

AFRICAN LAW HANDBOOK

COLLECTION OF DOCUMENTS



BOOK TWO

Virginia Morris



**“Education is the most powerful weapon
we can use to change the world.”**

Nelson Mandela

The quest for Pan-Africanism culminated in the establishment of the Organization of African Unity by the 32 African States that had achieved independence as of 25 May 1963. The historic decision to establish an organization to promote the goals of African unity and the aspirations of the African peoples was taken in the Africa Hall located at the United Nations Economic Commission for Africa in Addis Ababa, Ethiopia. The photograph on the cover is of the stained glass window in the foyer of the Africa Hall. It was designed by the Ethiopian Artist, Maître Afework Tekle. The artwork is divided into three parts which reflect “Africa Then”, “Africa Then and Now”, and “Africa Now and in the Future”.

Graphic design provided by Sean Bacon.

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The goal of this publication is to promote the teaching and dissemination of African law for the benefit of lawyers in Africa and thereby further the goals of the African Union and the African Institute of International Law. It may be reproduced for academic purposes in Africa.

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PART XI
AFRICAN ECONOMIC COMMUNITY

1. AFRICAN DECLARATION ON COOPERATION, DEVELOPMENT AND ECONOMIC INDEPENDENCE

1.

African Declaration on Cooperation, Development and Economic Independence

Preamble

We, the Heads of State and Government of African countries, assembled in Addis Ababa on 25 May 1973 on the occasion of the tenth anniversary of the Organization of African Unity,

Reaffirming the principles and objectives laid down in the Charter of 25 May 1963 establishing the Organization of African Unity,

Reaffirming the total commitment of our States to the provisions of the Algiers Charter, to the Declaration of Lima, to the African Declaration on Industrialization, to the OAU Declaration on the United Nations Conference on Trade and Development and to the African development priorities as defined by the Addis Ababa memorandum,

Recalling the relevant resolutions of the Organization of African Unity, the Economic Commission for Africa, and the African Development Bank,

Considering the profound and legitimate aspirations of our peoples,

Concerned by the ever-deteriorating economic and social position of the developing countries in relation to the developed countries and convinced of the constantly widening gap between the developed and developing countries,

Believing that the continuance of such a state of affairs generates a deep feeling of frustration with predictably serious consequences for peace and international security,

Concerned by the ineffectiveness of the measures adopted during the past decade to combat underdevelopment and by the inability of the international community to create conditions favourable for the development of Africa,

Convinced that the mobilization of the continent's immense human resources in order to stimulate and orientate the creative spirit of Africa can lead to a rapid transformation of our economics and raise our peoples' standard of living,

Convinced that the effective mobilization of the vast natural resources of the continent will be greatly facilitated by a high degree of economic integration; that regional cooperation is not only an indispensable instrument of regional integration but provides a means of coordinating and strengthening the position of African countries in their relations with the outside world and thus enables them to play an effective role in influencing the international context so as to foster the creation of conditions more favourable for development,

Believing that neither language differences nor differences of economic size or structure constitute insurmountable obstacles to economic cooperation and regional integration, and that all barriers to intra-African cooperation, especially those which are remnants of colonialism or by-products of the vertical relations of dominance exercised over Africa by the developed countries, can be eradicated,

Believing that the prospects of far-reaching changes in the international environment, the important events taking place in the world and the efforts being made to find durable solutions to long-standing problems offer African countries an exceptional opportunity to establish a concerted approach and to participate fully in the establishment of a more equitable international order in the economic, commercial and monetary fields,

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Aware of the serious threat arising from the constant wish of the developed countries to reserve themselves, particularly in Africa, spheres of influence that are not only political but also economic, and determined to defend the economic independence of Africa,

Convinced that the developing countries, by strengthening their common front, are capable of achieving their development targets,

Solemnly proclaim our firm determination to achieve the economic independence and development of the continent through the effective mobilization of its immense human and cultural resources,

Decide, therefore, to adopt the present Declaration setting out the basic principles of collective and individual action by all African countries on cooperation, development and economic independence,

African Economic Cooperation and Integration

I. Mobilization of Human and Material Resources

A.1 The Governments of African countries, with a view to making maximum use of Africa's potential human and natural resources, undertake to:

Human Resources

A.2 Guarantee to the entire population the right to education and training based on African realities and provided in a form suited to Africa's need and development objectives and take all necessary measures to respect this right;

A.3 Direct university and higher education programmes to the training and research needed to ensure Africa's scientific and technological independence (as towards an applied research that will be required) and to effect radical changes in the economic and social environment in the interest of development;

A.4 Facilitate the free movement of persons essential for the exchange of ideas and economic integration and give priority to cooperation in the exchanges of professional manpower and skilled and unskilled labour among African countries;

A.5 Take appropriate measures to put an end to the brain drain from Africa and to prompt qualified Africans living abroad to return, with a view to the rapid phasing out of technical assistance from outside Africa;

A.6 Accelerate the implementation of an Africanization policy in each country and ensure effective and equitable African representation in international organizations and the United Nations agencies in Africa;

A.7 Give full support, through their representative States and the Organization of African Unity, to the programmes of the Association of African Universities and other institutions for the fostering of cooperation in particular areas of training and research, most especially the teaching of African and relevant foreign languages, the extension of training facilities to meet specific shortages of middle and high-level African personnel, the investigation of economic, social, cultural, scientific and technological problems that are of particular importance for African development, and the exchange of university teachers and students;

Natural Resources

A.8 Undertake a systematic survey of all Africa's resources, with a view to their rational utilization and joint exploitation, where appropriate, in order to accelerate the continent's development;

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- A.9 Defend vigorously, continually and jointly, the African countries' inalienable sovereign rights and control over their natural resources;
- A.10 Intensify cooperation in the multinational exploitation of rivers and lakes and basins;
- A.11 Promote the exchange of information concerning the exploitation and use of water for supplying towns and industries;
- A.12 Exploit, for development purposes, Africa's hydroelectric potential on a multinational, subregional and regional basis, wherever possible;
- A.13 Intensify the use of other sources of energy such as solar and thermal energy whose utilization can be progressively substituted for that of wood and help to halt the process of land being transformed into desert and the increased incidence of drought in Africa;
- A.14 Protect Africa's sea and ocean resources coming within national jurisdictions effectively and jointly from international over-exploitation (by the developed countries);
- A.15 Rationally harness, on a continental basis, the research of the seabed and ocean floor outside national jurisdiction for the benefit of Africa's development and of its peoples and ensure full participation of the African landlocked countries;

II. Agriculture

- A.16 Promote the modernization of African agriculture through the introduction of modern and advanced techniques in the fields of production, distribution and storage; achieve the gradual replacement of the traditional peasantry by farmers trained in modern methods; and strengthen African cooperation in this sphere with a view to exchanging experience;
- A.17 Promote efforts to ensure a rapid and substantial increase in Africa's food production;
- A.18 Make special efforts to expand rural infrastructure and improve the conditions in rural areas in order to raise the standard of living of the rural populations;
- A.19 Provide rural extension service so that small-scale farmers can be helped to produce surpluses that can be used for the financing of processing industries;
- A.20 Take necessary steps to ensure that African products are processed to the greatest possible extent in Africa prior to exportation;

III. Transport and Infrastructure

- A.21 Accelerate the creation of a modern infrastructure of roads, railways, airlines, inland waterways and the like which constitute the fundamental basis for development and intra-regional cooperation;
- A.22 Establish, as a matter of priority, links between national roads systems and the junction between these areas and the sea ports in order to facilitate the rapid transport of persons and goods, the opening up of isolated areas in each country and providing access to landlocked countries;
- A.23 Eliminate all forms of obstacles to the regular movement of vehicles especially by simplifying formalities at the frontiers and harmonizing highway codes and transit regulations;

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- A.24 Take the necessary steps to establish consortia of African shipping companies which will enable them to operate with greater efficiency, share the use of terminal and maintenance facilities, and explore in common the possibilities of technical innovation in the transportation of African exports;
- A.25 Adopt a common stand in favour of early negotiations so as to obtain favourable freight rates and exert an influence on freight rate level, in respect of maritime and coastal shipping services;
- A.26 Take all necessary measures to establish shippers councils in Africa and to associate landlocked countries with them as much as possible;
- A.27 Set up adequate freight systems designed to promote intra-African trade and African exports;
- A.28 Effectively strengthen cooperation between African airline companies with a view to the rationalization of the continent's air services, particularly as regards the harmonization of timetables, the setting up of special reduced rates, exchanges of air traffic rights, the standardization of types of aircraft used, the sharing of aircraft repair and maintenance facilities and joint organization of research and personnel training;

IV. Telecommunications and Communications

- A.29 Intensify efforts towards the implementation of the Pan-African telecommunications network, including the eventual installation of a Pan-African satellite, and take steps to secure the standardization of equipment, the improvement and coordination of operational arrangements and the provision of appropriate personnel training facilities;
- A.30 Define common general policies on all questions relating to intra-African postal communications problems and policies, particularly as regards the standardization and coordination of postal procedures and practices, and the establishment of vital intra-African postal systems;

V. Industrialization

- A.31 Promote the industrialization of Africa, in particular by the expansion of national markets and accelerating the development of technology, taking due account of the growing importance of transnational companies in this field;
- A.32 Identify the economic regions of Africa so as to promote a systematic development of the entire continent through regional planning with national planning on a rational basis; and identify areas of common interests, so as to promote their development through planning and programming;
- A.33 Take adequate measures to ensure rational industrialization, within the context of subregional and continental economic entities, on the basis of an equitable sharing out of costs and benefits by coordinating industrialization policies and harmonizing development plans, paying special attention to the problems of the least developed and landlocked countries;
- A.34 Organize exchanges of information among African countries on matters pertaining to industrialization, promote cooperation and assistance by competent international institutions, and take adequate steps to put an end to practices of foreign transnational companies that are contrary to Africa's interests;
- A.35 Call upon the developed countries, with a view to promoting African industries, to apply the generalized system of preferences in a loyal and non-discriminating manner and to abolish effectively all tariff and non-tariff barriers and restrictive business practices;

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A.36 Promote cooperation between developing regions, with special regard to the export of processed and semi-processed products, in order to change the vertical structure which dominates relations between developing countries and developed countries;

A.37 Promote, through a policy of training, guidance and extension services, the involvement of Africans in the industrial sector;

A.38 Adopt suitable measures to encourage the rapid transfer of appropriate techniques to Africa both from the developed market-economy countries and from the Socialist countries and their incorporation in production processes, and set up continent-wide institutions capable of promoting applied scientific research and the use of techniques resulting from local research; eliminate middlemen in the realm of imports in order to reduce the high cost of imported products;

VI. Monetary and Financial Matters

A.39 Take all necessary measures to promote effective monetary cooperation among African countries especially by:

(I) Organizing mutual consultation on monetary matters between African countries;

(II) Giving a more important role to African currencies in intra-African payments;

(III) Instituting payments arrangements among African currencies in inter-African payments;

(IV) Setting up at the regional or subregional level, one or more payment unions with an African external settlement fund; to this end, study in a concrete manner all possibilities of financing the fund in collaboration with appropriate international institutions;

B. Rapidly strengthen effective financial cooperation in Africa by setting up subregional capital markets, and by inviting ADB to give priority to the financing of multinational projects and those which foster African economic integration;

VII. Environment

A.40 Take all necessary measures for the protection of nature and the environment which constitute one of Africa's irreplaceable resources, and to counteract the effects of natural disasters of which other countries are constant victims;

A.41 Adopt a common front to combat drought, which constitutes a threat to the entire continent;

A.42 Take all steps to ensure that tourism policies do not result in the destruction of the environment and nature in Africa, since any damage done is irremediable;

A.43 Ensure that the problems of environmental protection are seen within the context of the economic and social development of the African countries whose development policies should accordingly pay greater attention to questions of natural resource conservation and management, the improvement of physical and human conditions in urban and rural areas, and the eradication of endemic diseases which have been extensively eliminated in many parts of the world;

A.44 Ensure that African countries are always guided by the principles adopted by the Stockholm Conference on Human Environment;

VIII. Tourism

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A.45 Set up joint organizations for the promotion of the tourist trade through such measures as joint advertising, the establishment of agreed tariffs for excursions and holiday travel, and the simplification of frontier formalities to facilitate inter-State tours;

IX. Trade and Development Financing

B.1 Intra-African Trade

- I. (a) Intensify efforts to establish procedures and mechanisms for coordinating trade policies;
 - (b) Intensify efforts to promote cooperation in the field of the general integration of economic infrastructure, particularly through the restructuring of production structures distribution systems and market integration on a subregional basis;
 - (c) Establish common trade and development institutions to consider, coordinate and supervise, where necessary, the implementation of agreements and arrangements among African countries on cooperation, trade and development;
- II. Adopt modern marketing techniques in respect of African products with a view to promote intra-African trade;

B.2 International Trade

1. Take the necessary precautions in international negotiations to ensure that they take place within international institutions, and that, whether they concern relations between Africa and groupings of developed countries or simply, relations with these countries individually, they are in no case treated as a pretext to subject Africa to any foreign economic power;
2. Concert and organize plan action, in advance of all negotiation with the developed countries, and in order to assess all the implications which the proposed agreements might have on the future of their economic independence, (regarded as an inviolable principle);
3. Act collectively in multilateral trade negotiations in order to safeguard the following objectives:
 - I. The adoption of effective concerted measures a definite and to the constant deterioration in the terms of trade of African countries;
 - II. The adoption of effective measures for the stabilization of relative prices of African commodities and for the dynamic stabilization of export earnings, in the light of increasing needs of African countries for development financing;
 - III. The adoption of effective measures designed to lead to the vertical diversification of production so that the African countries can process their products through as many stages as possible before exporting them, it being considered that horizontal diversification consisting of the substitution of a number of primary products for a single one merely postpones the day of reckoning without solving any of the real problems;
 - IV. The abolition by the developed countries of all tariff and non-tariff barriers, and the restrictive trade practices which those countries have hitherto placed in the way of the penetration of their markets by-products from the African countries;
 - V. Non-reciprocity in trade and tariff concessions accorded to African countries by the developed countries;

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- VI. The adoption and effective implementation by all the developed countries of the generalized system of preferences, the suppression of all escape clauses, the extension of the system to cover all escape clauses, the extension of the system to cover all African exports and its adoption by all countries that have not yet done so;
- VII. The conduct of negotiations by groups of products and not individual product;
- VIII. The completion of negotiations within a reasonable period;

B.3 Development Financing

- I. Mobilize Africa's domestic resources rapidly and effectively so as to serve as the main basis of African development;
- II. Encourage, in every way, efforts directed towards African participation in investment in all sectors, so as to ensure effective national control of the economy; take direct charge of the creation and development of key sectors of the economy to ensure their effective control in the interests of national development;
- III. Promote the establishment of continent-wide insurance and reinsurance institutions and a Pan-African Insurance and Reinsurance Company;
- IV. Take measures to ensure that foreign private investment respects national priorities drawn up by the African States;
- V. Coordinate national legislation in the field of investment policy to avoid competition among African countries in offering foreign investors conditions for establishment and tax concessions that are liable to be prejudicial to African economies with the aim of preparing the elements for a single investment code for all African countries;
- IV. Take measures to reduce expenditure on research and studies provided by the developed countries which absorb a very large proportion of foreign aid and ensure that the costs of such studies are borne by donor countries and not counted as part of the credit element of the aid granted;
- VII. To participate actively and directly in the research currently being conducted on the reform of the international monetary system with a view to establishing a more equitable international monetary system designed to provide African countries with resources for development in addition to international liquidities;
- VIII. Promote measures through general or specific agreements to limit the harmful effects of monetary developments outside the continent on African economies and, where possible, seek compensation for resultant losses by African countries and at the same time strengthen intra-African monetary cooperation to counteract the harmful effects of external monetary developments;
- IX. Defend a common African stand in all international economic and monetary negotiations;

C.1 International Cooperation

Take all necessary measures, side by side with efforts at the international level, to promote intra-African cooperation within the context of a strategy for development which should be the primary responsibility of the African peoples themselves;

C.2 Africa's Relations with the Countries of the Third World

- I. Constant consolidation of the front formed by the Group of 77 in order to defend the principles laid down in the Algiers Charter and the principles of action in the Lima Declaration;

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- II. Constant harmonization of the positions of developing countries within the common institutions they have established for the defence of their common interests;
- III. Encouragement by all possible means, of the exchange of information on development and scientific and technical cooperation between developing countries and between their respective national or regional institutions;
- IV. Encouragement of the associations of producers in developing countries, for the defence of their common products;

C.3 Relations with the Developed Market Economy Countries and Their Economic Groupings

- I. Coordination and harmonization of their stand during all negotiations in order to safeguard the interests of African countries and refraining from actions prejudicial to African economies and inter-African cooperation;
- II. Conclusion of trade agreements on the basis of mutual interest and the assistance duly made available to Africa by the developed market economy countries and their economic groupings;
- III. Taking all necessary measures to ensure that no special form of relationship with the developed market economy countries, or their economic groupings are an impediment to access to financial and technical aid;
- IV. Ensuring that multilateral and bilateral financial and technical assistance agreements are adapted to the development requirements of African countries;
- V. Taking concrete measures to regulate the repatriation of profits which considerably reduces the investment resources of African countries and limits the positive effects of aid to Africa;
- VI. Taking measures to facilitate the transfer of appropriate technology to African countries on easy terms, and to control the restrictive practices which militate against such transfers;

C.4 Relations with the Socialist Countries

- I. Coordination of the stand and information on the possibilities for trade, cooperation and assistance between African countries and the Socialist countries;
- II. Promotion of all measures to intensify trade and facilitate payments between African countries and the Socialist countries;
- III. Taking steps to encourage the Socialist countries to facilitate the mobilization of credits granted to African countries, in particular as regards the use of such credits to finance the local cost component of projects and to purchase goods from other Socialist country;
- IV. Taking steps to facilitate the sale of African products in Socialist countries within the framework of long-term agreements at contractually negotiated and periodically readjust prices to take account of the changes in market conditions;
- V. Intensification of industrial, scientific and technical cooperation between African countries and the Socialist countries, and measures to facilitate the transfer of technology from such countries to the African countries.

2. MONROVIA DECLARATION

In faith whereof, We, African Heads of State and Government call upon African governments, African economic cooperation organizations, African institutions and African representatives in all international organizations, institutions and bodies to be guided in their actions by the provisions of the present Declaration on Cooperation, Development and Economic Independence.

2.

**MONROVIA DECLARATION OF COMMITMENT OF THE HEADS OF STATE AND GOVERNMENT
OF THE ORGANIZATION OF AFRICAN UNITY ON GUIDELINES AND MEASURES FOR NATIONAL AND COLLECTIVE
SELF-RELIANCE IN SOCIAL AND ECONOMIC DEVELOPMENT FOR THE ESTABLISHMENT OF A
NEW INTERNATIONAL ECONOMIC ORDER
(AHG/ST.3 (XVI) Rev.1)**

Adopted in Monrovia, Liberia, in July 1979.

We, the Heads of State and Government of the Organization of African Unity,

Recalling our Resolution CM/ST/12 (XXI) endorsed by the Tenth Ordinary Session of the Organization of African Unity held in Addis Ababa on 25 May 1973 containing the African Declaration of Cooperation, Development and Economic Independence,

Recalling the recommendations of the Eleventh Extraordinary Session of the Council of Ministers of the OAU on Economic Development and Cooperation held in Kinshasa in December 1976,

Having taken note of the Interim Report of the Secretary-General on Development and Economic Integration of Africa contained in Doc CM/983 (XXXIII) including its annex I – Colloquium on the Prospects for Development and Economic Growth in Africa especially to the year 2000 - and annex II – Development Strategy for Africa for the Third United Nations Development Decade,

Aware of the fact that Africa is a vast continent amply endowed with natural resources of all kinds, provided with a potentially rich human resource base and capable of a rapid transformation of its economies and improvement in the standard of living of its peoples,

Determined to ensure that our Member States individually and collectively restructure their economic and social strategies and programmes so as to achieve rapid socio-economic change and to establish a solid domestic and intra-African base for a self-sustaining, self-reliant development and economic growth,

Realizing that the political regime which protects basic human rights and democratic freedom is essential for mobilizing the creative initiative of our people for rapid economic development including scientific and technological innovation,

Recognizing the need to take urgent action to provide the political support necessary for the success of measures to achieve the goals of rapid self-reliance and self-sustaining development and economic growth,

Hereby declares as follows,

1. *That* we commit ourselves individually and collectively on behalf of our Governments and peoples to promote the social and economic development and integration of our economies with a view to achieving an increasing measure of self-reliance and self-sustainment;

2. *That* we commit ourselves individually and collectively on behalf of our Government and peoples to promote the economic integration of the African region in order to facilitate and reinforce social and economic intercourse;

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3. *That* we commit ourselves individually and collectively on behalf of our Governments and peoples to establish national, subregional and regional institutions which will facilitate the attainment of objectives of self-reliance and self-sustainment;
4. *That*, more specifically, we commit ourselves individually and collectively on behalf of our Governments and peoples to:
 - (a) Give an important place to the field of human resources development by States to eliminate illiteracy;
 - (b) Put science and technology in the service of development by reinforcing autonomous capacity of our countries in this field;
 - (c) Self-sufficiency in food production and supply;
 - (d) Complete implementation of the programme for the United Nations Transport and Communications Decade for Africa;
 - (e) Subregional and regional internally located industrial development;
 - (f) Cooperation in the field of natural resources control, exploration, extraction and use for the development of our economics and for the benefit of our peoples and the setting up of appropriate institutions to achieve these purposes;
 - (g) The development of indigenous entrepreneurial, technical manpower and technological capabilities to enable our peoples to assume great responsibility for the achievement of our individual and collective development goals;
 - (h) Cooperation in the preservation, protection and improvement of the natural environment;
 - (i) Ensure that our development policies reflect adequately our sociocultural values in order to reinforce our cultural identity;
 - (j) Take into account the dimension of the future in the elaboration of our development plans including studies and measures aimed at achieving the rapid socio-economic transformation of our States;
5. We hold firmly to the view that these commitments will lead to the creation at the national, subregional and regional levels of a dynamic inter-dependent African economy and will thereby pave the way for the eventual establishment of an African Common Market leading to an African Economic Community;
6. Resolving to give special attention to the discussion of economic issues at each annual session of our Assembly, we hereby call on the Administrative Secretary-General, in collaboration with the Executive Secretary-General of the United Nations Economic Commission for Africa, to draw up annually specific programmes and measures for economic cooperation on subregional, regional and continental basis in Africa.

3.

TREATY ESTABLISHING THE AFRICAN ECONOMIC COMMUNITY

**Adopted in Abuja, Nigeria, on 3 June 1991.
Entered into force on 12 May 1994.**

Preamble

3. AFRICAN ECONOMIC COMMUNITY

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

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

Bearing in mind the principles and objectives set forth in the Charter of the Organization of African Unity,

Conscious of our duty to develop and utilize the human and natural resources of the continent for the general well-being of our peoples in all fields of human endeavour,

Recognizing the various factors which hinder the development of the continent and seriously jeopardize the future of its peoples,

Having regard to the various resolutions and declarations adopted by our Assembly in Algiers, Algeria, in September 1968, and in Addis Ababa, Ethiopia, in September 1970 and May 1973 providing that the economic integration of the continent is a prerequisite for the realization of the objectives of the OAU,

Having regard to our decision taken in Libreville, Gabon, in July 1977 endorsing the Kinshasa Declaration adopted by our Council of Ministers in December 1976 concerning the establishment of an African Economic Community, an objective to be attained in successive stages,

Considering the Monrovia Declaration of Commitment on the Guidelines and Measures for National and Collective Self-reliance in Economic and Social Development for the Establishment of a New International Order and which, inter alia, calls for the creation of an African Common Market as a prelude to an African Economic Community,

Considering further the Lagos Plan of Action and the Final Act of Lagos of April 1980 reaffirming our commitment to establish, by the year 2000, an African Economic Community in order to foster the economic, social and cultural integration of our continent,

Finally considering our Declaration made on the occasion of the Twenty-fifth Anniversary of the OAU and, in particular, the reaffirmation of our commitment and our determination to take the necessary steps to accelerate the establishment of the proposed African Economic Community,

Noting that the efforts already made in the subregional and regional sectoral economic cooperation are encouraging and justify a larger and fuller economic integration,

Noting the need to share, in an equitable and just manner, the advantages of cooperation among Member States in order to promote a balanced development in all parts of the continent,

Have decided to establish an African Economic Community constituting an integral part of the OAU and hereby agree as follows:

Chapter 1 Definitions

Article 1

For the purpose of this Treaty:

- (a) "Treaty" shall mean the present Treaty;
- (b) "Protocol" shall mean an instrument of implementation of the Treaty having the same legal force as the latter;

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- (c) "Community" shall mean the organic structure for economic integration established under Article 2 of this Treaty and constituting an integral part of the OAU;
- (d) "Region" shall mean an OAU region as defined by Resolution CM/Res.464 (QCXVI) of the OAU Council of Ministers concerning the Division of Africa into five (5) regions namely North Africa, West Africa, Central Africa, East Africa and Southern Africa;
- (e) "Subregion" shall mean at least three (3) States of one or more regions as defined in subparagraph (d) of this article;
- (f) "Member State" shall mean a Member State of the Community;
- (g) "Third State" shall mean any State other than a Member State;
- (h) "Assembly" shall mean the Assembly of Heads of State and Government of the OAU as provided for in Articles 7 and 8 of this Treaty;
- (i) "Council" shall mean the Council of Ministers of the OAU as provided for in Articles 7 and 11 of this Treaty;
- (j) "Pan-African Parliament" shall mean the parliamentary assembly established under Articles 7 and 14 of this Treaty;
- (k) "Commission" shall mean the Economic and Social Commission of the OAU as provided for under Articles 7 and 15 of this Treaty;
- (l) "Committee" shall mean any Specialized Technical Committee established under Articles 7 and 25 of this Treaty or in pursuance thereof;
- (m) "Court of Justice" shall mean the Court of Justice of the Community constituted under Articles 7 and 18 of this Treaty;
- (n) "Secretariat" shall mean the General Secretariat of the OAU provided for in Articles 7 and 21 of this Treaty;
- (o) "Secretary-General" shall mean the Secretary-General of the OAU as provided for in Article 23 of this Treaty;
- (p) "Customs duty" shall mean protective customs duties and charges having equivalent effect, levied on goods for their importation;
- (q) "Export duties and taxes" shall mean export duties and charges having equivalent effect, levied on goods for their exportation;
- (r) "Customs duties and taxes" shall mean all duties and taxes as defined in subparagraphs (p) and (q) of this article;
- (s) "Non-tariff barriers" shall mean barriers which hamper trade and which are caused by obstacles other than fiscal obstacles;
- (t) "Intra-Community Trade System" shall mean the system under which advantages are accorded to the goods referred to in paragraph 1 of Article 33 of this Treaty;

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- (u) "Goods in transit" shall mean goods being transported between two Member States or between a Member State and a third State and passing through one or more Member States;
- (v) "Barter agreement" or "compensatory exchanges" shall mean any agreement under which goods and services imported into a Member State may be paid for in full or in part by direct exchange of goods and services;
- (w) "Fund" shall mean the Solidarity, Development and Compensation Fund of the Community established pursuant to Article 80 of this Treaty; and
- (x) "Person" shall mean a natural or legal person.

Chapter II

Establishment, principles, objectives, general undertaking and modalities

Article 2

Establishment of the Community

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

Article 3

Principles

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

- (a) Equality and interdependence of Member States;
- (b) Solidarity and collective self-reliance;
- (c) Inter-State cooperation, harmonization of policies and integration of programmes;
- (d) Promotion of harmonious development of economic activities among Member States;
- (e) Observance of the legal system of the Community;
- (f) Peaceful settlement of disputes among Member States, active cooperation between neighbouring countries and promotion of a peaceful environment as a prerequisite for economic development;
- (g) Recognition, promotion and protection of human and peoples' rights in accordance with the provisions of the African Charter on Human and Peoples' Rights; and
- (h) Accountability, economic justice and popular participation in development.

Article 4

Objectives

1. The objectives of the Community shall be:

- (a) To promote economic, social and cultural development and the integration of African economies in order to increase economic self-reliance and promote an endogenous and self-sustained development;

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- (b) To establish, on a continental scale, a framework for the development, mobilization and utilization of the human and material resources of Africa in order to achieve a self-reliant development;
 - (c) To promote cooperation in all fields of human endeavour in order to raise the standard of living of African peoples, and maintain and enhance economic stability, foster close and peaceful relations among Member States and contribute to the progress, development and the economic integration of the continent; and
 - (d) To coordinate and harmonize policies among existing and future economic communities in order to foster the gradual establishment of the Community.
2. In order to promote the attainment of the objectives of the Community as set out in paragraph 1 of this article, and in accordance with the relevant provisions of this Treaty, the Community shall, by stages, ensure:
- (a) The strengthening of existing regional economic communities and the establishment of other communities where they do not exist;
 - (b) The conclusion of agreements aimed at harmonizing and coordinating policies among existing and future subregional and regional economic communities;
 - (c) The promotion and strengthening of joint investment programmes in the production and trade of major products and inputs within the framework of collective self-reliance;
 - (d) The liberalization of trade through the abolition, among Member States, of customs duties levied on imports and exports and the abolition, among Member States, of non-tariff barriers in order to establish a free trade area at the level of each regional economic community;
 - (e) The harmonization of national policies in order to promote Community activities, particularly in the fields of agriculture, industry, transport and communications, energy, natural resources, trade, money and finance, human resources, education, culture, science and technology;
 - (f) The adoption of a common trade policy vis-à-vis third States;
 - (g) The establishment and maintenance of a common external tariff;
 - (h) The establishment of a common market;
 - (i) The gradual removal, among Member States, of obstacles to the free movement of persons, goods, services and capital and the right of residence and establishment;
 - (j) The establishment of a Community Solidarity, Development and Compensation Fund;
 - (k) The granting of special treatment to Member States classified as least developed countries and the adoption of special measures in favour of landlocked, semi-landlocked and island countries;
 - (l) The harmonization and rationalization of the activities of existing African multinational institutions and the establishment of such institutions, as and when necessary, with a view to their possible transformation into organs of the Community;
 - (m) The establishment of appropriate organs for trade in agricultural and cultural products, minerals, metals, and manufactured and semi-manufactured goods within the Community;

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- (n) The establishment of contacts and the promotion of information flow among trading organizations such as State commercial enterprises, export promotion and marketing bodies, chambers of commerce, associations of businessmen, and business and advertising agencies;
- (o) The harmonization and coordination of environmental protection policies; and
- (p) Any other activity that Member States may decide to undertake jointly with a view to attaining the objectives of the Community.

Article 5 General Undertakings

1. Member States undertake to create favourable conditions for the development of the Community and the attainment of its objectives, particularly by harmonizing their strategies and policies. They shall refrain from any unilateral action that may hinder the attainment of the said objectives.
2. Each Member State shall, in accordance with its constitutional procedures, take all necessary measures to ensure the enactment and dissemination of such legislation as may be necessary for the implementation of the provisions of this Treaty.
3. Any Member State, which persistently fails to honour its general undertakings under this Treaty or fails to abide by the decisions or regulations of the Community, may be subjected to sanctions by the Assembly upon the recommendation of the Council. Such sanctions may include the suspension of the rights and privileges of membership and may be lifted by the Assembly upon the recommendation of the Council.

Article 6 Modalities for the establishment of the Community

1. The Community shall be established gradually in six (6) stages of variable duration over a transitional period not exceeding thirty-four (34) years.
2. At each such stage, specific activities shall be assigned and implemented concurrently as follows:
 - (a) First Stage:

Strengthening of existing regional economic communities and, within a period not exceeding five (5) years from the date of entry into force of this Treaty, establishing economic communities in regions where they do not exist;
 - (b) Second Stage:
 - (i) At the level of each regional economic community and within a period not exceeding eight (8) years, stabilizing tariff barriers and non-tariff barriers, customs duties and internal taxes existing at the date of entry into force of this Treaty; there shall also be prepared and adopted studies to determine the timetable for the gradual removal of tariff barriers and non-tariff barriers to regional and intra-Community trade and for the gradual harmonization of customs duties in relation to third States;
 - (ii) Strengthening of sectoral integration at the regional and continental levels in all areas of activity, particularly in the fields of trade, agriculture, money and finance, transport and communications, industry and energy; and
 - (iii) Coordination and harmonization of activities among the existing and future economic communities.
 - (c) Third Stage:

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At the level of each regional economic community and within a period not exceeding ten (10) years, establishment of a free trade area through the observance of the timetable for the gradual removal of tariff barriers and non-tariff barriers to intra-Community trade and the establishment of a customs union by means of adopting a common external tariff.

(d) Fourth Stage:

Within a period not exceeding two (2) years, coordination and harmonization of tariff and non-tariff systems among the various regional economic communities with a view to establishing a customs union at the continental level by means of adopting a common external tariff.

(e) Fifth Stage:

Within a period not exceeding four (4) years, establishment of an African Common Market through:

- (i) The adoption of a common policy in several areas such as agriculture, transport and communications, industry, energy and scientific research;
- (ii) The harmonization of monetary, financial and fiscal policies;
- (iii) The application of the principle of free movement of persons as well as the provisions herein regarding the rights of residence and establishment; and
- (iv) Constituting the proper resources of the Community as provided for in paragraph 2 of Article 82 of this Treaty.

(f) Sixth Stage:

Within a period not exceeding five (5) years:

- (i) Consolidation and strengthening of the structure of the African Common Market, through including the free movement of people, goods, capital and services, as well as, the provisions herein regarding the rights of residence and establishment;
- (ii) Integration of all the sectors namely economic, political, social and cultural; establishment of a single domestic market and a Pan-African Economic and Monetary Union;
- (iii) Implementation of the final stage for the setting up of an African Monetary Union, the establishment of a single African Central Bank and the creation of a single African Currency;
- (iv) Implementation of the final stage for the setting up of the structure of the Pan-African Parliament and election of its members by continental universal suffrage;
- (v) Implementation of the final stage for the harmonization and coordination process of the activities of regional economic communities;
- (vi) Implementation of the final stage for the setting up of the structures of African multinational enterprises in all sectors; and
- (vii) Implementation of the final stage for the setting up of the structures of the executive organs of the Community.

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3. All measures envisaged under this Treaty for the promotion of a harmonious and balanced development among Member States, particularly, those relating to the formulation of multi-national projects and programmes, shall be implemented concurrently within the time period specified for the attainment of the objectives of the various stages outlined in paragraph 2 of this article.

4. The transition from one stage to another shall be determined when the specific objectives set in this Treaty or pronounced by the Assembly for a particular stage are implemented and all commitments fulfilled. The Assembly, on the recommendation of the Council, shall confirm that the objectives to a particular stage have been attained and shall approve the transition to the next stage.

5. Notwithstanding the provisions of the preceding paragraph, the cumulative transitional period shall not exceed forty (40) years from the date of entry into force of this Treaty.

Chapter III Organs of the Community

Article 7 Organs

1. The organs of the Community shall be:

- (a) The Assembly of Heads of State and Government;
- (b) The Council of Ministers;
- (c) The Pan-African Parliament;
- (d) The Economic and Social Commission;
- (e) The Court of Justice;
- (f) The General Secretariat; and
- (g) The Specialized Technical Committees.

2. The organs of the Community shall perform their duties and act within the limits of the powers conferred on them by this Treaty.

Article 8 The Assembly of Heads of State and Government Composition and Powers

1. The Assembly shall be the supreme organ of the Community.

2. The Assembly shall be responsible for implementing the objectives of the Community.

3. To this end, it shall:

- (a) Determine the general policy and major guidelines of the Community, and give directives, coordinate and harmonize the economic, scientific, technical, cultural and social policies of Member States;
- (b) Take any action, under this Treaty, to attain the objectives of the Community;

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- (c) Oversee the functioning of Community organs as well as the follow-up of the implementation of its objectives;
 - (d) Prepare and adopt its rules of procedure;
 - (e) Approve the organizational structure of the Secretariat;
 - (f) Elect the Secretary-General, his Deputies and, on the recommendation of the Council, appoint the Financial Controller, the Accountant and the External Auditors;
 - (g) Adopt the Staff Rules and Regulations of the Secretariat;
 - (h) On the recommendation of the Council, take decisions and give directives concerning the regional economic communities in order to ensure the realization of the objectives of the Community;
 - (i) On the recommendation of the Council, approve the Community's programme of activity and budget and determine the annual contribution of each Member State;
 - (j) Delegate to the Council the authority to take decisions in pursuance of Article 10 of this Treaty;
 - (k) Refer any matter to the Court of Justice when it confirms, by an absolute majority vote, that a Member State or organ of the Community has not honoured any of its obligations or has acted beyond the limits of its authority or has abused the powers conferred on it by the provisions of this Treaty, by a decision of the Assembly or a regulation of the Council;
 - (l) Request the Court of Justice, as and when necessary, to give an advisory opinion on any legal question; and
 - (m) In carrying out its function hereunder, exercise any other powers granted to it under this Treaty.
4. The Assembly shall be assisted by the Council in the performance of its duties.

Article 9 Meetings

1. The Assembly shall meet once a year in regular session. An extraordinary session may be convened by the Chairman of the Assembly or at the request of a Member State provided that such a request is supported by two thirds of the members of the Assembly.
2. The office of the Chairman of the Assembly shall be held every year by one of the Heads of State and Government elected by the Assembly after consultation among Member States.

