded of the fact that conflicts can break out in any country any time and lead to refugee problems. They should therefore be prevailed upon to ratify. For more details see the table A16.

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

#### **4.6.1 Summary of provisions**

This Convention which was adopted in Kampala, Uganda on the 23<sup>rd</sup> October, 2009 and entered into force on the 6<sup>th</sup> December, 2012 was passed in response to the increasing number of internally displaced people resulting from internal strife within countries in conflict or with the potential of conflict. It defines internally displaced persons (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) (African Union, 2009d).

The objectives of the Convention are to promote and strengthen measures to prevent, mitigate, prohibit or eliminate root causes of internal displacement; to establish legal frameworks for cooperation in order to promote durable solutions and mutual support between Member States; to provide for obligations and responsibilities of State Parties regarding prevention of internal displacement and protection of IDPs (African Union, 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; meeting the basic needs of IDPs and allowing access by humanitarian organizations to IDPs in order to assist them (Article 3 (1) ) (African Union, 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 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 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; 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) (African Union, 2009d).

The obligations of State Parties as regards protection and assistance 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 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 armed groups comply with provisions of the convention (Article 5) (African Union, 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 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, denying IDPs access to assistance, and 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; attacking or harming humanitarian personnel and violating the civilian and humanitarian character of places where IDPs are sheltered. All these offences are punishable under the Convention (Article 7) (African Union, 2009d).

The Convention gives the AU the right to intervene in a Member State in situations of 'grave circumstances' if the Assembly authorizes and only upon request from 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; to share information with the African Commission on Human and Peoples' Rights on the situation of displacement and measures being taken (Article 8) (African Union, 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. It has a duty to refrain from and to prevent acts of genocide, war crimes, arbitrary killing, 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 respect and maintain the civilian character of the places where they are settled (Article 9) (African Union, 2009d).

Article 10 relates to displacement induced by projects. It obliges State Parties to prevent displacement caused by public or private projects. It requires 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 choice whether to return, integrate locally or relocate; to work with the AU, international organizations and CSOs 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 (African Union, 2009d).

Article 12 provides for remedies to 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 with relevant travel and identification documents and where such documents have been destroyed or lost they are entitled to be issued with their replacement (African Union, 2009d).

The implementation of the convention is monitored by a Conference of State Parties established for that purpose. The Conference facilitates cooperation between partner states and between them and the AU. When reporting to the African Commission on Human and Peoples' Rights, State Parties are required to indicate legislative and other measures taken to give effect to 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 (African Union, 2009d).

#### **4.6.2 Ratification status of the Kampala Convention**

By the end of 2013 a total of 39 Member States had signed the Convention and only 22 had ratified. In order to secure the numbers required for the Convention to enter into force, the UNHCR organized missions to RECs and other lobbying activities and in 2011 in collaboration with OSSREA, it organized a big conference at which some members pledged to ratify. Immediately after that conference the ratifications went up. Malawi, Niger and Swaziland ratified without signing. Those that had not ratified include Algeria, Botswana, Cameroon, Cape Verde, Egypt, Kenya, Libya, Madagascar, Mauritania, South Africa, Seychelles and Sudan. The UNHCR strategy should be emulated by other agencies. For more details see the 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 the 11<sup>th</sup> April 1996 and entered into force on the 15<sup>th</sup> 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 OAU Assembly, held in Cairo from the 17<sup>th</sup> to the 21<sup>st</sup> July, 1964<sup>10</sup>. It covers nuclear installations, nuclear explosive devices, handling of nuclear materials and transporting 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 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 to allow to be tested any nuclear devices on their territories. In Article 6 they 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 Wastes<sup>11</sup> and not to take

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<sup>10</sup>AHG/Res.11(1)

<sup>11</sup>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.

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 and the 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 amounts to peaceful use of nuclear science and technology (Organization of African Unity, 1996).

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

#### **4.7.2 Status of Ratification of the Treaty**

By the end of 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. For details on ratification see the table A18.

## **Chapter 5: Civil Aviation, Transport and Energy**

This chapter covers three areas: civil aviation, maritime transport and energy.

### **5.1 The African Civil Aviation Commission Constitution**

#### **5.1.1 Summary of provisions**

This treaty which was adopted in Addis Ababa on the 17<sup>th</sup> January, 1969 and entered in to force on the 15<sup>th</sup> March 1972 was entered into to provide a framework for the African Civil Aviation Commission (AFCAC). The aims of the constitution were to provide for the facilitation, coordination and harmonization of policies among the civil aviation authorities of Member States and to promote better and more orderly development and utilization of air transport in Africa. The African Civil Aviation Commission which was 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 standardization of flying equipment and aircrafts; 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); facilitating inter-state cooperation in the enforcement of ICAO standards and in training and to study the need for collective arrangements for technical assistance in Africa (Article 4) (Organization of African Unity, 1969b).

Articles 5 to 11 provide for the composition, meetings and administrative procedure of AFCAC. Article 12 makes provisions as regards the secretariat, whose tasks include carrying out studies, organizing meetings and keeping records and working with civil aviation authorities and the ICAO and to prepare and present budgets and reports. The remaining articles relate to signatures, ratification, entry into force amendments and withdrawal from AFCAC (Organization of African Unity, 1969b).

#### **5.1.2 Ratification status of the AFCAC Constitution**

By the end of 2013 the Treaty had been signed by 45 out of the 54 AU Member States and ratified by 44 out of the 45. The last country to sign was South Sudan on the 24<sup>th</sup> January 2013 but it has not yet ratified. The countries that have neither signed nor ratified 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. For details see the 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 which was adopted in Dakar on the 16<sup>th</sup> December, 2009 and entered into force on the 11<sup>th</sup> May, 2010 seeks to take on board new developments in the implementation of the Abuja Treaty of 1991 and to implement the letter and spirit of the Yamoussoukro Declaration of 14<sup>th</sup> 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 the regional integration process (African Union, 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; promoting the implementation of ICAO standards and enforcing decisions of the AU Executive Council (now Council Ministers) (Article 3). The functions of AFCAC include studies on 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 fora; to cooperate with regional economic communities; 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 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 into ICAO and other international aviation organizations (Article 4) (African Union, 2009e).

The organizational structure of AFCAC which is based in Dakar is spelt out in Article 9. The organs include the secretariat, the bureau and the plenary. The plenary is the supreme organ composed of members duly accredited by Member States. It meets in ordinary sessions once in three years and in extra ordinary sessions at the initiative of the bureau with two thirds majority approval by the plenary members. 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 the successful implementation of the Yamoussoukro Declaration (Article 11). The bureau comprised of the President and five Vice Presidents is elected by the plenary and convenes ordinary and extra-ordinary meetings; it 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) (African Union, 2009e).

The secretariat which is headed by a Secretary General carries out the day to day management of AFCAC's programmes and activities. It organizes meetings, prepares reports, presents the 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 and under Article 18 any Member that fail to honour their financial obligations for a period of two years or more loses the right to vote or present candidates to be voted for at the plenary meetings. Default on financial obligations for three subsequent years leads to loss of rights and privileges of membership. The remaining articles relate to signatures, ratification, accession, denunciation, amendments, and settlement of dispute, working languages, registration and abrogation of the 1969 constitution (discussed in section 5.1 above) (African Union, 2009e).

### **5.2.2 Status of ratification of the 2009 Convention on the Revised Constitution of AFCAC**

By the end of 2013, the Convention had been signed by 34 Member States but ratified by only 3 Members (Burundi, Congo and Mali). Surprisingly the countries with the biggest airlines (Kenya, Ethiopia, Nigeria and South Africa) had not signed the Convention. Member States that have not yet signed include Algeria, Botswana, Burundi, Cameroun, Cape Verde, Djibouti, DRC, Equatorial Guinea, Eritrea, Kenya, Libya, Lesotho, Liberia, Malawi, Mauritius, Saharawi Arab Democratic Republic, Sao Tome and Principe, Seychelles, Swaziland, and Tunisia. For more details see the 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<sup>th</sup> January, 2004. Only 13 Members had deposited their documents of ratification by the end of 2013. Thirty days after the 18<sup>th</sup> Member deposits its ratification documents it will enter fully into force. 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) (Organization of African Unity, 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 development of common positions; to harmonize member's views on international maritime conventions; to promote bilateral and multi-lateral 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). The 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 (Article 6). Under Article 7 Member States commit to establish pools of cargo booking offices, traffic rights and to promote the establishment of marketing networks of shipping agencies in order 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 shortage 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, Members States agree to promote cabotage at regional and sub-regional level. 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 the area of ship repair and to establish or reactivate research, training and information centers; to establish information exchange centres, encourage use of electronic data interchange systems; establish or strengthen and use maritime research and training institutions (Organization of African Unity, 1994).

As regards assistance to shippers, 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 the facilitation, harmonization and simplification of administrative and customs procedures. As regards ports, in Article 19 Member States commit to agree on rationalization of services at their ports and to encourage upgrading of port facilities and promoting dredging. To improve competitiveness of their ports, 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 (Organization of African Unity, 1994).

In Article 23 transit countries agreed to grant facilities and benefits to land locked countries without discrimination. Both land locked and transit countries committed to coordinate their policies on inland transport. The remaining articles relate to signing, ratification, accession, entry into force, amendment and revision (Organization of African Unity, 1994).

### **5.3.2 Status of Ratification of the African Maritime Transport Charter**

By the end of 2013 the countries that had signed were 39 but only 13 had ratified and deposited ratification documents. Some of the countries that have yet to sign are landlocked (Botswana, Burundi, South Sudan and Zimbabwe). Cameroon, Cape Verde, Eritrea, Mauritania and South Africa have not yet signed the Charter. Lesotho and Tanzania did not sign but have ratified and deposited documents of ratification. For more details see the table A21.