Article 10 Decisions

1. The Assembly shall act by decisions.
2. Without prejudice to the provisions of paragraph 5 of Article 18, decisions shall be binding on Member States and organs of the Community, as well as regional economic communities.
3. Decision shall be automatically enforceable thirty (30) days after the date of their signature by the Chairman of the Assembly, and shall be published in the official journal of the Community.

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4. Unless otherwise provided in this Treaty, decision of the Assembly shall be adopted by consensus, failing that, by a two-thirds majority of Member States.

Article 11 The Council of Ministers Composition, Functions and Powers

1. The Council shall be the Council of Ministers of the OAU.
2. The Council shall be responsible for the functioning and development of the Community.
3. To this end, it shall:
 - (a) Make recommendations to the Assembly on any action aimed at attaining the objectives of the Community;
 - (b) Guide the activities of the subordinate organs of the Community;
 - (c) Submit to the Assembly proposals concerning programmes of activity and budget of the Community as well as the annual contribution of each Member State;
 - (d) Propose to the Assembly the appointment of the Financial Controller, the Accountant and the External Auditors;
 - (e) Prepare and adopt its rules of procedure;
 - (f) Request the Court of Justice, as and when necessary, to give an advisory opinion on any legal questions; and
 - (g) Carry out all other functions assigned thereto under this Treaty and exercise all powers delegated to it by the Assembly.

Article 12 Meetings

1. The Council shall meet twice a year in ordinary session. One such session shall precede the ordinary session of the Assembly. An extraordinary session may be convened by the Chairman of the Council or at the request of a Member State provided that such request is supported by two thirds of the members of the Council.
2. The office of the Chairman of the Council shall be held by the Minister of a Member State elected by the Council after consultations among its members.

Article 13 Regulations

1. The Council shall act by regulations.
2. Without prejudice to the provisions of paragraph 5 of Article 18 of this Treaty, such regulations shall be binding on Member States, subordinate organs of the Community and regional economic communities after their approval by the Assembly. Notwithstanding the foregoing provisions, regulations adopted as aforesaid shall forthwith have a binding effect in the case of delegation of powers by the Assembly pursuant to paragraph 3 (j) of Article 8 hereof.

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3. Regulations shall be enforceable automatically thirty (30) days after the date of their signature by the Chairman of the Council and shall be published in the official journal of the Community.

4. Unless otherwise provided in this Treaty, regulations shall be adopted by consensus or, failing that, by two-thirds majority of Member States.

Article 14 The Pan-African Parliament

1. In order to ensure that the peoples of Africa are fully involved in the economic development and integration of the continent, there shall be established a Pan-African Parliament.

2. The composition, functions, powers and organization of the Pan-African Parliament shall be defined in a protocol providing therefor.

Article 15 Economic and Social Commission Composition and Participation

1. The Commission shall be the Economic and Social Commission of the OAU.

2. The Commission shall comprise Ministers responsible for economic development, planning and integration of each Member State. They may be assisted, as and when necessary, by other Ministers.

3. Representatives of regional economic communities shall participate in meetings of the Commission and its subsidiary organs. The modalities and conditions of their participation shall be prescribed in the protocol concerning relations between the Community and African regional and subregional organizations and third States. Representatives of other organizations may also be invited to participate as observers in the deliberations of the Commission.

Article 16 Functions

The Commission shall carry out the following functions:

(a) Prepare, in accordance with the Lagos Plan of Action and the Final Act of Lagos, programmes, policies and strategies for cooperation in the fields of economic and social development among African countries on the one hand, and between Africa and the international community on the other, and make appropriate recommendations to the Assembly, through the Council;

(b) Coordinate, harmonize, supervise and follow up on the economic, social, cultural, scientific and technical activities of the Secretariat, of the committees and any other subsidiary body;

(c) Examine the reports and recommendations to the Assembly, through the Council, and ensure their follow-up;

(d) Make recommendations to the Assembly, through the Council with a view to coordinating and harmonizing the activities of the different regional economic communities;

(e) Supervise the preparation of international negotiations, assess the results thereof and report thereon to the Assembly through the Council; and

(f) Carry out all other functions assigned thereto by the Assembly or the Council.

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Article 17 Meetings

1. The Commission shall meet at least once a year in ordinary session. It may be convened in extraordinary session either on its own initiative or at the request of the Assembly or the Council.
2. The ordinary session of the Commission shall be held immediately before the ordinary session of the Council preceding the session of the Assembly and at the same venue of such session.
3. The Commission shall prepare and adopt its rules of procedure.

Article 18 Court of Justice Constitution and Functions

1. A Court of Justice of the Community is hereby constituted.
2. The Court of Justice shall ensure the adherence to law in the interpretation and application of this Treaty and shall decide on disputes submitted thereto pursuant to this Treaty.
3. To this end, it shall:
 - (a) Decide on actions brought by a Member State or the Assembly on grounds of the violation of the provisions of this Treaty, or of a decision or a regulation or on grounds of lack of competence or abuse of powers by an organ, an authority or a Member State; and
 - (b) At the request of the Assembly or Council, give an advisory opinion.
4. The Assembly may confer on the Court of Justice the power to assume jurisdiction by virtue of this Treaty over any dispute other than those referred to in paragraph 3 (a) of this article.
5. The Court of Justice shall carry out the functions assigned to it independently of the Member States and the other organs of the Community.

Article 19 Decisions of the Court

The decisions of the Court of Justice shall be binding on Member States and organs of the Community.

Article 20 Organization

The statute, membership, procedures, and other matters relating to the Court of Justice shall be determined by the Assembly in a protocol relating to the Court of Justice.

Article 21 General Secretariat Composition

1. The Secretariat shall be the General Secretariat of the OAU.

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2. The Secretariat shall be headed by the Secretary-General assisted by the necessary staff for the smooth functioning of the Community.

Article 22

Functions of the Secretary-General

1. The Secretary-General shall direct the activities of the Secretariat and shall be its legal representative.
2. The Secretary-General shall:
 - (a) Follow up and ensure the implementation of the decisions of the Assembly and the application of the regulations of the Council;
 - (b) Promote development programmes as well as projects of the Community;
 - (c) Prepare proposals concerning the programme of activity and budget of the Community and upon their approval by the Assembly ensure the implementation thereof;
 - (d) Submit a report on the activities of the Community to all meetings of the Assembly, the Council and the Commission;
 - (e) Prepare and service meetings of the Assembly, the Council, the Commission and the Committees;
 - (f) Carry out studies with a view to attaining the objectives of the Community and make proposals likely to enhance the functioning and harmonious development of the Community. To this end, the Secretary-General may request any Member State to furnish him with all necessary information; and
 - (g) Recruit the staff of the Community and make appointments to all posts except those referred to in paragraph 3 (f) of Article 8 of this Treaty.

Article 23

Appointments

1. The Secretary-General and his assistants shall be elected by the Assembly in accordance with the relevant provisions of the OAU Charter and the rules of procedure of the Assembly.
2. The financial controller and the accountant shall be appointed by the Assembly for a term of four (4) years renewable once only.
3. In the appointment of the staff of the Community, and in addition to the need to ensure high integrity and competence, consideration shall be given to equitable geographical distribution of posts among all Member States.

Article 24

Relations between the Staff of the Community and Member States

1. In the performance of their duties, the Secretary-General and his assistants, the financial controller, the accountant and the staff of the Community shall be accountable only to the Community. In this regard, they shall neither seek nor accept instructions from any Government or any national or international authority external to the Community. They shall refrain from any conduct incompatible with the nature of their status as international officers.

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2. Every Member State undertakes to respect the international character of the duties of the Secretary-General, his assistants, the financial controller, the accountant and other officers of the Community and undertakes not to influence them in the performance of their duties.

3. Member States undertake to cooperate with the Secretariat and other organs of the Community and to assist them in the discharge of the functions assigned thereto under this Treaty.

Article 25 Specialized Technical Committees Establishment and Composition

1. There is hereby established the following committees:

- (a) The Committee on Rural Economy and Agricultural Matters;
- (b) The Committee on Monetary and Financial Affairs;
- (c) The Committee on Trade, Customs and Immigration Matters;
- (d) The Committee on Industry, Science and Technology, Energy, Natural Resources and Environment;
- (e) The Committee on Transport, Communications and Tourism;
- (f) The Committee on Health, Labour and Social Affairs; and
- (g) The Committee on Education, Culture and Human Resources.

2. The Assembly shall, whenever it deems appropriate, restructure the existing committees or establish other committees.

3. Each committee shall comprise a representative of each Member State. The representatives may be assisted by advisors.

4. Each committee may, as it deems necessary, set up subsidiary committees to assist the committee in carrying out its work. It shall determine the composition of any such subsidiary committee.

Article 26 Functions

Each committee shall within its field of competence:

- (a) Prepare projects and programmes of the Community and submit them to the Commission;
- (b) Ensure the supervision, follow-up and the evaluation of the implementation of decisions taken by the organs of the Community;
- (c) Ensure the coordination and harmonization of projects and programmes of the Community;
- (d) Submit to the Commission, either on its own initiative or at the request of the Commission, reports and recommendations on the implementation of the provisions of this Treaty; and
- (e) Carry out any other functions assigned to it for the purpose of ensuring the implementation of the provisions of this Treaty.

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Article 27 Meetings

Subject to any directives given by the Commission, each committee shall meet as often as necessary and shall prepare its rules of procedure and submit them to the Commission for approval.

Chapter IV Regional Economic Communities

Article 28 Strengthening of Regional Economic Communities

1. During the first stage, Member States undertake to strengthen the existing regional economic communities and to establish new communities where they do not exist in order to ensure the gradual establishment of the Community.
2. Member States shall take all necessary measures aimed at progressively promoting increasingly closer cooperation among the communities, particularly through coordination and harmonization of their activities in all fields or sectors in order to ensure the realization of the objectives of the Community.

Chapter V Customs Union and Liberalization of Trade

Article 29 Customs Union

Member States of each regional economic community agree to progressively establish among them during a transitional period specified in Article 6 of this Treaty, a customs union involving:

- (a) The elimination, among Member States of each regional economic community, of customs duties, quota restrictions, other restrictions or prohibitions and administrative trade barriers, as well as all other non-tariff barriers; and
- (b) The adoption by Member States of a common external customs tariff.

Article 30 Elimination of Customs Duties Among Member States of Regional Economic Communities

1. During the second stage, Member States of each regional economic community shall refrain from establishing among themselves any new customs duties and from increasing those that apply in their mutual trade relations.
2. During the third stage, Member States shall progressively reduce and eliminate finally among themselves, at the level of each regional economic community, customs duties in accordance with such programme and modalities as shall be determined by each regional economic community.
3. During each stage, the Assembly, on the recommendation of the Council, shall take the necessary measures with a view to coordinating and harmonizing the activities of the regional economic communities relating to the elimination of customs duties among Member States.

Article 31 Elimination of Non-Tariff Barriers to Intra-Community Trade

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1. At the level of each regional economic community and subject to the provisions of the Treaty, each Member State shall, upon the entry into force of this Treaty, progressively relax and ultimately remove quota restrictions, and all other non-tariff barriers and prohibitions which apply to exports to that State, of goods originating in the other Member States, at the latest, by the end of the third stage and in accordance with paragraph 2 of this article. Except as otherwise provided or permitted by this Treaty, each Member State shall thereafter refrain from imposing any further restrictions or prohibitions on such goods.

2. Subject to the provisions of this Treaty, each regional economic community shall adopt a programme for the progressive relaxation and ultimate elimination, at the latest by the end of the third stage, of all quota restrictions and prohibitions and all other non-tariff barriers that apply in a Member State, to imports originating in the other Member States; it being understood that each regional economic community may subsequently decide that all quota restrictions, other restrictions and prohibitions be relaxed or removed within a shorter period than that prescribed in this paragraph.

3. The arrangements governing restrictions, prohibitions, quota restrictions, dumping subsidies and discriminatory practices shall be the subject of a protocol concerning non-tariff trade barriers.

Article 32

Establishment of a Common External Customs Tariff

1. During the third stage, Member States shall, at the level of each regional economic community, agree to the gradual establishment of a common external customs tariff applicable to goods originating from third States and imported into Member States.

2. During the fourth stage, regional economic communities shall, in accordance with a programme drawn up by them, eliminate differences between their respective external customs tariffs.

3. During the fourth stage the Council shall propose to the Assembly the adoption, at Community level, of a common customs and statistical nomenclature for all Member States.

Article 33

System of Intra-Community Trade

1. At the end of the third stage, no Member State shall, at the level of each regional economic community, levy customs duties on goods originating in one Member State and imported into another Member State. The same prohibition shall apply to goods originating from third States which are in free circulation in Member States and are imported from one Member State into another.

2. The definition of the notion of products originating in Member States and the rules governing goods originating in a third State and which are in free circulation in Member States shall be governed by a protocol concerning the rules of origin.

3. Goods originating from third States shall be considered to be in free circulation in a Member State if (i) the import formalities relating thereto have been complied with, (ii) customs duties have been paid thereon in that Member State, and (iii) they have not benefited from a partial or total exemption from such customs duties.

4. Member States undertake not to adopt legislation implying direct or indirect discrimination against identical or similar products originating from another Member State.

Article 34

Internal Taxes

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1. During the third stage, Member States shall not levy, directly or indirectly on goods originating from Member State and imported into any Member State, internal taxes in excess of those levied on similar domestic products.
2. Member States, at the level of each regional economic community, shall progressively eliminate any internal taxes levied for the protection of domestic products. Where by virtue of obligations assumed under a prior agreement signed by a Member State, that Member State is unable to comply with this article, it shall notify the Council of this fact and shall not extend or renew such agreement when it expires.

Article 35

Exceptions and Safeguard Clauses

1. Notwithstanding the provisions of Articles 30 and 31 of this Treaty, any Member State, having made its intention known to the Secretariat of the Community which shall inform Member States thereof, may impose or continue to impose restrictions or prohibitions affecting:
 - (a) The application of security laws and regulations;
 - (b) The control of arms, ammunitions and other military items and equipment;
 - (c) The protection of human, animal or plant health or life, or the protection of public morality;
 - (d) Export of strategic minerals and precious stones;
 - (e) The protection of national treasures of artistic or archaeological value or the protection of industrial, commercial and intellectual property;
 - (f) The control of hazardous wastes, nuclear materials, radio-active products or any other material used in the development or exploitation of nuclear energy;
 - (g) Protection of infant industries;
 - (h) The control of strategic product; and
 - (i) Goods imported from a third country to which a Member State applies total prohibition relating to country of origin.
2. The prohibitions or restrictions referred to in paragraph 1 of this article shall in no case be used as a means of arbitrary discrimination or a disguised restriction on trade between Member States.
3. Where a Member State encounters balance-of-payments difficulties arising from the application of the provisions of this Chapter, that Member State may be allowed by the competent organ of the Community, provided that it has taken all appropriate reasonable steps to overcome the difficulties, to impose, for the sole purpose of overcoming such difficulties, quantitative or similar restrictions or prohibitions on goods originating in the other Member States for such period as shall be determined by the competent organ of the Community.
4. For the purpose of protecting an infant or strategic industry, a Member State may be allowed by the competent organ of the Community, provided it has taken all appropriate reasonable steps to protect such industry, to impose, for the sole purpose of protecting such industry, quantitative or similar restrictions or prohibitions, on similar goods originating in the other Member States for such period as shall be determined by the competent organ of the Community.

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5. Where the imports of a particular product by a Member State from another Member State increase in a way that causes, or is likely to cause, serious damage to the economy of the importing States, the latter may be allowed by the competent organ of the Community to apply safeguard measures for a specified period.

6. The Council shall keep under regular review the operation of any quantitative or similar restrictions or prohibitions imposed pursuant to paragraphs 1, 3 and 4 of this article and shall take appropriate action in this connection. It shall submit, each year, to the Assembly, a report on the aforementioned matters.

Article 36 Dumping

1. Member States shall prohibit the practice of "dumping" within the Community.

2. For the purposes of this article, "dumping" shall mean the transfer of goods originating from a Member State to another Member State for them to be sold:

(a) At a price lower than the usual price offered for similar goods in the Member State from which those goods originate, due account being taken of the differences in conditions of sale, taxation, transport expenses and any other factor affecting the comparison of prices;

(b) In conditions likely to prejudice the manufacture of similar goods in the Member State.

Article 37 Most Favoured Nation Treatment

1. Member States shall accord one another, in relation to intra-Community trade, the most-favoured-nation treatment. In no case shall tariff concessions granted to a third State pursuant to an agreement with a Member State be more favourable than those applicable pursuant of this Treaty.

2. The text of the agreements referred to in paragraph 1 of this article shall be forwarded by the Member States parties thereto, through the Secretary-General, to all the other Member States for their information.

3. No agreement between a Member State and a third State, under which tariff concessions are granted, shall be incompatible with the obligations arising out of this Treaty.

Article 38 Re-export of Goods and Intra-Community Transit Facilities

1. During the third stage, Member States shall facilitate the re-export of goods among them in accordance with the Protocol concerning the Re-export of Goods.

2. Member States shall grant one another freedom of transit through their territories to goods proceeding to or coming from another Member State in accordance with the Protocol concerning Intra-Community Transit and Transit Facilities and in accordance with the provisions of any intra-Community agreements to be concluded.

Article 39 Customs Cooperation and Administration

Member States shall, in accordance with the Protocol concerning Customs Cooperation, take all necessary measures for harmonizing and standardizing their customs regulations and procedures in such a manner as shall be appropriate for ensuring the effective implementation of the provisions of this Chapter and facilitating the movement of goods and services across their frontiers.

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Article 40

Trade Documents and Procedures

For the purpose of facilitating intra-Community trade in goods and services, Member States shall simplify and harmonize their trade documents and procedures in accordance with the Protocol concerning the Simplification and Harmonization of Trade Documents and Procedures.

Article 41

Diversion of Trade Arising from Barter or Compensatory Exchange Agreement

1. If, as a result of a barter or compensatory exchange agreement relating to a specific category of goods concluded between a Member State or a person of the said Member State, on the one hand, and a third State or person of the said third State, on the other, there is substantial diversion of trade in favour of goods imported under such agreement and to the detriment of similar goods of the same category imported from and manufactured in any other Member State, the Member State importing such goods shall take effective steps to correct the diversion.
2. In order to determine whether a diversion of trade has occurred in a specific category of goods within the meaning of this article, consideration shall be given to all the relevant trade statistics and other data available on such category of goods for the six-month period preceding a complaint from an affected Member State concerning diversion of trade, and for an average of two comparable six-month periods during the twenty-four (24) months preceding the first importation of goods under the barter agreement or compensatory exchange agreement.
3. The Secretary-General shall refer the matter to the Council for consideration and submission to the Assembly for decision.

Article 42

Trade Promotion

1. In order to attain the objectives of the Community set out in paragraph 2 (m) of Article 4 of this Treaty, Member States agree to undertake the trade promotion activities stated below in the following areas:
 - (a) Intra-Community Trade
 - (i) Promote the use of the Community's local materials, intermediate goods and inputs, as well as finished products originating within the Community;
 - (ii) Adopt the "All-Africa Trade Fair of the OAU", as an instrument of the Community trade promotion;
 - (iii) Participate in the periodic fairs organized under the auspices of the "All-Africa Trade Fair of the OAU", sectoral trade fairs, regional trade fairs and other trade promotion activities of the Community;
 - (iv) Develop an intra-Community trade information network, linking the computerized trade information systems of existing and future regional economic communities and individual Member States of the Community; and
 - (v) With the assistance of the Secretariat, study the supply and demand patterns in Member States and disseminate the findings thereon within the Community.
 - (b) South-South Trade
 - (i) Promote the diversification of Africa's markets, and the marketing of Community products;

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- (ii) Participate in extra-Community trade fairs, in particular, within the context of South-South Cooperation;
and
 - (iii) Participate in extra-Community trade and investment fora.
- (c) North-South Trade
- (i) Promote better terms of trade for African commodities and improve market access for Community products;
 - (ii) Participate as a group in international negotiations within the framework of GATT and UNCTAD and other trade-related negotiating fora.
2. The modalities of organizing trade promotion activities and trade information systems of the Community shall be governed by a protocol concerning trade promotion.

Chapter VI Free Movement of Persons, Rights of Residence and Establishment

Article 43 General Provisions

1. Member States agree to adopt, individually, at bilateral or regional levels, the necessary measures, in order to achieve progressively the free movement of persons, and to ensure the enjoyment of the right of residence and the right of establishment by their nationals within the Community.
2. For this purpose, Member States agree to conclude a protocol on the free movement of persons, right of residence and right of establishment.

Chapter VII Money, Finance and Payments

Article 44 Monetary, Financial and Payment Policies

1. In accordance with the relevant protocols, Member States shall, within a timetable to be determined by the Assembly, harmonize their monetary, financial and payments policies, in order to boost intra-Community trade in goods and services, to further the attainment of objectives of the Community and to enhance monetary and financial cooperation among Member States.
2. To this end, Member States shall:
 - (a) Use their national currencies in the settlement of commercial and financial transactions in order to reduce the use of external currencies in such transactions;
 - (b) Establish appropriate mechanisms for setting up multilateral payments systems;
 - (c) Consult regularly among themselves on monetary and financial matters;
 - (d) Promote the creation of national, regional and subregional money markets, through the coordinated establishment of stock exchanges and harmonizing legal texts regulating existing stock exchanges with a view to making them more effective;

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- (e) Cooperate in an effective manner in the fields of insurance and banking;
- (f) Further the liberalization of payments and the elimination of payment restrictions, if any, among them and promote the integration of all existing payments and clearing mechanisms among the different regions into an African Clearing and Payments House; and
- (g) Establish an African Monetary Union through the harmonization of regional monetary zones.

Article 45 Movement of Capital

1. Member States shall ensure the free movement of capital within the Community through the elimination of restrictions on the transfer of capital funds between Member States in accordance with a timetable to be determined by the Council.
2. The capital referred to in paragraph 1 of this article is that of Member States or persons of Member States.
3. The Assembly, having regard to the development objectives of national, regional and continental plans, and upon the recommendation of the Commission and after the approval of the Council acting on the recommendation of the Commission, shall prescribe the conditions for the movement within the Community of the capital funds other than those referred to in paragraph 2 of this article.
4. For the purpose of regulating the movement of capital between Member States and third States, the Assembly, upon the approval of the Council, acting on the recommendation of the Commission, shall take steps aimed at coordinating progressively the national and regional exchange control policies.

Chapter VIII Food and Agriculture

Article 46 Agricultural Development and Food Production

1. Member States shall cooperate in the development of agriculture, forestry, livestock and fisheries in order to:
 - (a) Ensure food security;
 - (b) Increase production and productivity in agriculture, livestock, fisheries and forestry, and improve conditions of work and generate employment opportunities in rural areas;
 - (c) Enhance agricultural production through processing locally animal and plant products; and
 - (d) Protect the prices of export commodities on the international market by means of establishing an African Commodity Exchange.
2. To this end, and in order to promote the integration of production structures, Member States shall cooperate in the following fields:
 - (a) The production of agricultural inputs, fertilizers, pesticides, selected seeds, agricultural machinery and equipment and veterinary products;
 - (b) The development of river and lake basins;

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- (c) The development and protection of marine and fishery resources;
- (d) Plant and animal protection;
- (e) The harmonization of agricultural development strategies and policies at regional and Community levels, in particular, in so far as they relate to production, trade and marketing of major agricultural products and inputs; and
- (f) The harmonization of food security policies in order to ensure:
 - (i) The reduction of losses in food production;
 - (ii) The strengthening of existing institutions for the management of natural calamities, agricultural diseases and pest control;
 - (iii) The conclusion of agreements on food security at the regional and continental levels;
 - (iv) The provision of food aid to Member States in the event of serious food shortage; and
 - (v) The protection of regional and continental markets primarily for the benefit of African agricultural products.

Article 47

Protocol on Food and Agriculture

For purposes of this Chapter, Member States shall cooperate in accordance with the provisions of the Protocol on Food and Agriculture.

Chapter IX

Industry, Science, Technology, Energy, Natural Resources and Environment

Article 48

Industry

1. For the purpose of promoting industrial development of Member States and integrating their economies, Member States shall within the Community harmonize their industrialization policies.
2. In this connection, Member States shall:
 - (a) Strengthen the industrial base of the Community, in order to modernize the priority sectors and foster self-sustained and self-reliant development;
 - (b) Promote joint industrial development projects at regional and Community levels, as well as the creation of African multinational enterprises in priority industrial subsectors likely to contribute to the development of agriculture, transport and communications, natural resources and energy.

Article 49

Industrial Development

In order to create a solid basis for industrialization and promote collective self-reliance, Member States shall:

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- (a) Ensure the development of the following basic industries essential for collective self-reliance and the modernization of priority sectors of the economy:
 - (i) Food and agro-based industries;
 - (ii) Building and construction industries;
 - (iii) Metallurgical industries;
 - (iv) Mechanical industries;
 - (v) Electrical and electronics industries;
 - (vi) Chemical and petro-chemical industries;
 - (vii) Forestry industries;
 - (viii) Energy industries;
 - (ix) Textile and leather industries;
 - (x) Transport and communications industries; and
 - (xi) Biotechnology industries;
- (b) Ensure the promotion of small-scale industries with a view to enhancing the generation of employment opportunities in Member States;
- (c) Promote intermediate industries that have strong linkages to the economy in order to increase the local component of industrial output within the Community;
- (d) Prepare master plans at regional and Community levels for the establishment of African multinational industries particularly those whose construction cost and volumes of production exceed national financial and absorptive capacities;
- (e) Strengthen and establish, where they do not exist, specialized institutions for the financing of African multinational industrial projects;
- (f) Facilitate the establishment of African multinational enterprises and encourage and give financial and technical support to African entrepreneurs;
- (g) Promote the sale and consumption of strategic industrial products manufactured in Member States;
- (h) Promote technical cooperation and the exchange of experience in the field of industrial technology and implement technical training programmes among Member States;
- (i) Strengthen the existing multinational institutions, particularly, the African Regional Centre for Technology, the African Regional Centre for Design and Manufacture and the African Industrial Development Fund;
- (j) Establish a data and statistical information base to serve industrial development at the regional and continental levels;

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- (k) Promote South-South and North-South cooperation for the attainment of industrialization objectives in Africa;
- (l) Promote industrial specialization in order to enhance the complementarity of African economies and expand the intra-Community trade base, due account being taken of national and regional resource endowments; and
- (m) Adopt common standards and appropriate quality control systems, which are crucial to industrial cooperation and integration.

Article 50 Protocol on Industry

For the purposes of Articles 48 and 49 of this Treaty, Member States agree to cooperate in accordance with the provisions of the Protocol on Industry.

Article 51 Science and Technology

1. Member States shall:

- (a) Strengthen scientific and technological capabilities in order to bring about the socio-economic transformation required to improve the quality of life of their population, particularly that of the rural populations;
- (b) Ensure the proper application of science and technology to the development of agriculture, transport and communications, industry, health and hygiene, energy, education and manpower and the conservation of the environment;
- (c) Reduce their dependence and promote their individual and collective technological self-reliance;
- (d) Cooperate in the development, acquisition and dissemination of appropriate technologies; and
- (e) Strengthen existing scientific research institutions and, where they do not exist, establish new institutions.

2. In the context of cooperation in this field, Member States shall:

- (a) Harmonize, at the Community level, their national policies on scientific and technological research with a view to facilitating their integration into the national economic and social development plans;
- (b) Coordinate their programmes in applied research, research for development and scientific and technological services;
- (c) Harmonize their national technological development plans by placing special emphasis on local technologies as well as their regulations on industrial property and transfer of technology;
- (d) Coordinate their positions on all scientific and technical questions forming the subject of international negotiations;
- (e) Carry out a permanent exchange of information and documentation and establish Community data networks and data banks;
- (f) Develop joint programmes for training scientific and technological cadres, including the training and further training of skilled manpower;

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- (g) Promote exchanges of researchers and specialists among Member States in order to make full use of the technical skills available within the Community; and
- (h) Revise the educational systems in order to better educational, scientific and technical training to the specific developmental needs of the African environment.

Article 52 Scientific Research and Technological Programmes

Member States shall take all necessary measures to prepare and implement joint scientific research and technological development programmes.

Article 53 Protocol on Science and Technology

For the purposes of Articles 51 and 52 of this Treaty, Member States agree to cooperate in accordance with the provisions of the Protocol on Science and Technology.

Article 54 Energy and Natural Resources

1. Member States shall coordinate and harmonize their policies and programmes in the field of energy and natural resources.
2. To this end, they shall:
 - (a) Ensure the effective development of the continent's energy and natural resources;
 - (b) Establish appropriate cooperation mechanisms with a view to ensuring a regular supply of hydrocarbons;
 - (c) Promote the development of new and renewable energy in the framework of the policy of diversification of sources of energy;
 - (d) Harmonize their national energy development plans;
 - (e) Articulate a common energy policy, particularly, in the field of research, exploitation, production and distribution;
 - (f) Establish an adequate mechanism of concerted action and coordination for the collective solution of the energy development problems within the Community, particularly, those relating to energy transmission, the shortage of skilled technicians and financial resources for the implementation of energy projects of Member States; and
 - (g) Promote the continuous training of skilled manpower.

Article 55 Energy

1. Member States shall cooperate in the following fields:
 - (a) Mineral and water resources;

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- (b) Nuclear energy;
 - (c) New and renewable energy.
2. They shall further:
- (a) Seek better knowledge and undertake an assessment of their natural resources potential;
 - (b) Reduce progressively their dependence on transnational enterprises in the development of such resources, particularly through mastering exploration techniques; and
 - (c) Improve methods of pricing and marketing raw materials.

Article 56 Natural Resources

In order to promote cooperation in the area of natural resources and energy, Member States shall:

- (a) Exchange information on the prospection, mapping, production and processing of mineral resources, as well as on the prospection, exploitation and distribution of water resources;
- (b) Coordinate their programmes for development and utilization of mineral and water resources;
- (c) Promote vertical and horizontal inter-industrial relationships, which may be established among Member States in the course of developing such resources;
- (d) Coordinate their positions in all international negotiations on raw materials;
- (e) Develop a system of transfer of know-how and exchange of scientific, technical and economic data in remote sensing among Member States; and
- (f) Prepare and implement joint training and further training programmes for cadres in order to develop the human resources and the appropriate local technological capabilities required for the exploration, exploitation and processing of mineral and water resources.

Article 57 Protocol on Energy and Natural Resources

For the purposes of Articles 54, 55 and 56 of this Treaty, Member States shall cooperate in accordance with the provisions of the Protocol on Energy and Natural Resources.

Article 58 Environment

1. Member States undertake to promote a healthy environment. To this end, they shall adopt national, regional and continental policies, strategies and programmes and establish appropriate institutions for the protection and enhancement of the environment.
2. For the purposes of this paragraph 1 of this article, Member States shall take the necessary measures to accelerate the reform and innovation process leading to ecologically rational, economically sound and socially acceptable development policies and programmes.

Article 59

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Control of Hazardous Wastes

Member States undertake, individually and collectively, to take every appropriate step to ban the importation and dumping of hazardous wastes in their respective territories. They further undertake to cooperate in the transboundary movement, management and processing of such wastes produced in Africa.

Article 60 Protocol on the Environment

For the purposes of Articles 58 and 59 of this Treaty, Member States shall cooperate in accordance with the provisions of the Protocol on the Environment.

Chapter X Transport, Communication and Tourism

Article 61 Transport and Communications

1. In order to achieve a harmonious and integrated development of the continental transport and communications network, Member States shall undertake to:

- (a) Promote the integration of transport and communications infrastructure;
- (b) Coordinate the various modes of transport in order to increase their efficiency;
- (c) Harmonize progressively their rules and regulations relating to transport and communications;
- (d) Encourage the use of local material and human resources, standardization of networks and equipment, research and the popularization of infrastructural construction techniques as well as adapted equipment and materials;
- (e) Expand, modernize and maintain transport and communications infrastructures by means of mobilizing the necessary technological and financial resources;
- (f) Promote the creation of regional industries for the production of transport and communications equipment; and
- (g) Organize, structure and promote, at regional and Community levels, passenger and goods transport services.

2. To this end, Member States shall:

- (a) Draw up coordinated programmes to restructure the road transport sector for purposes of establishing inter-State links and the construction of major transcontinental trunk roads;
- (b) Prepare plans to improve, reorganize and standardize the various rail networks of Member States with a view to their interconnection and construct new railways as part of a Pan-African network;
- (c) Harmonize:
 - (i) Their policies on maritime, inter-State lake and river transport;
 - (ii) Their air transport policies;

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- (iii) Their programmes on the training and further training of specialized cadres in transport and communications;
- (d) Modernize and standardize their transport and communications equipment in order to permit Member States to be linked with one another and with the outside world;
- (e) Promote proper integration of air transport in Africa and coordinate flight schedules; and
- (f) Coordinate and harmonize their transport policies at regional and Community levels in order to eliminate non-physical barriers that hamper the free movement of goods, services and persons.

Article 62

Community Enterprises in the Field of Transport

1. Member States shall encourage the establishment of Community and African multinational enterprises in the fields of maritime, rail, road, inland waterways and air transport.
2. The expression "Community and multinational enterprises" and the legal status thereof shall be as defined in the relevant protocol.

Article 63

Posts and Telecommunications

1. In the field of posts, Member States undertake to:
 - (a) Establish a Pan-African Postal Network;
 - (b) Adopt a policy of rationalization and maximization of conveyance of mail;
 - (c) Ensure that the post has a legal status, an efficient management system and the resources necessary for providing reliable services to meet customer demands; and
 - (d) Create customer-oriented and competitive services.
2. In the field of telecommunications, Member States shall:
 - (a) Develop, modernize, coordinate and standardize their national telecommunications networks in order to provide reliable interconnection among Member States;
 - (b) Establish a Pan-African Telecommunications Network and ensure its utilization and maintenance;
 - (c) Establish a Pan-African system of communications by satellite in order to improve telecommunications, particularly in rural areas.
3. Member States further undertake to provide efficient and regular post and telecommunication services within the Community, and to develop close collaboration among post and telecommunications administrations.
4. In order to attain the objectives set out in this article, Member States shall also encourage the establishment of private companies for post and telecommunications services.

Article 64

Broadcasting

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1. Member States undertake to:

- (a) Coordinate their efforts and pool their resources in order to promote the exchange of radio and television programmes at bilateral, regional and continental levels;
- (b) Encourage the establishment of programme exchange centres at regional and continental levels. In this connection, Member States shall strengthen the activities and operations of existing programme exchange centres; and
- (c) Use their broadcasting and television systems in order to further close cooperation and better understanding among their peoples and, in particular, to promote the objectives of the Community.

2. Member States further undertake to collect, disseminate and exchange meteorological information at the continental level, particularly with regard to the development of early warning systems for the prevention of natural disasters and for ensuring safety in aerial, coastal and inland navigation.

Article 65 Tourism

1. For the purpose of ensuring the harmonious and profitable development of tourism in Africa, Member States undertake to:

- (a) Strengthen intra-African cooperation in tourism, particularly through:
 - (i) The promotion of intra-African tourism;
 - (ii) The harmonization and coordination of tourism development policies, plans and programmes; and
 - (iii) Joint promotion of tourism products representing Africa's natural and sociocultural values.
- (b) Promote the establishment of efficient tourism enterprises adapted to the needs of the African people and attractive to foreign tourists, through:
 - (i) The adoption of measures designed to promote investment in tourism with a view to the establishment of competitive African tourist enterprises;
 - (ii) Adoption of measures designed to develop and utilize human resources for tourism in Africa; and
 - (iii) Strengthening or establishment of high-level tourism training institutions where necessary.

2. Member States shall adopt all requisite measures for the development of African tourism that takes due account of the human and natural environment and the well-being of the African peoples and which contribute effectively to the implementation of the continent's political and socio-economic integration and development.

Article 66 Protocol on Transport, Communication and Tourism

For the purposes of this Chapter, Member States undertake to cooperate in accordance with the provisions of the Protocol on Transport, Communications and Tourism.

Chapter XI Standardization and Measurement Systems

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Article 67

Common Policy on Standardization and Measurement Systems

1. Member States agree to:
 - (a) Adopt a common policy on standardization and quality assurance of goods and services among Member States;
 - (b) Undertake such other related activities in standardization and measurement systems that are likely to promote trade, economic development and integration within the Community; and
 - (c) Strengthen African national, regional and continental organizations operating in this field.
2. For the purposes of this Chapter, Member States agree to cooperate in accordance with the provisions of the Protocol concerning Standardization, Quality Assurance and Measurement Systems.

Chapter XII

Education, Training and Culture

Article 68

Education and Training

1. Member States shall strengthen cooperation among themselves in the field of education and training and coordinate and harmonize their policies in this field for the purpose of training persons capable of fostering the changes necessary for enhancing social progress and the development of the continent.
2. For the purposes of paragraph 1 of this article, Member States undertake to:
 - (a) Improve the efficiency of existing educational systems by promoting the training of trainers and using appropriate methods and aids;
 - (b) Cooperate in the strengthening of existing regional and Community training institutions and where necessary, establish new institutions, preferably through the strengthening of appropriate existing national and regional institutions;
 - (c) Prepare, coordinate and harmonize joint training programmes with a view to adapting them to development needs thereby ensuring progressively a self-sufficiency in skilled personnel;
 - (d) Promote the systematic exchange of experience and information on education policy and planning; and
 - (e) Take appropriate measures to stop the brain drain from the Community and encourage the return of qualified professionals and skilled manpower to their countries of origin.

Article 69

Culture

Member States shall:

- (a) Pursue the objectives of the Cultural Charter for Africa;
- (b) Promote and propagate endogenous African cultural values;

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- (c) Make every effort to preserve and recover their cultural heritage;
- (d) Ensure that development policies adequately reflect their sociocultural values in order to consolidate their cultural identity;
- (e) Exchange their cultural programmes and their experiences, particularly in art, literature, entertainment, sports and leisure activities; and
- (f) Promote and develop sports programmes and activities at all levels as factors of integration.

Article 70

Protocol on Education, Training and Culture

For the purposes of this Chapter, Member States agree to cooperate in accordance with the provisions of the Protocol on Education, Training and Culture.

Chapter XIII

Human Resources, Social Affairs, Health and Population

Article 71

Human Resources

1. Member States agree to cooperate with a view to developing, planning and utilizing their human resources.
2. To this end, they undertake to:
 - (a) Adopt and promote a common policy on planning, programming, professional training and harmonize their employment and income policies;
 - (b) Coordinate their policies and activities in the fields of training, planning and career guidance and counselling;
 - (c) Improve their information and recruitment services in order to facilitate, in particular, the search for, and recruitment of African experts;
 - (d) Encourage consultancy agencies to promote the use of African experts and the development of local consultancy services; and
 - (e) Adopt employment policies that shall allow the free movement of persons within the Community by strengthening and establishing labour exchanges aimed at facilitating the employment of available skilled manpower of one Member State in other Member States where there are shortages of skilled manpower.

Article 72

Social Affairs

1. Member States agree to ensure the full participation and rational utilization of their human resources in their development efforts with a view to eliminating other social scourges plaguing the continent.
2. To this end they undertake to:
 - (a) Encourage the exchange of experiences and information on literacy, vocational training and employment;

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- (b) Harmonize gradually their labour and social security legislation with a view to eliminating poverty and promoting balanced socio-economic development within the Community;
- (c) Take necessary measures for the survival and development of the child and the protection of the child against abuse, neglect and exploitation;
- (d) Provide disabled persons with adequate training likely to facilitate their social integration and enable them to contribute to the attainment of the objectives of the Community;
- (e) Create conditions conducive to the training of young school leavers, and other youth, in order to enable them to be gainfully employed;
- (f) Adopt, coordinate and harmonize their policies with a view to ensuring a decent life for the aged; and
- (g) Harmonize their efforts to put an end to the illegal production, trafficking and use of narcotic drugs and psychotropic substances and formulate sensitization and rehabilitation programmes in this field.

Article 73 Health

1. Member States agree to promote and increase cooperation among themselves in the field of health.
2. To this end, they shall cooperate in developing primary health care, promoting medical research, particularly in the field of African traditional medicine and pharmacopoeia.

Article 74 Population and Development

1. Member States undertake to adopt, individually and collectively, national population policies and mechanisms and take all necessary measures in order to ensure a balance between population growth and socio-economic development.
2. To this end, Member States agree to:
 - (a) Include population issues as central elements for formulating and implementing national policies and programmes for accelerated and balanced socio-economic development;
 - (b) Formulate national population policies and establish national population institutions;
 - (c) Undertake public sensitization on population matters, particularly, among the target groups; and
 - (d) Collect, analyse and exchange information and data on population issues.

Article 75 Women and Development

1. Member States agree to formulate, harmonize, coordinate and establish appropriate policies and mechanisms for the full development of the African woman through the improvement of her economic, social and cultural conditions.
2. To this end, Member States shall take all measures necessary to ensure greater integration of women in development activities within the Community.

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Article 76

Protocols on Human Resources, Social Affairs, Health and Population

For the purposes of this Chapter, Member States undertake to cooperate in accordance with the provisions of the Protocols on Human Resources, Social Affairs, Health and Population.

Chapter XIV

Cooperation in Other Fields

Articles 77

Harmonization of Policies in Other Fields

Subject to the provisions of this Treaty, Member States agree to consult with one another, through appropriate Community organs, for the purpose of harmonizing their respective policies in other fields for the efficient functioning and development of the Community and for the implementation of the provisions of this Treaty.

Chapter XV

Special Provisions in Respect of Certain Countries

Article 78

Special Provisions in Respect of Botswana, Lesotho, Namibia and Swaziland

1. Member States, recognizing the exceptional situation of Botswana, Lesotho, Namibia and Swaziland within the Community and their membership in the Southern Africa Customs Union, agree to grant them temporary exemption from the full application of certain provisions of this Treaty.
2. For this purpose, Member States shall adopt a protocol on the exceptional situation of Botswana, Lesotho, Namibia and Swaziland.

Article 79

Special Provisions in Respect of the Least Developed, Landlocked, Semi-Landlocked and Island Countries

1. Member States, taking into consideration the special economic and social difficulties that may arise in certain Member States and especially the least developed, landlocked, semi-landlocked and island countries, shall grant them, where appropriate, special treatment in respect of the application of certain provisions of this Treaty, and shall accord them any other assistance that they may need.
2. The special treatment and assistance referred to in paragraph 1 of this article may consist, inter alia, of:
 - (a) Temporary exemptions from the full application of certain provisions of this Treaty; and
 - (b) Assistance from the Fund.
3. For purposes of this Chapter, Member States agree to adopt a protocol on the situation of the least developed, landlocked, semi-landlocked and island countries.

Chapter XVI

Solidarity, Development and Compensation Fund

Article 80

Establishment

A Solidarity, Development and Compensation Fund of the Community is hereby established.

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Article 81

Objectives and Statute of the Fund

1. The Statute of the Fund shall be established by the Assembly in a protocol relating thereto.
2. The Statute shall determine, inter alia, the objectives, the authorized capital stock, resources of the Fund, contributions of Member States, the currencies in which contributions shall be paid, the functioning, organization and management of the Fund and any other related matters.

Chapter XVII

Financial Provisions

Article 82

Regular Budget of the Community

1. The annual regular budget of the Community, which constitutes an integral part of the OAU regular budget, shall be prepared by the Secretary-General and approved by the Assembly upon the recommendation of the Council.
2. The budget shall be funded by contributions made by Member States in accordance with the scale of assessment of the OAU. Upon the recommendation of the Council, the Assembly shall determine the conditions under which the financial contributions of Member States may be supplemented or, where necessary replaced by the proper resources of the Community.

Article 83

Special Budgets

Special budgets shall be made available, where necessary, to meet the extrabudgetary expenditure of the Community. The Assembly shall determine the contributions of Member States to special budgets of the Community.

Article 84

Sanctions Relating to Non-Payment of Contributions

1. Upon the decision of the Assembly, any Member State of the Community having arrears in the payment of its contribution to the budget of the Community, shall not have the right to vote or participate in taking decisions of the Community if the amount of its arrears is equal to, or is in excess of the contribution payable by such State for the last preceding two financial years. Such Member State shall cease to enjoy other benefits arising by virtue of this Treaty as well as the right to address meetings. In addition, it shall lose the right to present candidates for vacant posts within the Community and shall not be eligible for office in the deliberative organs of the Community. The Assembly may, where necessary, impose other sanctions on a Member State for non-payment of contributions.
2. Notwithstanding the provisions of paragraph 1 of this article, the Assembly may suspend the application of the provisions of the said paragraph if it is satisfied, on the basis of a satisfactory explanatory report by the Member State through the Secretary-General, that the non-payment of contributions is due to causes and circumstances beyond the control of the said Member State.
3. The Assembly shall decide on the modalities for the application of this article.

Article 85

Financial Rules and Regulations

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The Financial Rules and Regulations of the OAU shall govern the application of the provisions of this Chapter.

Article 86 Board of External Auditors

The selection procedure, terms of appointment, and duties and responsibilities of the Board of External Auditors shall be defined in the financial rules and regulations.

Chapter XVIII Settlement of Disputes

Article 87 Procedure for the Settlement of Disputes

1. Any dispute regarding the interpretation or the application of the provisions of this Treaty shall be amicably settled through direct agreement by the parties to the dispute. If the parties concerned fail to settle such dispute, either party may, within a period of twelve (12) months, refer the matter to the Court of Justice.
2. The decisions of the Court of Justice shall be final and shall not be subject to appeal.

Chapter XIX Relations between the Community and Regional Economic Communities, Regional Continental Organizations and Other Socio-Economic Organizations and Associations

Article 88 Relations between the Community and Regional Economic Communities

1. The Community shall be established mainly through the coordination, harmonization and progressive integration of the activities of regional economic communities.
2. Member States undertake to promote the coordination and harmonization of the integration activities of regional economic communities of which they are members with the activities of the Community, it being understood that the establishment of the latter is the final objective towards which the activities of existing and future regional economic communities shall be geared.
3. To this end, the Community shall be entrusted with the coordination, harmonization and evaluation of the activities of existing and future regional economic communities.
4. Member States undertake, through their respective regional economic communities, to coordinate and harmonize the activities of their subregional organizations, with a view to rationalizing the integration process at the level of each region.

Article 89 Relations between the Community and African Continental Organizations

The Community shall closely cooperate with African continental organizations including, in particular, the African Development Bank and African Centre for Monetary Studies in order to ensure the attainment of regional and continental integration objectives. It may conclude cooperation agreements with these Organizations.

Article 90 Relations between the Community and African Non-Governmental Organizations

3. AFRICAN ECONOMIC COMMUNITY

1. The Community, in the context of mobilizing the human and material resources of Africa, shall establish relations of cooperation with African non-governmental organizations, with a view to encouraging the involvement of the African peoples in the process of economic integration and mobilizing their technical, material and financial support.
2. To this end, the Community shall set up a mechanism for consultation with such non-governmental organizations.

Article 91

Relations between the Community and Socio-Economic Organizations and Associations

1. The Community, in the context of mobilizing the various actors of socio-economic life, shall establish relations of cooperation with socio-economic organizations and associations, including mainly producers, transport operators, workers, employers, youth, women, artisans and other professional organizations and associations with a view to ensuring their involvement in the integration process of Africa.
2. To this end, the Community shall set up a mechanism for consultation with such socio-economic organizations and associations.

Chapter XX

Relations between the Community, Third States and International Organizations

Article 92

Cooperation Agreements

1. The Community may conclude cooperation agreements with third States.
2. In the pursuit of its objectives, the Community shall ensure the establishment of relations of cooperation with the United Nations System, particularly, the United Nations Economic Commission for Africa, specialized agencies of the United Nations and any other international organization, with a view to attaining the objectives of the Community.
3. Cooperation agreements to be concluded pursuant to the provisions of paragraphs 1 and 2 of this article shall be submitted to the Assembly for approval upon the recommendation of the Council.

Chapter XXI

Relations between Member States, Third States, Regional and Subregional Organizations and International Organizations

Article 93

Agreements concluded by Member States

1. Member States may conclude economic, technical or cultural agreements with one or several Member States, and with third States, regional and subregional organizations or any other international organization, provided that such agreements are not incompatible with the provisions of this Treaty. They shall transmit such agreements to the Secretary-General who shall inform the Council thereof.
2. In the event of incompatibility of agreements concluded, prior to the entry into force of this Treaty among Member States or between the Member States and third States, subregional or regional organizations or any other international organization, with the provisions of this Treaty, the Member State or Member States concerned shall take the appropriate steps to eliminate such incompatibility. To this end, Member States shall, where necessary, assist each other and adopt a common position.

XI. AFRICAN ECONOMIC COMMUNITY

Article 94 International Negotiations

1. Member States undertake to formulate and adopt common positions within the Community on issues relating to international negotiations in order to promote and safeguard the interests of Africa.
2. To this end, the Community shall prepare studies and reports designed to help Member States to better harmonize their positions on the said issues.

Article 95 Protocols on Chapters XIX, XX and XXI

Member States hereby agree to conclude the protocols relating to Chapters XIX, XX and XXI of this Treaty.

Chapter XXII Miscellaneous Provisions

Article 96 Headquarters of the Community

The Headquarters of the Community shall be one and the same as that of the OAU.

Article 97 Working Languages

The working languages of the Community shall be the same as those of the OAU.

Article 98 Legal Status

1. The Community shall form an integral part of the OAU.
2. In his capacity as the legal representative of the Community, the Secretary-General may, on behalf of the Community:
 - (a) Enter into contracts; and
 - (b) Be a party to judicial and other legal proceedings.
3. Subject to prior approval of the Council, the Secretary-General may, on behalf of the Community:
 - (a) Acquire and dispose of movable and immovable property;
 - (b) Borrow; and
 - (c) Accept donations, bequests and gifts.

Article 99 The Treaty and the Protocols

This Treaty and the protocols shall form an integral part of the Charter of the Organization of African Unity.

3. AFRICAN ECONOMIC COMMUNITY

Article 100 Signature and Ratification

This Treaty and the protocols shall be signed and ratified by the High Contracting Parties in accordance with their respective constitutional procedures. The instruments of ratification shall be deposited with the Secretary-General of the OAU.

Article 101 Entry into Force

This Treaty shall enter into force thirty (30) days after the deposit of the instruments of ratification by two thirds of the Member States of the OAU.

Article 102 Accession and Admission

1. Any Member State of the OAU may notify the Secretary-General of its intention to accede to this Treaty.
2. The Secretary-General shall, upon receipt of such notification, transmit copies thereof to all Member States. Admission shall be decided by a simple majority of Member States which shall transmit their votes to the Secretary-General. Upon receipt of the required number of votes, the Secretary-General shall transmit the decision of admission to the concerned Member State.

Article 103 Amendment and Revision of the Treaty

1. Any Member State may submit proposals for the amendment or revision of this Treaty.
2. Proposals for amendment or revision shall be submitted to the Secretary-General who shall transmit the same to Member States within thirty (30) days of receipt thereof at the Headquarters of the Community.
3. The Assembly, upon the advice of the Council, shall examine these proposals at its next meeting within a period of one year, following notification of Member States in accordance with the provisions of paragraph 2 of this article.
4. Amendments or revisions shall be adopted by the Assembly by consensus or, failing that, by a two-thirds majority and submitted for ratification by all Member States in accordance with their respective constitutional procedures. They shall enter into force thirty (30) days after the deposit of the instruments of ratification by two thirds of the Member States with the Secretary-General of the OAU.

Article 104 Withdrawal

1. Any Member State wishing to withdraw from the Community shall notify by giving one-year notice in writing, to the Secretary-General who shall inform Member States thereof. Upon the expiration of such a period, that Member State shall, if the notice is not withdrawn, cease to be a Member of the Community.
2. During the period of one year referred to in paragraph 1 of this article, any Member State wishing to withdraw from the Community shall comply with the provisions of this Treaty and shall be bound to discharge its obligations under this Treaty up to the date of its withdrawal.

Article 105 Dissolution

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The Assembly may decide to dissolve the Community and determine the terms and conditions for sharing of the latter's assets and liabilities.

Article 106 Depositary of the Treaty

1. This Treaty, drawn up in four (4) original texts in the Arabic, English, French and Portuguese languages, all four (4) texts being equally authentic, shall be deposited with the Secretary-General of the OAU who shall transmit a certified true copy thereof to the Government of each signatory State.

2. The Secretary-General shall notify Member States of the dates of deposit of the instruments of ratification or accession and shall upon the entry into force of this Treaty register the same with the Secretariat of the United Nations.

4.

PROTOCOL ON RELATIONS BETWEEN THE AFRICAN ECONOMIC COMMUNITY AND THE REGIONAL ECONOMIC COMMUNITIES

Adopted in Addis Ababa, Ethiopia, on 25 February 1998.*

Entered into force on 25 February 1998.*

Preamble

The Parties,

Inspired by the provisions of the Treaty Establishing the African Economic Community which provides as the first priority of the African Economic Community, the strengthening of existing Regional Economic Communities, the foundation on which the African Economic Community is established,

Aware that most of the Regional Economic Communities were already established each by a regional treaty and were thus in existence and functioning prior to the entry into force of the Treaty Establishing the African Economic Community,

Conscious of the need for the coordination and the harmonization of the policies, measures, programmes and activities of the Regional Economic Communities and the progressive integration of the activities of the Regional Economic Communities into the African Common Market, as a prelude to the African Economic Community,

Aware of the responsibility placed on both the African Economic Community and the Regional Economic Communities by the provisions of paragraph 2 (a) through (d) of Article 6 of the Treaty Establishing the African Economic Community to ensure that the latter are strengthened and are progressively integrated in the most economic and effective manner,

* The Assembly of Heads of State and Government adopted the Protocol on Relations between the African Economic Community and the Regional Economic Communities on 3 June 1997. AHG/AEC/Dec.1 (I).

* The Protocol was adopted by the African Economic Community and the Regional Economic Communities on 25 February 1998. The Protocol entered into force the same day following its signature by the Community of Eastern and Southern African States (COMESA), the Southern African Development Community (SADC), the Intergovernmental Authority on Development (IGAD) and the Economic Community of West African States (ECOWAS). The Protocol was signed by the Economic Community of Central African States (ECCAS/CEEAC) in 1999.

4. PROTOCOL ON RELATIONS BETWEEN THE AFRICAN ECONOMIC COMMUNITY AND THE REGIONAL ECONOMIC COMMUNITIES

Taking into account the role of the African Economic Community, in terms of the provisions of paragraphs 1 and 3 of Article 88 of the Treaty Establishing the African Economic Community of promoting closer cooperation among the Regional Economic Communities, in particular, through the coordination and harmonization of their policies, measures, programmes and activities in all fields and sectors,

Convinced of the need to establish an institutional framework that shall govern relations between the African Economic Community and the Regional Economic Communities, the harmonization and coordination of policies, measures, programmes and activities of the latter, implementation of the provisions of paragraph 2 (a) through (d) of Article 6 of the Treaty Establishing the African Economic Community and cooperation among the Regional Economic Communities,

Now therefore it is hereby agreed as follows:

Chapter One Preliminary Provisions

Article 1 Definitions

In this Protocol, unless the text otherwise requires:

“Protocol” means this Protocol;

“Parties” means the Parties to this Protocol which are the Community and the Regional Economic Communities;

“Treaty” means the Treaty Establishing the African Economic Community;

“Treaties” means the treaties establishing the Regional Economic Communities;

“Regional Economic Community” means a corporate legal entity established by its treaty as defined in Article 1 (d) of the Treaty and whose objective is to promote economic integration as a step towards the establishment of the Community;

“Community” means the African Economic Community established by Article 2 of the Treaty;

“Committee” means the Committee on Coordination established by Article 6 of this Protocol;

“Committee of Secretariat Officials” means the Committee of Secretariat Officials as set out in Article 9 of this Protocol;

“Secretary-General” means the Secretary-General of the OAU provided for in Article 21 of the Treaty;

“Chief Executive” means the Chief Executive of a Regional Economic Community;

“Policy organs” means the organs established by the legal instruments of the Parties forming the process of decision-making;

“OAU” means the Organization of African Unity;

“Bureau of the Assembly” means the Chairman and Vice-Chairmen of the Assembly;

“Commission” means the Economic and Social Commission of the Community established by Article 7 of the Treaty;

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“Council” means the Council of Ministers of the Community established by Article 7 of the Treaty;

“Assembly” means the Assembly of Heads of State or Government of the Community established by Article 7 of the Treaty; and

“Court of Justice” means the Court of Justice established by Article 18 of the Treaty.

Article 2 Scope of application

The provisions of this Protocol shall apply to relations between the Parties and measures that the Parties shall implement in order to fulfil the responsibilities placed on them by Articles 6 and 88 of the Treaty.

Article 3 Objectives

The objectives of this Protocol shall be:

- (a) To strengthen the existing Regional Economic Communities in accordance with the provisions of the Treaty, treaties and this Protocol;
- (b) To promote the coordination and harmonization of the policies, measures, programmes and activities of Regional Economic Communities to ensure that the provisions of paragraph 2 (a) through (d) of Article 6 of the Treaty are implemented in a harmonious manner to facilitate, at stage five set out in Article 6 of the Treaty, an efficient integration of the Regional Economic Communities into the African Common Market;
- (c) To promote closer cooperation among the Regional Economic Communities; and
- (d) To provide an institutional structure for the coordination of relations between the Community and the Regional Economic Communities on the implementation of the stages 1 through 4 set out in Article 6 of the Treaty.

Article 4 General Undertakings

The Parties undertake to promote the coordination of their policies, measures, programmes and activities with a view to avoiding duplication thereof. To this end, the Parties agree:

- (a) To ensure that their policies, measures, programmes, and activities do not duplicate efforts or jeopardize the achievement of the objectives of the Community;
- (b) That the Community shall refer decisions and directives relating to the implementation of the provisions of paragraph 3 of Article 6 of the Treaty to the Committee which shall advise on modalities for implementation;
- (c) To abide by the provisions of paragraph 1 of Article 88 of the Treaty which states that the Community shall be established mainly through the coordination and harmonization of the activities of the Regional Economic Communities and their eventual integration into the African Common Market, thus, envisioning a Community that shall commence operating a harmonized continental framework at stage five set out in Article 6 of the Treaty; and
- (d) To provide for the exchange of information among their respective Secretariats for the implementation of the Treaty and treaties.

Article 5

4. PROTOCOL ON RELATIONS BETWEEN THE AFRICAN ECONOMIC COMMUNITY AND THE REGIONAL ECONOMIC COMMUNITIES

Specific Undertakings

1. The Regional Economic Communities shall take steps to review their treaties to provide an umbilical link to the Community and, in particular, provide:
 - (a) In the treaties as their final objective, the establishment of the Community;
 - (b) Legal links to this Protocol, the Treaty and the treaties of the Regional Economic Communities; and
 - (c) For the eventual absorption, at stage 5 set out in paragraph 2 (f) of Article 6 of the Treaty, of the Regional Economic Communities into the African Common Market as a prelude to the Community.
2. The Community undertakes to discharge fully, and as the first priority, its responsibility of strengthening the existing Regional Economic Communities and establishing new ones where none exist, within the time framework set out in Article 6 of the Treaty as well as of coordinating and harmonizing the activities of the Regional Economic Communities.

Chapter Two Coordination Framework

Article 6 Coordination Organs Establishment

There shall be established as organs for coordinating policies, measures, programmes and activities of Regional Economic Communities and ensuring the implementation of activities arising from the provisions of this Protocol:

- (a) The Committee on Coordination; and
- (b) The Committee of Secretariat Officials.

Article 7 The Committee on Coordination Composition and Functions

1. The Committee shall consist of:
 - (a) The Secretary-General;
 - (b) The Chief Executives of the Regional Economic Communities;
 - (c) The Executive Secretary of the Economic Commission for Africa; and
 - (d) The President of the African Development Bank.
2. Members of the Committee may be accompanied to meetings by experts and advisers.
3. The Committee shall be responsible for:
 - (a) Providing policy orientation pertaining to implementation of the Protocol;
 - (b) Coordinating and harmonizing the macroeconomic policies, other policies and activities of the Regional Economic Communities, including the priority sectors of agriculture, industry, transport and communication,

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energy and environment, trade and customs, monetary and financial matters, integration legislation, human resources, development, housing, health and water, tourism, science and technology including information technology, cultural and social affairs;

- (c) Monitoring and keeping under constant review, progress made by each Regional Economic Community towards the implementation of stages 1 through 4 set out in Article 6 of the Treaty;
- (d) Preparing the budget referred to in Article 24 of this Protocol;
- (e) Determining the modalities of implementing decisions and directives of the Assembly and the Council on the implementation of the Treaty;
- (f) Mobilizing resources for the implementation of the Treaty; and
- (g) Considering recommendations of the Committee of Secretariat Officials covering (a) through (c) above.

4. In order to facilitate the harmonious and speedy implementation of the provisions of the Treaty, treaties and this Protocol, the Committee shall have the power to implement the provisions of this Protocol and submit regular progress reports to their respective policy organs including issues requiring their approval.

Article 8 Meeting of the Committee

- 1. The Committee shall meet at least once a year and shall be chaired by the Secretary-General.
- 2. The decisions of the Committee shall be taken by consensus failing which by a simple majority.

Subject to the provisions of the Treaty and the treaties, the Committee shall determine its own rules of procedure for the conduct of its meetings.

Article 9 The Committee of Secretariat Officials Composition and Functions

- 1. The Committee of Secretariat Officials shall consist of:
 - (a) OAU senior officials responsible for community affairs;
 - (b) Designated senior officials of the Regional Economic Communities; and
 - (c) Designated senior officials of the Economic Commission for Africa and the African Development Bank.
- 2. The Committee of Secretariat Officials whose main function shall be to prepare for the meeting of the Committee, shall, in particular, be responsible for:
 - (a) Monitoring and keeping under constant review the coordination and harmonization of policies and activities of Regional Economic Communities and ensuring the proper development of the communities towards the establishment of the African Common Market provided for in paragraph 2 (f) of Article 6 of the Treaty and in this regard, making recommendations to the Committee. In particular, coordination and harmonization shall be in the priority sectors set out in paragraph 3 (b) of Article 7 of this Protocol;

4. PROTOCOL ON RELATIONS BETWEEN THE AFRICAN ECONOMIC COMMUNITY AND THE REGIONAL ECONOMIC COMMUNITIES

- (b) Evaluating progress made by each Regional Economic Community towards the implementation of the provisions of paragraph 2 (a) through (d) of Article 6 of the Treaty and making recommendations to the Committee;
 - (c) Recommending the budget referred to in Article 24 of this Protocol;
 - (d) Promoting inter-regional cooperation and coordination as well as inter-regional mutual assistance; and
 - (e) Submitting, from time to time, on its own initiative or upon the request of the Committee, reports and recommendations that would facilitate the attainment of the objectives of the Treaty and this Protocol.
3. Members of the Committee of Secretariat Officials may be accompanied to meetings by experts.
4. The Committee of Secretariat Officials may establish ad hoc committees and working groups of experts to assist it in the discharge of its responsibilities.

Article 10

Meeting of the Committee of Secretariat Officials

1. The Committee of the Secretariat Officials shall meet at least once a year prior to the meetings of the Committee.
2. The decisions of the Committee of Secretariat Officials shall be by consensus failing which the matter may be referred to the Committee on Coordination for decision.
3. The rules of procedure for the conduct of the meetings of the Committee, subject to necessary modifications, shall apply to the Committee of Secretariat Officials.

Chapter Three Implementation

Article 11

Immediate Priority Activities by the Community

1. In terms of the provisions of paragraph 1 of Article 88 and paragraph 2 (a) through (d) of Article 6 of the Treaty, the Community's role at stages 1 through 4 is primarily to strengthen existing Regional Economic Communities, establishing new ones where none exist and harmonizing and coordinating the policies and measures adopted by the Regional Economic Communities and eventually integrating the Regional Economic Communities into the envisaged African Common Market. To this end, the Community shall:
- (a) Within the time limit set out in Article 6 of the Treaty, identify regions where no Regional Economic Community exists in order to establish Regional Economic Communities there;
 - (b) Evaluate the policies, measures, programmes and activities of the Regional Economic Communities and their implementation thereof in order to determine the stage at which each Regional Economic Community shall be placed in terms of the stages set out in paragraph 2 (a) through (d) of Article 6 of the Treaty;
 - (c) Through the Regional Economic Communities, identify areas with respect to each Regional Economic Community which require the assistance of the Community with a view to strengthening each Regional Economic Community and facilitating the achievement of the objectives of each treaty and the Treaty; and
 - (d) Monitor the implementation of harmonized and rationalized policies, measures and programmes agreed upon at the levels of the Regional Economic Communities and the Community member States.

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2. The implementation by the Community of measures, programmes and activities envisaged under the provisions of paragraph 3 of Article 6 of the Treaty concurrently within the time limits set out in paragraph 2 of Article 6 of the Treaty shall be done jointly with the Regional Economic Communities and shall take into account similar measures, programmes and activities being implemented by the latter.

Article 12 Financial and Technical Support

1. The Parties recognize that the main obstacles to the full implementation of the policies, measures and programmes of Regional Economic Communities include resource constraints, at the level of the Community, Regional Economic Communities and the member States, to plan, manage, implement, follow up and monitor the implementation of agreed decisions, policies, measures, programmes and activities. In this regard, the Community shall strengthen the Regional Economic Communities as follows:

- (a) Provide financial resources to assist Regional Economic Communities to implement, in particular, policies, measures and programmes which shall facilitate the development of respective Regional Economic Communities from one stage to the next as set out in paragraph 2 (a) through (d) of Article 6 of the Treaty;
- (b) Promote human resource capacity development of the Regional Economic Communities;
- (c) Strengthen institutions created by or affiliated to the Regional Economic Communities;
- (d) Provide technical assistance to Regional Economic Communities according to expressed needs; and
- (e) Urge its member States to expedite implementation of programmes agreed upon at the level of the Regional Economic Communities and monitor their compliance thereof so as to expedite the implementation of the Treaty.

Chapter Four Implementation Benchmarks for the Regional Economic Communities

Article 13 The General Benchmarks

The provisions of Articles 4 and 6 of the Treaty envisage, at stages 1 through 4 set out in paragraph 2 (a) through (d) of Article 6 of the Treaty, the following outputs:

- (a) Trade liberalization, facilitation, promotion and development with a view to creating a free trade area and a customs union through the eventual adoption of a common external tariff; and
- (b) Sectoral integration based on harmonized macroeconomic policies, enabling free market policies, factor movement and measures that aim to reduce transaction costs of doing business across the borders and thus promote increased domestic production in the Parties' member States.

Article 14 Specific Benchmark

1. The Committee shall decide, from time to time, the specific benchmark to be attained at each stage.
2. Notwithstanding the provisions of paragraph 1, all policies, measures and programmes which shall be implemented in order to achieve a free trade area, a customs union and a common market for each Regional

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Economic Community shall be implemented by the end of the period provided for in paragraph 2 (a) through (d) of Article 6 of the Treaty of 25 years from the date of entry into force of the Treaty.

3. Notwithstanding the provisions of paragraph 1, the coordination and harmonization of tariff and non-tariff systems among the Regional Economic Communities with a view to establishing, at the continental level, a customs union by means of adopting a common external tariff, shall be achieved within the period provided for in paragraph (d) of Article 6 of the Treaty.

4. Any Regional Economic Community may accelerate the process of integration and achieve the objectives set for each stage well in advance of the time limits set out in Article 6 of the Treaty.

5. Subject to the provisions of the Treaty, Regional Economic Communities may, jointly with the Community, implement measures, programmes and activities envisaged under the provisions of paragraph 3 of Article 6 of the Treaty concurrently within the time limits specified in paragraph 2 of Article 6 of the Treaty taking into account existing similar measures, programmes and activities.

6. The Community shall, immediately after the entry into force of this Protocol and in consultation with the Regional Economic Communities, evaluate, existing Regional Economic Communities to determine the stage at which each shall be placed in terms of the stages set out in paragraph 2 (a) through (d) of Article 6 of the Treaty.

Chapter Five Cooperation and Coordination among Regional Economic Communities

Article 15 Coordination of Activities

The Chief Executives may, prior to a meeting of the Committee, meet either formally or informally to discuss the coordination of their activities.

Article 16 Joint Programmes and Closer Coordination

Regional Economic Communities, inter se, may enter into cooperation arrangements under which they undertake joint programmes or activities or more closely coordinate their policies, measures and programmes.

Article 17 Participation at Each Other's Meetings and Exchange of Information

1. Each Regional Economic Community shall invite the others to participate at meetings convened by it in which matters of mutual interest, in the context of this Protocol to the others, are to be discussed. The costs for attending such meetings shall be borne by the Community.

2. A Regional Economic Community may, in line with modalities to be mutually agreed upon, avail another of its experience by putting at its disposal the services of its personnel. The costs for such exchange of expertise shall be borne by the Community.

Article 18 Exchange of Information

The Regional Economic Communities shall exchange information and documents and keep each other informed of their policies, measures, programmes and activities relating to the implementation of this Protocol with a view to fostering closer coordination and cooperation among them for the achievement of the objectives of the

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Community. To this end, data banks shall be established within the Secretariats of the OAU/AEC and the Regional Economic Communities.

Chapter Six Participation at Meeting and the Nature of Decisions

Article 19 Participation at Community Meetings

1. The Regional Economic Communities shall participate fully in meetings of the Community on the implementation of the provisions of stages 1 through 4 set out in paragraph 2 (a) through (d) of Article 6 of the Treaty and the provisions of this Protocol.
2. Each Regional Economic Community shall submit a report to the Commission, the Council and the Assembly on progress made in the implementation of the provisions of this Protocol.

Article 20 Participating at Meetings of Regional Economic Communities

1. The Secretary-General shall participate fully in meetings of the Regional Economic Communities.
2. The Secretary-General shall submit a report to the meetings of the policy organs of the Regional Economic Communities on the implementation of the provisions of the Treaty and this Protocol.

Article 21 Community Directives to Regional Economic Communities

1. The Assembly and the Council shall give directives to any Regional Economic Community whose policies, measures and programmes are at odds with the objectives of the Treaty or whose implementation of its policies, measures, programmes and activities lags behind the time limit set out in Article 6 of the Treaty.
2. Where it is established that the delay in the implementation of the policies, measures, programmes and activities arising from the provisions of Article 6 of the Treaty rests on action or omission by member States of Regional Economic Communities, the Assembly or the Council shall address its directives to the relevant Community member States.
3. The decisions of the Assembly and the Council may include any sanctions deemed appropriate.

Article 22 Status of the Regional Economic Communities at Community Meetings

1. The Chief Executives of the Regional Economic Communities shall be accorded the same status as that of the Chief Executive of the other Party to this protocol and shall, in this regard, participate fully in the deliberations of the Community.
2. Decisions of the Community on regional integration shall take into account the views of the Regional Economic Communities.

Article 23 Status of the Community at Meetings of Regional Economic Communities

The Secretary-General shall be accorded due respect and status at meetings of the Regional Economic Communities and participate fully in the deliberations of the Regional Economic Communities.

4. PROTOCOL ON RELATIONS BETWEEN THE AFRICAN ECONOMIC COMMUNITY
AND THE REGIONAL ECONOMIC COMMUNITIES

Chapter Seven
Financial Provisions

Article 24
Budget

1. The Community shall allocate in its regular budget resources for the implementation of this Protocol and related provisions of the Treaty, including the financing of all meetings held in relation thereto and the costs for the participation of the Regional Economic Communities.
2. A draft budget, for the implementation of this Protocol, for which financial year shall be prepared by the Secretary-General in consultation with the Chief Executives.
3. Notwithstanding the provisions of paragraph 1, the resources of the budget may be derived from extrabudgetary sources.

Article 25
Accounts and Financial Regulations

The Regional Economic Communities shall account for any financial resources provided by the Community in accordance with the provisions of Article 85 of the Treaty.

Chapter Eight
General and Final Provisions

Article 26
Working Languages

For the purposes of this Protocol, the working languages of the Committee shall be the same as those of the Community.

Article 27
Administrative Arrangements

1. The Community shall be responsible for all secretariat, administrative and conference arrangements for all meetings held at the Community Headquarters relating to the implementation of this Protocol.
2. Where the meetings are held at the invitation of one of the Regional Economic Communities, the concerned Regional Economic Community shall be responsible for all secretariat, administrative and conference arrangements.
3. The Community shall facilitate the participation of Regional Economic Communities at all Community meetings.

Article 28
External Relations

1. In the context of realizing their regional integration objectives, Regional Economic Communities may enter into cooperation agreements, inter se, or with other international organizations or with third countries provided that such agreements do not conflict with the objectives of the Treaty and the treaties.

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2. Copies of the agreements referred to in paragraph 1 shall be transmitted to the Secretary-General by the Regional Economic Communities parties to them.

Article 29

Harmonization of Coordinating Ministries/Authorities

1. For the purposes of the implementation of the provisions of paragraph 2 of Article 88 of the Treaty and of Article 4 of this Protocol, the Parties agree to designate, through their member States, the same coordinating ministry/authority for the implementation of the Treaty and the treaties.

2. Notwithstanding the provisions of paragraph 1, the Regional Economic Communities may maintain country or regional offices in their member States to promote the implementation, by member States, of the provisions of the treaties and the Treaty.

Article 30

Dispute Resolution

Any dispute arising from or in connection with this Protocol shall be settled amicably between the Parties within the Committee, failing which it shall be referred to the Bureau of the Assembly. As a last resort, the Assembly may refer the dispute to the Court of Justice.

Article 31

Entry into Force and Accession

1. This Protocol shall enter into force when signed by the Secretary-General on behalf of the Community and by at least three Chief Executives of the Regional Economic Communities on behalf thereof.

2. Any Regional Economic Community which is not Party to this Protocol on the date of its entry into force shall accede to this Protocol.

3. This Protocol shall enter into force in relation to an acceding Regional Economic Community on the date its instrument of accession shall be deposited.

Article 32

Amendments

1. Either Party may propose amendments to this Protocol.

2. Proposals for amendment shall be submitted to the Secretary-General who shall transmit the same to all the Regional Economic Communities within thirty (30) days of receipt of the proposal.

3. The Committee shall examine the proposals and make recommendations to the Parties.

4. Amendments shall enter into force thirty (30) days after approval by the Community and at least three of the Regional Economic Communities.

Article 33

Depositary

This Protocol and all instruments of accession shall be deposited with the Secretary-General who shall transmit certified copies to the Parties and their member States.

5.

**REVISED PROTOCOL ON RELATIONS BETWEEN THE AFRICAN UNION AND
THE REGIONAL ECONOMIC COMMUNITIES**

Adopted in Addis Ababa, Ethiopia, on 7 February 2020.

Entered into force on 10 November 2021.