## **5.4 The Revised Maritime Transport Charter**

### **5.4.1 Summary of provisions**

This Revised Charter was adopted in Kampala, Uganda on the 26<sup>th</sup> July, 2010 and will enter into force as Thirty days after the 15<sup>th</sup> instrument of ratification is deposited. By the end of 2013 only 7 members had ratified and deposited their ratification documents with the AU. The Revised Charter seeks to further strengthen the role of maritime transport authorities in trade facilitation and 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 multi-lateral cooperation on maritime and inland waterways; to promote funding by national institutions research that encourages regional cooperation on waterways; to encourage the establishment of national maritime and ports authorities, shippers' councils and national shipping lines; to promote mutual assistance, the sharing of information, staff exchange and the development of multimodal transport and integrated models of transport (Article 3) (African Union, 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; transparency and accountability (Article 4). In article 5 the Commission is mandated to establish UCCMAR as was agreed upon in the original Charter. In addition the Member States undertake to establish an Association of African Maritime Administrations. In Article 6 they undertake to establish sub-regional cooperation organizations and encourage interaction between Regional Economic Communities and these regional organizations. Under Article 7 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 (African Union, 2010a).

In Article 8 State Parties undertake to establish or strengthen maritime training and research institutions and encourage cooperation between them at regional level. In Article 9 State Parties undertake to promote the formation of shipper's councils whose task is to defend the interests of shippers. They are charged also with the responsibility to establish databases for the benefit of shippers. Under Article 10 State Parties undertake to establish maritime transport observatories and in Article 11 to establish freight exchanges at national and regional levels (African Union, 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 the development of 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 resources 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) (African Union, 2010a).

Chapter VII contains commitments to promote multimodal transport by developing an appropriate framework for the purpose of improving existing policies, developing integrated transport master plans, upgrading infrastructure and establishing economic community, logistics platforms, and promoting the stability of multimodal joint ventures. In article 22 State Parties undertake to reform port services, to promote competitiveness through public private partnerships, undertake capacity building 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; sharing of expertise in the fields of navigation and hydrography and enactment of laws required for the full implementation of the Charter and to combating acts of piracy, armed robbery and other unlawful acts against shipping. In chapter IX provisions are made requiring 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 and Article 30 requires them to put in place up to date information technology systems for the development and management of the movement of ships. Measures to facilitate maritime traffic are the same as in the previous charter (Article 31) and in articles 32 and 33 State Parties are encouraged to pass legislation on the safety of inland waters. Chapter XIII is about human resources development. It requires State Parties to invest in training and education with emphasis on gender balance and 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 (African Union, 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, regional, sub-regional and continental levels. Ministers Responsible for Maritime Transport are given the responsibility for follow up. The remaining articles are about safeguards, competence, and settlement of disputes, signature, ratification, accession, entry into force, amendment, revision and withdrawal from the Charter (African Union, 2010a).

#### **5.4.2 Ratification status of the Revised African Maritime Transport Charter**

By the end of 2013 the Revised Charter had been signed by only 16 Member States and ratified and acceded to by only 7 of those. Thirty days after the deposit of ratification documents by the 15<sup>th</sup> Member State, it will enter into force. For more details on ratification status see the 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 the 11<sup>th</sup> May 2001 and entered into force on the 13<sup>th</sup> December, 2006. It was motivated by 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 Africa 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, harmonization of policies and programmes on energy; promotion of research and development on energy; ensuring reliable energy supply; support for human resources 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) (Organization of African Unity, 2001b).

The functions of AFREC are to map out policies, strategies and plans; develop and disseminate continental data bases on energy; advise on human resources 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 the exploitation of energy resources; promote adoption of effective measures to prevent environmental pollution in the development and management of energy resources; assist in the development and utilization 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 which 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 the Bureau and Executive Board (Organization of African Unity, 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 AU Commission; prepares meetings of the Conference; recommends appointment or removal of the Executive Director and performs other functions as assigned by the Conference. It is composed of 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 UNECA (ex-officio) and the Executive Director as secretary. The secretariat is headed by the Executive Director and it is responsible for supporting the other bodies and the day to day management of AFREC's activities (Article 8 & 9). In addition there is a Technical Advisory Body comprising of 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 also advises the Commission (Article 11). 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 (Organization of African Unity, 2001b).

#### **5.5.2 Status of ratification of the Convention of the African Energy Commission**

By the end of 2013 the Convention had been signed by 46 Member States out of which 32 had ratified and acceded. Members that had not signed were Botswana, Cape Verde, Eritrea, Malawi, and Seychelles. Angola, Namibia and Nigeria had ratified without having signed. For more details see the table A23.

## **Chapter 6: Natural Resources and the Environment**

This chapter covers five instruments: the African Convention on the Conservation of Nature and Natural Resources, the Revised African Convention on the Conservation of Nature and Natural Resources, the Agreement For the Establishment of the African Risk Capacity Agency, the Bamako Convention on the Ban of the import into Africa and the Control of Trans-boundary Movement and Management of Hazardous Wastes Within Africa and the Convention for the Establishment of the African Centre for Fertilizer Development.

### **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 the 15<sup>th</sup> September 1968 and came into force on the 16<sup>th</sup> June, 1969. It was registered with the UN on the 31<sup>st</sup> March, 1976. It was passed in order to generate common policies on the conservation of soil, water, flora and fauna resources for the development of the African peoples. (Article II). In Article IV the State Parties undertake to take effective measures for soil improvement and conservation through land use plans, agrarian reforms aimed at controlling soil erosion, improving farming methods and improving soil conservation. Under Article V State Parties commit to establish policies on water conservation and to endeavor to ensure sufficient supply of suitable water and to control water pollution. In Article VI they agree to adopt scientific methods of management and utilization forests and range lands ensuring water balance and soil fertility; to set aside areas for forest reserve and afforestation; to establish botanical gardens and regeneration of plant species of particular interest (African Union, 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, 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 use of drugs, poison, explosives or methods leading to mass destruction. (Article VII (2) (African Union, 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 trade and transport of unprotected species and procedures to be followed in case of export of such animals. Under Article X State Parties undertake to set aside conservation areas in order 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 give support to the Convention or where 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 supply to the AU 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 (African Union, 1968).

### **6.1.2 Ratification status of the African Convention on the Conservation of Nature and Natural Resources**

At the time it was adopted in 1968, the Convention was signed by 40 Member States. Ever since, till the end 2013 only five more members have signed. Those that have not acted at all include Cape Verde, Eritrea, Namibia, South Africa, Sahrawi Arab Democratic Republic and Zimbabwe. Malawi; Mozambique and Seychelles have ratified and deposited documents of ratification without signing. The total number of members that had ratified and acceded by the end of 2013 was 31. For more details see 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 the 11<sup>th</sup> July 2003 but will only enter into force after being ratified by 15 Members. By the end of 2013 only twelve members had ratified it and deposited their documents of ratification. The objectives of the Convention remain the same. The principles of the Revised Charter are wider than the original ones. There is a rights based approach in the Revised Convention. The new principles include the right of all peoples' to a satisfactory environment favorable for development. The Convention also makes it the duty of the State Parties individually and collectively to ensure the enjoyment of the right to development. The principles also include the duty of states to ensure developmental and environmental needs are met in a fair, sustainable and equitable way. These principles were not in the original version of the Convention (African Union, 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 1968 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, grazing by domestic and wild animals and invasive species (African Union, 2003d).

Article IX of the Revised Convention contains provisions on a broader category of genetic diversity an expansion on the earlier provisions which 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 and developing data on migratory and congregatory species and protecting them (African Union, 2003d).

Article X is about protected species. In this Article parties undertake to identify causes of depletion of threatened animal or plant species and protect them from extinction. This is new. The provisions on trade in specimens have not changed much and the same is the case with provisions on conservation areas. There is a completely new article in the Revised Convention which 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 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 re-use of renewable resources and energy (African Union, 2003d).

Article XIV contains provisions on sustainable development and natural resource capturing the Rio 1992 spirit. This new article calls upon parties to ensure conservation policies are part of the local and national development agendas; to ensure 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 (African Union, 2003d).

Article XV (also new) covers military and hostile activities and 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 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, the intellectual property rights of local communities including farmers’ rights, from being abused<sup>12</sup>. In article XVIII provisions on research are more robust 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 cooperation for the acquisition and transfer of environmentally sound technologies and Article XX in which parties agree to promote environmental education, training and awareness and exchange of information, knowledge and expertise (African Union, 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 African Union within a year of the Convention entering into force. It will be held once every two years. It will make policy recommendations on the implementation of the

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<sup>12</sup>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).

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

There will be a Secretariat based in an organization designated by the Conference of Parties to host it. It will organize meetings, execute decisions of the Conference of Parties, gather laws intended for implementation of 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 (African Union, 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 Convention<sup>13</sup> (African Union, 2003d).

### **6.2.2 Ratification status of the Revised African Convention on the Conservation of Nature and Natural Resources**

Although it has been signed by 42 Members, only 12 had ratified and deposited their documents by the end of 2013. A month after a 15<sup>th</sup> 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, Sahrawi Arab Democratic Republic, Seychelles and Tunisia. Those that had ratified by the end of 2013 are Angola, Burundi, Cote d'Ivoire, Comoros, Congo, Ghana, Libya, Lesotho, Mali, Niger, Rwanda and South Africa. For more details see the 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 the 23<sup>rd</sup> November, 2012 and entered into force provisionally the same day but it will effectively enter into force 30 days from the date a 10<sup>th</sup> Member will deposit its documents of ratification. However by the end of 2013 no member had ratified it. The Agreement was entered into in response to extreme changes in the weather, aggravated by climate changes which have led to natural disasters leading to loss of lives and livelihoods. It builds on the spirit and provisions of the Africa Risk Capacity Project Special Arrangement concluded on the 24<sup>th</sup> June, 2011 between the African Union and the World Food Programme. It establishes the African Risk Capacity Agency to help Member States

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<sup>13</sup> The original convention remains binding on its signatories and this one only binds these who will sign and ratify it.