Preamble

The Parties,

Inspired by the objectives of the Constitutive Act of the African Union and the Treaty Establishing the African Economic Community, and the treaties establishing the Regional Economic Communities, particularly regarding the need to accelerate the political and socio-economic integration of the continent through the integration process of the Regional Economic Communities,

Recalling the declarations and commitments made by Member States of the African Union intended to accelerate integration, such as the Sirte Declaration (1999), the Lusaka Declaration (2001) and the Durban Declaration (2002),

Further recalling Decision Assembly/AU/Dec.635 (XXVIII) adopted at the Twenty-eighth Ordinary Session of the Assembly on the need for clear division of labour and effective collaboration between the African Union, Regional Economic Communities, Regional Mechanisms, Member States and other continental institutions,

Taking into account the role of the African Union, in terms of the provisions of the Constitutive Act of the African Union and the Treaty Establishing the African Economic Community on the promotion of closer cooperation among the Regional Economic Communities, in particular, through the coordination and harmonization of their policies, measures, programmes and activities in all fields and sectors,

Aware of the need to establish a mechanism for the harmonization and strategic planning of programmes by the African Union and the Regional Economic Communities taking into account the need to accelerate the implementation of the integration agenda in Africa,

Agreeing on the need to establish a cooperation mechanism between the African Union and the RECs in the promotion of good governance, human rights, rule of law, humanitarian concerns and a democratic culture in Africa in line with the aspirations contained in the African Union Agenda 2063,

Conscious of the need for the coordination and the harmonization of the integration activities of the Regional Economic Communities with the activities of the African Economic Community so as to accelerate the establishment of the African Common Market,

Aware of the responsibility placed on both the African Union and the Regional Economic Communities to ensure that the latter are integrated in the most economic and effective manner and the integration process of Africa is accelerated to enable Africa to face the challenges of globalization,

Stressing the need to emphasize the principle of gender equality in all areas of cooperation,

Agreeing on the need to enhance integration in the economic, social, cultural and political areas, as well the need to maintain peace and security in conformity with the Protocol Relating to the Establishment of the Peace and Security Council of the African Union, the Memorandum of Understanding on Cooperation in the Area of Peace and Security between the African Union, the Regional Economic Communities and the Coordinating Mechanisms of the Regional Standby Brigades of Eastern Africa and Northern Africa, and the African Peace and Security Architecture,

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Aware of the need to define the role of the African Union and that of the RECs taking into account the principles of subsidiarity and comparative advantage, thereby allowing the RECs to advance the continental integration agenda in specific areas,

Convinced of the need to strengthen the institutional framework to govern relations between the African Union and the Regional Economic Communities, through revision of the Protocol on Relations between the African Union and the Regional Economic Communities, which entered into force on 27 January 2008,

Now therefore it is hereby agreed as follows:

Chapter One Preliminary Provisions

Article 1 Definitions

In this Protocol, unless the context otherwise requires:

"Assembly" means the Assembly of Heads of State and Government of the African Union;

"Executive Council" means the Executive Council of the African Union;

"Abuja Treaty" means the Treaty Establishing the African Economic Community;

"AEC" means the African Economic Community;

"African Common Market" means a single African liberalized market for goods and services, facilitated by movement of persons in order to deepen the economic integration of the African continent, as envisaged in the Abuja Treaty;

"African Financial Institutions" means the financial institutions established under Article 19 of the Constitutive Act;

"AUDA-NEPAD" means the African Union Development Agency - New Partnership for Africa's Development;

"Bureau" means the Chairperson, Vice-Chairpersons and Rapporteur of the Assembly;

"Chairperson" means the Chairperson of the African Union Commission;

"CEO" means the Chief Executive Officer of a Regional Economic Community;

"Commission" means the African Union Commission;

"Constitutive Act" means the Constitutive Act of the African Union adopted in Lomé, Togo, on 11 July 2000;

"Parties" means the Parties to this Protocol, namely the African Union and the Regional Economic Communities;

"Policy organs" means the decision-making organs established by the legal instruments of the African Union and the Regional Economic Communities;

"Protocol" means this Revised Protocol on Relations between the African Union and the Regional Economic Communities;

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“Regional Economic Community (REC)” means the Regional Economic Communities recognized by the African Union;

“Regional Mechanism (RM)” means an African Regional Mechanism for Conflict Prevention, Management and Resolution;

“Sirte Declaration” means the Assembly Declaration EAHG/Decl. (IV) Rev.1 adopted during the Fourth Extraordinary Session of the Assembly in Sirte, Libya, where Heads of State and Government agreed to establish the African Union, to accelerate the process of integration on the continent and to address social, economic and political problems affecting the continent in accordance with the Treaty Establishing the African Economic Community (Abuja Treaty);

“Specialized Technical Committees (STCs)” means the Specialized Technical Committees of the African Union established under Article 5 of the Constitutive Act and the Specialized Technical Committees of the RECs established under the treaties establishing the Regional Economic Communities;

“Treaties” means the treaties establishing the Regional Economic Communities;

“Union” means the African Union established by the Constitutive Act.

Article 2 Scope of Application

This Protocol shall apply to the coordination between the Parties in the implementation of measures that serve the principles and objectives of the Constitutive Act, the Abuja Treaty, the treaties and any other relevant AU instruments.

Article 3 Objectives

The objectives of this Protocol are to:

- (a) Formalize, consolidate and promote closer cooperation among the RECs and between them and the Union through the coordination and harmonization of their policies, measures, programmes and activities in all fields and sectors in line with the principle of subsidiarity and complementarity;
- (b) Establish a framework for coordination of the activities of the RECs in their contribution to the realization of the objectives of the Constitutive Act, the Abuja Treaty and the treaties, as well as other relevant AU instruments;
- (c) Strengthen the RECs in accordance with the provisions of the Abuja Treaty and decisions of the Union;
- (d) Implement the Sirte Declaration with regard to the acceleration of the integration process;
- (e) Coordinate AU and REC policies, measures, programmes and activities with a view to avoiding duplication;
- (f) Set and monitor general and specific benchmarks for the establishment of the African Common Market;
- (g) Establish a framework for linking the operations of the STCs and the Sectoral Cluster Committees of the Economic, Social and Cultural Council of the Union (ECOSOCC) and AUDA-NEPAD to the operations of the RECs;
- (h) Establish a coordination mechanism of regional and continental efforts for the development of common positions by its members in negotiations at the multilateral level;

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- (i) Encourage the sharing of experiences in all fields among the RECs and ensure harmonization of their cooperation with potential donors and international financial institutions;
- (j) Ensure that gender is mainstreamed into all the programmes and activities within the relationships among the RECs and between the RECs and the Union.

Article 4

Mutual Undertakings

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

- (a) Cooperate and coordinate the policies and programmes of the RECs with those of the Union;
- (b) Exchange, at all appropriate levels, information and experiences on programmes and activities and implement the provisions of this Protocol;
- (c) Promote interregional projects in all fields; and
- (d) Support each other in their respective integration endeavours and agree to attend and participate effectively in all meetings of each other and in the activities required to be implemented under this Protocol.

Article 5

Special Undertakings

1. The RECs shall take the necessary steps to review their treaties with the Union in order to establish an organic link with a view to:
 - (a) Strengthening their relations with the Union;
 - (b) Aligning their programmes, policies and strategies with those of the Union;
 - (c) Providing for an effective implementation of this Protocol; and
 - (d) Providing for the eventual absorption, at stage five as set out in Article 6, paragraph 2 (e), of the Abuja Treaty, of the RECs into the African Common Market, prelude to the AEC.
2. The Union undertakes to discharge fully its responsibility of strengthening the RECs as well as of coordinating and harmonizing their policies in line with Article 4, paragraphs 1 and 2, of the Abuja Treaty.

Chapter Two

Institutional Framework

Article 6

Establishment of the Coordination Structures

The following structures are established for the purpose of coordinating policies, measures, programmes and activities of the Parties towards implementation of this Protocol:

- (a) The Mid-Year Coordination Meeting;

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- (b) The Committee on Coordination; and
- (c) The Coordination Secretariat.

Article 7 The Mid-Year Coordination Meeting

1. In place of the June/July Summit, the Bureau of the Assembly shall hold a coordination meeting with the RECs with the participation of the Chairpersons of the RECs, the Commission and RMs.
2. The Commission shall coordinate and harmonize the activities of the Parties for the Mid-Year Coordination Meeting.
3. The Mid-Year Coordination Meeting shall:
 - (a) Assess the status of continental integration and coordinate efforts to accelerate the integration process;
 - (b) Coordinate the implementation of a clear division of labour and effective collaboration between the Union, RECs, RMs, Member States and other continental institutions, in line with the principle of subsidiarity, complementarity and comparative advantage;
 - (c) Coordinate and harmonize AU and REC policies with a view to accelerating Africa's integration process;
 - (d) Identify areas of cooperation and establish mechanisms for regional, continental and global cooperation in each sector or subsector;
 - (e) Guide the Union and the RECs in matters pertaining to priority programmes, resources needed for implementation of these programmes and the impact of such programmes in improving the lives of the African people;
 - (f) Review and assess the status of implementation of decisions and legal instruments pertaining to the relations among the Union, RECs and RMs;
 - (g) Consider any functions assigned by the Assembly; and
 - (h) Any other requests assigned by the Assembly.

Article 8 The Committee on Coordination

1. The Committee on Coordination shall consist of the:
 - (a) Senior officials of Member States participating in the Mid-Year Coordination Meeting;
 - (b) Chairperson of the Commission;
 - (c) CEOs of RECs;
 - (d) CEOs of the financial institutions; and
 - (e) CEO of AUDA-NEPAD.

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2. The Committee on Coordination shall be responsible for:
 - (a) Overseeing the implementation of this Protocol;
 - (b) Coordinating and harmonizing the policies to enhance integration in the economic, social, cultural and political areas, as well as in the field of peace and security;
 - (c) Monitoring, evaluating and reviewing progress made by each REC towards the implementation of stages two through four as set out in Article 6 of the Abuja Treaty;
 - (d) Proposing the budget of the Committee on Coordination referred to in Article 22 of this Protocol;
 - (e) Collaborative implementation of decisions and directives of the Assembly and the Executive Council on the implementation of the Abuja Treaty;
 - (f) Mobilizing resources for the implementation of the Abuja Treaty;
 - (g) Considering recommendations of the Coordination Secretariat covering paragraphs (a) to (c) above in order to facilitate the harmonious and expeditious implementation of the provisions of the Abuja Treaty, the treaties and this Protocol;
 - (h) Implementing the provisions of this Protocol and submitting regular progress reports to their respective policy organs including issues requiring their approval;
 - (i) Submitting its report for consideration by the Mid-Year Coordination Meeting.

Article 9

Meetings of the Committee on Coordination

1. The Committee on Coordination chaired by the Chairperson shall meet at least twice a year and one of these meetings shall take place at least three months before the annual Mid-Year Coordination Meeting.
2. The recommendations of the Committee on Coordination shall be taken by consensus or, failing consensus, by a simple majority of members present and voting. The recommendations of the Committee on Coordination shall be forwarded to the Executive Council, through the Committee of Permanent Representatives, as recommendations on matters of policy aimed at a harmonized and efficient approach to Africa's integration.
3. The Chief Executive of AUDA-NEPAD shall provide advice to the Committee and shall have no right to vote on such matters as shall be stipulated in the rules of procedure adopted under paragraph 4 of this article.
4. Subject to the provisions of the Abuja Treaty and the treaties, the Committee on Coordination shall determine its own rules of procedure for the conduct of its meetings.
5. Members of the Committee on Coordination may be accompanied to meetings by experts and advisers.
6. The Committee on Coordination may invite any African institution with expertise in relevant matters to participate in its work and to attend its meetings as an observer.

Article 10

The Coordination Secretariat

1. The Coordination Secretariat shall consist of:

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- (a) The representative of the Chairperson responsible for coordination of the activities of the RECs;
 - (b) The representative of the chief executives of the RECs responsible for the coordination of integration with the Union;
 - (c) The representative of the AUDA-NEPAD; and
 - (d) The representative of the chief executives of the financial institutions of the Union.
2. The Coordination Secretariat shall be responsible for:
- (a) Supporting the mandate of the Committee on Coordination;
 - (b) Preparing and submitting reports to the Committee on Coordination on:
 - (i) Coordination and harmonization of the policies to enhance integration in the economic, social, cultural and political areas, as well as in the field of peace and security;
 - (ii) Status of implementation on the progress made by each REC towards the implementation of stages two through four as set out in Article 6 of the Abuja Treaty;
 - (c) Preparing the budget referred to in Article 22 of this Protocol;
 - (d) Proposing modalities for:
 - (i) Implementing decisions and directives of the Assembly and the Executive Council on the implementation of the Abuja Treaty; and
 - (ii) Mobilizing resources for the implementation of the Abuja Treaty;
 - (e) Preparing proposals for consideration by the STCs.

Article 11

Meetings of the Coordination Secretariat

1. The Coordination Secretariat shall meet at least twice a year prior to the meetings of the Committee on Coordination and shall be chaired by the representative of the Chairperson, bearing in mind the provisions of Article 9, paragraph 1, of the present Protocol.
2. The conclusions and recommendations of the Coordination Secretariat shall be taken by consensus or, failing which, by a simple majority of members present and voting.
3. At least one of the meetings of the Coordination Secretariat shall take place two months before the second meeting of the Committee on Coordination.
4. Subject to the provisions of the Abuja Treaty and the treaties, the Coordination Secretariat shall determine its own rules of procedure provided that the rules of procedure so adopted shall follow as closely as possible the rules of procedure of the Committee on Coordination.
5. The Coordination Secretariat may invite any African institution to participate in its work and to attend its meetings as an observer.

Chapter Three

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Areas of Competence

Article 12 Role of the Union

1. In terms of the provisions of Article 88, paragraph 1, and paragraphs 2 (a) to (d) of Article 6 of the Abuja Treaty, the role of the Union, at stages one through four, is primarily to strengthen the RECs and harmonize and coordinate the policies and measures adopted by the RECs into the envisaged African Common Market. To this end the Commission shall:

(a) Work towards the coordination and harmonization of the activities of RECs taking account of the paramount necessity of accelerating the achievement of a continental integration within the context of the Sirte Declaration;

(b) In cooperation with the RECs, identify the areas with respect to each REC which requires the assistance of the Commission with a view to strengthening each REC and facilitating the achievement of the objectives of the Abuja Treaty and the treaties.

2. The implementation by the Union, of measures, programmes and activities envisaged under the provisions of Article 6, paragraph 3, of the Abuja Treaty shall be undertaken jointly with the RECs and shall take into account the division of labour agreed on between the Union and the RECs.

3. The Commission shall, in consultation with the RECs, evaluate existing RECs to determine the progress of regional economic integration and thereafter design appropriate programmes to accelerate the integration process, including in relation to the stages set out in paragraph 2 (a) through (d) of Article 6 of the Abuja Treaty.

Article 13 Role of the Regional Economic Communities

1. The RECs shall comply with the provisions of Article 3 of the Constitutive Act which envisages, inter alia:

(a) Accelerate the political and socio-economic integration of the continent;

(b) Coordinate and harmonize the policies between the RECs for the gradual attainment of the objectives of the Union.

2. The RECs shall also comply with the provisions of Articles 4 and 6 of the Abuja Treaty which envisages, inter alia:

(a) Trade liberalization, facilitation, promotion and development with a view to creating a free trade area and a customs union through the eventual adoption of a common external tariff;

(b) Sectoral integration based on harmonized macroeconomic policies, enabling free market policies, factor movement and measures that aim to reduce transaction costs of doing business across the borders and thus promote increased domestic production in the Parties Member States.

Chapter Four Regional Integration

Article 14 Acceleration of the Regional Integration Agenda

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1. The Assembly shall consider specific benchmarks to be attained at each stage, bearing in mind the guidelines outlined by the division of labour agreed on between the Union and the RECs.
2. Notwithstanding the provisions of Article 6 of the Abuja Treaty, the coordination and harmonization of tariff and non-tariff systems among the RECs with a view to establishing, at the continental level, a customs union through the adoption of a common external tariff, shall be achieved within a shorter period in accordance with the Sirte Declaration.
3. Any REC may accelerate the process of integration and achieve the objectives set for each stage in advance of the time limits set out in Article 6 of the Abuja Treaty.
4. Each REC shall review and modify its existing technical committees to align their functions and structures to those of the STCs.

Article 15 Coordinating Ministries or Authorities

For the purpose of the implementation of the provisions of paragraph 2 of Article 88 of the Abuja Treaty and of Article 4 of this Protocol, the Parties agree to invite their Member States to designate the same coordinating Ministry for the implementation of the Abuja Treaty and the treaties.

Article 16 Joint Programmes and Closer Cooperation

1. The RECs may enter into cooperation arrangements under which they undertake joint programmes or activities or coordinate more closely their policies, measures and programmes.
2. The Commission and the Secretariats of the RECs shall cooperate in the preparation of the Mid-Year Coordination Meeting. The Commission should submit the preparation of the Mid-Year Coordination Meeting for consideration by AU Member States through the appropriate policy organs of the Union.
3. The Commission shall consult the RECs in the preparation of proposals and work programme for consideration by the STCs. The Parties shall attend their relevant STCs or equivalent meetings to allow for closer cooperation in every sector.
4. The Commission, the RECs, AUDA-NEPAD and the financial institutions of the Union shall each designate a focal point with which all the parties may communicate in connection with any matter arising out of the implementation and application of this Protocol and notify such designation to all the parties.

Chapter Five Participation in Meetings and the Binding Nature of Decisions

Article 17 Participation in Meetings and Exchange of Expertise, Experience and Information among RECS

1. In order to strengthen horizontal integration, each REC shall invite the others to participate in meetings convened by it in which matters of mutual interest are to be discussed.
2. A REC may be invited, in line with modalities to be mutually agreed upon, to avail another of its experience by putting at its disposal the services of its personnel. The costs for such exchange of expertise shall be borne by the RECs.

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3. Subject to necessary arrangements for the safeguarding of the confidentiality of certain information, the RECs shall exchange information and documents and keep each other informed of their policies, measures, programmes and activities in the implementation of this Protocol with a view to fostering closer coordination and cooperation for the achievement of the objectives of the Abuja Treaty and this Protocol.

Article 18

Participation in Meetings of the Union

1. The RECs shall attend and participate, without voting rights, in meetings of the Union in accordance with the rules of procedure of the Assembly, Executive Council, Permanent Representatives' Committee (PRC) and STCs.

2. Each REC shall submit through the Coordination Committee to the STCs, the Executive Council and the Assembly a report on progress achieved and difficulties encountered in the implementation of the provisions of this Protocol.

Article 19

Participation in Meetings of RECs

1. The Union shall attend and participate, without voting rights, in meetings of the RECs in accordance with their rules of procedure.

2. The Chairperson shall inform the meetings of the RECs on the implementation of the provisions of the Abuja Treaty and this Protocol.

Article 20

Permanent Representations

The Union and the RECs shall continue to take steps to have a permanent representation at their respective headquarters.

Article 21

Compliance with the Protocol and Binding Decisions of the Union

1. The Parties agree to comply with this Protocol and binding decisions of the Union.

2. The Union may, through its supreme organ, and after due consideration by the Mid-Year Coordination Meeting, take measures to address a situation where any Party is undertaking policies, measures and programmes which are incompatible with the objectives of the Abuja Treaty or whose implementation of its policies, measures, programmes and activities lag behind, without sufficient reason, the time limits set out in Article 6 of the Abuja Treaty or pursuant to this Protocol.

3. Where it is established that the delay in the implementation of the policies, measures, programmes and activities arising from the provisions of Article 6 of the Abuja Treaty is the result of action or omission by any Party, the Assembly shall take measures, after consultation with the Party concerned and shall address its directives to this concerned Party.

4. The Assembly shall take measures deemed appropriate. The modalities of such measures shall be agreed upon by the Assembly in line with the Constitutive Act and its rules of procedure.

Chapter Six

Financial Provisions

Article 22

5. REVISED PROTOCOL ON RELATIONS BETWEEN THE AFRICAN UNION AND THE RECS

Budget

1. The Union shall allocate in its regular budget resources for the implementation of this Protocol and related provisions of the Abuja Treaty.
2. A draft budget, for the implementation of the Protocol, for each financial year, shall be prepared by the Chairperson, in consultation with the chief executives of the financial institutions of the Union and AUDA-NEPAD.
3. Each REC shall also provide in its regular budget the necessary resources for the implementation of programmes, measures and policies in this Protocol and shall bear the relevant secretariat service and local transport costs when hosting meetings to this effect.
4. In the event of financial appropriation by the Union to a REC, the benefiting REC shall account for any financial resources provided by the Union.
5. Notwithstanding the provisions of paragraph 1 of this article, the resources of the budget may be derived from extrabudgetary sources.

Article 23

Financial and Technical Support

The Parties recognize that the main obstacles to the full implementation of the policies, measures and programmes of the RECs include resource constraints, at the levels of the Union, the RECs and Member States and agree to cooperate through:

- (a) The collective mobilization of financial resources to assist the RECs to implement, in particular, policies, measures and programmes which shall facilitate the development of respective RECs from one stage to the next as set out in paragraph 2 (a) through (d) of Article 6 of the Abuja Treaty;
- (b) Human resource capacity and institution-building;
- (c) Mobilizing technical assistance for the RECs according to expressed needs; and
- (d) Monitoring the implementation and the conformity of programmes agreed upon at the level of the RECs and monitoring their compliance thereof so as to expedite the implementation of the Abuja Treaty.

Chapter Seven

General and Final Provisions

Article 24

Administrative Arrangements

1. The African Union Commission shall be responsible for all secretarial, administrative and conference arrangements for all meetings held at the Union Headquarters relating to the implementation of this Protocol.
2. In the event that the meetings are held outside the Headquarters of the Union, the offering Member State shall be responsible for all extra expenses incurred as a result of the meeting being held outside the Headquarters.
3. When the meetings are held at the invitation of one of the RECs, the Executive Secretariat of the REC concerned shall be responsible for all secretarial, administrative and conference arrangements.

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4. The Union shall facilitate the participation of RECs in meetings of the Union, while bearing in mind the applicable rules of procedure.

Article 25 External Relations

1. In the context of realizing its integration objectives, a regional economic community may enter into cooperation agreements with other international organizations or with third countries provided that such agreements do not conflict with the objectives of the Constitutive Act, the Abuja Treaty and the treaties.

2. Copies of the agreements referred to in paragraph 1 of this article shall be transmitted to the Chairperson by the RECs parties to them.

Article 26 Harmonization of Mechanisms for Promotion of Peace, Security and Stability

1. For the purpose of implementing the provision of Article 3, subparagraph (a), of this Protocol, the Parties recall that the Protocol Establishing the Peace and Security Council of the African Union, stipulates, inter alia, the following:

(a) Harmonize and coordinate their activities in the field of peace, security and stability to ensure that these activities are consistent with the objectives and principles of the Union and those of the RECs;

(b) Work closely to ensure effective partnership between them in the promotion and maintenance of peace, security and stability. The modalities of such partnership shall be determined by the comparative advantage of each and the prevailing circumstances;

(c) The Parties shall be guided by their Memorandum of Understanding on Cooperation between the Commission and the RMs in line with Article 16, paragraph 9, of the Protocol establishing the Peace and Security Council.

Article 27 Amendments

1. Any Party may propose amendments to this Protocol.

2. Proposals made pursuant to paragraph 1 of this article shall be submitted, in writing, to the Committee on Coordination, which shall make appropriate recommendations to the Mid-Year Coordination Meeting. The conclusions of the Mid-Year Coordination Meeting shall be submitted to the Assembly.

3. Amendments shall enter into force after consideration by the Parties and approval by the Assembly.

Article 28 Dispute Resolution

1. Any dispute arising between the Parties from the interpretation or application of the provisions of this Protocol shall be resolved amicably by the Parties.

2. Upon failure to resolve the dispute amicably, the matter shall be referred to the Mid-Year Coordination Meeting.

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3. Should the dispute remain unresolved, any concerned Party may request the referral of the matter to the Court of Justice of the Union in conformity with the Articles 18 and 19 of the Protocol of the Court. Pending the establishment of the Court, any dispute should be submitted to the Assembly, by a two-thirds vote.

Article 29 Applicable Law and Interpretation

1. The Parties shall be governed by their respective legal instruments. In the event of inconsistency between the legal instruments and this Protocol, the latter shall prevail.

2. Any issues of interpretation arising from the application or implementation of this Protocol shall be referred to the Court of Justice or the Assembly in accordance with Article 28, paragraph 3.

Article 30 Working Languages

For the purpose of this Protocol, the working languages shall be the AU working languages as stated in the AU Constitutive Act.

Article 31 Entry into Force and Accession

1. This Protocol shall be formally endorsed by the Assembly.

2. This Protocol shall enter into force when signed by the Chairperson and by the Chief Executives of at least three RECs.

3. Any REC which is not a party to this Protocol on the date of its entry into force may accede to it.

4. This Protocol shall enter into force in relation to an acceding REC on the date on which its instrument of accession is deposited with the Chairperson.

Article 32 Termination of the 2008 Protocol

1. The operation of the Protocol on Relations between the African Union (AU) and the Regional Economic Communities (RECs), which entered into force on 27 January 2008, shall terminate upon entry into force of this Protocol.

2. Notwithstanding paragraph 1 above, the termination shall not affect the completion of all ongoing programmes and activities being carried out in accordance with its provisions and not fully executed at the time of its termination.

Article 33 Depositary

This Protocol, prepared in all AU working languages, all texts being equally authentic, shall be deposited with the Chairperson, who shall transmit certified copies thereof to the Parties and to their Member States.

PART XII

TRADE, INVESTMENT AND FINANCE

1. ASSOCIATION OF AFRICAN TRADE PROMOTION ORGANIZATIONS

1.

CONSTITUTION OF THE ASSOCIATION OF AFRICAN TRADE PROMOTION ORGANIZATIONS

**Adopted in Addis Ababa, Ethiopia, on 18 January 1974.
Entered into force on 28 March 2012.**

Preamble

The Governments on whose behalf this Constitution is signed,

Being aware of the significant role that African trade promotion organizations have to play in the economic development of the region,

Having regard to the advantage for the region to be derived from the effective and continuous exchange of information and coordination of activities in the field of trade promotion especially as regards intra-African trade,

Recognizing that the creation of an Association of African Trade Promotion Organizations for the study, discussion and promotion of African trade matters would best serve these purposes,

Have agreed as follows:

Article I

Establishment of the Association

1. The Association of African Trade Promotion Organizations (AATPO) (hereinafter referred to as "the Association") is hereby established and shall operate and be governed according to the provisions of this constitution.
2. The Association shall operate under the aegis of the Organization of African Unity and the United Nations Economic Commission for Africa.

Article II

Objectives and Functions

1. The main objectives of the Association shall be to foster contact and regular flow of information and communication between African countries in trade matters and to assist in the harmonization of the commercial policies of African countries in order to promote intra-African trade.
2. The Association shall serve as an instrument for the promotion of trade market research and expert-oriented investments particularly within Africa.
3. For the purposes set out in paragraphs 1 and 2 of this article the Association shall:
 - (a) Provide for meetings of the Association and its organs;
 - (b) Assist Member States to establish national trade promotion organizations or associations;
 - (c) Assist Member States in the strengthening of their existing trade promotion organizations or association;
 - (d) Promote the exchange of ideas and experience in trade promotion generally and intra-African trade in particular;

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- (e) Advise Member States in the formulation of trade policies conducive to trade exchanges and increased intra-African trade;
- (f) Make recommendations to Member States on various aspects of African trade;
- (g) Assist in organizing subregional trade information centres for the dissemination of trade information among Member States;
- (h) Arrange contacts and organize meetings for African businessmen concerned with intra-African trade and its various aspects; and
- (i) Do all such other things as would enable the Association to achieve its objectives.

Article III Membership

1. Membership of the Association shall be open to all African States which are members of the Organization of African Unity and the United Nations Economic Commission for Africa.
2. For the purposes of this Constitution, a Member State may designate from within its territory, the national association or organization concerned with trade promotion by which it shall be represented, to exercise the powers of a Member State prescribed in paragraph 1 of Article VII, taking into account the desirability of ensuring the development of intra-African trade.
3. Membership of the Association shall be acquired in accordance with the provisions of Article XV of this Constitution.

Article IV Obligations of Member States

1. Member States shall cooperate in every possible way to assist the Association in achieving its objectives. They shall in particular:
 - (a) Facilitate the collection, exchange and dissemination of information;
 - (b) Submit all necessary reports and information to the competent organs of the Association;
 - (c) Make available training and research facilities on such terms and conditions as may from time to time be agreed with the appropriate organ of the Association;
 - (d) Make available personnel on such conditions as may be agreed with the appropriate organ of the Association; and
 - (e) Pay their annual contributions as assessed by the General Assembly and such special contributions as may be determined by the General Assembly.

Article V Status, structure and organization of the Association

1. To enable it to achieve its purposes and to perform its functions, the Association shall in accordance with the laws of the country where its headquarters is established, seek and acquire legal capacity to acquire, hold, manage and dispose of land and other property, enter into contracts, accept and make loans, grants, gifts and contributions, and to sue and be sued.

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2. The organs of the Association shall be:
 - (a) The General Assembly and its Bureau;
 - (b) The Subregional Conferences;
 - (c) The Secretariat;
 - (d) The National Associations; and
 - (e) Such other bodies as are established by the General Assembly and the Subregional Conferences.

Article VI Facilities, Immunities and Privileges

1. The Government of the State in whose territory the Headquarters of the Association shall be situated shall grant to the Association, privileges and immunities accorded to the Organization of African Unity or the United Nations. Furthermore, it shall grant to the officials of the Secretariat the same immunities and privileges as are accorded to the Organization of African Unity or the United Nations officials of comparable rank.

Article VII The General Assembly

1. The General Assembly shall consist of the representatives of all Member States; provided however that each Member State shall have only one vote at the meetings of the General Assembly.
2. The General Assembly shall meet once in two years in regular session and emergency sessions may be convened in accordance with rules made by the General Assembly.
3. The General Assembly shall elect from among its members, a President, two Vice-Presidents and a Rapporteur who shall also together form the Bureau of the General Assembly.
4. The General Assembly shall:
 - (a) Determine the general policies of the Association;
 - (b) Determine the contributions of Member States in respect of the expenditure involved in the running of the affairs of the Association and its subsidiary bodies;
 - (c) Consider and approve the annual reports on the activities of the Association and the accounts of the Association;
 - (d) Consider and approve the draft programme of work and the draft budget of the Association;
 - (e) Determine the conditions of admission of associate members and observers of the Association; and
 - (f) Consider and adopt rules and general directions governing the activities of the Association and its subsidiary bodies.
5. The General Assembly may establish such subsidiary organs that it deems necessary and may delegate any of its functions to an organ of the Association.

XII. TRADE, INVESTMENT AND FINANCE

6. Subject to the provisions of this Constitution, the General Assembly shall prescribe its own rules of procedure including those for convening its meetings, the conduct of such meetings, and the quorum and voting thereat and for the dissemination of the report of its meetings.

7. The Bureau of the General Assembly shall under the direction of the President:

(a) Consider the annual reports on the activities of the Association and the accounts of the Association and submit them to the General Assembly for approval;

(b) Consider the draft programme of work and the draft budget of the Association and submit them to the General Assembly for approval;

(c) Consult with the Secretariat on actions that may be undertaken by the Association or its organs in furtherance of the objectives of the Association; and

(d) Within the limits of the programme of work and the budget of the Association, review, direct and coordinate the activities of the organs of the Association.

Article VIII Subregional Conferences

1. A subregional conference shall consist of the representatives of the Member States within a subregion of Africa as defined by the United Nations Economic Commission for Africa.

2. A subregional conference shall among other things:

(a) Oversee the implementation of the decisions and policies of the General Assembly concerning its subregion;

(b) Be responsible for the obtaining and dissemination of commercial intelligence concerning the trade of the Member States of its subregion;

(c) Take decisions on matters concerning its subregion and Member States of its subregion which are not inconsistent with the decisions and policies of the General Assembly;

(d) Establish such subsidiary bodies as it deems necessary for the carrying out of its functions; and

(e) Have such other functions and responsibilities as may be determined or delegated to it by the General Assembly.

3. A subregional conference shall elect its officers and prescribe its own rules of procedure; provided however that each Member State of a subregional conference shall have only one vote at a meeting of a subregional conference.

Article IX The Secretariat

1. The General Assembly shall establish a permanent Secretariat of the Association within a maximum period of eighteen months from the date of its first meeting and prescribe its functions. The Secretariat of the Association, when established, shall have such other functions and responsibilities as the Bureau of the General Assembly may determine.

1. ASSOCIATION OF AFRICAN TRADE PROMOTION ORGANIZATIONS

2. The Secretariat shall be headed by a Secretary-General assisted by such other officials as may be determined by the General Assembly. Until such a Secretariat is established, the Africa Trade Centre of the United Nations Economic Commission for Africa and the Secretariat of the Organization of African Unity shall jointly constitute the Secretariat of the Association.

Article X National Associations

1. A National Association shall be organized on a broad basis in each Member State and shall be the organ of the Association through which the services and other activities of the Association relating to the Member State shall be considered, channeled and coordinated.

2. A National Association shall also act as the centre for information about the activities of the Association in a Member State and shall have such other functions as the General Assembly may determine.

Article XI Amendments

1. This Constitution may be amended by a two-thirds majority of all members of the Association. Member States who are not represented at such a meeting may signify their votes in writing or by proxy; provided however that this Constitution may not be amended unless a written notice of a proposed amendment shall have first been given to all the Member States at least three months before the meeting of the General Assembly at which such a proposed amendment is to be considered.

Article XII Suspension, withdrawal and cessation of membership

1. Any Member State which persistently fails to fulfil any of its obligations under this Constitution may be suspended from membership of the Association by the General Assembly on such terms as the General Assembly may determine. However, such State's rights and privileges may be restored upon fulfillment of its obligations.

2. Any Member State may withdraw from the Association after the expiration of one year from the date on which it acquired membership of the Association by giving a written notice of its withdrawal to the President of the General Assembly who shall forthwith inform all members of the Association and the Secretariat of the receipt of such notice of withdrawal and shall transmit the originals of such notice of withdrawal to the Administrative Secretary-General of the Organization of African Unity.

3. Withdrawal from the Association shall become effective one year from the date of receipt by the President of the General Assembly of a notice of withdrawal. Provided that during the period of such one year a Member State withdrawing from the Association shall nevertheless remain liable for the discharge of its obligations incurred under the provisions of this Constitution.

4. Any Member State which fails without reasonable cause to fulfil its obligations incurred under the provisions of Article IV of this Constitution within two years from the time when such obligations should have been fulfilled, shall *ipso facto* cease to be a Member State at the end of such two years. However, such State's membership in the Association may be reconsidered by the General Assembly upon receipt of the State's application.

Article XIII Arbitration

1. Any dispute arising between Member States concerning the provisions of this Constitution shall be settled in accordance with this article.

XII. TRADE, INVESTMENT AND FINANCE

2. The General Assembly shall appoint an *ad hoc* committee to solve this problem.

Article XIV Dissolution of the Association

1. The Association may be dissolved by a resolution to that effect adopted by a two-thirds majority of all Member States of the Association.
2. The General Assembly shall appoint a committee for the purpose of liquidating the assets and/or liabilities of the Association in a manner as may be decided by the General Assembly.

Article XV Final Provisions

1. This Constitution shall be open for signature by all Member States referred to in Article III of this Constitution until 31 December 1974, at the Headquarters of the Organization of African Unity. Two original copies in both English and French shall be deposited with the Administrative Secretary-General of the Organization of African Unity.
2. This Constitution may be subject to ratification by Governments of signatory States in accordance with the laws of such States. The Instruments of Ratification or Accession shall be deposited with the Administrative Secretary-General of the Organization of African Unity.
3. This Constitution shall provisionally come into force upon signature by twelve States and shall formally come into force upon ratification or approval by twelve States signatory to this Constitution. After the expiry of the period stipulated in paragraph 1 of this article, any State referred to in Article III of this Constitution may accede to this Constitution upon acceptance of the provisions of this Constitution.
4. The Administrative Secretary-General of the Organization of African Unity shall transmit copies of this Constitution, Instrument of Ratification or Accession to all Member States and to the Executive Secretary of the United Nations Economic Commission for Africa.

2.

PROTOCOL ON THE AFRICAN INVESTMENT BANK

Adopted in Addis Ababa, Ethiopia, on 4 February 2009.

The Protocol and Statute annexed thereto shall enter into force thirty days after the deposit of the fifteenth instrument of ratification.

Preamble

The Member States of the African Union,

Considering that the Constitutive Act of the African Union established the African Investment Bank in Article 19, subparagraph (c),

Further considering the Treaty Establishing the African Economic Community, adopted in Abuja, Nigeria, in June 1991,

Desiring to address collectively the main economic development challenges facing the African continent,

2. AFRICAN INVESTMENT BANK

Recalling Assembly Decision AU/Dec.64 (IV) on the location of the Headquarters of African Union institutions in the regions of the continent adopted in Abuja, Nigeria, in January 2005,

Further recalling Executive Council Decision EX.CL/Dec.329 (X) on the establishment of the African Union Financial Institutions adopted in Addis Ababa, Ethiopia, in January 2007,

Considering the General Convention on the Privileges and Immunities of the Organization of African Unity,

Firmly convinced that the attainment of the objectives of the African Union requires the establishment of the African Investment Bank,

Have agreed as follows:

Article 1 Definitions

In this Protocol unless otherwise specifically stated:

"Act" means the Constitutive Act of the Union;

"Assembly" means the Assembly of Heads of State and Government of the Union;

"Bank" means the African Investment Bank of the Union;

"Commission" means the African Union Commission;

"Court" means the African Court of Justice and Human Rights;

"Executive Council" means the Executive Council of Ministers of the Union;

"General Assembly" means the General Assembly of the Bank;

"Member State" means a Member State of the Union;

"Protocol" means this Protocol and the Statute annexed to it;

"States Parties" means the Member States that have ratified or acceded to this Protocol;

"Union" means the African Union established by the Act.