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) (African Union, 2012).

The ARC Agency is established as an independent legal entity with immunities and privileges of the African Union 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 are by two thirds majority. It adopts rules of procedure, sets membership fees, appoints the Director General of the ARC Agency; adopts work plans and budgets, 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 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 up-scaling contingency plans by parties; consider reports of the secretariat; approve the issue or withdrawal of certificates of good standing for parties; approve policies; 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 two-thirds majority and decisions are by consensus but where that fails two thirds majority prevail (Articles 15 and 16) (African Union, 2012).

The Secretariat is headed by a Director General whose requisite qualifications are spelt out. The Conference of Parties appoints the Director General whose tasks are control and coordination of technical and administrative activities; human resources 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; preparation and presentation of reports and representation of the ARC Agency (Article 17) (African Union, 2012).

The 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 (African Union, 2012).

### **6.3.2 Ratification status of the Agreement on the Establishment of the African Risk Capacity (ARC) Agency**

By the end of 2013 not a single Member had ratified the agreement. Twenty four members had signed but there is still time and in the course of 2014 more members may sign and some ratify. For details on signatories see the table A26.

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

### **6.4.1 Summary of provisions**

This Convention is included in this chapter because dealing with natural resources utilization it fits in this chapter. It was adopted in February 1981 but thirty two years later it had only been ratified by six Member States by the end of 2013. Therefore it has not come into force. It was adopted to promote collective efforts in advancing agriculture, agricultural technology and productivity. The planned establishment of the Centre for Fertilizer Development is expected to contribute to the stabilization of agriculture in Africa. The centre to be established after its ratification will serve as a centre for technology transfer for improved fertilizer production; conduct research, and promote and demonstrate the role fertilizers can play in the improvement of agriculture; develop collaborative cooperation and joint projects with national, regional and international institutes aimed at adopting, testing and the application of improved fertilizers and fertilizer knowledge; and conduct capacity building activities on the fertilizer sector (Article II). It will be based in Harare, Zimbabwe and its membership will be open to all members of the AU (Organisation of African Unity, 1981b).

The Centre will have a Board of Directors and an Executive Committee. The Board shall have not more than 13 members with experience, qualifications and recognized competence in disciplines relevant to the objective of the Centre. The composition is spelt out in Article VII (i). The Board shall 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 shall be the chief executive officer of the Centre (Organisation of African Unity, 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 constitute of 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 (Organisation of African Unity, 1981b).

#### **6.4.2 Status of ratification of the Convention**

Although it was adopted thirty two years ago and has been signed by 31 Member States, it had only been ratified by six Members by the end of 2013. For details see the 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 which was adopted in Bamako, Mali, on the 30<sup>th</sup> January 1991 and entered into force on the 22<sup>nd</sup> April 1998 was driven by the increasing dumping of toxic wastes by multinational companies in the territories of developing countries. It was motivated by 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 (African Union, 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 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 availability of adequate waste disposal facilities and ensure there are safeguards against pollution arising from such waste, to promote clean production methods and to prevent the importation of polluting technologies (African Union, 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 of movement of hazard wastes from one country to another. Article 6 spells out the trans-boundary notification procedures and the format to be used is provided for 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 the exporters to re-import the waste in case

movement cannot be completed within the contract period and in this case the sending and receiving states have a duty to allow re-import (Article 8) (African Union, 1991b).

Movement of hazardous waste without notification or consent or in a manner that does not conform to the documents is illegal and State Parties are required to pass criminal laws on such illegal movement (Article 9). Article 10 provides for cooperation within Africa through exchange of information, in monitoring the effects of the management of waste, and in developing standards and policies in order to give effect to the Convention. 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 (African Union, 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 power to establish subsidiary bodies; it makes decisions for peaceful settlement of disputes arising from trans-boundary movement of hazardous waste<sup>14</sup>. The day to day activities regarding the convention are managed by a secretariat which organizes meeting, prepares plans and budgets, coordinates activities of member states, 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 and 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 (African Union, 1991b).

### **6.5.2 Status of ratification of the Bamako Convention**

Although it was adopted in 1991 twenty three years later it has only been signed by 35 members and ratified by only 25 members, less than 50% of the AU membership. For details on ratification see the table A28.

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<sup>14</sup>This is without prejudice to the jurisdiction of the African Court of Justice which was formed after the adoption of this convention.

## **Chapter 7: Trade and Investment**

This chapter covers three major instruments: The Constitution of the Association of African Trade Promotion Organizations, the Statute of the African Investment Bank and the Protocol on the African Investment Bank. The Abuja Treaty which was covered in 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 when examining the three instruments covered in this chapter.

### **7.1 The Constitution of the Association of African Trade Promotion Organizations**

#### **7.1.1 Summary of provisions**

This Constitution which was adopted on the 18<sup>th</sup> January 1974 entered into force on the 28<sup>th</sup> March 2012 establishes the Association of African Trade Promotion Organizations (AATPO) which operates under the aegis of the African Union and the Economic Commission for Africa (UNECA) (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) (Organisation of African Unity, 1974).

Membership of the association is open to all members of the AU and ECA and 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 (Organisation of African Unity, 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 in two years and it elects one of the representatives to be the President, 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) (Organisation of African Unity, 1974).

Sub regional conferences consist of members within a sub-region and 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 within the policies and decisions of the General Assembly (Article VIII). The Secretariat which is 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 (Organisation of African Unity, 1974).

### **7.1.2 Ratification status of the Constitution of the Association of African Trade Promotion Organizations**

Although it was adopted in January 1974, it entered into force in March 2012 after 38 years. By the end of 2013, it had been signed by 39 members and ratified by only 13 of the 39. This means 46% of the signatories and 26% of the total number of AU Members. For details see the table A29.

## **7.2 The Statute of the African Investment Bank**

This Statute which was adopted on the 2<sup>nd</sup> February 2009 in Addis Ababa implements the provisions of the Abuja Treaty on the establishment of continental bodies in the furtherance of the regional integration process and Article 19 of the Constitutive Act of the African Union. It establishes the African Investment Bank as an organ of the African Union whose objective is to foster economic integration and development through investment in development projects. It is tasked to make financing available; to finance public and private projects aimed at advancing regional economic integration; support the strengthening of private sector activities and to assist in the modernization of 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 with 51% of the capital 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, funds received in repayments of loans etc. (African Union, 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 and it is guaranteed independence and financial autonomy under Article 11. The General Assembly of the Bank is given power to decide on the allocation the Banks funds (African Union, 2009f).

The General Assembly which consists of shareholders is the top policy body which decides on the number of directors and determines the composition of the Board, elects, disciplines and suspends board members, can propose amendments to the protocol, admits members, decide

on the Bank's capital and loans, appoint auditors, approve reports, authorize entry into agreements and make 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, 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 (African Union, 2009f).

The Bank is managed by the President who is elected and supervised by The General Assembly and controlled by the Board, has 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) (African Union, 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 who fails to fulfill its obligations (Article 17). In cases of emergency the Board may temporarily suspend the operations of the Bank (Article 19) and 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) (African Union, 2009f).

### **7.3 The Protocol on the African Investment Bank**

#### **7.3.1 Summary of Provisions**

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

#### **7.3.2 Subscription Status for Shares of the bank Under the Protocol on the African Investment Bank**

Information on subscription to the initial capital of the African Investment Bank (AIB) is contained in the annexes to the Protocol (African Union, 2010b). It is however to be noted that the initial authorized capital stock of the AIB is yet to be determined. As of February 2010,

Algeria, Egypt, Libya, Nigeria and South Africa with percentage share of 10% each have the highest initial subscriptions to the authorized capital stock for prospective members which may become members.

The authorized initial capital stock of the Bank is expected to be twenty five billion US dollars (US\$25,000,000,000) and be divided into two million five hundred thousand (US\$2,500,000) shares having a par value of ten thousand dollars (\$10,000) each. The authorized capital stock would be divided into paid-in shares and callable shares. The initial total aggregate par value of paid-in shares would be four billion dollars (US\$4,000,000,000), and twenty one billion dollars (US\$21,000,000,000) shall be callable. See Table A30.

## **Chapter 8: Rights of Special Groups**

This chapter covers instruments on the rights of the child, youth and women.

### **8.1 The African Charter on the Rights and Welfare of the Child**

#### **8.1.1 Summary of Provisions**

This Charter which was adopted in Addis Ababa, Ethiopia on the 11<sup>th</sup> July 1990 and entered into force on the 20<sup>th</sup> November 1990 seeks to implement the Declaration on the Rights and Welfare of the African Child adopted by the OAU Assembly ten years earlier in Monrovia, Liberia in July 1979. It makes provisions that seek to ensure 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 all human beings under the age of eighteen 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 ensure children who become pregnant while in school are given an opportunity to continue with their education after delivery (Article II) (Organisation of African Unity, 1990).

State Parties undertake to recognize the right of the child to rest and leisure and to engage in play and recreation and to promote the right of the child to participate in cultural and artistic activities (Article 14). It 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 (Article 13). Under Article 14, 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 (Organisation of African Unity, 1990).

Under Article 15 children should be protected against all forms of economic exploitation and any hazardous work that may interfere with their development. State Parties are called upon to implement 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, inhuman and degrading treatment; to establish monitoring facilities to watch, investigate and

report on children's welfare especially those in care; and 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 should be afforded legal representation in case of trial which should be held in the absence of the press (Organisation of African Unity, 1990).

Article 18 provides that the family is the natural unit and should be protected and 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 (Organisation of African Unity, 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 which are discriminatory, harmful to health or life and those which 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 conflicts. Under Article 23 they are required to protect children refugees, 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 ensure inter-country adoption does not lead to trafficking in children (Organisation of African Unity, 1990).

Children who are temporarily or permanently deprived of family environment should be helped to be placed in another family or be placed in a suitable institution bearing in mind the best interest of the child. 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 the use of children in the trafficking of 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 (Organisation of African Unity, 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; ensuring such mothers are imprisoned with their children; ensuring such mothers are not sentenced to death and to ensure the rehabilitation and integration of the mother in the execution of the sentence (Organisation of African Unity, 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, the independence and integrity of the country; and to contribute to the achievement of African unity (Organisation of African Unity, 1990).

Chapter two contains provisions on the establishment and organizational structure of the Committee on the Rights and Welfare of the Child (CRWC) consisting of eleven 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 AU or State Parties or any person within a member States Party to the Charter and act on such communication. Action can be by way of investigation as provided for in Article 45 and 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 (Organisation of African Unity, 1990).

### **8.1.2 Ratification status of the African Charter on the Rights and Welfare of the Child**

Table A31 presents the status of ratification of the Charter. By the end of 2013, the Charter had been signed by 44 Member States and ratified and acceded to by 47 member states. Equatorial Guinea, Eritrea, Ethiopia, Gambia, Kenya, Lesotho, Mozambique, Mauritania, Sudan and Zimbabwe ratified without signing. Several countries expressed reservations. The government of Botswana expressed intention not to be bound by Article 42 on the definition of a child, while Egypt expressed reservations on Articles 21 (2) on child marriage; article 24 on adoption; article 30(e) requiring a death sentence not to be imposed on imprisoned mothers; article 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 regarding protection of privacy (Heyns and van der Linde, 2004).

## **8.2 The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women**

### **8.2.1 Summary of Provisions**

This Protocol which was adopted in Maputo, Mozambique on the 11<sup>th</sup> July, 2003 and entered into force on the 25<sup>th</sup> November 2005 seeks to strengthen Article 2 of the African Charter on Human and Peoples' Rights which is against any form of discrimination and Article 18 of the same Charter which 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 ensure their effective application; to pass laws prohibiting harmful practices which endanger the health and well-being of women and to modify social and cultural patterns of conduct of men and women through public education etc. (Article 2) (African Union, 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 prohibit medical or scientific experiments on women without their informed consent (African Union, 2003e).

In Article 5 State Parties are called upon to outlaw harmful practices which 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 men and women enjoy equal rights as parties in marriage and ensure there is no forced marriage; to ensure the minimum age for marriage for women is 18, all marriages are officially registered, a married woman has a right to retain her maiden name and nationality and a woman and a man shall jointly contribute to safeguarding the interests of the family, protecting and educating their children and during marriage a woman shall have a right to acquire and administer her own property (African Union, 2003e).

Article 7 contains provisions on separation, divorce and annulment of marriage and 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 get effective access to judicial and legal services; to establish educational and other appropriate systems to sensitize the public on the rights of women; to ensure women are represented equally in the judiciary and law enforcement organs and to reform existing laws to promote and protect the rights of women (African Union, 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, peace education, conflict prevention, management, resolution and post conflict reconstruction. In situations of armed conflict State Parties undertake to protect women asylum seekers, women refugees, returnees and internally displaced women from all forms of sexual violence and to ensure such crimes are considered as crimes against humanity and their perpetrators are brought to justice (Article 11). Article 12 provides for protection of women against all forms of discrimination in the sphere of education. State Parties undertake to eliminate all stereotypes in textbooks, syllabi 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 in education at all levels (African Union, 2003e).

Under Article 13 State Parties commit to take all the necessary legal and administrative measures to ensure equal opportunity for men and women in employment, as regards remuneration at work; to guarantee freedom of choice of occupation; to create conditions for women 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 ensure equal application of tax laws (African Union, 2003e).

Article 14 commits State Parties to recognize, respect and promote women's sexual and reproductive health including the right to control their fertility, to decide when to have children, to protect themselves and be protected against sexually transmitted diseases and the right to family planning education. Article 15 commits State Parties to ensure 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 women live in a positive cultural context and participate in the determination of cultural policies. Article 18 guarantees the right to live in a healthy environment and calls upon State Parties to ensure women participate in planning, managing and preserving the environment. Article 19 provides for the right of women to fully enjoy the right to sustainable development and calls upon State Parties to integrate gender issues in national policies and plans, promote women's access to credit, training and skill development and to provide women with higher quality of life (African Union, 2003e).

Article 20 covers the rights of widows and calls upon State Parties to take legal and other measures to prevent the 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 re-marry and marry a person of her choice. Article 21 guarantees the right of women to inherit 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, ensure they are free from violence and discrimination based on age. Article 23 calls upon State Parties to protect women with disabilities. Article 24 calls 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 (African Union, 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 (African Union, 2003e).

### **8.2.2 Status of ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women**

By the end of 2013 the protocol had been signed by 48 Members of the AU and ratified and acceded to by 36 Members. In a report submitted by Solidarity for African Women's Rights

(2012), reasons for non-ratification were given by the countries themselves. Burundi had problem 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 but expressed reservations on Article 14 on promoting abortion, for fear of religious backlash according to the report. It is also reported that Central African Republic has not ratified because of lack of capacity and weak institutional mechanisms. Ethiopia has not ratified and it has not expressed any reservation but in the report it is stated that the Ethiopian government believes that it has already done more than what is provided for in the Protocol. The report says that 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. It also expressed reservations on Article 10 (2) and (4) on the involvement of women in peace activities on the ground that the article could not or did not apply in Mauritius. Somalia has not ratified for obvious reasons of prolonged conflict while Sudan has found it difficult to ratify on cultural and religious grounds according to the report. Tunisia has also not ratified on similar grounds.

Other reservations were by Mauritius and Egypt on Article 6 and Tunisia and Sudan on Article 7. Central African Republic, Congo, Niger Sierra Leone, Somalia and Sudan expressed lack of funds to support public awareness on 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). On the status of ratification of the protocol see table A32.

## **8.3 The African Youth Charter**

### **8.3.1 Summary of provisions**

This Charter which was adopted in Banjul, Gambia on the 2<sup>nd</sup> July 2006 and entered into force on the 8<sup>th</sup> 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 further the body of instruments dedicated to human and peoples' rights in Africa. It defines a young person as anybody between the age of 15 and 35 years. In Article 1 State Parties undertake to recognize the rights, freedoms and duties of the 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 of the youth on any grounds. Articles 3, 4, 5 and 6 call for the protection of the youth's 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 marriage their right to enter into it on their own free consent. Article 9 is about the right of the youth to own property and calls upon State Parties to ensure youth are not arbitrarily deprived of their acquired or inherited property (African Union, 2006a).

Their right to economic social and cultural development is guaranteed in Article 10 which also calls upon State Parties to encourage the youth to take lead of youth programmes; to disseminate information that can lead to the development of young people; to promote youth media; to provide information and education on democratic processes, citizenship, decision making, governance and leadership. Youth participation in community and national development process is provided for in Article 11 which calls on State Parties to include youth on 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 the youth and to provide technical and financial support to build the capacity of the youth (African Union, 2006a).

Under Article 12 State Parties are required to develop comprehensive and coherent national youth policies after extensive consultation with the youth. Youth policies are expected to be cross-sectoral and youth issues are expected to be 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 (African Union, 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 the youth for responsible adulthood and should be aimed at the development of their life skills including 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 dropouts, 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 to introduce scholarships and bursaries to encourage entry into post primary education institutions by outstanding youth especially girls from disadvantaged communities (African Union, 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 the 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 the protection of the youth from economic exploitation; to ensure the 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 the 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 the youth in the identification of 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 advertisement and consumption tobacco and alcohol; to raise awareness among the youth on dangers of drug abuse; to provide rehabilitation services for

young people abusing drugs and provide technical and financial support to organizations addressing health issues of the youth (African Union, 2006a).

Article 17 calls upon state parties to promote peace and non-violence and involve the youth in peace education, peace building, conflict prevention and resolution and to institute mechanisms for promoting a culture of peace and tolerance among the youth. Article 18 refers to youth in conflict with the law and calls upon State Parties to ensure they are treated humanely and are not subjected to cruel, inhuman or degrading treatment; to ensure minors are segregated from adult convicts and to use incarceration for the youth as a process of their reformation and social rehabilitation and integration (African Union, 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 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 establish policies that will enable them to return. Article 22 calls for recognition of the right of the youth to rest, leisure and recreation (African Union, 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 they participate fully 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 them to work towards the elimination of any obstacles to their integration. Article 25 obliges State Parties to eliminate social and cultural practices harmful to the health or dignity of the youth (African Union, 2006a).

Article 26 provides for the responsibilities of the 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 and to defend democracy, human rights and to protect the environment and conserve nature (African Union, 2006a).

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

### **8.3.2 Ratification of the African Youth Charter**

At the end of 2013 the Charter had been signed by 42 Members and ratified and acceded to by 36 of them. Those which have neither signed nor ratified include Botswana, Eritrea and Somalia. Cape Verde, Djibouti, Gabon, Malawi, Mauritius, Seychelles, Swaziland, Uganda and Zimbabwe did not sign but have ratified and acceded. For details on ratification refer to Table A33.

## **Chapter 9: African Culture**

This chapter covers the Cultural Charter for Africa and Charter for African Cultural Renaissance.