Article 2 Establishment of the Bank

1. The Bank is hereby established in accordance with Article 19, subparagraph (c) of the Act.
2. The Bank shall be an organ of the Union in accordance with Article 5, paragraph 1 (i) of the Act.

Article 3 Purpose of the Bank

The purpose of the Bank shall be to foster economic integration and development through investment in development projects in line with the objectives of the Union.

XII. TRADE, INVESTMENT AND FINANCE

Article 4 Functions of the Bank

1. The Bank shall function in accordance with the provisions of the Act, this Protocol, the Statute annexed to it and its rules of procedures. The functions of the Bank are:
 - (a) Make financing available, in accordance with banking principles;
 - (b) The financing of public and private projects intended to advance regional economic integration of States Parties;
 - (c) Support the strengthening of private sector activities;
 - (d) Assist in the modernization of rural sector in low-income States Parties.
2. The Bank shall also provide technical assistance to States Parties and other stakeholders, as may be needed, for the study, preparation and implementation of investment projects.
3. The Bank shall undertake other activities and the provision of such other services as may advance the purpose of the Bank.

Article 5 Headquarters of the Bank

1. The Headquarters of the Bank shall be in Tripoli, the Great Socialist People's Libyan Arab Jamahiriya.
2. There may be established such other offices or Branch Agencies of the Bank outside the Headquarters.

Article 6 Working languages of the Bank

The working languages of the Bank shall be those of the Union.

Article 7 Dissolution

1. By a resolution, the General Assembly of the Bank may recommend the dissolution of the Bank.
2. Upon the recommendation of the General Assembly, the Assembly may decide to dissolve the Bank and determine the terms and conditions of dissolution.
3. After such dissolution, the Bank shall forthwith cease all activities, except that incidental to the orderly realization, conservation and preservation of its assets and settlement of its obligations.

Article 8 Interpretation

The Court shall be seized with matters of interpretation arising from the application or implementation of this Protocol and the Statute annexed to it. Pending its establishment such matters shall be submitted to the Assembly of the Union, which shall decide.

Article 9 Signature, Ratification and Accession

2. AFRICAN INVESTMENT BANK

1. The present Protocol shall be open for signature, ratification or accession by Member States, in accordance with their respective constitutional procedures.
2. The instruments of ratification or accession to the present Protocol shall be deposited with the Chairperson of the Commission.

Article 10 Entry into force

1. The present Protocol and the Statute annexed to it shall enter into force thirty (30) days after the deposit of the fifteenth instrument of ratification.
2. For each Member State which shall ratify or accede to it subsequently, the present Protocol and the Statute annexed to it shall enter into force on the date on which the instruments of ratification or accession are deposited with the Chairperson of the Commission.

Article 11 Amendment and Revision

1. This Protocol and the Statute annexed to it may be amended or revised by the decision of the Assembly.
2. Any member State Party to this Protocol or the Bank may propose, in writing to the Chairperson of the Commission, any amendment or revision of the Protocol.
3. The Chairperson of the Commission shall notify the proposal to all Member States at least thirty days before the meeting of the Assembly, which is to consider the proposal.
4. The Chairperson of the Commission shall request the opinion of the Bank on the proposal and shall transmit the opinion, if any, to the Assembly, which may adopt the proposal, taking into account the opinion of the Bank.
5. The amendment and revision shall enter into force in accordance with the provisions of Article 10.

Article 12 Depositary

1. This Protocol and the Statute annexed to it, drawn up in four (4) original texts in the Arabic, English, French and Portuguese languages, all four (4) texts being equally authentic, shall be deposited with the Chairperson of the Commission who shall transmit a certified true copy to the Government of each Member State.
2. The Chairperson of the Commission shall notify Member States of the dates of deposit of the instruments of ratification or accession and shall upon the entry into force of this Protocol register the same with the Secretariat of the United Nations.

STATUTE OF THE AFRICAN INVESTMENT BANK

Chapter I General Provisions

Article 1 Definitions

XII. TRADE, INVESTMENT AND FINANCE

In this Statute, except otherwise indicated, the following shall mean:

"Act" means the Constitutive Act of the African Union;

"Assembly" means the Assembly of Heads of State and Government of the African Union;

"Bank" means the African Investment Bank of the African Union;

"Board" means the Board of Directors of the Bank;

"Commission" means the Commission of the African Union;

"Court" means the African Court of Justice and Human Rights;

"Diaspora" means people of African origin living outside the continent, irrespective of their citizenship and nationality and who are willing to contribute to the development of the continent and the building of the African Union;

"Executive Council" means the Executive Council of Ministers of the African Union;

"General Assembly" means the General Assembly of the Bank;

"General Convention" means the General Convention on Privileges and Immunities of the African Union;

"Investment project" means any public or private project that contributes to the integration or development of the continent;

"Low-income country" means a country whose gross domestic product per capita was less than or equal to US\$ 765 in 1995;

"Member State" means a Member State of the African Union;

"Members" means States Parties and natural and moral persons which subscribe to shares of the Bank;

"President" means the President of the Bank;

"Protocol" means the Protocol on the African Investment Bank;

"Senior Officials" means Vice-Presidents and category of officials specified by the Bank;

"Shareholders" means States Parties and other entities that have subscribed to the shares of the Bank;

"States Parties" means the Member States that have ratified or acceded to the Protocol;

"Statute" means this Statute;

"Subscription" means the amount of shares held by a Member State;

"Union" means the African Union established by the Act;

"Vice-President" means an Executive Vice-President of the Bank.

Article 2

2. AFRICAN INVESTMENT BANK

Establishment of the Bank

1. The Bank is hereby established in accordance with Article 19, subparagraph (c), of the Act.
2. The Bank shall be an organ of the Union in accordance with Article 5, paragraph 1 (i), of the Act.

Article 3 Purpose of the Bank

The purpose of the Bank shall be to foster economic integration and development through investment in development projects in line with the objectives of the Union.

Article 4 Functions of the Bank

1. The Bank shall function in accordance with the provisions of the Act, the Protocol, this Statute and its rules of procedure. The functions of the Bank are:
 - (a) Make financing available, in accordance with banking principles;
 - (b) The financing of public and private projects intended to advance regional economic integration of States Parties;
 - (c) Support the strengthening of private sector activities;
 - (d) Assist in the modernization of rural sector in low-income States Parties.
2. The Bank shall also provide technical assistance to States Parties and other potential beneficiaries, as may be needed, for the study, preparation, and implementation of investment projects.
3. The Bank shall undertake other activities and the provision of such other services as may advance the purpose of the Bank.

Article 5 Headquarters of the Bank

1. The Bank shall be based in the City of Tripoli, in the Great Socialist People's Libyan Arab Jamahiriya.
2. The Headquarters is for the official use of the Bank. The President of the Bank may authorize the holding of meetings or social functions at the Headquarters or other offices of the Bank when such meetings or functions are closely linked or are compatible with the objectives of the Bank.
3. The Bank may establish, as may be needed, offices or Branch Agencies of the Bank outside the Headquarters.

Chapter II Membership

Article 6 Membership

1. All Member States of the African Union who are parties to the Protocol are Members of the Bank.

XII. TRADE, INVESTMENT AND FINANCE

2. Membership in the Bank shall also be open to:
 - (a) Public financial institutions or enterprises of States Parties;
 - (b) Nationals of a State Party, legal entities registered in a State Party with 51 per cent of the capital owned by nationals of a State Party, and the diaspora;
 - (c) Financial Institutions of the Regional Economic Communities.

Chapter III Capital and Resources of the Bank

Article 7 Authorized Capital Stock

Section 1 Initial Capital Stock

1. The authorized initial capital stock of the Bank shall be in the amount of twenty-five billion dollars (US\$25,000,000,000) and shall be divided into two million five hundred thousand (2,500,000) shares having a par value of ten thousand dollars (\$10,000) each.
2. The authorized capital stock shall be divided into paid-in shares and callable shares. The initial total aggregate par value of paid-in shares shall be four billion dollars (\$4,000,000,000), and twenty-one billion dollars (\$21,000,000,000) shall be callable.
3. The General Assembly shall determine the proportion of authorized capital stock in paid-in shares and callable shares from time to time. It may also increase the capital stock of the Bank, at such time and under such terms and conditions, as it may determine.

Section 2 Subscription of Shares

1. A Member State's subscription to shares shall be determined based on a composite index of economic and demographic variables to be determined by the General Assembly.
2. The authorized capital stock of the Bank shall be available for entire subscription by States Parties and other entities as referred to under Article 6.
3. Shares of the Bank shall be divided into two (2) categories as follows:
 - (a) "A" shares, being shares to be subscribed by States Parties, shall represent at least 75 per cent of total capital stock;
 - (b) "B" shares shall represent, at the most, 25 per cent of total capital and shall be held by other members as referred to under Article 6, paragraph 2.
4. Each member shall subscribe to shares of the authorized capital stock of the Bank. The number of "A" shares to be subscribed by the members shall be those set forth in this Statute, which specifies the obligation of each member as to both paid-in and callable capital. The number of "B" shares to be subscribed by other members shall be determined by the General Assembly.

2. AFRICAN INVESTMENT BANK

5. In case of an increase in the authorized capital stock, that increase shall be in the form of callable capital. Each member shall have a reasonable opportunity to subscribe, under such uniform terms and conditions as the General Assembly shall determine, to a proportion of the increase in stock equivalent to the proportion which its stock subscribed bears to the total subscribed capital stock immediately prior to such increase. No member shall be obligated to subscribe to any part of an increase of the authorized capital stock.

6. The General Assembly shall determine the date for the end of subscriptions. The share of a shareholder in the subscribed capital may not be pledged or attached in any way. Members may dispose of their shares by transferring them to another member holding the same kind of shares or to a third party eligible under Article 6 of this Statute or to the Bank. However, "A" shares shall only be transferred to "A" shareholders.

7. At the date set for the end of the first round of subscription of shares, the shares not subscribed shall be available to all the members, each member in its category, for a second round of subscription. At the end of the process, the remaining "B" shares may also be subscribed, if need be, by States Parties.

8. The General Assembly may, at the request of a member, increase the subscription of such member, or allocate shares to that member within the authorized capital stock which is not taken up by other members.

Section 2A Subscription of "A" Shares

Each State Party shall subscribe to the "A" shares in accordance with the provisions outlined in Article 7, Section 2, paragraph 1, from the date of deposit of its instrument of ratification or accession.

Section 2B Subscription of "B" Shares

1. Entities as referred under Article 6, paragraph 2, eligible for membership shall subscribe to "B" shares. However, no such subscription shall be authorized which has the effect of reducing below 75 per cent the percentage of "A" shares in the total subscribed ordinary capital stock held by States Parties.

2. Entities as referred under Article 6, paragraph 2, which become members of the Bank after it starts its activities shall subscribe to the "B" shares as shall be determined by the General Assembly at the time of their subscription.

Section 3 Voting Rights

1. Voting rights will be determined proportionally according to the allocated quota paid-in subscription to each Member.

2. The application of voting rights pertaining to decisions of the General Assembly and the Board of Directors shall be defined in an annex to this Statute.

Section 4 Payments of Subscriptions

1. All payment obligations of a member in respect of subscription to shares in the initial capital stock shall be settled in United States dollars.

2. Payment of the subscriptions to the callable capital stock of the Bank shall be subject to call only as and when required by the Bank to meet its liabilities.

XII. TRADE, INVESTMENT AND FINANCE

3. In the event of a call referred to in paragraph 2 of this Section, payment shall be made in United States dollars. However, based on international economic and financial conditions the General Assembly may, on the proposal of the Board, adopt any other currency.

4. Payment of the paid-in shares of the amount initially subscribed to by each member, as provided by Article 7 of this Statute, may be made in full or in four (4) installments of 25 per cent each of such amount.

5. The first installment shall be paid by each member within sixty (60) days after the date of entry in force of the Protocol and the Statute, or after the date of deposit of its instrument of accession or approval in accordance with the provisions of Article 10 of the Protocol, if the latter is later than the date of entry into force. The remaining three (3) installments shall become due successively one year from the date on which the preceding installment became due.

6. Fifty per cent of the payment of each installment pursuant to paragraph 4 of this Section or by a newly admitted member may be made in promissory notes or other obligations issued by such member and denominated in United States dollars, to be drawn down as and when the Bank needs funds for its operations. Such notes or obligations shall be non-negotiable, non-interest-bearing and payable to the Bank upon demand.

7. The Bank shall determine the place for any payment under this article not later than thirty (30) days after the inaugural meeting of its General Assembly, provided that, before such determination, the payment of the first installment referred to in paragraph 5 of this Section shall be made to the Central Bank of Libya, pending the establishment of the African Central Bank.

8. Members who fail to make payments on their callable capital or a portion of therefore, within the stipulated timeframe to be determined by the General Assembly, shall relinquish their subscribed shares or a portion thereof and the corresponding proportional voting rights. These shares that have been relinquished shall be offered for purchase by other members and approved by the Board of Directors.

9. The liability of members on the capital shares shall be limited to the unpaid portion of their issue price. No shareholder shall be liable, by reason of its membership, for obligations of the Bank.

10. If a member fails, for reasons other than international or regional economic circumstances, to meet the obligations of membership arising from this Statute, in particular the obligation to pay its share of the subscribed capital, or to service its borrowings, the granting of loans or guarantees to that member or to investors of the concerned State Party may be suspended by a decision of the General Assembly.

Article 8 Ordinary Capital Resources

As used in this Statute, the term "ordinary capital resources" of the Bank shall include the following:

- (a) Authorized capital stock of the Bank, including both paid-in and callable shares subscribed to;
- (b) Funds raised by borrowings of the Bank;
- (c) Funds received in repayment of loans or guarantees and proceeds from the disposal of equity investment made with the resources indicated in paragraphs (a) and (b);
- (d) Income derived from loans and equity investment made from the resources indicated in above-mentioned paragraphs (a) and (b), and income derived from guarantees and underwriting not forming part of the operations of the Bank in low-income countries.

Article 9

2. AFRICAN INVESTMENT BANK

Fund for Operations in Low-Income Countries

1. A Fund for operations in low-income countries (hereinafter called "Special Fund") shall be established for the making of loans and the issuance of guarantees on terms and conditions appropriate for investment projects in the concerned countries.
2. The Special Fund shall have the purpose and functions set forth in Articles 3 and 4 of this Statute.
3. The resources of the Special Fund shall come from but not limited to the following:
 - (a) Special contributions of States Parties;
 - (b) Voluntary contributions from State parties and other entities;
 - (c) Funds accepted by the Bank from international donor communities;
 - (d) Resources raised through borrowings of the Bank;
 - (e) Funds repaid in respect of loans made or guarantees issued, and the proceeds of equity investments, financed from the Special Fund's own resources;
 - (f) Income derived from investment of Special Fund resources;
 - (g) Net income from ordinary capital operations.
4. The administration of the Special Fund shall be entrusted to the Bank in conformity with the management modalities of this Fund as provided by the General Assembly.

Article 10 Other Resources

1. The Bank may accept the administration of any other funds designed to serve the purpose and that fall within the objectives of the Bank. The full cost of administering any such of fund shall be charged to that fund.
2. Funds accepted by the Bank may be used in any manner and on any terms and conditions consistent with the purpose and functions of the Bank, with the other applicable provisions of this Statute, and with the agreements relating to such funds.

Chapter IV Operations

Article 11 Operations of the Bank

Section 1 General Provisions

1. The Bank shall have the power to borrow, invest funds, and/or deposit funds, not needed for its immediate operations, in national and/or regional capital markets, after consultation with the authorities of concerned States Parties and/or Regional Economic Communities.
2. The Bank is authorized to borrow and invest in the international financial market. However, these investments shall be made in conformity with the rules and regulations provided by the General Assembly.

XII. TRADE, INVESTMENT AND FINANCE

3. The Bank shall enjoy decision-making independence regarding its management, governance and control structures.
4. The Bank shall be financially autonomous, and consequently, shall operate on a broadly self-financing basis.
5. The Bank shall monitor its financial operations and those of its partners to ensure compliance with the principles of integrity and transparency. The same principles shall also apply to the origin and destination of capital for all financial transactions in which the Bank operates. The governing structure of the Bank shall monitor the effective implementation of this provision.

Section 2 Separation of Operations

1. The operations of the Bank shall consist of ordinary operations and special operations.
2. Ordinary operations shall be those financed from the Ordinary Capital resources of the Bank. Special operations shall be those financed from the Special Fund resources.
3. The Ordinary Capital resources and the Special Fund resources of the Bank shall at all times and in all respects be held, used, committed, invested or otherwise disposed of entirely separate from each other. The financial statements of the Bank shall show the ordinary operations and special operations separately.
4. The Ordinary Capital resources of the Bank shall under no circumstances be charged with, or used to discharge, losses or liabilities arising out of special operations or other activities for which Special Fund resources were originally used or committed.
5. Expenses relating directly to ordinary operations shall be charged to the ordinary capital resources of the Bank. Expenses relating directly to special operations shall be charged to the Special Funds resources. Any other expenses shall be charged, as the Bank shall determine.

Section 3 Limitation on Ordinary Operations

1. The total amount of outstanding loans commitments, equity investments and guarantees made by the Bank on its ordinary operations shall not be increased at any time, if by such increase the total amount of its unencumbered subscribed capital, reserves and surpluses included in its ordinary capital resources would be exceeded.
2. The gross amount of borrowings outstanding shall not exceed the sum of callable capital of its members, paid-in capital, and reserves including surplus and special reserve.
3. The amount of any equity investment shall not normally exceed such percentage of the equity capital of the enterprise concerned as shall be approved by the Board. The Bank shall not seek to obtain by such an investment, a controlling interest in the enterprise concerned and shall not exercise such control or assume direct responsibility for managing any enterprise in which it has an investment, except in the event of actual or threatened default of any of its investments, actual or threatened insolvency of the enterprise in which such investment shall have been made.

Section 4 Recipients and Method of Operation

2. AFRICAN INVESTMENT BANK

Subject to the conditions stipulated in this Statute, the Bank may provide or facilitate financing to any State Party or any African entity/enterprise operating in the territory of a State Party, as well as to regional agencies or entities concerned with the economic integration of Africa.

Section 5 Currencies

1. The official currency of the Bank shall consist of a basket of currencies that represent a "unit of account" taking into account the AfDB unit of account and the IMF Special Drawing Rights (SDR). When determining and/or reviewing the unit of account, such determination shall strive to protect the value of the capital stock of the Bank.
2. The General Assembly may review the formula of that unit of account periodically.
3. Whenever it shall become necessary under this Statute to determine whether any currency is fully convertible, such determination shall be made by the Bank taking into account the paramount need to preserve its own financial interests.
4. States Parties shall not impose any restrictions on the receipt, holding, use or transfer by the Bank of the following:
 - (a) Currencies received by the Bank in payment of subscriptions to its capital stock;
 - (b) Currencies obtained by the Bank from borrowing;
 - (c) Currencies and other resources administered by the Bank as contribution to the Special Fund (for operations in low-income countries); and
 - (d) Currencies received by the Bank in payment on account of principal interest, dividends or other charges in respect of loans or investments.

Section 6 Areas of Cooperation

1. In carrying out its functions, the Bank shall dedicate necessary resources to building partnerships aimed at improving the effectiveness of its operations.
2. Within the African continent, the Bank shall maintain working ties with shareholders, civil society organizations and the other Union organs in pursuit of its purpose. It shall develop partnerships with commercial banks and shall coordinate its operations with regional and continental institutions that finance development projects across Africa, while preserving its autonomy and its own decision-making procedures.
3. In pursuance of its objectives, the Bank shall closely cooperate with international financial institutions and such cooperation shall strive to ensure synergy and partnership.

Article 12 Allocation of Income

1. The General Assembly shall, after making provision for reserves, determine annually what part of the net income of the Bank shall be allocated to the Special Fund and what part, if any, shall be distributed.
2. The distribution referred to in the preceding paragraph shall be made in proportion to the number of shares held by each member.

XII. TRADE, INVESTMENT AND FINANCE

3. Payments shall be made in United States dollars or such other currencies as the General Assembly may determine.

Chapter V Governance and Management

Article 13 Governance Structure of the Bank

The governance structure of the Bank shall consist of a General Assembly, a Board of Directors and a President.

Section 1 General Assembly

1. The General Assembly shall consist of the shareholders or their representatives.
2. The General Assembly shall, inter alia:
 - (a) Decide on the number of directors and determine the composition of the Board and shall be reflective of the voting rights, the details of which are outlined in an annex hereto;
 - (b) Elect and suspend the members of the Board and decide on the conditions of their admission to the Board;
 - (c) Appoint, suspend or remove the President of the Bank from office, on the recommendation of the Board;
 - (d) Adopt its own rules of procedure, the rules of procedure of the Board as well as the code of conduct of the Bank;
 - (e) Propose for adoption by the Assembly, the Statute and the Staff Rules and Regulations of the Bank;
 - (f) Propose for adoption by the Assembly, amendments to the Protocol and the Statute;
 - (g) Decide on the admission of new members and conditions of this admission, as provided in Article 5 of this Statute;
 - (h) Decide to increase or reduce the authorized capital stock;
 - (i) Approve the structure of the Bank;
 - (j) Determine the terms of loans of the Bank;
 - (k) Appoint auditors and decide on their mandate and their remuneration;
 - (l) Adopt the annual report of the Board and the annual report of the Bank;
 - (m) Approve the annual financial statements of the Bank, after taking cognizance of the auditors' report;
 - (n) Authorize the conclusion of general agreements of cooperation;
 - (o) Consider solvency of the Bank and, if necessary, propose to the Assembly the liquidation of the Bank;
 - (p) Determine the number of Executive Vice-Presidents;

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(q) Determine the date of commencement of operations of the Bank.

3. The General Assembly may delegate to the Board, all or part of its powers as may be considered necessary, with the exception of those listed in paragraph 2 of this Section.

4. The decisions of the General Assembly shall be taken by a double majority of shares and shareholders. In the event of a tie, the majority of shares shall prevail. The Rules of Procedure of the General Assembly shall determine the modalities for the application of this provision.

Section 2 Board of Directors

1. Members of the Board shall be non-resident. Nevertheless, if required by the activities of the Bank, the General Assembly may decide to grant the resident status to them.

2. Three quarters of the members of the Board shall be members having subscribed to category "A" shares. All members of the Board shall be persons possessing high competence and experience in economic, financial and banking affairs.

3. Members of the Board and their respective alternates shall be appointed for a term of three years renewable once, on a rotational basis according to regional distribution as defined by the AU relevant decisions.

4. The Board shall elect a Chairperson from among its members for a term of one year, which is renewable.

5. The Board shall, inter alia:

(a) Prepare the sessions of the General Assembly;

(b) Appoint, suspend or remove the Vice-President(s) on the recommendation of the President of the Bank;

(c) Take the decisions concerning loans, guarantees, investments in equity capital, borrowing, management and other operations by the Bank;

(d) Determine the rates of interest for direct loans and of commissions for guarantees;

(e) Submit the accounts for each financial year and an annual report for approval to the General Assembly at each annual session; and

(f) Approve the annual budgets of the Bank.

6. The Board shall establish an Audit Committee, and other Committees as may be necessary to perform its functions.

7. The Board may delegate to the President, all or part of its powers as may be considered necessary, with the exception of those listed in paragraph 4 of this Section.

8. The decisions of the Board shall be taken by a simple majority of members present and voting. In the event of a tie, the chairman shall cast the prevailing vote. The Rules of Procedure of the Board shall determine the modalities for the application of this provision.

Section 3 President of the Bank

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1. The Bank shall be directed and managed by a President who shall be assisted in his/her functions by Vice-Presidents, senior officials and professional, technical and administrative staff. He/she shall be the Chief Executive and the Legal Representative of the Bank.
2. Under the supervision of the General Assembly and the control of the Board, the President shall, among others:
 - (a) Recruit and appoint staff of the Bank bearing in mind the dominant concern of providing the Bank with the services of persons with the highest qualities of productivity, technical competence and integrity, while ensuring that the principles of quota, gender parity and equitable geographical distribution are respected, in conformity with the relevant legal instruments of the Union;
 - (b) Remove staff of the Bank for any reasons specified in the rules and regulations of the Bank's staff;
 - (c) Ensure the strict application of this Statute, and the conventions and decisions of the General Assembly and of the Board;
 - (d) Sign agreements or conventions committing the Bank, after their approval by the Board;
 - (e) Ensure the day-to-day management of the Bank;
 - (f) Prepare the operational budget and the annual budget of the Bank;
 - (g) Prepare the Code of Conduct of the Bank;
 - (h) Be responsible for the secretariat of the Board.
3. The President shall be elected by the General Assembly for a term of five (5) years renewable once. He/she shall be a national of a State Party. The President shall be a woman or a man selected among personalities with all the assurances of integrity and competence in the economic, financial, banking or legal domains.
4. The President may delegate some of his/her powers to his/her Vice-President(s).

Article 14

Provisional Structure of the Bank

For the launching of its activities, the Bank shall be endowed with a provisional structure approved by the Executive Council.

Article 15

Incompatibilities and Obligations

1. In the performance of their duties, the President and other staff of the Bank shall not seek or receive instructions from any government or from any authority other than the Bank. They shall refrain from any action which may reflect adversely on their position as international officials responsible only to the Bank.
2. Each member shall undertake to respect the exclusive character of the responsibilities of the President and the other staff of the Bank. They shall not influence or seek to influence them in the discharge of their responsibilities.
3. The President and the other staff of the Bank shall not, in the discharge of their duties, engage in any other occupation, whether gainful or not. They shall respect the obligations arising therefrom, and in particular

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their duty to behave with integrity and discretion and to regulate their conduct with only the interests of the Bank in view, and not to seek or accept instructions from the Government of any State Party or authority external to the Bank.

4. In the event of any breach of these obligations by the President or Vice-Presidents of the Bank, the General Assembly, at the request of the Board, shall decide on the disciplinary measures to be applied to the President and to the senior officials. The President or the senior official of the Bank concerned shall have the right to appeal such measures before the Court, after exhausting all available means of redress.

5. In the event of breach of these obligations by other staff, the internal procedures set out in the Statute and the Staff Rules and Regulations shall be applied. The staff member concerned shall have a right of appeal before the Court, after exhausting all available means of redress.

Chapter VI Withdrawal and Suspension of Members, Temporary Suspension and Termination of Operations of the Bank

Article 16 Withdrawal

1. Any member may withdraw from the Bank at any time by delivering a notice in writing to the Bank at its Headquarters.

2. Withdrawal by a member shall become effective, and its membership shall cease, on the date specified in its notice but in no event less than six (6) months after the date the Bank has received that notice. However, at any time before the withdrawal becomes finally effective, the member may notify the Bank in writing, of the cancellation of its notice of intention to withdraw.

3. A withdrawing member shall remain liable for all direct and contingent obligations to the Bank to which it was subject at the date of delivery of the withdrawal notice. If the withdrawal finally becomes effective, the withdrawing member shall not incur any liability for obligations resulting from operations of the Bank affected after withdrawal of the member in accordance with paragraphs 1 and 2 above.

Article 17 Suspension of Membership

1. The General Assembly may suspend any member which fails to fulfill its obligation to the Bank.

2. The member so suspended shall automatically cease to be a member of the Bank one (1) year from the date of its suspension unless the General Assembly, during the one-year period, decides to restore the member to good standing.

3. While under suspension, a member shall not be entitled to exercise any rights under this Statute, except the right of withdrawal, but shall remain subject to all its obligations.

4. The General Assembly shall determine the conditions of suspension of a member and its release.

Article 18 Settlement of Accounts

1. From the date of suspension, the affected member shall remain liable for its direct obligations to the Bank and for contingent liabilities to the Bank so long as any part of the loans, equity investments or guarantees contracted before the affected member was suspended and remains outstanding; but it shall not incur liabilities

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with respect to loans, equity investments and guarantees entered into thereafter by the Bank nor participate either in the income or expenses of the Bank.

2. At the time a shareholder ceases to be a member, the Bank may assist in arranging for the purchase of such former member's shares by other members of the Bank. For this purpose, the purchase price of the shares shall be the value shown by the books of the Bank on the date of cessation of membership, with the original purchase price of each share being its maximum value.

3. If the Bank terminates its operations pursuant to Article 19 of this Statute within six (6) months of the date upon which any member ceases to be a member, all rights of the member concerned shall be determined in accordance with the provisions of Articles 20 and 21 of this Statute. Such member shall be considered as still a member for purposes of such articles but shall have no voting rights.

Article 19 Temporary Suspension of Operations

In an emergency situation, the Board may temporarily suspend the operations of the Bank in respect of new loans, guarantees, technical assistance and equity investments pending an opportunity for further consideration and action by the General Assembly.

Article 20 Termination of Operations

1. The Bank may terminate its operations by a resolution of the General Assembly approved and endorsed by the Assembly of the Union.

2. After such termination, the Bank shall forthwith cease all activities, except those incidental to the orderly realization, conservation and preservation of its assets and settlement of its obligations.

Article 21 Liability of Members and Payment of Claims

1. In the event of termination of the operations of the Bank, the liability of all members for uncalled subscriptions to the capital stock of the Bank and in respect of the depreciation of their currencies shall continue until all claims of creditors, including all contingent claims shall have been discharged.

2. All creditors holding direct claims shall first be paid out of the assets of the Bank and then out of payments to the Bank of unpaid or callable subscriptions. Before making any payments to creditors holding direct claims, the Board of Directors shall make such arrangements as are necessary, in its judgment, to ensure a *pro rata* distribution among holders of direct and contingent claims.

Article 22 Distribution of Assets

1. In the event of termination of the operations of the Bank, no distribution of assets shall be made to members on account of their subscriptions to the capital stock of the Bank until all liabilities to creditors have been discharged or provided for. Moreover, such distribution must be approved by the General Assembly by a vote of shareholders according to the rules of procedure.

2. After a decision has been taken to distribute the assets of the Bank, in accordance with the preceding paragraph, the Board of Directors may decide to make successive distribution of such assets. This distribution shall be subject to the prior settlement of all outstanding claims of the Bank against each member.

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Chapter VII Status, Immunities, Exemptions and Privileges

Article 23 Status of the Bank

To enable it to fulfil its purpose and the functions with which it is entrusted, the Bank shall possess full international personality. To these ends, it may enter into agreements with members, non-members and other international organizations. To the same ends, the status, immunities, exemptions and privileges set forth in this chapter shall be accorded to the Bank in the territory of each State Party.

Article 24 Status in States Parties

In the territory of each State Party, the Bank shall possess full juridical personality and, in particular, full capacity:

- (a) To contract;
- (b) To acquire and dispose of immovable and movable property; and
- (c) To institute legal proceedings.

Article 25 Privileges and immunities of the Bank

1. The Headquarters and the other Offices or Branch Agencies of the Bank shall be governed by Host agreements negotiated with the Host Countries.
2. The Headquarters and the other Offices of the Bank shall enjoy the privileges and immunities stipulated in the General Convention, the Vienna Convention on Diplomatic Relations and Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations.

Section 1 Property, Funds, Assets and Transactions of the Bank

1. The Bank premises, buildings, assets and other property wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in any particular case the Bank has waived such immunity in accordance with the provisions of the General Convention.
2. The premises and buildings of the Bank shall be inviolable. The property and assets of the Bank, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and from any other form of interference, whether by executive, administrative, juridical or legislative action.
3. The archives of the Bank and in general all documents belonging to it or held by it shall be inviolable wherever located.
4. Without being restricted by financial controls, regulations or moratoria of any kind:
 - (a) The Bank may hold funds, gold or currency of any kind and operate accounts of any currency;
 - (b) The Bank shall be free to transfer its funds, gold, or currency from one country to another or within any country and to convert any currency held by it into any other currency.

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Section 2 Tax exemptions

1. The Bank, its income, assets and properties shall be exempt:
 - (a) From all direct taxes, except that the Bank will not claim exemption from taxes or dues which are no more than charges for public utility services;
 - (b) From import and export duties, prohibitions and quantitative restrictions on imports and exports in respect of articles imported or exported by the Bank intended for and used for its official purpose. It is provided, however, that articles imported under such exemption shall not be sold with or without consideration in the country into which they were imported except under conditions agreed upon by the appropriate authorities of the government of that country;
 - (c) From custom duties, prohibitions and restrictions on imports and exports in respect of its publications.
2. While the Bank will not, as a general rule, claim exemption from excise duties and from transaction taxes on the sale of movable and immovable property which form part of the price to be paid, nevertheless when the Bank is making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, States Parties will enact the necessary provisions or make appropriate administrative arrangements for the remission or refund of the amount of duty or tax so charged.

Section 3 Communications

1. For its official communication and the transfer of all its documents, the Bank shall enjoy in the territory of each State Party treatment not less favourable than that accorded by the government of that State to any other international organization as well as any government, including its diplomatic mission, in matters of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telephones and other communications, as well as press rates for information to the press and radio. Official correspondence and other official communications of the Bank shall not be subject to censorship.
2. The Bank shall have the right to use codes and to dispatch and receive its official correspondence, either by courier or in sealed bags which shall have the same immunities and privileges as diplomatic couriers and bags.

Article 26 Immunities and Privileges of the Officials of the Bank

1. The officials of the Bank who are not citizens of the host country or the Nationals to whom diplomatic status has been accorded on the discretion of the host country as per Article 8, paragraph 2, and Article 38, paragraph 2, of the Vienna Convention on Diplomatic Relations, 18 April 1961, shall:
 - (a) Be immune from legal process in respect of words spoken, written and all acts performed by them in their official capacity;
 - (b) Be exempt from taxation on the salaries and emoluments paid to them by the Bank;
 - (c) Be immune from national service obligations;
 - (d) Be immune, together with their spouses and relatives residing with and dependent on them, from immigration restrictions and alien registration and finger printing;

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- (e) Be accorded the same privileges in respect of exchange facilities as are accorded to the officials of comparable rank forming part of diplomatic missions to the Government concerned;
- (f) Be given, together with their spouses and relatives residing with and dependent on them, the same repatriation facilities in time of international crisis as diplomatic envoys;
- (g) Have the right to import free of duty their furniture and effects at the time of first taking up their post in the country in question.

2. In addition to the immunities and privileges specified in paragraph 1 of this article, the President and senior officials of the Bank shall be accorded in respect of themselves, their spouses and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law.

3. Privileges and immunities are granted to Bank officials in the interests of the Bank and not for the personal benefit of the individuals themselves. The President of the Bank shall have the right and the duty to waive the immunity of any official of the Bank in any case where, in his/her opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Bank. In the case of the President and senior officials of the Bank, the General Assembly shall have the right to waive immunity.

4. The Bank shall cooperate at all times with the appropriate authorities of the States Parties to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connection with the privileges, immunities and facilities mentioned in this article.

Article 27

Privileges and Immunities of the Representatives of the States Parties, the members of the General Assembly and the Board of Directors

The representatives of the States Parties, the members of the General Assembly and the Board participating in meetings and conferences convened by the Bank, shall, while exercising their functions and during their travel to and from the place of these meetings, be accorded the privileges and immunities stipulated in the Article V of the General Convention.

Article 28

Privileges and Immunities of the Experts on Mission for the Bank

Experts (other than officials coming within the scope of Article 26) performing missions for the Bank shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions during the period of their missions as stipulated in the Article VII of the General Convention.

Chapter VIII

Miscellaneous Provisions

Article 29

Channel of Communications and Depositories

1. Each member shall designate an appropriate official entity with which the Bank may communicate in connection with any matter relating the Bank.
2. The Bank may hold its assets with such depositories as the Board shall determine.

Article 30

Publication of the Protocol and the Statute annexed to it

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Dissemination of Information and Reports

1. The Bank shall make available the text of the Protocol and the Statute and all its important documents in all working languages of the Union.
2. Shareholders shall provide the Bank with all the information it may request of them in order to facilitate the conduct of its operations.
3. The Bank shall publish and transmit to its members an annual report containing an audited statement of its accounts. It shall also transmit quarterly to the members a summary of its financial position and a profit and loss statement showing the results of its operations.
4. The Bank may also publish such other reports as it deems desirable to carry out its mandate and functions. They shall be transmitted to the members of the Bank.
5. The Bank shall prepare and submit annually a report on its activities to the Assembly through the Executive Council.

Article 31

Approval by Members

Whenever the approval of any shareholder is required before the Bank may do an act, approval shall be deemed as having been given unless the member presents an objection within such reasonable period as the Bank may fix in notifying the member of the proposed act.

Article 32

Beginning of Bank Operations

1. As soon as the Protocol and the Statute enter into force, each member shall appoint a representative and the Chairperson of the Commission shall call the inaugural meeting of the General Assembly.
2. The Bank shall notify its members of the date of the beginning of its operations.

Article 33

Resolution of Disputes

In case of a dispute relating to the shareholding of the capital stock or to the withdrawal from the capital stock between the Bank and a former member, or between the Bank and a member, upon termination of operation of the Bank, such dispute shall be submitted to the Court.

Article 34

Annexes

1. Annexes to this Statute shall comprise:
 - (a) Subscription formula;
 - (b) Table of subscriptions;
 - (c) Voting rights as it pertains to decisions of the General Assembly and Board of Directors.
2. These annexes shall be adopted by the Decision of the Assembly.

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Chapter IX Final Provisions

Article 35 Entry into force

This Statute shall enter into force thirty (30) days after the deposit of the fifteenth instrument of ratification of the Protocol.

Article 36 Amendment and Revision

1. This Statute may be amended or revised by the Decision of the Assembly.
2. Any State Party or the Bank may propose, in writing to the Chairperson of the Commission, any amendment or revision to the Statute.
3. Amendments or revisions shall be adopted by the Assembly and submitted, for ratification, to all Member States, in compliance with their respective constitutional procedures. They shall enter into force thirty (30) days after the deposit of the fifteenth instrument of ratification.

ANNEX A. 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	10.00	300.00	1,800.00
2.	Egypt	2,100.00	10.00	300.00	1,800.00
3.	Libya Arab Jamahiriya	2,100.00	10.00	300.00	1,800.00
4.	Nigeria	2,100.00	10.00	300.00	1,800.00
5.	South Africa	2,100.00	10.00	300.00	1,800.00
6.	Ethiopia	718.20	3.42	102.50	616.70
7.	Angola	672.00	3.20	95.96	576.04
8.	Sudan	638.40	3.04	91.14	547.26
9.	Tunisia	594.30	2.83	84.98	509.32
10.	Kenya	541.80	2.58	77.41	464.39
11.	Tanzania	512.40	2.44	73.34	439.06
12.	D. R. Congo	510.30	2.43	72.87	437.43
13.	Botswana	392.70	1.87	56.01	336.69
14.	Côte d'Ivoire	386.40	1.84	55.09	331.31
15.	Uganda	371.70	1.77	53.09	318.61
16.	Cameroon	369.60	1.76	52.74	316.86
17.	Ghana	338.10	1.61	48.19	289.91
18.	Senegal	287.70	1.37	41.21	246.49
19.	Madagascar	270.90	1.29	38.67	232.23
20.	Mozambique	256.20	1.22	36.67	219.53
21.	Mali	237.30	1.13	33.93	203.37
22.	Zambia	226.80	1.08	32.34	194.46
23.	Burkina Faso	224.70	1.07	32.15	192.55
24.	Equatorial Guinea	210.00	1.00	30.12	179.88

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25.	Zimbabwe	207.90	0.99	29.67	178.23
26.	Niger	176.40	0.84	25.11	151.29
27.	Chad	174.30	0.83	24.90	149.40
28.	Benin	165.90	0.79	23.74	142.16
29.	Mauritius	165.90	0.79	23.74	142.16
30.	Gabon	163.80	0.78	23.29	140.51
31.	Malawi	161.70	0.77	23.25	138.45
32.	Congo (Rep. of)	157.50	0.75	22.40	135.10
33.	Guinea	136.50	0.65	19.35	117.15
34.	Namibia	136.50	0.65	19.45	117.05
35.	Rwanda	134.40	0.64	19.08	115.32
36.	Comoros	132.30	0.63	19.01	113.29
37.	Somalia	105.00	0.50	15.03	89.97
38.	Togo	98.70	0.47	14.07	84.63
39.	Burundi	84.00	0.40	11.95	72.05
40.	Sierra Leone	73.50	0.35	10.54	62.96
41.	Lesotho	65.10	0.31	9.24	55.86
42.	Mauritania	63.00	0.30	8.97	54.03
43.	Central African Rep.	60.90	0.29	8.84	52.06
44.	Swaziland	60.90	0.29	8.70	52.20
45.	Eritrea	56.70	0.27	8.11	48.59
46.	Liberia	42.00	0.20	5.89	36.11
47.	Cape Verde	27.30	0.13	4.01	23.29
48.	Gambia (The)	25.20	0.12	3.54	21.66
49.	Djibouti	21.00	0.10	3.03	17.97
50.	Guinea Bissau	21.00	0.10	3.15	17.85
51.	Seychelles	16.80	0.08	2.26	14.54
52.	Saharawi (A. D. R.)	4.20	0.02	0.65	3.55
53.	São Tomé and Príncipe	4.20	0.02	0.62	3.58

I. Total AU Countries	21,000.00¹	100.00	3,000.00	18,000.00
II. Non-Allocated²	4,000.00		1,000.00	3,000.00
III. Grand Total	25,000.00		4,000.00	21,000.00

1. Figures may not add due to rounding.

2. Membership as defined in paragraph 2 of Article 6 of the Statute.

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Annex B: INITIAL VOTING POWER OF PROSPECTIVE MEMBERS WHICH MAY BECOME MEMBERS (ARTICLE 7, SECTION 3.1 OF THE STATUTE)

No .	African Union Member States	Total Votes	Percentage Votes	Percentage Subscriptions
1.	Algeria	30,566.00	9.26	10.00
2.	Egypt	30,566.00	9.26	10.00
3.	Libya Arab Jamahiriya	30,566.00	9.26	10.00
4.	Nigeria	30,566.00	9.26	10.00
5.	South Africa	30,566.00	9.26	10.00
6.	Ethiopia	10,816.00	3.28	3.42
7.	Angola	10,161.83	3.08	3.20
8.	Sudan	9,680.45	2.93	3.04
9.	Tunisia	9,064.47	2.75	2.83
10.	Kenya	8,306.92	2.52	2.58
11.	Tanzania	7,899.70	2.39	2.44
12.	D.R. Congo	7,852.73	2.38	2.43
13.	Botswana	6,166.57	1.87	1.87
14.	Côte d'Ivoire	6,075.18	1.84	1.84
15.	Uganda	5,875.26	1.78	1.77
16.	Cameroon	5,840.48	1.77	1.76
17.	Ghana	5,385.34	1.63	1.61
18.	Senegal	4,687.02	1.42	1.37
19.	Madagascar	4,433.20	1.34	1.29
20.	Mozambique	4,233.06	1.28	1.22
21.	Mali	3,959.23	1.20	1.13
22.	Zambia	3,799.61	1.15	1.08
23.	Burkina Faso	3,780.61	1.15	1.07
24.	Equatorial Guinea	3,578.22	1.08	1.00
25.	Zimbabwe	3,533.35	1.07	0.99
26.	Niger	3,077.45	0.93	0.84
27.	Chad	3,055.90	0.93	0.83
28.	Benin	2,940.47	0.89	0.79
29.	Mauritius	2,937.95	0.89	0.79
30.	Gabon	2,894.60	0.88	0.78
31.	Malawi	2,890.62	0.88	0.77
32.	Congo	2,806.33	0.85	0.75
33.	Guinea	2,501.07	0.76	0.65
34.	Namibia	2,511.18	0.76	0.65
35.	Rwanda	2,474.31	0.75	0.64
36.	Comoros	2,467.48	0.75	0.63
37.	Somalia	2,069.23	0.63	0.50
38.	Togo	1,973.16	0.60	0.47
39.	Burundi	1,761.15	0.53	0.40
40.	Sierra Leone	1,620.20	0.49	0.35
41.	Lesotho	1,489.91	0.45	0.31
42.	Mauritania	1,462.98	0.44	0.30
43.	Central Africa Rep.	1,449.70	0.44	0.29
44.	Swaziland	1,435.71	0.44	0.29
45.	Eritrea	1,376.53	0.42	0.27
46.	Liberia	1,155.12	0.35	0.20

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47.	Cape Verde	966.54	0.29	0.13
48.	Gambia (The)	920.35	0.28	0.12
49.	Guinea Bissau	880.84	0.27	0.10
50.	Djibouti	868.91	0.26	0.10
51.	Seychelles	791.92	0.24	0.08
52.	Saharawi (A. D. R)	630.89	0.19	0.02
53.	São Tomé and Príncipe	628.31	0.19	0.02

I. Total AU Countries	333,000.00¹	75.00²	100.00
II. Non-Allocated³	111,000.00	25.00	
III. Grand Total	440,000.00	100.00	

1. Figures may not add due to rounding.
2. Share of AU Countries in votes of total prospective members.
3. Membership as defined in paragraph 2 of Article 6 of the Statute.

3.

PROTOCOL ON THE ESTABLISHMENT OF THE AFRICAN MONETARY FUND

Adopted in Malabo, Equatorial Guinea, on 27 June 2014.

The Protocol and Statute annexed thereto shall enter into force thirty days after the deposit of the fifteenth instrument of ratification and the payment of at least 25 per cent of the minimum paid-up capital.

Preamble

The Member States of the African Union,

Considering the vision of the African Heads of State in 1963 for the establishment of Africa's sovereign financial institutions,

Considering that the Constitutive Act of the African Union established the African Monetary Fund in Article 19, subparagraph (b),

Considering the Treaty Establishing the African Economic Community adopted in Abuja, Nigeria, in June 1991,

Recalling Assembly Decision AU/Dec.64 (IV) on the location of the Headquarters of African Union institutions in the regions of the continent adopted in Abuja, Nigeria, in January 2005,

Further recalling Executive Council Decision EX.CL/Dec.329 (X) on the establishment of the African Union financial institutions adopted in Addis Ababa, Ethiopia, in January 2007,

Considering the General Convention on the Privileges and Immunities of the Organization of African Unity,

Desiring to address collectively the main economic development challenges facing the African continent, and

Convinced that the attainment of the objectives of the African Union and the creation of a common African currency requires the establishment of the African Monetary Fund,

Have agreed as follows:

Article 1

3. AFRICAN MONETARY FUND

Definitions

In this Protocol, unless otherwise specifically stated:

"Act" means the Constitutive Act of the African Union;

"Assembly" means the Assembly of Heads of State and Government of the African Union;

"Board of Governors" means the Board of Governors of the African Monetary Fund;

"Commission" means the African Union Commission;

"Court" means the African Court of Justice and Human and People's Rights;

"Executive Council" means the Council of Ministers of the Union;

"Fund" means the African Monetary Fund;

"Member State" means a Member State of the Union;

"Protocol" means the Protocol establishing the African Monetary Fund and its annexes;

"REC" means Regional Economic Community;

"Region" means the geographical regions of Africa as defined by the Council of Ministers, in its Resolution CM/Res.464 (XXVI), adopted at its Twenty-sixth Ordinary Session in Addis Ababa, Ethiopia in March 1976;

"State Party" means a Member State that has ratified or acceded to the Protocol;

"Statute" means the Statute of the African Monetary Fund annexed to this Protocol;

"Union" means the African Union established by the Constitutive Act of the African Union.

Article 2

Establishment of the Fund

1. The Fund is hereby established as an organ of the Union in conformity with Article 5, paragraph 1 (i), and Article 19, subparagraph (b), of the Act.
2. The Fund shall function in accordance with the relevant provisions of the Constitutive Act, the Protocol and the Statute.
3. The Fund shall have legal personality with capacity and power to enter into contract, acquire, own or dispose of movable or immovable property and to sue and be sued.
4. In the territory of each State Party, the Fund shall, pursuant to paragraph 3 of this article, have such legal capacity as is necessary for the proper exercise of its functions and the fulfilment of its purposes.

Article 3

Purpose and objectives of the Fund

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1. The purpose of the Fund shall be to foster macroeconomic stability, sustainable shared economic growth and balanced development in the continent, so as to facilitate the effective and predictable integration of African economies.
2. The objectives, functions and activities of the Fund shall be defined in the Statute.

Article 4 Headquarters of the Fund

1. The Headquarters of the Fund shall be in Yaoundé, the Republic of Cameroon.
2. Other offices of the Fund may be established outside the Headquarters upon the approval of the Board of Governors.

Article 5 Working languages of the Fund

The working languages of the Fund shall be those of the Union.

Article 6 Dissolution

1. Upon the recommendation of the Board of Governors, the Assembly may decide to dissolve the Fund and determine the terms and conditions of sharing the remaining assets and liabilities.
2. After such dissolution, the Fund shall forthwith cease all activities, with the exception of those incidental to the orderly realization, conservation and safeguard of its assets and settlement of its obligations.

Article 7 Interpretation

1. The Court shall be seized with matters of interpretations arising from the application or implementation of this Protocol.
2. Pending its establishment, such matters shall be submitted to the Assembly of the Union, which shall decide, accordingly.

Article 8 Signature, Ratification and Accession

1. This Protocol shall be open for signature, ratification or accession by Member States, in accordance with their respective constitutional procedures.
2. The instruments of ratification or accession to this Protocol shall be deposited with the Chairperson of the Commission.

Article 9 Entry into force

1. This Protocol and the Statute annexed to it shall enter into force thirty (30) days after the deposit of the fifteenth instrument of ratification and the payment of at least 25 per cent of the minimum paid-up capital.

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2. For each Member State which shall accede to it subsequently, this Protocol and the Statute annexed to it shall enter into force on the date on which the instruments of accession are deposited with the Chairperson of the Commission.

Article 10 Amendment and Revision

1. This Protocol or the Statute annexed to it may be amended or revised by a decision of the Assembly.
2. Any State Party or the Fund may propose, in writing to the Chairperson of the Commission, any amendment or revision to the Statute.
3. The Chairperson of the Commission shall notify the proposal to all States Parties at least thirty (30) days before the meeting of the Board of Governors which will consider the proposal before submitting to the Assembly.
4. Amendments or revisions shall be adopted by the Assembly and submitted, for ratification, to all Member States, in compliance with their respective constitutional procedures. They shall enter into force thirty (30) days after the deposit of the fifteenth instrument of ratification.

Article 11 Depositary

1. This Protocol and the Statute annexed to it, drawn up in four (4) original texts in the Arabic, English, French and Portuguese languages, all four (4) texts being equally authentic, shall be deposited with the Chairperson of the Commission who shall transmit a certified true copy to the Government of each Member State.
2. The Chairperson of the Commission shall notify Member States of the dates of deposit of the instruments of ratification or accession and shall, upon the entry into force of this Protocol, register the same with the Secretariat of the United Nations.

STATUTE OF THE AFRICAN MONETARY FUND

Chapter I General Provisions

Article 1 Definitions

In this Statute:

"Act" means the Constitutive Act of the African Union dated 11th July 2000;

"African Unit Account" means the unit of account adopted by the Board of Governors and that the Fund uses in its dealings with the States Parties;

"Annex" means an annex to this Statute;

"Assembly" means the Assembly of Heads of State and Government of the African Union;

"Board of Directors" means the Board of Directors of the Fund;

"Board of Governors" means the Board of Governors of the Fund;

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"Commission" means the Commission of the African Union;

"Continent" means the continent of Africa;

"Court" means the African Court of Justice and Human and Peoples' Rights;

"Executive Council" means the Council of Ministers of the African Union;

"First Round Share Purchasing" means the opportunity for States Parties to purchase allocated shares in accordance with Article 5 and Annex 2;

"Fund" means the African Monetary Fund;

"General Convention" means the General Convention on Privileges and Immunities of the Organization of African Unity;

"Member" means a State Party that has subscribed to the Fund;

"Member State" means a Member State of the African Union;

"Managing Director" means the Chief Executive of the African Monetary Fund;

"Ordinary operations" means the operations relating to the core mandate of the Fund;

"Obligation" means States Parties' commitments to the Fund;

"Partners" means any external entities or organizations that will cooperate with the Fund on issues of mutual interest;

"Protocol" means the Protocol on the Establishment of the African Monetary Fund, the Statute and annexes to it;

"Second Round Share Purchasing" means the opportunity for States Parties to purchase unsubscribed shares during the First Round Share Purchasing;

"Senior Officials" the category of staff other than executives as defined by the African Monetary Fund;

"Shareholders" means States Parties who subscribed to the capital of the Fund;

"Special Operations" means any other operation that is different from ordinary operations;

"Special or Voluntary Contribution" means contribution from States Parties over and above subscriptions that do not accrue any voting rights;

"State Party" means a Member State which has ratified or acceded to the Protocol of the Fund;

"Statute" means the present Statute of the Fund;

"Subscription" means the amount of shares held by a member;

"Supervisory Bodies" means the Board of Governors and Board of Directors which oversees the activities of the Fund;

"Union" means the African Union established by the Constitutive Act;

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"Voting Rights" means the rights accruing to States Parties from paid-up share capital subscription as per Annex 2.

Article 2 Objectives of the Fund

The objectives of the Fund shall be to:

- (a) Correct disequilibria in the balance of payments of States Parties;
- (b) Ensure stability of exchange rates among currencies and their mutual convertibility;
- (c) Promote African monetary cooperation so as to achieve African economic integration and speed up the process of economic development in States Parties;
- (d) Reinforce capacity-building in the design and the implementation of debt management policies in States Parties as a means to achieving sustainable debt levels;
- (e) Promote the development of African financial markets;
- (f) Work towards the facilitation of settlement of commercial debts and the establishment of a clearing system for trade transactions among States Parties in order to promote intra-African trade.

Article 3 Functions and Activities of the Fund

1. For the realization of its objectives, the Fund shall function in accordance with the provisions of this Statute and its annexes.
2. The functions and activities of the Fund shall be to:
 - (a) Promote and facilitate trade, the settlement of commercial payment and encourage capital flow between States Parties;
 - (b) Provide short-term and medium-term credit facilities to sustain balance of payment in conformity with the credit policy as defined by the Board of Directors and provide technical assistance and policy advice to States Parties with a view to assisting in financing their overall balance of payments deficits;
 - (c) Assist States Parties under programme with the Fund in accessing other financial sources for the purpose of financing the overall deficits in their balance of payments;
 - (d) Cooperate with African and international financial institutions to achieve its objectives;
 - (e) Conduct periodic consultations in States Parties on their economic policies in support of the realization of the goals of the Fund and the States Parties;
 - (f) Conduct research and capacity-building training required to achieve the objectives of the Fund;
 - (g) Ensure the collection, analysis and dissemination of qualitative and quantitative statistical data and methods and dissemination of results for a better understanding of the economies of States Parties;
 - (h) Carry out any other functions or activities as may be required by the Board of Governors.

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Chapter II Membership

Article 4 Membership

Membership of the Fund shall be open to all Member States of the African Union that have become States Parties to the Protocol.

Chapter III Capital and Resources of the Fund

Article 5 Capital, Subscriptions of Shares, Voting Rights and Payment of Subscriptions

Section 1 Capital

1. The authorized share capital of the Fund shall be twenty-two billion, six hundred and forty million United States dollars (US\$ 22.640 billion). The authorized share capital shall be denominated in shares of one hundred United States dollars (US\$ 100) per share.
2. The callable share capital of the Fund shall be at least 50 per cent of the authorized share capital - eleven billion, three hundred and twenty million United States dollars (US\$ 11.320 billion).
3. The paid-up share capital of the Fund shall be at least 50 per cent of the callable share capital - five billion, six hundred and sixty million United States dollars (US\$ 5.660 billion) denominated in shares of one hundred United States dollars (US\$ 100) per share.
4. Every five years, the Board of Governors shall review, by a qualified majority as defined in the Rules and Procedures of the Fund, the allocation of the various capital shares of the Fund. The Fund's capital structure may be reviewed, if necessary and in the manner and conditions agreed by the Board of Governors.
5. On proposal of the Board of Directors, the Board of Governors determines the deadline upon which States Parties are required to make payment of their paid-up share capital.

Section 2 Subscription of Shares

1. The subscription by States Parties to the Fund shares shall be determined by the provisions under Annex 2 attached to this Statute.
2. A State Party may subscribe to the shares of the authorized capital of the Fund based on its capital subscription allocation specified in Annex 2 attached to this Statute.
3. On the date fixed by the Board of Governors for the end of the first round of subscription of shares, unsubscribed shares may be subscribed by any State Party in a second round of offer for subscription, in accordance with a proportion of allocation approved by the Board of Governors.
4. In case of an increase in the authorized capital of the Fund, the increase shall be shared among the States Parties according to the existing capital subscription formula in Annex 2, unless otherwise stated by the Board of Governors.

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5. The shares may not be pledged or encumbered in any manner whatsoever.
6. Each State Party shall subscribe for shares in conformity with the provisions of Article 5, Section 2, paragraphs 1, 2 and 3, from the date of deposit of its instrument of ratification or accession.

Section 3 Voting Rights

1. Voting rights shall be proportionate to the shares subscribed and paid up by each State Party as specified in Annex 2 attached to this Statute.
2. The application of the voting rights to the decisions of the Board of Governors and Board of Directors shall be according to the provisions of Article 10 and Annex 2 attached to this Statute.

Section 4 Payment of Subscriptions

1. All payment obligations of a State Party concerning the subscription of shares in the initial capital of the Fund shall be denominated in United States dollars (US\$) or any other convertible currency.
2. The Board of Governors may, upon the recommendation of the Board of Directors, adjust the currency denomination or proportion of subscription in any currency, by States Parties.
3. Payment of paid-up capital initially subscribed by a State Party, as provided for in Section 2 of this article, shall be paid in whole or in four (4) separate annual instalments of, not less than, 25 per cent in each instalment. However, the Board of Governors may, in very limited circumstances, in the first round of share offering, permit an extended purchasing period of four (4) years with the total payment period not exceeding eight (8) years as per Annex 2.
4. The first payment shall be made by each State Party within the first sixty (60) days following the date of entry into force of the Protocol and the Statute, or date of deposit of instrument of ratification or accession in accordance with Article 9 of the Protocol, where such date precedes the date of entry into force. The next instalments shall be due annually as outlined in Section 4, paragraph 3.
5. On each payment made pursuant to paragraph 4 of this section or on each payment made by a newly admitted State Party, 50 per cent may be in the form of bonds issued by the Government of the State Party and issued in United States dollars or any other convertible currency. The bonds shall be non-negotiable, non-interest bearing and payable to the Fund at their par value on redemption.

Article 6 Resources of the Fund

The Fund's resources shall include two categories of assets: ordinary resources and other resources.

Article 7 Ordinary Resources

For purposes of this Statute, the term "ordinary resources" of the Fund shall mean:

- (a) The subscribed and the paid-up shares;
- (b) The resources derived from borrowing by the Fund;

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- (c) Reserves;
- (d) Net income from loans and portfolio investments made with the resources referred to in paragraphs (a) and (b).

Article 8 Other Resources

Other resources of the Fund shall include notably:

- (a) Special or voluntary contributions from States Parties;
- (b) Contributions in the form of grants, donations and similar assistance from other countries or institutions which are not States Parties, in conformity with the Constitutive Act, the Protocol and the Statute;
- (c) Grants;
- (d) Net income derived from operations of items (a) and (b).

Chapter IV Operations

Article 9 Fund Operations

Section 1 General Provisions

1. The Fund shall provide loans, technical assistance and policy advice to States Parties in situations of balance of payments and other macroeconomic problems in accordance with the Rules of Procedures adopted by the Board of Directors.
2. The Fund may grant financial assistance to States Parties upon approval of the Board of Governors.
3. In conformity with the policies and rules approved by the Board of Governors, the Fund shall be authorized to borrow and invest funds not immediately required for its operations in international financial markets and institutions.
4. The Fund shall, at all times, maintain a sound credit rating, be financially independent and operate largely on a self-financing basis.
5. The Fund shall ensure strict compliance with principles of good governance, including principles of integrity and transparency in its financial arrangements and those of its partners. These shall apply to the origins and destinations of capital for all financial transactions of the Fund. The supervisory bodies of the Fund shall ensure effective implementation of this provision.

Section 2 Types of Operations

The Fund's operations shall consist of ordinary operations and special operations.

- (a) Ordinary operations shall be financed through ordinary resources of the Fund.

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- (b) Special operations shall be funded from other resources of the Fund.

Section 3 Limits on Ordinary Operations

1. Loans issued to a State Party over a period of twelve (12) months, shall not exceed twice the amount of its paid-up subscription. Outstanding Short, Medium and Long-Term loans to a State Party shall at no time exceed three times the amount of its paid-up subscription. The Board of Governors may decide to raise that limit to four times the amount of the paid-up subscription.
2. The maximum amount of indebtedness of the Fund shall not exceed 200 per cent of the total of the authorized share capital of the Fund. Borrowing shall be effected in conformity with the terms and conditions prescribed by the Board of Directors.

Section 4 Currencies

1. The transaction currencies of the Fund shall be the United States dollars, euro, and any other convertible currency that may be recommended by the Board of Directors and approved by the Board of Governors.
2. Pending the adoption of an African unit of account, the Fund's unit of account shall be the Special Drawing Rights of the IMF (SDR).

Section 5 Areas of Cooperation

1. In achieving its objectives and exercising its activities, the Fund shall earmark resources to building regional and international partnerships and synergies aimed at improving the efficiency of its operations.
2. Within the African continent, the Fund shall maintain working relationships with shareholders and other organs of the Union in achieving its objectives. It shall coordinate its activities with regional and continental institutions, while safeguarding its autonomy and decision-making procedures.

Chapter V Governance and Management

Article 10 Governance Structure of the Fund

The governance structure of the Fund shall be composed of the Board of Governors, the Board of Directors and the Managing Director.

Section 1 The Board of Governors

1. The Board of Governors shall be made up of Governors or alternate Governors representing each State Party.
2. The members of the Board of Governors shall be Ministers in charge of Finance or Governors of Central Banks of States Parties.
3. The Board of Governors shall oversee the management of the Fund and shall hold the highest executive powers.

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4. The Board of Governors shall meet at least once a year in ordinary session in accordance with its rules of procedures and shall also be convened upon request, by one half of its members, or by members holding one half of the total voting power, or upon the request of the Board of Directors.
5. The Board shall elect annually from among its members, one of the Governors as its Chairperson, on a regional rotational basis.
6. The Board of Governors shall, among others:
 - (a) Approve and confirm the nomination of the members of the Board of Directors;
 - (b) Appoint the Managing Director of the Fund from among the States Parties, other than the Governors or the members of the Board of Directors;
 - (c) Determine the remuneration to be paid to the members of the Board of Directors and their alternates, and also the salary and terms of the contract of service of the Managing Director;
 - (d) Adopt its own rules of procedure and the rules of procedure of the Board of Directors;
 - (e) Recommend amendments to the Protocol and Statute of the Fund;
 - (f) Admit new members and determine the conditions of their admission in conformity with Article 4 of this Statute;
 - (g) Increase or reduce the authorized share capital of the Fund;
 - (h) Appoint external auditors and decide on their mandate and remuneration;
 - (i) Consider the solvency position of the Fund and propose to the Assembly, if necessary, the liquidation of the Fund.
7. Decisions of the Board of Governors shall be taken based on the provisions in the Rules and Regulations of the Fund. In case of a tie, the Chairperson of the Board shall have the casting vote. The Rules of Procedure of the Board of Governors shall lay down the conditions for applying this provision.
8. The members of the Board of Governors shall not be remunerated. However, the members of the Board of Governors shall be reimbursed for any costs incurred as a result of attending Board meetings.

Section 2 The Board of Directors

1. The Board of Directors shall be composed of:
 - (i) The Managing Director;
 - (ii) Permanent Members;
 - (iii) Five (5) Substantive Directors (one per region); and
 - (iv) Five (5) Alternate Directors (one per region).

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2. The members of the Board of Directors shall be non-resident except the Managing Director. However, where Fund's operations so require, the Board of Governors may decide to review this Statute as appropriate.
3. Any State Party with at least 4 per cent voting rights shall be allowed to hold a Permanent seat.
4. The Alternate Directors will be allowed to participate at Board Meetings but will not have voting rights except in the absence of the Substantive Director.
5. All members of the Board of Directors must have proven skills and experiences in economic, financial and monetary matters. They shall not be members of the Board of Governors.
6. The Board of Directors shall meet at least once every quarter and when required upon request by Substantive Directors representing a majority of voting rights.
7. The substantive Directors in a region shall be elected by the Governors of that region on a rotational basis for a fixed term period of three (3) years, renewable once. However the governors of each region may, at their discretion, consider extending the term of office of any substantive Director.
8. The Managing Director of the Fund shall also be the Chairperson of the Board of Directors of the Fund.
9. The Board of Directors shall, among others:
 - (a) Prepare the meetings of the Board of Governors;
 - (b) Review and approve the administrative structure of the Fund;
 - (c) Select and appoint the Deputy Managing Director of the Fund in conformity with the staff rules and regulations of the Fund;
 - (d) Develop staff rules and regulations for the Fund;
 - (e) Approve the appointments, suspensions and dismissals of the Senior Officials and other staff of the Fund, in accordance with the staff rules and regulations of the Fund;
 - (f) Determine the remuneration to be paid to the Deputy Managing Director of the Fund and the terms of his contract of service;
 - (g) Adopt the Code of Conduct of the Fund;
 - (h) Take decisions concerning lending conditions and borrowing terms of the Fund;
 - (i) Consider and approve the annual report and statement of accounts of the Fund;
 - (j) Approve the conclusion of general cooperation agreements between the Fund and other African or international institutions;
 - (k) Consider and approve the annual operating budget of the Fund.
10. The Board of Directors shall establish an internal audit committee, and any other committee as appropriate, for the purpose of internal control and compliance in the activities of the Fund.

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11. The Board of Directors shall exercise the powers vested in it by the Board of Governors and may delegate all or part of such powers to the Managing Director of the Fund, where necessary, with the exception of those referred to in paragraph 4 of this section.

12. Decisions of the Board of Directors shall be made in conformity with the provisions in the Rules and Regulations of the Fund. Voting rights for the Substantive Directors shall be determined by the total paid-up capital subscription of that region, excluding that of States Parties with permanent seats. The voting rights for States Parties with permanent seats shall be determined by their paid-up capital subscription. In the case of a tie, the Managing Director shall have the casting vote. The Rules of Procedure of the Board of Directors shall determine the procedures for implementing this provision.

Section 3

The Managing Director of the Fund

1. The Fund shall be managed and administered by a Managing Director who shall be assisted in his/her duties by Deputy Managing Directors. He/she shall be the Chief Executive and legal representative of the Fund.

2. The Managing Director shall attend the meetings of the Board of Governors and participate in the deliberations but shall not have the right to vote.

3. Under the supervision of the Board of Governors and in collaboration with the Board of Directors, the Managing Director shall be responsible for, inter alia:

(a) Recruitment, appointment and discipline of the executives and other staff of the Fund, in accordance with the rules and regulations of the Fund;

(b) Ensure implementation of the Statute of the Fund, as well as, other conventions and decisions of the Board of Governors and Directors of the Fund;

(c) Prepare the annual budget of the Fund;

(d) Set up special committees to assist her/him in carrying out the day-to-day administration of the Fund;

(e) Sign Agreements and Conventions on behalf of the Fund;

(f) Any other duties that may be assigned by the Board of Governors.

4. The Managing Director shall be appointed for a fixed term of four (4) years, renewable once upon approval by the Board of Governors. He/she shall be a national of a State Party to the Protocol and this Statute and shall have proven integrity, relevant competences and experience.

5. The Managing Director may delegate, all or part of his/her duties to the Deputy Managing Director, in accordance with the rules and regulations.

Section 4

The Provisional Administrative Structure of the Fund

Pending the commencement of the Fund's operations a provisional administrative structure approved by the Executive Council shall commence with immediate effect.

Article 11

Code of Conduct

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1. In the performance of their duties, the Managing Director of the Fund and any other Fund staff shall not accept nor receive instructions from any government or any authority other than the Fund.
2. Each State Party shall undertake to respect the exclusive nature of the responsibilities of the Managing Director and any other staff member of the Fund and shall not influence or seek to influence them in the performance of their duties.
3. The Managing Director and the other staff of the Fund shall not, in the discharge of their duties, engage in any activity or conduct incompatible with the proper discharge of their duties. They are required to avoid conflict between professional and personal interests or obligations sufficient to influence the impartial exercise of their official duties or responsibilities.
4. Where the Managing Director of the Fund fails to comply with his/her obligations, an ad hoc Committee approved by the Board of Governors shall provide an appropriate report and recommendations for its consideration and decision.
5. Where a Deputy Managing Director of the Fund fails to comply with his/her obligations, the Board of Directors shall take disciplinary action against him/her and provide appropriate justification to the Board of Governors.
6. Where a staff member fails to comply with his/her obligations, the internal procedures referred to in the Statute and Staff Rules and Regulations shall be applied. The staff member concerned shall have the right to appeal in accordance with the Staff Rules and Regulations.

Chapter VI Withdrawal and Suspension of Members, Temporary Suspension and Termination of Fund Operations

Article 12 Withdrawal

1. Any State Party may withdraw from the Fund by giving the Chairperson of the Board of Directors six months written notice for consideration by the Board of Governors.
2. The withdrawal of a State Party shall become effective, and its participation cease, on the date approved by the Fund. However, before the withdrawal becomes effective, the State Party concerned may at any time notify the Fund in writing that its notice of intention to withdraw is annulled.
3. A withdrawing State Party shall settle with the Fund, all its outstanding obligations and financial commitments. If the withdrawal becomes effective, the State Party shall not be liable for the obligations arising from transactions by the Fund subsequent to the receipt of the notification of withdrawal in accordance with paragraphs 1 and 2 above.

Article 13 Suspension of a State Party

1. Where a State Party fails to fulfil any of its obligations towards the Fund the Board of Governors may suspend its voting and borrowing rights.
2. The Board of Governors shall determine the conditions for suspension of a State Party.

Article 14 Settlement of Accounts

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1. As of the date of suspension, the State Party shall remain liable for its obligations and other commitments to the Fund, as long as loans contracted before that date remain outstanding.
2. When a State Party ceases to be a member, its shares and voting rights shall be sold and redistributed to the other States Parties in proportion to the shares subscribed by each of those States Parties. To this end, the redemption price of those shares shall be the value shown by the books of the Fund at the date on which the shareholder ceased to be a member, the original purchase price of each share representing its maximum value. That shareholder shall also be charged with penalty to be determined by the Board of Governors.
3. Where the Fund terminates its operations pursuant to Article 16 of this Statute, within three months from the date on which a State Party has ceased to be a member, all the rights of the State Party concerned shall be determined in conformity with Articles 17 and 18 of this Statute. The State Party concerned shall be considered as still being a member of the Fund under such articles, but its voting rights shall be withdrawn.

Article 15

Temporary Suspension of Facilities

Under exceptional circumstances, the Board of Directors may temporarily suspend the extension or release of new or existing credit facility to any State Party until outstanding issues are resolved and approved by the Board of Governors.

Article 16

Termination of Operations

1. The Fund may terminate its operations following a resolution of the Board of Governors duly adopted by the Assembly of the Union.
2. Upon such termination, the Fund shall cease all activities with the exception of those relating to the orderly realization, conservation and safeguarding of its assets and the settlement of its obligations.
3. There shall be an independent liquidator appointed by the Court to administer the termination of the Fund. Pending its establishment, such appointment shall be decided by the Board of Governors.

Article 17

Liability of Members and Settlement of Claims

1. In the event of termination of operations of the Fund, the liabilities of all States Parties, including outstanding subscriptions and loans, shall be recovered.
2. All creditors holding direct claims shall first be paid out of the assets of the Fund and then out of payments to the Fund of unpaid or callable subscriptions. Before making any payments to creditors holding direct claims, the Board of Directors shall make such arrangements as are necessary, in its judgment, to ensure a *pro rata* distribution among holders of direct and contingent claims.

Article 18

Distribution of Assets

1. In the event of termination of the operations of the Fund, the distribution of assets among States Parties for their subscriptions to the capital of the Fund shall not be made until all liabilities to creditors have been settled or have been subject to appropriate measures. In addition, such distribution must be approved by a majority vote of the Board of Governors in conformity with its Rules of Procedure.

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2. After a decision has been taken to distribute the assets of the Fund, as provided for in paragraph 1 above, the Board of Directors may decide subsequently to proceed with the distribution of such assets. Such distribution shall be subject to the prior settlement of all claims not yet paid by the Fund to States Parties.

Chapter VII Status, Immunities, Exemptions and Privileges

Article 19 Status

To enable it to fulfil its purpose and the functions with which it is entrusted, the Fund shall possess full international personality. To this end, it may enter into agreements with members, non-members and other international organizations. Thus, the status, immunities, exemptions and privileges set forth in this chapter shall be accorded to the Fund in the territory of each State Party.

Article 20 Status in States Parties

On the territory of each State Party, the Fund shall enjoy international personality and, in particular, have full capacity to:

- (a) Contract;
- (b) Acquire and dispose of movable and immovable property;
- (c) Institute legal proceedings.

Article 21 Privileges and Immunities of the Fund

The headquarters and other offices of the Fund shall enjoy such privileges and immunities as stipulated in the General Convention on Privileges and Immunities of the Organization of African Unity, the Vienna Convention on Diplomatic Relations and the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations.

Section 1 Property, Funds, Assets and Transactions of the Fund

1. The Fund, its property and assets, as well as its offices and buildings, shall enjoy immunity from legal process except to the extent that the Fund has expressly waived in special cases, in accordance with the General Convention. It shall however be understood that the waiver cannot extend to any measure of execution.
2. The property and assets of the Fund shall be immune from search, requisition, confiscation, expropriation or any other form of executive, judicial or legislative action.
3. The archives of the Fund and, in general, all documents belonging to or held by it, shall be inviolable, wherever located.
4. Without being restricted by any financial control, regulation or moratorium:
 - (a) The Fund may hold assets, gold or currency of any kind and have bank accounts in any currency;

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(b) The Fund may freely transfer its assets, gold or currency from one country to another or within any country and convert any currency held by it into any other currency.

Section 2 Tax Exemptions

1. The Fund, its assets, income and other assets shall be exempted from:
 - (i) All direct taxes, except taxes or charges that reflect payment for public utilities;
 - (ii) All customs duties, prohibitions and restrictions on imports and exports in respect of articles imported or exported by the Fund for its official use;
 - (iii) Restrictions on rights to import and export its publications.
2. Even if the Fund does not, in principle, claim exemption from duties and sales taxes included in the price of movable and immovable property, yet when it makes, for its official use, substantial purchases of property whose price includes taxes of this nature, States Parties shall take appropriate administrative measures for the remission or refund of the amount of such duties or taxes.