### **9.1 The Cultural Charter for Africa**

#### **9.1.1. Summary of provisions**

This Charter was adopted in Port Louis, Madagascar on the 5<sup>th</sup> July 1976 and entered into force on the 19<sup>th</sup> September 1990. It was passed to implement the Declaration of Principles of International Cultural Cooperation adopted by the UNESCO General Conference in 1966, those 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) (Organisation of African Unity, 1976).

In order 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 and undertake to develop national cultural policies; to integrate cultural development in 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 undertake to take measures to promote peoples' participation in cultural life; to abolish caste systems where they exist and rehabilitate the function of artists and craftsmen and in Articles 9, 10 and 11 they undertake to support the continuous cultural development of the youth; promote awareness about African cultural values and ensure youth are enabled to get awareness on African civilization (Article 1) (Organisation of African Unity, 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 improve professional training for artists. Articles 15 and 16 call upon African governments to pay attention to and support lifelong learning and 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 spelt out in Article 23 and they include organizing competitions and mobile exhibitions of art; supporting cultural assets through exemption of taxes; supporting researchers working on arts and culture through scholarships and creating national funds to support art and culture (Article 1) (Organisation of African Unity, 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 in times 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 establish national institutions for training on culture. The remaining articles address issues of signature, ratification, accession registration and interpretation (Article 1) (Organisation of African Unity, 1976).

### **9.1.2 Ratification status of the Cultural Charter for Africa**

The peculiarity of this Charter is that by the end of 2013 it had not been signed by any of the Member States but had been ratified and acceded to by 34 members. Botswana, Central African Republic, Cape Verde, Cote d'Ivoire, Comoros, DRC, Equatorial Guinea, Eritrea, Gambia, Lesotho, Liberia, Mozambique, Mauritius, Namibia, Sahrawi Arab Democratic Republic, South Africa, Sierra Leone, Sao Tome and Principe and Swaziland have not yet signed or ratified. For more details see table A34.

## **9.2. The Charter for African Cultural Renaissance**

### **9.2.1 Summary of provisions**

This Charter was adopted in Khartoum, Sudan on the 24<sup>th</sup> January 2006 and by the end of 2013 it had not yet entered into force because it had been ratified by only 7 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 the one it replaces. 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 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 cope with globalization (Article 3) (African Union, 2006b).

The means to achieve these objectives are spelt 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 and to Pan-Africanism and 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) (African Union, 2006b).

The part on cultural development is different from that of the previous Charter. In this one the Charter calls for national and regional approaches in 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 which was in the old Charter. The State Parties recognize institutional and non-institutional actors such as designers, private developers, associations, local governments and 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 full participation of all in cultural development, State Parties undertake to support training (Article 16 and 17) (African Union, 2006b).

On the use of African languages, 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 (African Union, 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 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 are about strengthening links and ties with the Diaspora to promote positive awareness about Africa; to promote African positions and perspectives and 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 (African Union, 2006b).

### **9.2.2 Ratification status of the Charter for African Cultural Renaissance**

At the end of 2013 the Charter had been signed by 31 Member States but ratified by only 8. Botswana, Burundi, Central African Republic, Cape Verde, Djibouti, Equatorial Guinea, Kenya, Libya, Lesotho, Malawi, Mauritania, Mauritius, Rwanda, South Africa, Sahrawi Arab Democratic Republic, Seychelles, Somalia, Sudan, Swaziland and Uganda had neither signed nor ratified. Ethiopia has ratified without signing. For more details see Table A35.

## **Chapter 10: Health and Social Protection**

This chapter covers the Phytosanitary Convention and the Agreement on the Establishment of the African Rehabilitation Institute (ARI).

### **10.1. The Phytosanitary Convention for Africa**

#### **10.1.1 Summary of provisions**

This is one of the oldest conventions of the OAU which was adopted in Kinshasa, DRC on the 13<sup>th</sup> September 1967 but has never been signed by any member although it has been ratified by 10 members. It does not contain any provisions relating to its entry into force. It is a very 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 measures of quarantine or inspection in respect 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 not to be admitted into any part of Africa and once a disease breaks out the Member State in which this happens is obliged to take effective measure to control it (Article V) (African Union, 2003f).

Article VII provides for the establishment of a panel of scientific consultants to advise the AU on various 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 African Union.<sup>15</sup> At the request of this council or a Member State and after approval of half of the members of the African Union 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 (African Union, 2003f).

#### **10.1.2 Ratification status of the Phytosanitary Convention for Africa**

As mentioned earlier no Member State had signed this convention by the end of 2013. However, Benin, Burundi, Cameroon, Central African Republic, Egypt, Ethiopia, Niger, Rwanda and Togo have ratified and acceded to it without signing. For details see table A36.

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<sup>15</sup> Assume it has been replaced by the Economic, Social and Cultural Council.

## **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 the prevention of disability and the rehabilitation of 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 the handicapped; 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 in the field of rehabilitation, promote exchange of information and organize special projects in the field of rehabilitation and disability prevention (Article II) (Organisation of African Unity, 1981c).

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

Below the conference is the Governing Board composed of appointees of the AU Commission Chairperson, a representative of the ILO, a representative of the ECA and two representatives of each of the five regions of Africa with the Executive Director as the Secretary of Board sitting in 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) (Organisation of African Unity, 1981c).

The Technical Advisory Committee which is responsible to the Board comprises of a representative of the AU Commission 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 CARTISOD and any experts whose advice may be useful to the institute. The Technical Advisory Committee assists the Executive Director in programme preparation; it advises the Board and Executive Director on technical matters and acts on any other matter as directed by the Board (Article IX) (Organisation of African Unity, 1981c).

The Executive Director heads the Secretariat and is tasked 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 institute's property; manage finances and cause them to be audited and to represent the institute in its relations with states and other bodies (Organisation of African Unity, 1981c).

The financial resources of the institute arise from contributions paid by members at rates determined by the Board, special contributions by members, gifts, legacies, grants, loans or other contributions from other organizations and institutions (Article XI). All expresses have to be within limits of the budget and expenses incurred by representatives of Member States or participating states and organizations have to be borne by sending governments or organizations (Article XII). Others articles relate to relationship between the institute and the AU Commission, relationship with participating states and organizations, amendments, settlement of disputes and dissolution of the institute (Organisation of African Unity, 1981c).

#### **10.2.2. Ratification status of the Agreement for the Establishment of the African Rehabilitation Institute (ARI).**

By the end of June 2012, 31 countries have signed the Agreement. As can be seen from Table A37, 26 countries have ratified and acceded. However, it is to be noted that Cameroun, Libya, Mali, Mozambique, Mauritania, Namibia, Nigeria, Rwanda and Zambia have ratified and deposited the agreement without signing it. For details see table A37.

## Chapter 11: Observations, Conclusions and Recommendations

### 11.1 Observations and Conclusions

From the tables presented from chapters 2 to 10 the following factors have been observed and deserve further analysis by African policymakers, attention and action. 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 the AU Members. This is not unexpected as these instruments are aimed at defining the entire architecture of the African Union and its organs and they contain provisions that do not require surrender of sovereignty and not encroach on the individual powers of Member States.

The numbers and percentages of Member States that signed and ratified basic instruments of the AU are indicated in Table 1 below. 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 is ratified by 56% of the signatories, all other fundamental instruments have ratified and acceded by over 90% of the signatories.

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

| Instrument                                                                                                | Number of signatories | Percentage of Members Signed | Number of Signatories Ratified | Percentage of signatories that ratified and acceded |
|-----------------------------------------------------------------------------------------------------------|-----------------------|------------------------------|--------------------------------|-----------------------------------------------------|
| Treaty Establishing the African Economic Community                                                        | 54                    | 100                          | 49                             | 90.7                                                |
| 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                                                  |

Secondly, some instruments related to 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 Member States or 85% of AU Members but only ratified by 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 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 Peoples' Rights which 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 the 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 all the AU Members 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 the 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 and changing form (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 Members that signed. For figures and percentages on signatures and ratifications see Table 2 below. The table shows that less than 15% of the 32 countries that have signed the African Charter on The Values and Principles of Public Service and Administration have ratified and acceded the Charter.

**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 Peoples' Rights ( The Banjul Charter)                                                                 | 44                    | 81.48                             | 53 <sup>16</sup>                            | 98.15                                           |
| The Protocol To The African Charter of Human and peoples' Rights On the Establishment of An African Court on Human and Peoples' Rights | 52                    | 96.3                              | 27                                          | 51.92                                           |
| The Statue 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                                           |

Thirdly, 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.) in the continent. 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 ratified by 49 or 92.4 % of those that signed. On the other hand the African Union Non-Aggression and Common Defense 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 the 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

<sup>16</sup> Nine countries ratified without signing. Therefore the number of ratifications is higher than that of signatories

and Combating of Terrorism has been signed by 50 (92.6%) Members of the AU but ratified by only 41 or 82% of Members that signed.

The Convention for the Elimination of Mercenarism in Africa is another very important instrument which if ratified by all and fully implemented could reduce the role of mercenaries in resource related conflicts in the region. But it has been signed by only 36 or 66.66% of the AU Members and ratified by only 31 or 66.66% of those that signed. The Kampala Convention for the Protection and Assistance to Internally Displaced Persons has been signed by only 39 (72.2%) Members and ratified by only 22 or 56.4% of those that have signed. Given the increasing nature 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. In the area of peace and security only the Convention Governing Specific Aspects of Refugee Problems was signed by 40 or 75.5% of the AU Member States and ratified by 45 Members including those that have not yet signed which is 83.1% and the African Nuclear-Weapon-Free Zone Treaty was signed by 51 or 94.4% of the AU members and ratified by 38 or 74.5% of those that signed. There is therefore need to intensify campaigns for more ratifications of the instruments on peace and security given the increase in intra-state and inter-state tensions and cross-border movement of arms and armed groups. For figures on signatures and ratification see Table 3 below.

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

| Instrument                                                                                               | Number of signatories | Percentage of Members signed | Number of Signatories 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 Defense 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 <sup>17</sup>               | 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                                            |

Fourth, ratifications of instruments related to transport and energy indicate mixed responses. The African Civil Aviation Commission Constitution (AFCAC) was signed by 45 or 88.3% of the AU Members but its successor, the Revised Constitution of the African Civil Aviation Commission has been signed by only 34 or 63 % of the Members and ratified by only 3 or 8.8% of those that signed. Given the acute nature of the air transport problems within the region, reduced support for AFCAC is a step backward in the efforts to improve aviation services and

<sup>17</sup> The number of signatories was lower than that of those who ratified.

the intended harmonization of aviation policies and practices in the region. Further worrisome is the fact that the African Maritime Transport Charter was initially signed by 39 (72.2%) of the AU Member States but after it was revised, its successor the Revised African Maritime Charter has so far been signed by only 16 or 29.6% of the AU Members and ratified by only 7 or 43.75% of the sixteen 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 need to intensify awareness campaigns among those that have not signed or implemented the Charter. For details see Table 4 below.

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

| Instrument                                                                               | Number of Signatories | Percentage of Members 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                                           |

Fifth, ratification rates of instruments related to natural resources and the environment have been disappointing given the new environmental challenges of climate change, environmental degradation, increasing numbers of environmental refugees, ecological stress and intra-community conflicts caused by resources stress, rising levels of vulnerability and chronic poverty aggravated by loss of natural resources based livelihoods, one would expect African countries to be more pro-active in the protection of natural resources and the environment. But while first African Convention on the Conservation of Nature and Natural Resources was signed by 45 (84.9%) Members of the AU and ratified by 31 (68.88%) of those that signed, the Revised African Convention on the Conservation of Nature and Natural Resources has been signed by 42 (77.7%) of the Members but ratified by only 12 or 28.5% of those that signed. The Agreement on the Establishment of the African Risk Capacity (ARC) Agency which seeks to address issues of resilience, vulnerability and proneness to disasters and to establish mechanisms for insurance against such risks and cooperation between Member States on such risks, was signed by only 24 (54.44%) of the 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 the AU Members but only ratified by 6 or 19% of those that signed and the Banjul Convention on Hazardous Wastes has been signed by 35 (64.8%) of the AU Members but ratified by only 25 or 71.4% of those that signed. The ratification trends on the issue of environmental protection and renewal requires 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 in this area, is very important in order to prevent the current generations from

further undermining the lives and livelihoods of future generations. For numbers and percentages, see Table 5 below.

**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 Wastes Within Africa | 35                    | 64.81                             | 25                                  | 71.42                                   |

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 high numbers of signatures and ratifications, the highest number of reservations expressed by some Member States, on the provisions relating to child marriages, freedoms of conscience, the right to freedom of religion, fixing the minimum age of marriage at 18 etc. for children in 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 the AU Members and ratified by 47 (87%) of them including three Members that did not sign, there was a good number of reservations. Similarly 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 the 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%) and has also been ratified by only 36 or 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 it is important to add the two instruments related to culture. The Cultural Charter for Africa was signed by 50 (92.6%) of all the AU members but has been ratified by only 34 and its successor the Charter for African Cultural Renaissance was signed by only 31 (57.4%) of the Members and has been ratified by only 26 Members out of those that signed which comes to 48% of the Members of the AU. These two areas i.e. culture and the rights of special groups need further dialogue and awareness creation by organs of the AU and the RECs. For figures on signatures and ratification see the table 6 below.

**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 <sup>18</sup>                    |
| The Protocol to The African Charter on Human and Peoples' 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                                                         | 0                     | 0                                 | 34                                  | 64.15 <sup>19</sup>                     |

Seventh, it is important to note that some of the middle income countries in Africa such as Botswana, Cape Verde, Lesotho, Mauritius and 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 their limited commitment to the ratification of the AU instruments is that they feel they are ahead of others and have put in place laws and policies required by the instruments they have not signed or ratified. Another reason may be that they feel they do not require collective action or solidarity and mutual support from others. There must be other reasons, but given their economic position on the continent and their exemplary role on issues on which others are lagging behind, it would add value to the efforts of the AU in fostering regional cooperation and harmonizing policies and initiatives if they were brought on board.

Eighth, it is important to note that 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 Revised Constitution of the African Civil Aviation Commission the latter which, as seen earlier has only been ratified by three out of the 34 Members that signed. Important as this initiative is, cognizance needs to be given to the fact that air transport in the region is highly constrained and national authorities are struggling to sustain national civil aviation authorities which cannot be adequately funded from revenues arising out of air services. It is possible that some of these countries will continue finding it difficult to support a regional civil aviation commission when they have difficulties supporting their own national civil aviation bodies.

The same problem may be facing some countries when they consider whether or not to sign or ratify 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. These and other instruments provide for the establishment of big agencies with several organs and with employees whose status is equal to that of those of the AU Commission. Bearing in mind that some countries still find it difficult to pay their annual subscriptions to the Commission on time; that there are many more agencies including sub-

<sup>18</sup> The number of Members that ratified was higher than that of those which signed.

<sup>19</sup> 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

regional and international bodies to which they have to pay subscriptions, it is perhaps time to look for new modalities which can 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 for that. In the initial period of three years they could be given some core start-up funds after which they have to raise their funds from service provision. If their architecture is revised and made simpler and less bureaucratic, the instruments related to them may attract more signatories and ratification. The main argument is that the capacity to subscribe for membership to sub-regional, regional and international organizations is currently over-stretched for all countries and this may be affecting the capacity or willingness of some Members to sign instruments that increase responsibility to subscribe.

Ninth, some instruments were adopted decades ago when state was the dominant player. Ever since, ways of doing things have changed and the state is no longer the only or main player especially on labour market related issues. The Inter-African Convention Establishing an African Technical Cooperation Programme is one of these instruments. Passed in 1975, it focuses on staff and skill exchange between governments. But the modalities of organizing such exchanges are centralized and bureaucratized having to be processed through the AU Commission 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 take on board new institutional roles played by national environmental management authorities and sub-regional and national bodies and policies on bio-safety and biodiversity. To increase attraction and continued interest of the Members in the implementation of these old instruments there is need for their review and renewal.

Tenth and finally, 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 defense, mercenarism and terrorism for example, are so interlinked that bodies overseeing their implementation need to work together. A holistic approach is needed and studies should be mounted on how the implementation of some of these can be jointly undertaken. 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, there is need to look for ways of enhancing vertical and horizontal networking within the Commission to ensure the synergies required for multilevel interventions in the implementation of these instruments.

## **11.2 Recommendations**

On the basis of these observations it is recommended to the AU Commission to:

*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 glaring gaps between new values of equality for all and old values embedded in some traditional beliefs and practices that impede some Member States from ratifying some 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 further improved.

Search for ways of increasing capacity for closer cooperation between Member States in the implementation of instruments related to peace and security and also to look for new modalities for internal networking between bodies of the Commission in inter-related issues of peace and security, common defense, mercenarism, terrorism and corruption.

Intensify efforts for increased ratification, implementation and collective action in the implementation of instruments related to infrastructure, transport, communication and energy because these are the drivers of change in the world and Africa is lagging behind other regions at the moment.

Revive discourses about and intensify capacity building for rural development and encourage RECs and Member States to strengthen rural development and environmental studies aimed at creating cultural foundations for the protection of natural resources which are the backbone of Africa's present and future and without which chronic poverty, vulnerability and resource conflicts will increase.

Engage countries which have consistently skipped ratifying or even signing some of the crucial instruments in spite of their economic leadership and exemplary role in governance in the region such as Botswana, Cape Verde, Egypt, Lesotho, Mauritius and Seychelles and find out the reasons for such reluctance and try to get them on board in order to strengthen 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 various instruments requiring annual subscriptions with the view of transforming them into self-financing, autonomous, less bureaucratic entities with a commercial, service driven, fees charging delivery culture so as to relieve Member States of the burden of continuous annual subscriptions which could be a disincentive for signing and ratifying such instruments by Members that consider their capacity already stretched to the limit.

Revise and renew instruments that were passed long ago whose provisions seem to be out of step with current developments in governance, regional and sub-regional cooperation or labour market and other reforms.

Further strengthen the concept of people centred approach by opening up institutions of justice and human rights to individuals who may want to seek redress after exhausting

processes and institutions of justice in their own countries so as 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 in currently provided for in existing instruments.

*Sustain* efforts to reduce overlapping membership of regional economic communities and intensify diplomatic effort to broker peace and facilitate renewed dialogue between Heads of State and Government.