Section 3 Communications

1. For its official communications and the transfer of all its documents, the Fund shall enjoy in the territory of States Parties, treatment not less favourable than that accorded by States Parties to international organizations and other governments, including diplomatic missions for cables, remote files, telephone, telegraph, telex, fax and other electronic communications, as well as the tariffs charged the media for information through the press or broadcast. The Fund shall also enjoy the same benefits as those granted to international organizations and governments, including diplomatic missions in terms of priority, pricing and taxation of mail. The communications and correspondence of the Fund may not be censored.
2. The Fund shall have the right to use codes and to dispatch and receive correspondence and other documents either by mail or in sealed bags which shall enjoy the same privileges and immunities as diplomatic couriers and bags.

Article 22 Immunities and Privileges of Fund Staff

1. The Officials of the Fund who are not citizens of the host country or nationals to whom diplomatic status have been accorded on the discretion of the host country as per Article 8, paragraph 2, and Article 38, paragraph 2, of the Vienna Convention on Diplomatic Relations, 18 April 1961:
 - (a) Shall enjoy immunity from criminal prosecution in respect of words spoken or written and all acts accomplished by them in the performance of their duties;
 - (b) Shall be exempt from taxation on salaries and emoluments paid to them by the Fund;
 - (c) Shall be free of any obligation under the national service;
 - (d) Shall, together with their spouses and dependant relatives, be immune from immigration restrictions as well as aliens registration formalities and finger printing;

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(e) Shall enjoy, in respect of exchange facilities, the same privileges as officials of comparable rank of diplomatic missions accredited to the State Party concerned;

(f) Shall enjoy, together with their spouses and dependents, the same repatriation facilities as diplomatic agents in times of international crisis;

(g) Shall have the right to import duty-free their furniture and personal effects at the time of first taking up employment in the State Party concerned.

2. Personnel and other employees of the Fund who are nationals or permanent residents of the host country shall enjoy:

(a) Immunities and exemptions with respect to words spoken and actions carried out in their official capacity;

(b) Exemption from direct taxes on salaries and emoluments received for their employment.

3. The privileges and immunities shall be granted to officials of the Fund in the interest of the Fund. Such privileges and immunities shall not be granted in the personal interest of those concerned. The Managing Director of the Fund shall have the right and duty to waive the immunity of any official in any case where he considers that such immunity would prevent justice from taking its course and can be waived without prejudice to the interests of the Fund. In the case of the Managing Director and senior officials of the Fund the waiver of immunity shall be incumbent on the Board of Directors upon approval of Board of Governors.

4. The Fund shall cooperate at all times with the competent authorities of the State Party concerned to facilitate the proper administration of justice, secure the observance of police regulations and prevent any abuse of the privileges, immunities and facilities specified in this article.

Article 23

Privileges and Immunities of Representatives of States Parties, Members of the Board of Governors and of the Board of Directors

Representatives of States Parties, members of the Board of Governors and the Board of Directors attending meetings, assemblies and conferences organized by the Fund shall enjoy such privileges and immunities as specified in Article V of the General Convention, in the performance of their functions and during their journeys to and from the venues of such meetings.

Article 24

Privileges and Immunities of Experts on Mission for the Fund

Experts, other than the officials mentioned in Article 22, carrying out a mission for the Fund shall, for the duration of the mission, including travel imposed by the mission, enjoy the privileges and immunities as are necessary to exercise their duties independently in accordance with the provisions of Article VII of the General Convention.

Chapter VIII

Miscellaneous Provisions

Article 25

Mode of Communication with Member Countries and Depositories

1. Each State Party shall indicate an appropriate official entity with which the Fund can communicate on any matter concerning the Fund.

2. The Fund shall have a comprehensive communication strategy for its activities.

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3. The Fund may keep its holdings with depositories determined by the Board of Directors.

Article 26

Publication of the Protocol and the Statute, Dissemination of Information and Reports

1. The Fund shall make the text of the Protocol and the Statute and all important documents available in all working languages of the Union.
2. States Parties shall provide the Fund with any information it may request from them to facilitate the conduct of its operations.
3. The Fund shall publish and communicate to its members an annual report containing an expert's appraisal of the situation of its accounts, and forward, at maximum intervals of three months, a summary statement of its financial position and a profit and loss statement showing the results of its operations.
4. The Fund may publish any report as it deems desirable for the accomplishment of its mission and forward it to its members.
5. The Fund shall prepare and submit an annual report on its activities to the Assembly through the Executive Council.

Article 27

Commencement of Operations of the Fund

1. Upon entry into force of the Protocol, each State Party shall appoint a representative, and the Chairperson of the Commission shall convene the inaugural meeting of the Board of Governors.
2. The Fund shall commence operations upon payment of at least 25 per cent of the paid-up capital.
3. The Fund shall notify States Parties of the date of commencement of its operations.
4. The Provisional Administrative Structure referred to in Article 10, Section 4, shall cease to exist on commencement of the Fund's operations.

Article 28

Settlement of Disputes

Any dispute arising from the interpretation or application of the Statute shall be resolved amicably within a time limit of one year. Failing which, the dispute may be referred to the Court. Pending its establishment, such matters shall be submitted to the Assembly of the Union, which shall decide by a two-thirds majority.

Chapter IX

Transitional Provisions and Annexes

Article 29

Temporary Domicile of the Resources of the Fund

The resources of the Fund shall be domiciled at the African Development Bank or any other credible continental financial institution approved by the Board of Governors pending the commencement of operations of the African Central Bank.

Article 30

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Annexes to the Statute of the Fund

The annexes to this Statute shall include:

1. List of African Union Member States;
2. Capital subscriptions and voting rights.

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ANNEX I LIST OF AFRICAN UNION MEMBER STATES

1. Algeria	21. Gambia	41. Senegal
2. Angola	22. Ghana	42. Seychelles
3. Benin	23. Guinea	43. Sierra Leone
4. Botswana	24. Guinea Bissau	44. Somalia
5. Burkina Faso	25. Kenya	45. South Africa
6. Burundi	26. Lesotho	46. South Sudan
7. Cameroon	27. Liberia	47. Sudan
8. Cape Verde	28. Libya	48. Swaziland
9. Central African Republic	29. Madagascar	49. Tanzania
10. Chad	30. Malawi	50. Togo
11. Comoros	31. Mali	51. Tunisia
12. Congo	32. Mauritania	52. Uganda.
13. Côte d'Ivoire	33. Mauritius	53. Zambia
14. D. R. Congo	34. Mozambique	54. Zimbabwe
15. Djibouti	35. Namibia	
16. Egypt	36. Niger	
17. Equatorial Guinea	37. Nigeria	
18. Eritrea	38. Rwanda	
19. Ethiopia	39. Saharawi A. D. R.	
20. Gabon	40. São Tomé and Príncipe	

ANNEX II CAPITAL SUBSCRIPTION CALCULATION FOR THE AFRICAN MONETARY FUND

A Definitions of Capital

1.1 Authorized Share Capital

The authorized capital is the maximum amount of share capital that the Fund shall be authorized by its statutory documents to issue to shareholders (States Parties). It is the highest limit of the amount that could be issued as shares to States Parties throughout the existence of the Fund, except when amended by the approval of the Board of Governors. The Fund would not operate its business with the amount as high as the authorized capital because it is above its current requirement but it represents a future limit to the amount that can be subscribed by States Parties. Therefore the Fund shall not issue the whole of its authorized capital during the life of its operation.

1.2 Subscribed Share Capital

The subscribed capital of the Fund shall be the amount of capital agreed by the State Party to contribute in response to the call of the Fund. This shall not be the amount that is required to be paid by the State Party to the Fund but represents the commitment of the State Party to avail the Fund of any proportion of such amount as at when requested.

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1.3

Callable Share Capital

The callable capital is that portion of subscribed capital subject to call by the Fund only as and when required to meet its obligation. In the event of a call payment shall be made by the State Party to the Fund to enable it to discharge the obligation for which the call is made.

1.4

Paid-up Share Capital

The paid-up capital of the Fund shall be the amount that is required to be paid by States Parties to be shareholders of the Fund and to enable the Fund to carry out its activities.

B

Definition of Variables

1.5

Total External Debt

Total external debt is debt owed to non-residents repayable in foreign currency, goods, or services. Total external debt is the sum of publicly guaranteed, and private nonguaranteed long-term debt, use of IMF credit, and short-term debt. Short-term debt includes all debt having an original maturity of one year or less and interest in arrears on long-term debt. Data are in current U.S. dollars.

1.6

Total External Reserves (includes gold, current US\$)

Total reserves comprise holdings of monetary gold, special drawing rights, reserves of IMF members held by the IMF, and holdings of foreign exchange under the control of monetary authorities. The gold component of these reserves is valued at year-end (December 31) London prices. Data are in current U.S. dollars.

1.7

GDP

GDP at purchaser's prices is the sum of gross value added by all resident producers in the economy plus any product taxes and minus any subsidies not included in the value of the products. It is calculated without making deductions for depreciation of fabricated assets or for depletion and degradation of natural resources. Data are in current U.S. dollars. Dollar figures for GDP are converted from domestic currencies using single year official exchange rates. For a few countries where the official exchange rate does not reflect the rate effectively applied to actual foreign exchange transactions, an alternative conversion factor is used.

1.8

Balance of Payment

Current account balance is the sum of net exports of goods services, net income, and net current transfers. Data are in current U.S. dollars.

1.9

Population

Total population is based on the de facto definition of population, which counts all residents regardless of legal status or citizenship--except for refugees not permanently settled in the country of asylum, who are generally

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considered part of the population of their country of origin. The values shown are midyear estimates. All series are averaged (annually) over the considered period.

C

Capital Subscription Calculation

The shares of Capital subscriptions for the AMF are determined using the following procedures:

1. For each State Party, the share of capital subscription (Scs_i) determined taking into account the GDP and Population of the State Party using the following:

$$Scs_i = 100 * \left[0.5 * \frac{GDP_i}{\sum_{j=1}^n GDP_j} + 0.5 * \frac{Pop_i}{\sum_{j=1}^n Pop_j} \right]$$

considering that the weight allocated to each variable is summed-up to 100 per cent.

2. The Capital Subscription (CS) of the Fund is determined as a percentage (p_1) of the Authorized Capital (AC) as followed: $CS = p_1 * AC$. This percentage (p_1) is assumed varying from 75 per cent - Low hypothesis - to 100 per cent - High hypothesis.

3. For each State Party, the Capital Subscription is determined as followed: $CS_i = Scs_i * p * AC$.

4. The Authorized Capital (AC) is determined as a percentage of an estimate of the annual average of BOP deficit balances over a period - in current prices US\$ of all Member States of the African Union. This percentage is assumed varying from 75 per cent - Low hypothesis - to 100 per cent - High hypothesis.

5. The Callable Capital (CC) is determined as a percentage (p_2) of the Capital Subscription. This percentage (p_2) is assumed varying from 50 per cent - Low hypothesis - to 75 per cent - High hypothesis. For each State Party, the Callable Capital is determined using the following formula: $CC_i = p_2 * CS_i$

6. The Paid-up Capital (PC) is then determined as a percentage (p_3) of an estimate of the Callable Capital. This percentage (p_3) is assumed varying from 50 per cent - Low hypothesis - to 75 per cent - High hypothesis. For each State Party, the Paid-up Capital is determined using the following formula: $PC_i = p_3 * CC_i$

The above procedure is followed in order to reduce the degree of skewedness of distribution to the minimum among the Member States of the Fund and also to minimize the direct financial effect on Member States. In this regard, each Member State contribution is less than 0.625 per cent of its 9 years average annual GDP. The burden of payment is further reduced by the annual installment where each Member State pays about 25 per cent of its required paid-up capital annually.

Authorized Share Capital is determined taking into account the annual balance of payment average deficit/surplus during 2000 and 2008 period, evaluated to US\$ 30. 19bn. Required Callable Share Capital and paid-up capital are determined as in the Table below.

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Average BOP (a)	30.19
Authorized Capital (75% of (a)) (b)	22.64
Callable Capital (50% of b) '(c)	11.32
Total Required Paid-up Capital (50% of c) '(d)	5.66
Number of voting rights	500,000.00

Country	Capital Subscription	Paid-up Capital (Total)	Voting Right	Voting (Total)	Rights
Country	%	US\$ BN	(%)	Number	
1	Algeria	4.59	0.260	4.59	22,949.06
2	Angola	2.31	0.131	2.31	11,549.06
3	Benin	1.28	0.072	1.28	6,399.06
4	Botswana	1.26	0.071	1.26	6,299.06
5	Burkina Faso	1.47	0.083	1.47	7,349.06
6	Burundi	1.17	0.066	1.17	5,849.06
7	Cameroon	1.89	0.107	1.89	9,449.06
8	Cape Verde	0.99	0.056	0.99	4,949.06
9	Central African Rep.	1.10	0.062	1.10	5,499.06
10	Comoros	0.97	0.055	0.97	4,849.06
11	Congo	1.20	0.068	1.20	5,999.06
12	D. R. Congo	2.79	0.158	2.79	13,949.06
13	Côte d'Ivoire	1.90	0.108	1.90	9,499.06
14	Djibouti	0.99	0.056	0.99	4,949.06
15	Egypt	6.12	0.346	6.12	30,599.06
16	Equatorial Guinea	1.31	0.074	1.31	6,549.06
17	Eritrea	1.10	0.062	1.10	5,499.06
18	Ethiopia	3.41	0.193	3.41	17,049.06
19	Gabon	1.21	0.068	1.21	6,049.06
20	Gambia	1.00	0.057	1.00	4,999.06
21	Ghana	1.84	0.104	1.84	9,199.06
22	Guinea Bissau	0.99	0.056	0.99	4,949.06
23	Guinea	1.31	0.074	1.31	6,549.06
24	Kenya	2.50	0.141	2.50	12,499.06
25	Lesotho	1.03	0.058	1.03	5,149.06
26	Liberia	1.05	0.059	1.05	5,249.06
27	Libya	2:35	0.133	2.35	11,749.06
28	Madagascar	1.60	0.091	1.60	7,999.06
29	Malawi	1.40	0.079	1.40	6,999.06
30	Mali	1.41	0.080	1.41	7,049.06
31	Mauritania	1.08	0.061	1.08	5,399.06
32	Mauritius	1.15	0.065	1.15	5,749.06

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Country	Capital Subscription	Paid-up Capital (Total)	Voting Rights	Voting Rights (Total)
	%	US\$ BN	%	Number
33 Mozambique	1.69	0.096	1.69	8,449.06
34 Namibia	1.18	0.067	1.18	5,899.06
35 Niger	1.40	0.079	1.40	6,999.06
36 Nigeria	7.94	0.449	7.94	39,699.06
37 Rwanda	1.27	0.072	1.27	6,349.06
38 São Tomé and Príncipe	0.95	0.054	0.95	4,749.06
39 Senegal	1.49	0.084	1.49	7,449.06
40 Seychelles	0.97	0.055	0.97	4,849.06
41 Sierra Leone	1.12	0.063	1.12	5,599.06
42 Somalia	1.35	0.076	1.35	6,749.06
43 South Africa	8.05	0.456	8.05	40,249.06
44 South Sudan	0.57	0.032	0.57	2,829.81
45 Sudan	2.26	0.128	2.26	11,319.25
46 Swaziland	1.04	0.059	1.04	5,199.06
47 Tanzania	2.41	0.136	2.41	12,049.06
48 Chad	1.35	0.076	1.35	6,749.06
49 Togo	1.17	0.066	1.17	5,849.06
50 Tunisia	2.03	0.115	2.03	10,149.06
51 Uganda	2.00	0.113	2.00	9,999.06
52 Zambia	1.48	0.084	1.48	7,399.06
53 Zimbabwe	1.57	0.089	1.57	7,849.06
54 Saharawi Arab Rep.	0.95	0.054	0.95	4,749.06
Total	100,00	5,660	100,00	500 000,00

4. AFRICAN CONTINENTAL FREE TRADE AREA

4.

AGREEMENT ESTABLISHING THE AFRICAN CONTINENTAL FREE TRADE AREA

Adopted in Kigali, Rwanda, on 21 March 2018.

Entered into force on 30 May 2019.

Preamble

We, Member States of the African Union,

Desirous to implement the Decision of the Assembly of Heads of State and Government during its Eighteenth Ordinary Session held in Addis Ababa, Ethiopia, from 29 to 30 January 2012 (Assembly/AU/Dec.394 (XVIII)) on the Framework, Road Map and Architecture for Fast Tracking the establishment of the African Continental Free Trade Area and the Action Plan for Boosting Intra-African Trade,

Cognizant of the launch of negotiations for the establishment of the Continental Free Trade Area aimed at integrating Africa's markets in line with the objectives and principles enunciated in the Abuja Treaty during the Twenty-fifth Ordinary Session of the Assembly of Heads of State and Government of the African Union held in Johannesburg, South Africa, from 14 to 15 June 2015 (Assembly/AU/Dec.569 (XXV)),

Determined to strengthen our economic relationship and build upon our respective rights and obligations under the Constitutive Act of the African Union of 2000, the Abuja Treaty and, where applicable, the Marrakesh Agreement Establishing the World Trade Organization of 1994,

Having regard to the aspirations of Agenda 2063 for a continental market with the free movement of persons, capital, goods and services, which are crucial for deepening economic integration, and promoting agricultural development, food security, industrialization and structural economic transformation,

Conscious of the need to create an expanded and secure market for the goods and services of States Parties through adequate infrastructure and the reduction or progressive elimination of tariffs and elimination of non-tariff barriers to trade and investment,

Also conscious of the need to establish clear, transparent, predictable and mutually-advantageous rules to govern trade in goods and services, competition policy, investment and intellectual property among States Parties, by resolving the challenges of multiple and overlapping trade regimes to achieve policy coherence, including relations with third parties,

Recognizing the importance of international security, democracy, human rights, gender equality and the rule of law, for the development of international trade and economic cooperation,

Reaffirming the right of States Parties to regulate within their territories and the States Parties' flexibility to achieve legitimate policy objectives in areas including public health, safety, environment, public morals and the promotion and protection of cultural diversity,

Further reaffirming our existing rights and obligations with respect to each other under other agreements to which we are parties, and

Acknowledging the Regional Economic Communities (RECs) Free Trade Areas as building blocs towards the establishment of the African Continental Free Trade Area (AfCFTA),

Have agreed as follows:

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PART I DEFINITIONS

Article 1 Definitions

For the purpose of this Agreement:

- (a) "Abuja Treaty" means the Treaty Establishing the African Economic Community of 1991;
- (b) "Agreement" means this Agreement Establishing the African Continental Free Trade Area and its protocols, annexes and appendices which shall form an integral part thereof;
- (c) "Annex" means an instrument attached to a protocol, which forms an integral part of this Agreement;
- (d) "Appendix" means an instrument attached to an annex which forms an integral part of this Agreement;
- (e) "Assembly" means the Assembly of Heads of State and Government of the African Union;
- (f) "AU" means the African Union;
- (g) "AfCFTA" means the African Continental Free Trade Area;
- (h) "Commission" means the African Union Commission;
- (i) "Constitutive Act" means the Constitutive Act of the African Union of 2000;
- (j) "Continental Customs Union" means the Customs Union at the continental level by means of adopting a common external tariff, as provided by the Treaty Establishing the African Economic Community of 1991;
- (k) "Council of Ministers" means the Council of African Ministers of States Parties responsible for Trade;
- (l) "Dispute Settlement Body" means the body established to administer the provisions of the Protocol on Rules and Procedures on the Settlement of Disputes except as otherwise provided in this Agreement;
- (m) "Executive Council" means the Executive Council of Ministers of the Union;
- (n) "GATS" means the WTO General Agreement on Trade in Services of 1994;
- (o) "GATT" means the WTO General Agreement on Tariffs and Trade of 1994;
- (p) "Instrument" unless otherwise specified in this Agreement refers to Protocol, Annex or Appendix;
- (q) "Member States" means the Member States of the African Union;
- (r) "Non-tariff barriers" means barriers that impede trade through mechanisms other than the imposition of tariffs;
- (s) "Protocol" means an instrument attached to this Agreement, which forms an integral part of the Agreement;
- (t) "RECs" means the Regional Economic Communities recognized by the African Union, namely, the Arab Maghreb Union (UMA); the Common Market for Eastern and Southern Africa (COMESA); the Community of Sahel-

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Saharan States (CEN-SAD); the East African Community (EAC); the Economic Community of Central African States (ECCAS); the Economic Community of West African States (ECOWAS); the Intergovernmental Authority on Development (IGAD) and the Southern African Development Community (SADC);

- (u) "Secretariat" means the Secretariat established pursuant to Article 13 of this Agreement;
- (v) "State Party" means a Member State that has ratified or acceded to this Agreement and for which the Agreement is in force;
- (w) "Third party" means a State(s) that is not a party to this Agreement except as otherwise defined in this Agreement; and
- (x) "WTO" means the World Trade Organization, as established in terms of the Marrakesh Agreement Establishing the World Trade Organization of 1994.

PART II ESTABLISHMENT, OBJECTIVES, PRINCIPLES AND SCOPE

Article 2 Establishment of the African Continental Free Trade Area

The African Continental Free Trade Area (hereinafter referred to as "the AfCFTA") is hereby established.

Article 3 General Objectives

The general objectives of the AfCFTA are to:

- (a) Create a single market for goods, services, facilitated by movement of persons in order to deepen the economic integration of the African continent and in accordance with the Pan-African Vision of "An integrated, prosperous and peaceful Africa" enshrined in Agenda 2063;
- (b) Create a liberalized market for goods and services through successive rounds of negotiations;
- (c) Contribute to the movement of capital and natural persons and facilitate investments building on the initiatives and developments in the States Parties and RECs;
- (d) Lay the foundation for the establishment of a Continental Customs Union at a later stage;
- (e) Promote and attain sustainable and inclusive socio-economic development, gender equality and structural transformation of the States Parties;
- (f) Enhance the competitiveness of the economies of States Parties within the continent and the global market;
- (g) Promote industrial development through diversification and regional value chain development, agricultural development and food security; and
- (h) Resolve the challenges of multiple and overlapping memberships and expedite the regional and continental integration processes.

Article 4 Specific Objectives

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For purposes of fulfilling and realizing the objectives set out in Article 3, States Parties shall:

- (a) Progressively eliminate tariffs and non-tariff barriers to trade in goods;
- (b) Progressively liberalize trade in services;
- (c) Cooperate on investment, intellectual property rights and competition policy;
- (d) Cooperate on all trade-related areas;
- (e) Cooperate on customs matters and the implementation of trade facilitation measures;
- (f) Establish a mechanism for the settlement of disputes concerning their rights and obligations; and
- (g) Establish and maintain an institutional framework for the implementation and administration of the AfCFTA.

Article 5 Principles

The AfCFTA shall be governed by the following principles:

- (a) Driven by Member States of the African Union;
- (b) RECs' Free Trade Areas (FTAs) as building blocs for the AfCFTA;
- (c) Variable geometry;
- (d) Flexibility and special and differential treatment;
- (e) Transparency and disclosure of information;
- (f) Preservation of the acquis;
- (g) Most-favoured-nation (MFN) treatment;
- (h) National treatment;
- (i) Reciprocity;
- (j) Substantial liberalization;
- (k) Consensus in decision-making; and
- (l) Best practices in the RECs, in the States Parties and international conventions binding the African Union.

Article 6 Scope

This Agreement shall cover trade in goods, trade in services, investment, intellectual property rights and competition policy.

4. AFRICAN CONTINENTAL FREE TRADE AREA

Article 7 Phase II Negotiations

1. In pursuance of the objectives of this Agreement, Member States shall enter into Phase II negotiations in the following areas:
 - (a) Intellectual property rights;
 - (b) Investment; and
 - (c) Competition policy.
2. The negotiations referred to in paragraph 1 of this article shall commence after the adoption of this Agreement by the Assembly and shall be undertaken in successive rounds.

Article 8 Status of the Protocols, Annexes and Appendices

1. The Protocols on Trade in Goods, Trade in Services, Investment, Intellectual Property Rights, Competition Policy, Rules and Procedures on the Settlement of Disputes and their associated annexes and appendices shall, upon adoption, form an integral part of this Agreement.
2. The Protocols on Trade in Goods, Trade in Services, Investment, Intellectual Property Rights, Competition Policy, Rules and Procedures on the Settlement of Disputes and their associated annexes and appendices shall form part of the single undertaking, subject to entry into force.
3. Any additional instruments, within the scope of this Agreement, deemed necessary, shall be concluded in furtherance of the objectives of the AfCFTA and shall, upon adoption, form an integral part of this Agreement.

PART III ADMINISTRATION AND ORGANIZATION

Article 9 Institutional Framework for the Implementation of the AfCFTA

The institutional framework for the implementation, administration, facilitation, monitoring and evaluation of the AfCFTA shall consist of the following:

- (a) The Assembly;
- (b) The Council of Ministers;
- (c) The Committee of Senior Trade Officials; and
- (d) The Secretariat.

Article 10 The Assembly

1. The Assembly, as the highest decision-making organ of the AU, shall provide oversight and strategic guidance on the AfCFTA, including the Action Plan for Boosting Intra-African Trade (BIAT).

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2. The Assembly shall have the exclusive authority to adopt interpretations of this Agreement on the recommendation of the Council of Ministers. The decision to adopt an interpretation shall be taken by consensus.

Article 11

The Composition and Functions of the Council of Ministers

1. The Council of Ministers is hereby established and shall consist of the Ministers responsible for Trade or such other ministers, authorities, or officials duly designated by the States Parties.

2. The Council of Ministers shall report to the Assembly through the Executive Council.

3. The Council of Ministers shall within its mandate:

(a) Take decisions in accordance with this Agreement;

(b) Ensure effective implementation and enforcement of the Agreement;

(c) Take measures necessary for the promotion of the objectives of this Agreement and other instruments relevant to the AfCFTA;

(d) Work in collaboration with the relevant organs and institutions of the African Union;

(e) Promote the harmonization of appropriate policies, strategies and measures for the effective implementation of this Agreement;

(f) Establish and delegate responsibilities to ad hoc or standing committees, working groups or expert groups;

(g) Prepare its rules of procedure and those of its subsidiary bodies created for the implementation of the AfCFTA and submit them to the Executive Council for approval;

(h) Supervise the work of all committees and working groups it may establish pursuant to this Agreement;

(i) Consider reports and activities of the Secretariat and take appropriate actions;

(j) Make regulations, issue directives and make recommendations in accordance with the provisions of this Agreement;

(k) Consider and propose for adoption by the Assembly, the staff and financial regulations of the Secretariat;

(l) Consider the organizational structure of the Secretariat and submit for adoption by the Assembly through the Executive Council;

(m) Approve the work programmes of the AfCFTA and its institutions;

(n) Consider the budgets of the AfCFTA and its institutions and submit them to the Assembly through the Executive Council;

(o) Make recommendations to the Assembly for the adoption of authoritative interpretation of this Agreement; and

(p) Perform any other function consistent with this Agreement or as may be requested by the Assembly.

4. AFRICAN CONTINENTAL FREE TRADE AREA

4. The Council of Ministers shall meet twice a year in ordinary session and may meet as and when necessary in extraordinary sessions.
5. Decisions taken by the Council of Ministers, while acting within its mandate, shall be binding on States Parties. Decisions that have legal, structural or financial implications shall be binding on States Parties upon their adoption by the Assembly.
6. The States Parties shall take such measures as are necessary to implement the decisions of the Council of Ministers.

Article 12 Committee of Senior Trade Officials

1. The Committee of Senior Trade Officials shall consist of Permanent or Principal Secretaries or other officials designated by each State Party.
2. The Committee of Senior Trade Officials shall:
 - (a) Implement the decisions of the Council of Ministers as may be directed;
 - (b) Be responsible for the development of programmes and action plans for the implementation of the Agreement;
 - (c) Monitor and keep under constant review and ensure proper functioning and development of the AfCFTA in accordance with the provisions of this Agreement;
 - (d) Establish committees or other working groups as may be required;
 - (e) Oversee the implementation of the provisions of this Agreement and for that purpose, may request a Technical Committee to investigate any particular matter;
 - (f) Direct the Secretariat to undertake specific assignments; and
 - (g) Perform any other function consistent with this Agreement or as may be requested by the Council of Ministers.
3. Subject to directions given by the Council of Ministers, the Committee of Senior Trade Officials shall meet at least twice a year and shall operate in accordance with the rules of procedure as adopted by the Council of Ministers.
4. The Committee shall submit its report, which may include recommendations, to the Council of Ministers following its meetings.
5. The RECs shall be represented in the Committee of Senior Trade Officials, in an advisory capacity.

Article 13 The Secretariat

1. The Assembly shall establish the Secretariat, decide on its nature, location and approve its structure and budget.
2. The Commission shall be the interim Secretariat, until it is fully operational.

XII. TRADE, INVESTMENT AND FINANCE

3. The Secretariat shall be a functionally autonomous institutional body within the African Union system with an independent legal personality.
4. The Secretariat shall be autonomous of the African Union Commission.
5. The funds of the Secretariat shall come from the overall annual budgets of the African Union.
6. The roles and responsibilities of the Secretariat shall be determined by the Council of Ministers of Trade.

Article 14 Decision-Making

1. Decisions of the AfCFTA institutions¹ on substantive issues shall be taken by consensus.
2. Notwithstanding paragraph 1, the Committee of Senior Trade Officials shall refer, for consideration by the Council of Ministers, matters on which it has failed to reach consensus. The Council of Ministers shall refer the matters to the Assembly where consensus could not be reached.
3. Decisions on questions of procedure shall be taken by a simple majority of States Parties, eligible to vote.
4. Decisions on whether or not a question is one of procedure shall also be determined by a simple majority of States Parties, eligible to vote.
5. Abstention by a State Party eligible to vote shall not prevent the adoption of decisions.

Article 15 Waiver of Obligations

1. In exceptional circumstances, the Council of Ministers may waive an obligation imposed on a State Party to this Agreement, upon request by a State Party, provided that any such decision shall be taken by three fourths² of the States Parties, in the absence of consensus.
2. A request for a waiver from a State Party concerning this Agreement shall be submitted to the Council of Ministers for consideration pursuant to the practice of decision-making by consensus. The Council of Ministers shall establish a time period, which shall not exceed ninety (90) days, to consider the request. If consensus is not reached during the time period, any decision to grant a waiver shall be taken by three fourths of the States Parties.
3. A decision by the Council of Ministers granting a waiver shall state the exceptional circumstances justifying the decision, the terms and conditions governing the application of the waiver, and the date on which the waiver shall terminate. Any waiver granted for a period of more than one (1) year shall be reviewed by the Council of Ministers not later than one (1) year after it is granted, and thereafter annually until the waiver terminates. In each review, the Council of Ministers shall examine whether the exceptional circumstances justifying the waiver still exist and whether the terms and conditions attached to the waiver have been met. The Council of Ministers, on the basis of the annual review, may extend, modify or terminate the waiver.

PART IV TRANSPARENCY

¹ The Assembly, the Council of Ministers and the Committee of Senior Trade Officials.

² A decision to grant a waiver in respect of any obligation subject to a transition period or a period for staged implementation that the requesting State Party has not performed by the end of the relevant period shall be taken only by consensus.

4. AFRICAN CONTINENTAL FREE TRADE AREA

Article 16 Publication

1. Each State Party shall promptly publish or make publicly available through accessible mediums³ its laws, regulations, procedures and administrative rulings of general application as well as any other commitments under an international agreement relating to any trade matter covered by this Agreement.
2. The provisions of this Agreement shall not require any State Party to disclose confidential information which would impede law enforcement or otherwise be contrary to public interest or will prejudice the legitimate commercial interest of particular enterprises, public or private.

Article 17 Notification

1. Laws, regulations, procedures and administrative rulings of general application as well as any other commitments under an international agreement relating to any trade matter covered by this Agreement adopted after the entry into force of this Agreement shall be notified by States Parties in one (1) of the African Union working languages to other States Parties through the Secretariat.
2. Each State Party shall notify, through the Secretariat, in accordance with this Agreement, the other States Parties of any actual or proposed measure that the State Party considers might materially affect the operation of this Agreement or otherwise substantially affect the other State Party's interests under this Agreement.
3. At the request of another State Party, a State Party, through the Secretariat, shall promptly provide information and respond to questions pertaining to an actual or proposed measure, irrespective of whether or not the other State Party was previously notified of that measure.
4. Any notification or information provided pursuant to this article is without prejudice to whether the measure is consistent with this Agreement.

PART V CONTINENTAL PREFERENCES

Article 18 Continental Preferences

1. Following the entry into force of this Agreement, States Parties shall, when implementing this Agreement, accord each other, on a reciprocal basis, preferences that are no less favourable than those given to third parties.
2. A State Party shall afford the opportunity to other States Parties to negotiate preferences granted to third parties prior to entry into force of this Agreement and such preferences shall be on a reciprocal basis. In the case where a State Party is interested in the preferences in this paragraph, the State Party shall afford the opportunity to other States Parties to negotiate on a reciprocal basis, taking into account levels of development of States Parties.
3. This Agreement shall not nullify, modify or revoke rights and obligations under pre-existing trade agreements that States Parties have with third parties.

Article 19 Conflict and Inconsistency with Regional Agreements

³ For example through Gazette, newsletter, Hansard, or websites in one of the African Union languages.

XII. TRADE, INVESTMENT AND FINANCE

1. In the event of any conflict and inconsistency between this Agreement and any regional agreement, this Agreement shall prevail to the extent of the specific inconsistency, except as otherwise provided in this Agreement.

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties that are members of other regional economic communities, regional trading arrangements and custom unions, which have attained among themselves higher levels of regional integration than under this Agreement, shall maintain such higher levels among themselves.

PART VI DISPUTE SETTLEMENT

Article 20 Dispute Settlement

1. A Dispute Settlement Mechanism is hereby established and shall apply to the settlement of disputes arising between States Parties.

2. The Dispute Settlement Mechanism shall be administered in accordance with the Protocol on Rules and Procedures on the Settlement of Disputes.

3. The Protocol on Rules and Procedures on the Settlement of Disputes shall establish, inter alia, a Dispute Settlement Body.

PART VII FINAL PROVISIONS

Article 21 Exceptions

No provision of this Agreement shall be interpreted as derogating from the principles and values contained in other relevant instruments for the establishment and sustainability of the AfCFTA, except as otherwise provided for in the Protocols to this Agreement.

Article 22 Adoption, Signature, Ratification and Accession

1. This Agreement shall be adopted by the Assembly.

2. This Agreement shall be open for signature and ratification or accession by the Member States, in accordance with their respective constitutional procedures.

Article 23 Entry into Force

1. This Agreement and the Protocols on Trade in Goods, Trade in Services, and Protocol on Rules and Procedures on the Settlement of Disputes shall enter into force thirty (30) days after the deposit of the twenty-second (22nd) instrument of ratification.

2. The Protocols on Investment, Intellectual Property Rights, Competition Policy and any other instrument within the scope of this Agreement deemed necessary, shall enter into force thirty (30) days after the deposit of the twenty-second (22nd) instrument of ratification.

4. AFRICAN CONTINENTAL FREE TRADE AREA

3. For any Member State acceding to this Agreement, the Protocols on Trade in Goods, Trade in Services, and the Protocol on Rules and Procedures on the Settlement of Disputes shall enter into force in respect of that State Party on the date of the deposit of its instrument of accession.

4. For Member States acceding to the Protocols on Investment, Intellectual Property Rights, Competition Policy, and any other Instrument within the scope of this Agreement deemed necessary, shall enter into force on the date of the deposit of its instrument of accession.

5. The depositary shall inform all Member States of the entry into force of this Agreement and its annexes.

Article 24 Depositary

1. The depositary of this Agreement shall be the Chairperson of the Commission.

2. This Agreement shall be deposited with the depositary, who shall transmit a certified true copy of the Agreement to each Member State.

3. A Member State shall deposit an instrument of ratification or accession with the depositary.

4. The depositary shall notify Member States of the deposit of the instrument of ratification or accession.

Article 25 Reservation

No reservations shall be made to this Agreement.

Article 26 Registration and Notification

1. The depositary shall, upon the entry into force of this Agreement, register it with the Secretariat of the United Nations in conformity with Article 102 of the Charter of the United Nations.

2. States Parties shall, where applicable, notify this Agreement to the WTO individually or collectively.

Article 27 Withdrawal

1. After five (5) years from the date of entry into force in respect of a State Party, a State Party may withdraw from this Agreement by giving written notification to States Parties through the depositary.

2. Withdrawal shall be effective two (2) years after receipt of notification by the depositary, or on such later date as may be specified in the notification.

3. Withdrawal shall not affect any pending rights and obligations of the withdrawing State Party prior to the withdrawal.

Article 28 Review

1. This Agreement shall be subject to review every five (5) years after its entry into force, by States Parties, to ensure effectiveness, achieve deeper integration, and adapt to evolving regional and international developments.

XII. TRADE, INVESTMENT AND FINANCE

2. Following the process of review, States Parties may make recommendations for amendments, in accordance with Article 29 taking into account experience acquired and progress achieved during the implementation of this Agreement.

Article 29 Amendments

1. Any State Party may submit proposal(s) for amendment to this Agreement to the depositary.
2. The depositary shall within thirty (30) days of receipt of the proposal, circulate the proposal to States Parties and the Secretariat.
3. A State Party that wishes to comment on the proposal may do so within sixty (60) days from the date of circulation and submit the comments to the depositary and the Secretariat.
4. The Secretariat shall circulate the proposal and comments received to members of the appropriate AfCFTA committees and subcommittees for consideration.
5. The relevant committees and subcommittees shall present, through the Secretariat, recommendations to the Council of Ministers, for consideration, following which a recommendation may be made to the Assembly through the Executive Council.
6. Amendments to the Agreement shall be adopted by the Assembly.
7. The amendments to this Agreement shall enter into force in accordance with Article 23 of this Agreement.