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## Annexes

**Table A1: List of countries which 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     |
| Cote d'Ivoire                    | 03/06/1991        | 22/02/1993                     | 11/05/1993     |
| Comoros                          | 03/06/1991        | 06/06/1994                     | 20/06/1994     |
| Congo                            | 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        | --                             | --             |
| Sao Tome & Principe              | 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 signatories** 54

**Number of Ratifications** 49

**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 which 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     |
| Cote d'Ivoire                    | 27/02/2004        | --                             | --             |
| Comoros                          | 26/02/2004        | 13/03/2004                     | 16/03/2004     |
| Congo                            | 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        | --                             | --             |
| Sao Tome & Principe              | 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 signatures 50

Number of Ratifications 47  
Number of Deposits 47

Source: [http://www.au.int/en/sites/default/files/PAP\\_1.pdf](http://www.au.int/en/sites/default/files/PAP_1.pdf) downloaded on 20/05/2014

**Table A3: List of countries which have signed, ratified/acceded to the protocol on the 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     |
| Cote d'Ivoire                    | 27/02/2004        | --                             | --             |
| Comoros                          | 26/02/2004        | 02/04/2004                     | 16/04/2004     |
| Congo                            | 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        | --                             | --             |
| Sao Tome & Principe              | 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 signature 50

Number of Ratifications 28  
Number of Deposits 28

Source: [http://www.au.int/en/sites/default/files/Amendments%20to%20the%20Constitutive%20Act\\_o.pdf](http://www.au.int/en/sites/default/files/Amendments%20to%20the%20Constitutive%20Act_o.pdf)  
downloaded on 20/05/2014

**Table A4: List of countries which 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        | --                             | --             |
| Cote d'Ivoire                    | 27/02/2004        | --                             | --             |
| Comoros                          | 26/02/2004        | 18/03/2004                     | 16/04/2004     |
| Congo                            | 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        | --                             | --             |
| Sao Tome & Principe              | 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 signatures 29

Number of Ratifications

Number of Deposits

6

6

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

## A Digest of OAU-AU Treaties, Conventions and Agreements 1963 to 2013

**Table A5: List of countries which 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     |
| Cote d'Ivoire                    | 11/06/2009        | 16/10/2013                     | 28/11/2013     |
| Comoros                          | 02/02/2010        | --                             | --             |
| Congo                            | 18/06/2007        | --                             | --             |
| Djibouti                         | 15/06/2007        | --                             | --             |
| 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                           | 29/01/2008        | --                             | --             |
| 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        | --                             | --             |
| Sao Tome & Principe              | 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**

**23**

**Number of signatures** 46

**Number of Deposits**

**23**

Source: [http://www.au.int/en/sites/default/files/Charter%20on%20Democracy%20and%20Governance\\_o.pdf](http://www.au.int/en/sites/default/files/Charter%20on%20Democracy%20and%20Governance_o.pdf)  
downloaded on 20/05/2014

Table A6: List of countries which have signed, ratified/acceded to the African charter on human and peoples' 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     |
| Cote d'Ivoire                    | 30/08/2005        | 06/10/1992                     | 31/08/1992     |
| Comoros                          | 07/12/2004        | 01/06/1986                     | 18/07/1986     |
| Congo                            | 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     |
| Sao Tome & Principe              | --                | 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 signatures 44

Number of Ratifications

53

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 which have signed, ratified/acceded to the protocol of the African chapter on human and peoples' rights on the establishment of an African court on human and peoples' 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                     | 2              |
| 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        | --                             | --             |
| Cote d'Ivoire                    | 09/06/1998        | 07/01/2003                     | 21/03/2003     |
| Comoros                          | 09/06/1998        | 23/12/2003                     | 26/12/2003     |
| Congo                            | 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        | --                             | --             |
| Sao Tome & Principe              | 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 signatures 52

Number of Ratifications 27  
Number of Deposits 27

Source: [http://www.au.int/en/sites/default/files/achpr\\_1.pdf](http://www.au.int/en/sites/default/files/achpr_1.pdf) downloaded on 20/05/2014

Table A8: List of countries which 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        |                                |                |
| Cote d'Ivoire                    | 11/06/2009        |                                |                |
| Comoros                          |                   |                                |                |
| Congo                            | 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                          |                   |                                |                |
| Sao Tome & Principe              | 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 signatures 29

Number of Ratifications 5  
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 which 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        | --                             | --             |
| Cote d'Ivoire                    | 27/02/2004        | 14/02/2012                     | 05/11/2012     |
| Comoros                          | 26/02/2004        | 02/04/2004                     | 16/04/2004     |
| Congo                            | 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        | --                             | --             |
| Sao Tome & Principe              | 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 signature 48

Number of Ratification 35  
Number of Deposit 35

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

**Table A10: List of countries which have signed, ratified/acceded to the African charter on the 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        | --                             | --             |
| Cote d'Ivoire                    | 23/12/2011        | --                             | --             |
| Comoros                          | --                | --                             | --             |
| Congo                            | 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                          | --                | --                             | --             |
| Sao Tome & Principe              | --                | --                             | --             |
| 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 signature 32

Number of Ratifications 7  
Number of Deposits 7

Source: [http://www.au.int/en/sites/default/files/Public%20Services\\_o.pdf](http://www.au.int/en/sites/default/files/Public%20Services_o.pdf) downloaded on 20/05/2014

Table A11: List of countries which 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                             | --                | --                             | --             |
| Cote d'Ivoire                    | 11/06/2009        | 16/10/2013                     | 28/11/2013     |
| Comoros                          | 02/02/2010        | --                             | --             |
| Congo                            | 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                          | --                | --                             | --             |
| Sao Tome & Principe              | 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 signatures 30

Number of Ratifications 11  
Number of Deposits 11

Source: [http://www.au.int/en/sites/default/files/Charter%20on%20Statistics\\_o.pdf](http://www.au.int/en/sites/default/files/Charter%20on%20Statistics_o.pdf) downloaded on 20/05/2014

## A Digest of OAU-AU Treaties, Conventions and Agreements 1963 to 2013

**Table A12: List of countries which 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     |
| Cote d'Ivoire                    | 27/02/2004        | 24/08/2007                     | 03/10/2007     |
| Comoros                          | 09/07/2002        | 26/07/2003                     | 23/09/2003     |
| Congo                            | 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           |
| 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     |
| Sao Tome & Principe              | 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 signature**                    53

**Number of Ratifications**                49  
**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 which 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     |
| Cote d'Ivoire                    | 30/08/2005        | --                             | --             |
| Comoros                          | 02/02/2010        | 12/07/2012                     | 24/07/2012     |
| Congo                            | 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        | --                             | --             |
| Sao Tome & Principe              | 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 signatures 43

Number of Ratifications 20  
Number of Deposits 20

Source: [http://www.au.int/en/sites/default/files/Non%20Aggression%20Pact\\_o.pdf](http://www.au.int/en/sites/default/files/Non%20Aggression%20Pact_o.pdf) downloaded on 20/05/2014

## A Digest of OAU-AU Treaties, Conventions and Agreements 1963 to 2013

**Table A6: List of countries which 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     |
| Cote d'Ivoire                    | 14/07/1999        | --                             | --             |
| Comoros                          | 14/07/1999        | 13/09/2002                     | 14/09/2002     |
| Congo                            | 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        | 22/12/1000                     | 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        | --                             | --             |
| Sao Tome & Principe              | 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 signature** 50

**Number of Ratifications** 41  
**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 which 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     |
| Cote d'Ivoire                    | 27/02/2004        | --                             | --             |
| Comoros                          | 26/02/2004        | 18/03/2004                     | 16/04/2004     |
| Congo                            | --                | 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        | --                             | --             |
| Sao Tome & Principe              | 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 signature 36

Number of Ratifications 31  
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 which have signed, ratified/acceded to the OAU convention governing the specific aspects 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     |
| Cote d'Ivoire                    | 10/09/1969        | 26/02/1998                     | 20/04/1998     |
| Comoros                          | 26/02/2004        | 02/04/2004                     | 16/04/2004     |
| Congo                            | 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        | --                             | --             |
| Sao Tome & Principe              | 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 signatures 40

Number of Ratifications 45  
Number of Deposits 45

Source: [http://www.au.int/en/sites/default/files/refugee%20Problems%20in%20Africa\\_o.pdf](http://www.au.int/en/sites/default/files/refugee%20Problems%20in%20Africa_o.pdf) downloaded on 20/05/2014

**Table A17: List of countries which 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     |
| Cote d'Ivoire                    | 12/11/2009        | 20/12/2013                     | 22/01/2014     |
| Comoros                          | 02/02/2010        | --                             | --             |
| Congo                            | 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        | --                             | --             |
| Sao Tome & Principe              | 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 which have signed, ratified/acceded to the African nuclear-weapon-free zone treaty (the treaty of Pelindaba)**

| 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     |
| Cote d'Ivoire                    | 11/04/1996        | 20/05/1999                     | 28/07/1999     |
| Comoros                          | 11/04/1996        | 12/07/2012                     | 24/07/2012     |
| Congo                            | 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        | --                             | --             |
| Sao Tome & Principe              | 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 signatures 51

Number of Ratification 38  
Number of Deposit 38

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

Table A19: List of countries which 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/            |
| 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     |
| Cote d'Ivoire                    | 17/01/1969        | 16/11/1970                     | 16/11/1970     |
| Comoros                          | 26/02/2004        | 18/03/2004                     | 16/04/2004     |
| Congo                            | 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     |
| Sao Tome & Principe              | 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 signatures 45

Number of Ratifications 44

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 which have signed, ratified/acceded to the constitution for the African civil aviation commission – AFCAC revised version)**

| 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        | --                             | --             |
| Cote d'Ivoire                    | 11/05/2010        | --                             | --             |
| Comoros                          | 11/05/2010        | --                             | --             |
| Congo                            | 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        | --                             | --             |
| Sao Tome & Principe              | --                | --                             | --             |
| 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 signatures 34

Number of Ratifications 3  
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 which 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        | --                             | --             |
| Cote d'Ivoire                    | 27/02/2004        | --                             | --             |
| Comoros                          | 26/02/2004        | 18/03/2004                     | 16/04/2004     |
| Congo                            | 26/05/1999        | --                             | --             |
| 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         | --                             | --             |
| Gambia                           | 24/12/2003        | --                             | --             |
| Ghana                            | 02/07/2004        | --                             | --             |
| Guinea-Bissau                    | 08/03/2005        | --                             | --             |
| Guinea                           | 16/12/2003        | --                             | --             |
| Kenya                            | 17/12/2003        | --                             | --             |
| 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                       | --                | --                             | --             |
| 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        | --                             | --             |
| Sao Tome & Principe              | 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 signatures 39

Number of Ratifications 13  
Number of Deposit 13

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

Table A22: List of countries which have signed, ratified/acceded to the revised African 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                             | --                | --                             | --             |
| Cote d'Ivoire                    | 23/12/2011        | --                             | --             |
| Comoros                          | --                | --                             | --             |
| Congo                            | 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                          | --                | --                             | --             |
| Sao Tome & Principe              | --                | --                             | --             |
| 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 signatures 16

Number of Ratifications 7  
Number of Deposits 7

Source: [http://www.au.int/en/sites/default/files/Revised%20-%20Maritime%20Transport%20Charter\\_1.pdf](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 which 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        | --                             | --             |
| Cote d'Ivoire                    | 27/02/2004        | 30/11/2011                     | 09/03/2012     |
| Comoros                          | 26/02/2004        | 18/03/2004                     | 16/04/2004     |
| Congo                            | 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        | --                             | --             |
| Sao Tome & Principe              | 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](http://www.au.int/en/sites/default/files/afrec_1.pdf) downloaded on 20/05/2014

**Table A24: List of countries which 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        | --                             | --             |
| Cote d'Ivoire                    | 15/09/1968        | 15/09/1968                     | 15/09/1968     |
| Comoros                          | 07/12/2004        | 18/03/2004                     | 16/04/2004     |
| Congo                            | 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        | --                             | --             |
| Sao Tome & Principe              | 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 signature** 45

**Number of Ratifications** 31  
**Number of Deposits** 31

Source: [http://www.au.int/en/sites/default/files/Nature%20and%20Natural%20Resources\\_o.pdf](http://www.au.int/en/sites/default/files/Nature%20and%20Natural%20Resources_o.pdf) downloaded on 20/05/2014

**Table A25: List of countries which have signed, ratified/acceded to the African convention on the conservation of nature and natural resources (revised version)**

| 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        | --                             | --             |
| Cote d'Ivoire                    | 27/02/2004        | 22/07/2013                     | 23/10/2013     |
| Comoros                          | 26/02/2004        | 02/04/2004                     | 16/04/2004     |
| Congo                            | 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        | 11/10/2006                     | 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        | --                             | --             |
| Sao Tome & Principe              | 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 signatures** 42

**Number of Ratifications** 12

**Number of Deposits** 12

**Source:** [http://www.au.int/en/sites/default/files/Revised%20-%20Nature%20and%20Natural%20Resources\\_1.pdf](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 which 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        | --                             | --             |
| Cote d'Ivoire                    | 06/02/2013        | --                             | --             |
| Comoros                          | 15/02/2013        | --                             | --             |
| Congo                            | 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                          | --                | --                             | --             |
| Sao Tome & Principe              | --                | --                             | --             |
| Sudan                            | --                | --                             | --             |
| South Sudan                      | --                | --                             | --             |
| Swaziland                        | --                | --                             | --             |
| Tanzania                         | --                | --                             | --             |
| Togo                             | 23/11/2012        | --                             | --             |
| Tunisia                          | --                | --                             | --             |
| Uganda                           | --                | --                             | --             |
| Zambia                           | --                | --                             | --             |
| Zimbabwe                         | 23/11/2012        | --                             | --             |

**Number of countries** 54

**Number of signature** 24

**Number of Ratification** 0

**Number of Deposit** 0

Source: [http://www.au.int/en/sites/default/files/Africa%20Risk%20Capacity%20-%20ARC\\_o.pdf](http://www.au.int/en/sites/default/files/Africa%20Risk%20Capacity%20-%20ARC_o.pdf) downloaded on 20/05/2014

**Table A27: List of countries which 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        | --                             | --             |
| Cote d'Ivoire                    | 27/02/2004        | --                             | --             |
| Comoros                          | 26/02/2004        | 18/03/2004                     | 16/04/2004     |
| Congo                            | 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        | --                             | --             |
| Sao Tome & Principe              | 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 signatures 31

Number of Ratifications 6  
Number of Deposits 6

Source: [http://www.au.int/en/sites/default/files/Fertilizer%20Development\\_o.pdf](http://www.au.int/en/sites/default/files/Fertilizer%20Development_o.pdf) downloaded on 20/05/2014

## A Digest of OAU-AU Treaties, Conventions and Agreements 1963 to 2013

**Table A28: List of countries which 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 wastes 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     |
| Cote d'Ivoire                    | 30/01/1991        | 13/07/1994                     | 16/09/1994     |
| Comoros                          | 26/02/2004        | 18/03/2004                     | 16/04/2004     |
| Congo                            | --                | 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        | --                             | --             |
| Sao Tome & Principe              | 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 signature**                    35

**Number of Ratifications**                25  
**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 which 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        | --                             | --             |
| Cote d'Ivoire                    | 27/02/2004        | --                             | --             |
| Comoros                          | 26/02/2004        | --                             | --             |
| Congo                            | 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        | --                             | --             |
| Sao Tome & Principe              | 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 signatures 39

Number of Ratifications 13  
Number of Deposits 13

Source: [http://www.au.int/en/sites/default/files/Trade%20Promotion\\_o.pdf](http://www.au.int/en/sites/default/files/Trade%20Promotion_o.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          | Saharawi (A.D.R)            | 4.2                                 | 0.02           | 0.65                                       | 3.55                                     |
| 53          | São Tome e Principe         | 4.2                                 | 0.02           | 0.62                                       | 3.58                                     |
| <b>I.</b>   | <b>Total AU Countries</b>   | <b>21,000.00 [i]</b>                | <b>100</b>     | <b>3,000.00</b>                            | <b>18,000.00</b>                         |
| <b>II.</b>  | <b>Non Allocated [ii]</b>   | <b>4,000.00</b>                     |                | <b>1,000.00</b>                            | <b>3,000.00</b>                          |
| <b>III.</b> | <b>Grand Total</b>          | <b>25,000.00</b>                    |                | <b>4,000.00</b>                            | <b>21,000.00</b>                         |

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

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

Table A31: List of countries which 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     |
| Cote d'Ivoire                    | 27/02/2004        | 01/03/2002                     | 18/06/2007     |
| Comoros                          | 26/02/2004        | 18/03/2004                     | 16/04/2004     |
| Congo                            | 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        | --                             | --             |
| Sao Tome & Principe              | 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 signatures 44

Number of Ratification 47  
Number of Deposit 47

Source: [http://www.au.int/en/sites/default/files/Welfare%20of%20the%20Child\\_o.pdf](http://www.au.int/en/sites/default/files/Welfare%20of%20the%20Child_o.pdf) downloaded on 20/05/2014

**Table A32: List of countries which have signed, ratified/acceded to the protocol to the African charter on human and peoples' 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        | --                             | --             |
| Cote d'Ivoire                    | 27/02/2004        | 05/10/2011                     | 09/03/2012     |
| Comoros                          | 26/02/2004        | 18/03/2004                     | 16/04/2004     |
| Congo                            | 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        | --                             | --             |
| Sao Tome & Principe              | 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 signature 48

Number of Ratifications 36  
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 which 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     |
| Cote d'Ivoire                    | 15/02/2008        | 30/11/2009                     | 13/04/2010     |
| Comoros                          | 02/02/2010        | --                             | --             |
| Congo                            | 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                          | --                | --                             | --             |
| Sao Tome & Principe              | 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 signature 42

Number of Ratifications 35  
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 which 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     |
| Cote d'Ivoire                    | --                | --                             | --             |
| Comoros                          | --                | --                             | --             |
| Congo                            | --                | 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     |
| Sao Tome & Principe              | --                | --                             | --             |
| 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 signatures 0

Number of Ratification

Number of Deposits

34

34

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

Table A35: List of countries which 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     |
| Cote d'Ivoire                    | 11/06/2009        | --                             | --             |
| Comoros                          | 02/02/2010        | --                             | --             |
| Congo                            | 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                          | --                | --                             | --             |
| Sao Tome & Principe              | 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 signatures 31

Number of Ratifications 8  
Number of Deposits 8

Source: [http://www.au.int/en/sites/default/files/Cultural%20Renaissance%20Charter\\_2.pdf](http://www.au.int/en/sites/default/files/Cultural%20Renaissance%20Charter_2.pdf) downloaded on 20/05/2014

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

| Country                          | Date of signature | Date of ratification/accession | Date deposited |
|----------------------------------|-------------------|--------------------------------|----------------|
| Algeria                          | --                | --                             | --             |
| Angola                           | --                | --                             | --             |
| Benin                            | --                | 30/02/2974                     | 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                             | --                | --                             | --             |
| Cote d'Ivoire                    | --                | --                             | --             |
| Comoros                          | --                | --                             | --             |
| Congo                            | --                | --                             | --             |
| 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                          | --                | --                             | --             |
| Sao Tome & Principe              | --                | --                             | --             |
| Sudan                            | --                | --                             | --             |
| South Sudan                      | --                | --                             | --             |
| Swaziland                        | --                | --                             | --             |
| Tanzania                         | --                | --                             | --             |
| Togo                             | --                | 24/10/1979                     | 20/11/1979     |
| Tunisia                          | --                | --                             | --             |
| Uganda                           | --                | --                             | --             |
| Zambia                           | --                | --                             | --             |
| Zimbabwe                         | --                | --                             | --             |

Number of countries 53  
Number of signature 0

Number of Ratification 10  
Number of Deposit 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 which have signed, ratified/acceded to 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                            | 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                           | -                 | 09/07/20 10                    | 14/07/20 10    |
| 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        | -                              | -              |
| Sao Tome & Principe              | 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 Ratification** 26  
**Number of Signature** 31      **Number of Deposit** 26

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