Article 30 Authentic Texts

This Agreement is drawn up in four (4) original texts in the Arabic, English, French and Portuguese languages, all of which are equally authentic.

5.

PROTOCOL ON TRADE IN GOODS

Preamble

We, Member States of the African Union,

Desirous to implement the Decision of the Assembly of Heads of State and Government during its Eighteenth Ordinary Session held in Addis Ababa, Ethiopia, from 29 to 30 January 2012 (Assembly/AU/Dec.394 (XVIII)) on the Framework, Road Map and Architecture for Fast Tracking the establishment of the African Continental Free Trade Area and the Action Plan for Boosting Intra-African Trade,

Cognizant of the launch of negotiations for the establishment of the Continental Free Trade Area aimed at integrating Africa's markets in line with the objectives and principles enunciated in the Abuja Treaty during the Twenty-fifth Ordinary Session of the Assembly of Heads of State and Government of the African Union held in Johannesburg, South Africa, from 14 to 15 June 2015 (Assembly/AU/Dec.569 (XXV)),

Determined to take the necessary measures for reducing the cost of doing business and creating a conducive environment for private sector development and thereby boosting intra-African trade,

5. PROTOCOL ON TRADE IN GOODS

Resolved to enhance competitiveness at the industry and enterprise level through exploiting opportunities for economies of scale, continental market access and an efficient allocation of resources,

Confident that a comprehensive Protocol on Trade in Goods will deepen economic efficiency and linkages, improve social welfare, progressively eliminate trade barriers, and increase trade and investment with greater opportunities for economies of scale for the businesses of States Parties,

Committed to expanding intra-African trade through the harmonization, coordination of trade liberalization and implementation of trade facilitation instruments across Africa, and cooperation in the area of quality infrastructure, science and technology, the development and implementation of trade-related measures, and

Recognizing the different levels of development among the States Parties and the need to provide flexibilities, special and differential treatment and technical assistance to States Parties with special needs,

Have agreed as follows:

PART I DEFINITIONS, OBJECTIVES AND SCOPE

Article 1 Definitions

For purposes of this Protocol, the following definitions shall apply:

- (a) "Anti-Dumping Agreement" means the WTO Agreement on the implementation of Article VI of the GATT 1994;
- (b) "Committee" means the Committee for Trade in Goods established in Article 31 of this Protocol;
- (c) "Customs duty" means a duty or charge of any kind imposed on or in connection with the importation or exportation of a good, including any form of surtax or surcharge imposed on or in connection with such importation or exportation;
- (d) "Harmonized System" means the Harmonized Commodity Description and Coding System established by the International Convention on the Harmonized Commodity Description and Coding System;
- (e) "Non-tariff barriers" means barriers that impede trade through mechanisms other than the imposition of tariffs;
- (f) "Originating products" means goods that qualify as originating products under the rules of origin set out in Annex 2 on Rules of Origin;
- (g) "Preferential trade arrangements" means any trade arrangement by which a State Party grants preferences to imports from another State Party or a third party and includes non-reciprocal preferential scheme granted by way of waiver;
- (h) "Safeguards Agreement" means the WTO Agreement on Safeguards;
- (i) "Schedule of tariff concessions" means a list of negotiated specific tariff concessions and commitments by each State Party. It sets out, transparently, the terms, conditions and qualifications under which goods may be imported under the AfCFTA;

XII. TRADE, INVESTMENT AND FINANCE

- (j) "TBT" means technical barriers to trade; and
- (k) "TBT Agreement" means the WTO Agreement on Technical Barriers to Trade.

Article 2 Objectives

1. The principal objective of this Protocol is to create a liberalized market for trade in goods in accordance with Article 3 of the Agreement.
2. The specific objective of this Protocol is to boost intra-African trade in goods through:
 - (a) Progressive elimination of tariffs;
 - (b) Progressive elimination of non-tariff barriers;
 - (c) Enhanced efficiency of customs procedures, trade facilitation and transit;
 - (d) Enhanced cooperation in the areas of technical barriers to trade and sanitary and phytosanitary measures;
 - (e) Development and promotion of regional and continental value chains; and
 - (f) Enhanced socio-economic development, diversification and industrialization across Africa.

Article 3 Scope

1. The provisions of this Protocol shall apply to trade in goods between the States Parties.
2. Annex 1 on Schedules of Tariff Concessions, Annex 2 on Rules of Origin, Annex 3 on Customs Cooperation and Mutual Administrative Assistance, Annex 4 on Trade Facilitation, Annex 5 on Non-Tariff Barriers, Annex 6 on Technical Barriers to Trade, Annex 7 Sanitary and Phytosanitary Measures, Annex 8 on Transit and Annex 9 on Trade Remedies shall, upon adoption, form an integral part of this Protocol.

PART II NON-DISCRIMINATION

Article 4 Most-Favoured-Nation Treatment

1. States Parties shall accord most-favoured-nation treatment to one another in accordance with Article 18 of the Agreement.
2. Nothing in this Protocol shall prevent a State Party from concluding or maintaining preferential trade arrangements with third parties, provided that such trade arrangements do not impede or frustrate the objectives of this Protocol, and that any advantage, concession or privilege granted to a third party under such arrangements is extended to other States Parties on a reciprocal basis.
3. Nothing in this Protocol shall prevent two or more States Parties from extending to one another preferences which aim at achieving the objectives of this Protocol among themselves, provided that such preferences are extended to the other States Parties on a reciprocal basis.

5. PROTOCOL ON TRADE IN GOODS

4. Notwithstanding the provisions of paragraphs 2 and 3 of this article, a State Party shall not be obliged to extend to another State Party, trade preferences extended to other States Parties or third parties before the entry into force of the Agreement. A State Party shall afford the opportunity to the other States Parties to negotiate the preferences granted therein on a reciprocal basis, taking into account levels of development of States Parties.

Article 5 National Treatment

A State Party shall accord to products imported from other States Parties treatment no less favourable than that accorded to like domestic products of national origin, after the imported products have been cleared by customs. This treatment covers all measures affecting the sale and conditions for sale of such products in accordance with Article III of GATT 1994.

Article 6 Special and Differential Treatment

In conformity with the objective of the AfCFTA in ensuring comprehensive and mutually beneficial trade in goods, States Parties shall provide flexibilities to other States Parties at different levels of economic development or that have individual specificities as recognized by other States Parties. These flexibilities shall include, among others, special consideration and an additional transition period in the implementation of this Agreement, on a case-by-case basis.

PART III LIBERALIZATION OF TRADE

Article 7 Import Duties

1. States Parties shall progressively eliminate import duties or charges having equivalent effect on goods originating from the territory of any other State Party in accordance with their Schedules of Tariff Concessions contained in Annex 1 to this Protocol.

2. For products subject to liberalization, States Parties shall not impose any new import duties or charges having equivalent effect on goods originating from the territory of any other State Party, except as provided for under this Protocol.

3. An import duty shall include any duty or charge of any kind imposed on or in connection with the importation of goods consigned from any State Party to a consignee in another State Party, including any form of surtax or surcharge, but shall not include any:

(a) Charges equivalent to internal taxes imposed consistently with Article III, paragraph 2, of GATT 1994 and its interpretative notes in respect of like or directly competitive or substitutable goods of the State Party or in respect of goods from which imported goods have been manufactured or produced in whole or in part;

(b) Anti-dumping or countervailing duties imposed in accordance with Articles VI, and XVI of GATT 1994 and the WTO Agreement on Subsidies and Countervailing Measures and Article 17 of this Protocol;

(c) Duties or levies imposed in relation to safeguards, in accordance with Articles XIX of GATT 1994, the WTO Agreement on Safeguards and Articles 18 and 19 of this Protocol; and

(d) Other fees or charges imposed consistently with Article VIII of GATT 1994.

Article 8

XII. TRADE, INVESTMENT AND FINANCE

Schedules of Tariff Concessions

1. Each State Party shall apply preferential tariffs to imports from other States Parties in accordance with its Schedule of Tariff Concessions contained in Annex 1 to this Protocol and in conformity with the adopted tariff modalities. The Schedules of Tariff Concessions, the adopted tariff modalities and outstanding work on tariff modalities to be negotiated and adopted, shall be an integral part of this Protocol.
2. Notwithstanding the provisions of this Protocol, States Parties that are members of other RECs, which have attained among themselves higher levels of elimination of customs duties and trade barriers than those provided for in this Protocol, shall maintain, and where possible improve upon, those higher levels of trade liberalization among themselves.

Article 9

General Elimination of Quantitative Restrictions

The States Parties shall not impose quantitative restrictions on imports from or exports to other States Parties except as otherwise provided for in this Protocol, its annexes and Article XI of GATT 1994 and other relevant WTO Agreements.

Article 10

Export Duties

1. States Parties may regulate export duties or charges having equivalent effect on goods originating from their territories.
2. Any export duties or taxes, imposed on or in connection with, the exportation of goods, applied pursuant to this article shall be applied to goods exported to all destinations on a non-discriminatory basis.
3. A State Party that introduces export duties or taxes on, or in connection with, the exportation of goods in accordance with paragraph 2 of this article, shall notify the Secretariat ninety (90) days from the introduction of the said export duties or taxes.

Article 11

Modification of Schedules of Tariff Concessions

1. In exceptional circumstances, a State Party may request modification of its Schedule of Tariff Concessions.
2. In such exceptional circumstances, a State Party (hereinafter referred to as the “modifying State Party”) shall submit to the Secretariat, a written request, together with evidence of the exceptional circumstances for such a request.
3. Upon receipt of the request, the Secretariat shall immediately circulate the request to all States Parties.
4. Where a State Party considers that it has a substantial interest (hereinafter referred to as the “State Party with substantial interest”) in the tariff schedule of the modifying State Party, it should communicate in writing, with supporting evidence, to the modifying State Party through the Secretariat within thirty (30) days. The Secretariat shall immediately circulate all such requests to all States Parties.
5. The modifying State Party and any State Party with substantial interest, as determined under paragraph 3, shall enter into negotiations to be coordinated by the Secretariat with a view to reaching an agreement on any necessary compensatory adjustment. In such negotiations and agreement, the States Parties shall maintain a general level of commitments not less favourable than the initial commitments.

5. PROTOCOL ON TRADE IN GOODS

6. The outcome of the negotiations and the subsequent modification of the tariff schedule and any compensation thereof shall only be effected upon approval by States Parties with substantial interest and notification to the Secretariat which shall transmit to other States Parties. The compensatory adjustments shall be made in accordance with Article 4 of this Protocol.

7. The modifying State Party shall not modify its commitment until it has made compensatory adjustments as provided for in paragraph 6 and endorsed by the Council of Ministers. The outcome of the compensatory adjustment shall be notified to States Parties.

Article 12 Elimination of Non-Tariff Barriers

Except as may be provided for in this Protocol, the identification, categorization, monitoring and elimination of non-tariff barriers by States Parties shall be in accordance with the provisions of Annex 5 on Non-Tariff Barriers.

Article 13 Rules of Origin

Goods shall be eligible for preferential treatment under this Protocol, if they are originating in any of the States Parties in accordance with the criteria and conditions set out in Annex 2 on Rules of Origin, and in accordance with the Appendix to be developed on General and Product Specific Rules.

PART IV CUSTOMS COOPERATION, TRADE FACILITATION AND TRANSIT

Article 14 Customs Cooperation and Mutual Administrative Assistance

States Parties shall take appropriate measures including arrangements regarding customs cooperation and mutual administrative assistance in accordance with the provisions of Annex 3 on Customs Cooperation and Mutual Administrative Assistance.

Article 15 Trade Facilitation

States Parties shall take appropriate measures including arrangements regarding trade facilitation in accordance with the provisions of Annex 4 on Trade Facilitation.

Article 16 Transit

States Parties shall take appropriate measures including arrangements regarding transit in accordance with the provisions of Annex 8 on Transit.

PART V TRADE REMEDIES

Article 17 Anti-Dumping and Countervailing Measures

1. Subject to the provisions of this Protocol, nothing in this Protocol shall prevent States Parties from applying anti-dumping and countervailing measures.

XII. TRADE, INVESTMENT AND FINANCE

2. In applying this article, States Parties shall be guided by the provisions of Annex 9 on Trade Remedies and the AfCFTA Guidelines on Implementation of Trade Remedies in accordance with relevant WTO Agreements.

Article 18 Global Safeguard Measures

The implementation of this article shall be in accordance with Annex 9 on Trade Remedies and Guidelines on Implementation of Trade Remedies, Article XIX of GATT 1994 and the WTO Agreement on Safeguards.

Article 19 Preferential Safeguards

1. States Parties may apply safeguard measures to situations where there is a sudden surge of a product imported into a State Party, under conditions which cause or threaten to cause serious injury to domestic producers of like or directly competing products within the territory.

2. The implementation of this article shall be in accordance with the provisions of Annex 9 on Trade Remedies and AfCFTA Guidelines on Implementation of Trade Remedies.

Article 20 Cooperation relating to Anti-Dumping, Countervailing and Safeguards Investigations

States Parties shall cooperate in the area of trade remedies in accordance with the provisions of Annex 9 on Trade Remedies and AfCFTA Guidelines on Implementation of Trade Remedies.

PART VI PRODUCT STANDARDS AND REGULATIONS

Article 21 Technical Barriers to Trade

The implementation of this article shall be in accordance with the provisions of Annex 6 on Technical Barriers to Trade.

Article 22 Sanitary and Phytosanitary Measures

The implementation of this article shall be in accordance with the provisions of Annex 7 on Sanitary and Phytosanitary Measures.

PART VII COMPLEMENTARY POLICIES

Article 23 Special Economic Arrangements/Zones

1. States Parties may support the establishment and operation of special economic arrangements or zones for the purpose of accelerating development.

2. Products benefiting from special economic arrangements or zones shall be subject to any regulations that shall be developed by the Council of Ministers. Regulations under this paragraph shall be in support of the continental industrialization programmes.

5. PROTOCOL ON TRADE IN GOODS

3. The trade of products manufactured in special economic arrangements or zones within the AfCFTA shall be subject to the provisions of Annex 2 on Rules of Origin.

Article 24 Infant Industries

1. For the purposes of protecting an infant industry having strategic importance at the national level, a State Party may, provided that it has taken reasonable steps to overcome the difficulties related to such infant industry, impose measures for protecting such an industry. Such measures shall be applied on a non-discriminatory basis and for a specified period of time.

2. The Council of Ministers shall adopt guidelines for implementation of this article as an integral part of this Protocol.

Article 25 Transparency and Notification Requirements for State Trading Enterprises

1. In order to ensure the transparency of the activities of State Trading Enterprises (STE), States Parties shall notify such enterprises to the Secretariat for transmission to other States Parties.

2. For the purpose of this article, STE refers to governmental, non-governmental enterprises, including marketing boards, which have been granted exclusive or special rights or privileges, including statutory or constitutional powers, in the exercise of which they influence through their purchases or sales the level or direction of imports or exports with reference to provisions of Article XVII of GATT 1994.

PART VIII EXCEPTIONS

Article 26 General Exceptions

Subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between States Parties where the same conditions prevail, or a disguised restriction on international trade, nothing in this Protocol shall be construed as preventing the adoption or enforcement of measures by any State Party that are:

- (a) Necessary to protect public morals or to maintain public order;
- (b) Necessary to protect human, animal or plant life or health;
- (c) Relating to the importations and exportations of gold or silver;
- (d) Relating to the products of prison labour;
- (e) Necessary to secure compliance with laws or regulations which are not inconsistent with the provisions of this Protocol, including those relating to customs enforcement, the protection of patents, trademarks and copyrights, and the prevention of deceptive practices;
- (f) Imposed for the protection of national treasures of artistic, historic or archaeological value;
- (g) Relating to the conservation of exhaustible natural resources if such measures are made effective in conjunction with restrictions on domestic production or consumption;

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- (h) Undertaken in pursuance of obligations under any intergovernmental commodity agreement approved by the States Parties;
- (i) Involving restrictions on exports of domestic materials necessary to ensure essential quantities of such materials to a domestic processing industry during periods when the domestic price of such materials is held below the world price as part of a governmental stabilization plan, provided that such restrictions shall not operate to increase the exports of or the protection afforded to such domestic industry, and shall not depart from the provisions of this Protocol relating to non-discrimination; and
- (j) Essential to the acquisition or distribution of foodstuffs or any other products in general or local short supply, provided that any such measures shall be consistent with the principle that all States Parties are entitled to an equitable share of the international supply of such products, and that any such measures, which are inconsistent with the other provisions of the Protocol shall be discontinued as soon as the conditions giving rise to them have ceased to exist.

Article 27

Security Exceptions

Nothing in this Protocol shall be construed to:

- (a) Require any State Party to furnish any information the disclosure of which it considers contrary to its essential security interests; or
- (b) Prevent any State Party from taking any action which it considers necessary for the protection of its essential security interests:
 - (i) Relating to fissionable materials or the materials from which they are derived;
 - (ii) Relating to the traffic in arms, ammunition and implements of war and to such traffic in other goods and materials taking place either directly or indirectly for the purpose of supplying a military establishment; and
 - (iii) Taken in time of war or other emergency in international relations; or
- (c) Prevent any State Party from taking any action in pursuance of its obligations under the United Nations Charter for the maintenance of international peace and security.

Article 28

Balance of Payments

1. Where a State Party is in critical balance of payments difficulties, or under imminent threat thereof, or has the need to safeguard its external financial position difficulties and that has taken all reasonable steps to overcome the difficulties, may adopt appropriate restrictive measures in accordance with international rights and obligations of the State Party concerned, including those under the WTO Agreement, the Articles of Agreement of the International Monetary Fund and the African Development Bank, respectively. Such measures shall be equitable, non-discriminatory, in good faith, of limited duration and may not go beyond what is necessary to remedy the balance of payments situation.
2. The State Party concerned, having adopted or maintained such measures shall inform the other States Parties forthwith and submit, as soon as possible, a time schedule for their removal.

PART IX

TECHNICAL ASSISTANCE, CAPACITY-BUILDING AND COOPERATION

6. PROTOCOL ON TRADE IN SERVICES

Article 29

Technical Assistance, Capacity-Building and Cooperation

1. The Secretariat, working with States Parties, RECs and partners, shall coordinate and provide technical assistance and capacity-building in trade and trade-related issues for the implementation of this Protocol.
2. States Parties agree to enhance cooperation for the implementation of this Protocol.
3. The Secretariat shall explore avenues to secure resources required for these programmes.

PART X

INSTITUTIONAL PROVISIONS

Article 30

Consultation and Dispute Settlement

Except as otherwise provided in this Protocol, the relevant provisions of the Protocol on Rules and Procedures on the Settlement of Disputes shall apply to consultations and the settlement of disputes under this Protocol.

Article 31

Implementation, Monitoring and Evaluation

1. The Council of Ministers in accordance with Article 11 of the Agreement shall establish the Committee on Trade in Goods, which shall carry out such functions as may be assigned to it by the Council of Ministers to facilitate the operation of this Protocol and further its objectives. The Committee may establish such subsidiary bodies as it considers appropriate for the effective discharge of its functions.
2. This Committee and its subsidiary bodies shall be open to participation by representatives of all States Parties unless otherwise decided.
3. The Chairperson of the Committee shall be elected by the States Parties.
4. In accordance with Article 13, paragraph 5, of the Agreement, the Secretariat shall, in consultation with States Parties, prepare annual factual reports to facilitate the process of implementation, monitoring and evaluation of this Protocol.
5. These reports should be considered and adopted by the Council of Ministers.

Article 32

Amendment

Amendment to this Protocol shall be in accordance with Article 29 of the Agreement.

6.

PROTOCOL ON TRADE IN SERVICES

Preamble

We, Member States of the African Union,

XII. TRADE, INVESTMENT AND FINANCE

Determined to establish a continental framework of principles and rules for trade in services with a view to boosting intra-African trade in line with the objectives of the African Continental Free Trade Area (AfCFTA) and promoting economic growth and development within the continent,

Desirous to create, on the basis of progressive liberalization of trade in services, an open, rules-based, transparent, inclusive and integrated single services market which provides economic, social and welfare-enhancing opportunities across all sectors for the African people,

Mindful of the urgent need to consolidate and build on achievements in services liberalization and regulatory harmonization at the Regional Economic Community (REC) and continental levels,

Desiring to harness the potential and capacities of African services suppliers, in particular at the micro, small and medium levels, to engage in regional and global value chains,

Recognizing the right of States Parties to regulate in pursuit of national policy objectives, and to introduce new regulations, on the supply of services, within their territories, in order to meet legitimate national policy objectives, including competitiveness, consumer protection and overall sustainable development with respect to the degree of the development of services regulations in different countries, the particular need for States Parties to exercise this right, without compromising consumer protection, environmental protection and overall sustainable development,

Cognizant of the serious difficulty of the least developed, landlocked, island States and vulnerable economies in view of their special economic situation and their development, trade and financial needs,

Acknowledging the African Union Assembly Decision Assembly/AU/666 (XXX) adopted at the Thirtieth Ordinary Session of the Assembly of Heads of State and Government of the African Union, in Addis Ababa, Ethiopia, on 28 January 2018 on the Establishment of a Single African Air Transport Market through the Implementation of the Yamoussoukro Decision,

Further recognizing the potentially significant contribution of air transport services and, in particular, the Single African Air Transport Market to boost intra-African trade and fast track the African Continental Free Trade Area (AfCFTA),

Have agreed as follows:

PART I DEFINITIONS

Article 1 Definitions

For the purposes of this Protocol:

- (a) "Commercial presence" means any type of business or professional establishment, including through:
 - (i) The constitution, acquisition or maintenance of a juridical person; or
 - (ii) The creation or maintenance of a branch or a representative office, within the territory of a State Party for the purpose of supplying a service;
- (b) "Direct taxes" comprise all taxes on total income, on total capital or on elements of income or of capital, including taxes on gains from the alienation of property, taxes on estates, inheritances and gifts, and taxes on the total amounts of wages or salaries paid by enterprises, as well as taxes on capital appreciation;

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- (c) "Juridical person" means any legal entity duly constituted or otherwise organized under applicable law of States Parties, whether for profit or otherwise, and whether privately-owned or governmentally-owned, including any corporation, trust, partnership, joint venture, sole proprietorship or association;
- (d) A juridical person is:
- (i) "Affiliated" with another person when it controls, or is controlled by, that other person; or when it and the other person are both controlled by the same person;
 - (ii) "Controlled" by persons of a State Party if such persons have the power to name a majority of its directors or otherwise to legally direct its actions; and
 - (iii) "Owned" by persons of a State Party if more than 50 per cent of the equity interest in it is beneficially owned by persons of that State Party;
- (e) "Juridical person of another State Party" means a juridical person which is either:
- (i) Constituted or otherwise organized under the law of that other State Party, and is engaged in substantive business operations in the territory of that State Party or any other State Party; or
 - (ii) In the case of the supply of a service through commercial presence, owned or controlled by:
 - 1. Natural persons of that State Party; or
 - 2. Juridical persons of that other State Party identified under subparagraph (i);
- (f) "Measure" means any measure by a State Party, whether in the form of a law, regulation, rule, procedure, decision, administrative action, or any other form;
- (g) "Measures by States Parties affecting trade in services" include measures in respect of:
- (i) The purchase, payment or use of a service;
 - (ii) The access to and use of, in connection with the supply of a service, services which are required by those States Parties to be offered to the public generally;
 - (iii) The presence, including commercial presence, of persons of a State Party for the supply of a service in the territory of another State Party;
- (h) "Monopoly supplier of a service" means any person, public or private, which in the relevant market of the territory of a State Party operates as or is authorized or established formally or in effect by that State Party as the sole supplier of that service;
- (i) "Natural person of another State Party" means a natural person who resides in the territory of that other State Party or any other State Party and who under the law of that other State Party:
- (i) Is a national; or
 - (ii) Has the right of permanent residence;
- (j) "Person" means either a natural person or a juridical person;

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- (k) "Sector" of a service means:
- (i) With reference to a specific commitment, one or more, or all, subsectors of that service, as specified in a State Party's schedule of specific commitments;
 - (ii) Otherwise, the whole of that service sector, including all of its subsectors;
- (l) "Service of another State Party" means a service which is supplied:
- (i) From or in the territory of that other State Party, or in the case of maritime transport, by a vessel registered under the laws of that other State Party, or by a person of that other State Party which supplies the service through the operation of a vessel and/or its use in whole or in part; or
 - (ii) In the case of the supply of a service through commercial presence or through the presence of natural persons, by a service supplier of that other State Party;
- (m) "Service consumer" means any person that receives or uses a service;
- (n) "Service supplier" means any person that supplies a service;⁴
- (o) "Supply of a Service" includes the production, distribution, marketing, sale and delivery of a service;
- (p) "Trade in services" means the supply of service:
- (i) From the territory of one State Party into the territory of any other State Party;
 - (ii) In the territory of one State Party to the service consumer of any other State Party;
 - (iii) By a service supplier of one State Party, through commercial presence in the territory of any other State Party;
 - (iv) By a service supplier of one State Party, through presence of natural persons of a State Party in the territory of any other State Party.

PART II SCOPE OF APPLICATION

Article 2 Scope of Application

1. This Protocol applies to measures by States Parties affecting trade in services.
2. For the purposes of this Protocol, trade in services is based on the four modes of supply of a service as defined in Article 1, subparagraph p, of this Protocol.
3. For the purposes of this Protocol:

⁴ Where the service is not supplied directly by a juridical person but through other forms of commercial presence such as a branch or representative office, the service supplier (i.e. the juridical person) shall, nonetheless, through such presence be accorded the treatment provided for service suppliers under the agreement. Such treatment shall be extended to the presence through which the service is supplied and need not be extended to any other parts of the supplier located outside of the territory where the service is supplied.

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- (a) "Measures by States Parties" means measures taken by:
 - (i) States Parties' central, regional or local governments and authorities; and
 - (ii) Non-governmental bodies in the exercise of powers delegated by States Parties' central, regional or local governments or authorities.

In fulfilling its obligations and commitments under the Protocol, each State Party shall take such reasonable measures as may be available to it to ensure their observance by regional and local governments and authorities and non-governmental bodies within its territory;

- (b) "Services" includes any service in any sector except services supplied in the exercise of governmental authority; and
- (c) "A service supplied in the exercise of governmental authority" means any service which is supplied neither on a commercial basis, nor in competition with one or more service suppliers.

4. Procurement by governmental agencies purchased for governmental purposes and not with a view to commercial resale are excluded from the scope of this Protocol.

5. This Protocol shall not apply to measures affecting:

- (a) Air traffic rights, however granted; and
- (b) Services directly related to the exercise of air traffic rights.

6. This Protocol shall apply to measures affecting:

- (a) Aircraft repair and maintenance services;
- (b) The selling and marketing of air transport services; and
- (c) Computer reservation system (CRS) services.

PART III OBJECTIVES

Article 3 Objectives

1. The principal objective of this Protocol is to support the objectives of the AfCFTA, as set out in Article 3 of the Agreement, particularly to create a single liberalized market for trade in services.

2. The specific objectives of this Protocol are to:

- (a) Enhance competitiveness of services through: economies of scale, reduced business costs, enhanced continental market access, and an improved allocation of resources including the development of trade-related infrastructure;
- (b) Promote sustainable development in accordance with the Sustainable Development Goals (SDGs);
- (c) Foster domestic and foreign investment;

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- (d) Accelerate efforts on industrial development to promote the development of regional value chains;
- (e) Progressively liberalize trade in services across the African continent on the basis of equity, balance and mutual benefit, by eliminating barriers to trade in services;
- (f) Ensure consistency and complementarity between liberalization of trade in services and the various annexes in specific services sectors;
- (g) Pursue services trade liberalization in line with Article V of the GATS by expanding the depth and scope of liberalization and increasing, improving and developing the export of services, while fully preserving the right to regulate and to introduce new regulations;
- (h) Promote and enhance common understanding and cooperation in trade in services among States Parties in order to improve the capacity, efficiency and competitiveness of their services markets; and
- (i) Promote research and technological advancement in the field of services to accelerate economic and social development.

PART IV GENERAL OBLIGATIONS AND DISCIPLINES

Article 4 Most-Favoured-Nation Treatment

1. With respect to any measure covered by this Protocol, each State Party shall, upon entry into force, accord immediately and unconditionally to services and service suppliers of any other State Party treatment no less favourable than that it accords to like services and service suppliers of any third party.
2. Nothing in this Protocol shall prevent a State Party from entering into a new preferential agreement with a third party, in accordance with Article V of the GATS provided such agreements do not impede or frustrate the objectives of this Protocol. Such preferential treatment shall be extended to all States Parties on a reciprocal and non-discriminatory basis.
3. Notwithstanding paragraph 1, two (2) or more States Parties may conduct negotiations and agree to liberalize trade in services for specific sectors or subsectors in accordance with the objectives in this Protocol. Other States Parties shall be afforded the opportunity to negotiate the preferences granted therein on a reciprocal basis.
4. Notwithstanding the provisions of paragraph 2, a State Party shall not be obliged to extend preferences agreed with any third party prior to the entry into force of this Protocol, of which that State Party was a member or a beneficiary. A State Party may afford the opportunity to the other States Parties to negotiate the preferences granted therein on a reciprocal basis.
5. The provisions of this Protocol shall not be so construed as to prevent any State Party from conferring or according advantages to adjacent countries in order to facilitate exchanges limited to contiguous frontier zones of services that are both locally produced and consumed.
6. A State Party may maintain a measure which is inconsistent with paragraph 1, provided it is listed in the most-favoured nation (MFN) exemption list. The agreed list of MFN exemptions shall be annexed to this Protocol. States Parties shall regularly review MFN exemptions, with a view to determining which MFN exemptions can be eliminated.

Article 5

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Transparency

1. Each State Party shall, in a medium⁵ that is accessible, publish promptly and, except in emergency situations, at the latest by the time of their entry into force, all relevant measures of general application which pertain to or affect the operation of this Protocol. International and regional agreements pertaining to or affecting trade in services to which a State Party is a signatory shall also be published.
2. Each State Party shall notify the Secretariat of any international and regional agreements pertaining to or affecting trade in services with third parties to which they are signatory prior to or after entry into force of this Protocol.
3. Each State Party shall promptly and at least annually notify the Secretariat of the introduction of any new, or any changes to, existing laws, regulations or administrative guidelines which significantly affect trade in services under this Protocol.
4. Where a State Party submits a notification to the Secretariat, the latter shall promptly circulate the said notification to all States Parties.
5. Each State Party shall respond promptly to all requests by any other State Party for specific information on any of its measures of general application or international and/or regional agreements within the meaning of paragraph 1. States Parties shall also reply to any question from any other State Party relating to an actual or proposed measure that might substantially affect the operation of this Protocol.
6. Each State Party shall designate the relevant enquiry points to provide States Parties with specific information, upon request, on all such matters related to trade in services as well as those subject to the notification requirement above.

Article 6

Disclosure of Confidential Information

Nothing in this Protocol shall require any State Party to disclose confidential information and data, the disclosure of which would impede law enforcement, or otherwise be contrary to the public interest, or which would prejudice legitimate commercial interests of particular enterprises, public or private.

Article 7

Special and Differential Treatment

In order to ensure increased and beneficial participation in trade in services by all parties, States Parties shall:

- (a) Provide special consideration to the progressive liberalization of service sectors commitments and modes of supply which will promote critical sectors of growth, social and sustainable economic development;
- (b) Take into account the challenges that may be encountered by States Parties and may grant flexibilities such as transitional periods, within the framework of action plans, on a case-by-case basis, to accommodate special economic situations and development, trade and financial needs in implementing this Protocol for the establishment of an integrated and liberalized single market for trade in services; and
- (c) Accord special consideration to the provision of technical assistance and capacity-building through continental support programmes.

Article 8

⁵ For example through Gazette, newsletter, Hansard, or websites in one of the African Union languages.

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Right to Regulate

Each State Party may regulate and introduce new regulations on services and services suppliers within its territory in order to meet national policy objectives, in so far as such regulations do not impair any rights and obligations arising under this Protocol.

Article 9 Domestic Regulation

1. In sectors where specific commitments are undertaken, each State Party shall ensure that all measures of general application affecting trade in services are administered in a reasonable, objective, transparent and impartial manner.
2. Each State Party shall maintain or institute, as soon as practicable, judicial, arbitral or administrative tribunals or procedures which provide, at the request of an affected service supplier, for the prompt review of, and where justified, appropriate remedies for, administrative decisions affecting trade in services. Where such procedures are not independent of the agency entrusted with the administrative decision concerned, the State Party shall ensure that the procedures in fact provide for an objective and impartial review.
3. Where authorization is required for the supply of a service liberalized under this Protocol, the competent authorities of a State Party shall, within a reasonable period of time after the submission of an application considered complete under domestic laws and regulations, inform the applicant of the decision concerning the application. At the request of the applicant, the competent authorities of the State Party shall provide, without undue delay, information concerning the status of the application.

Article 10 Mutual Recognition

1. For the purposes of the fulfilment, in whole or in part, of its standards or criteria for the authorization, licensing or certification of services suppliers, and subject to the requirements of paragraph 3 of this article, a State Party may recognize the education or experience obtained, requirements met, or licences or certifications granted in another State Party. Such recognition, which may be achieved through harmonization or otherwise, may be based upon an agreement or arrangement with the State Party concerned or may be accorded autonomously.
2. A State Party that is a party to an agreement or arrangement of the type referred to in paragraph 1 of this article, whether existing or future, shall afford adequate opportunity for other interested States Parties to negotiate their accession to such an agreement or arrangement or to negotiate comparable ones with it. Where a State Party accords recognition autonomously, it shall afford adequate opportunity for any other State Party to demonstrate that education, experience, licences, or certifications obtained or requirements met in that other State Party's territory should be recognized.
3. A State Party shall not accord recognition in a manner which would constitute a means of discrimination between States Parties in the application of its standards or criteria for the authorization, licensing or certification of service suppliers, or a disguised restriction on trade in services.
4. Each State Party shall:
 - (a) Within twelve (12) months from the date on which the Agreement enters into force for it, inform the Secretariat of its existing recognition measures and state whether such measures are based on agreements or arrangements of the type referred to in paragraph 1 of this article;
 - (b) Promptly inform the States Parties through the Secretariat as far in advance as possible of the opening of negotiations on an agreement or arrangement of the type referred to in paragraph 1 of this article in order to

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provide adequate opportunity to any other State Party to indicate their interest in participating in the negotiations before they enter a substantive phase; and

(c) Promptly inform the States Parties through the Secretariat when it adopts new recognition measures or significantly modifies existing ones and state whether the measures are based on an agreement or arrangement of the type referred to in paragraph 1 of this article.

5. Wherever appropriate, recognition should be based on AfCFTA agreed criteria by States Parties. In appropriate cases, States Parties shall work in cooperation with relevant intergovernmental and non-governmental organizations towards the establishment and adoption of common continental standards and criteria for recognition and common continental standards for the practice of relevant services trades and professions.

Article 11

Monopolies and Exclusive Service Suppliers

1. Each State Party shall ensure that any monopoly supplier of a service in its territory does not, in the supply of the monopoly service in the relevant market, act in a manner inconsistent with that State Party's obligations and specific commitments under this Protocol.

2. Where a State Party's monopoly supplier competes, either directly or through an affiliated company, in the supply of a service outside the scope of its monopoly rights and which is subject to that State Party's specific commitments, the State Party shall ensure that such a supplier does not abuse its monopoly position to act in its territory in a manner inconsistent with such commitments.

3. A State Party which has a reason to believe that a monopoly supplier of a service of any other State Party is acting in a manner inconsistent with paragraphs 1 and 2 of this article, may request the State Party establishing, maintaining or authorizing such supplier to provide specific information concerning the relevant operations.

4. If, after the date of entry into force of this Protocol, a State Party grants monopoly rights regarding the supply of a service covered by its specific commitments, that State Party shall notify the Secretariat no later than three (3) months before the intended implementation of the grant of monopoly rights and the provisions concerning modification of specific commitments will apply.

5. The provisions of this article shall also apply to cases of exclusive service suppliers where a State Party, formally or in effect:

- (a) Authorizes or establishes a small number of service suppliers; and
- (b) Substantially prevents competition among those suppliers in its territory.

Article 12

Anti-Competitive Business Practices

1. States Parties recognize that certain business practices of service suppliers, other than those concerning monopolies and exclusive service suppliers, may restrain competition and thereby restrict trade in services.

2. Each State Party shall, at the request of any other State Party, enter into consultations with a view to eliminating practices referred to in paragraph 1 of this article. The State Party addressed shall respond to such a request and shall cooperate through the supply of publicly available non-confidential information of relevance to the matter in question. The State Party addressed shall also provide other information available to the requesting State Party, subject to its domestic law and to the conclusion of a satisfactory agreement concerning the safeguarding of its confidentiality by the requesting State Party.

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Article 13 Payments and Transfers

1. Except under the circumstances envisaged in Article 14 of this Protocol, a State Party shall not apply restrictions on international transfers and payments for current transactions relating to its specific commitments.
2. Nothing in this Protocol shall affect the rights and obligations of the members of the International Monetary Fund under the Articles of Agreement of the Fund, including the use of exchange actions which are in conformity with the Articles of Agreement, provided that a State Party shall not impose restrictions on any capital transactions inconsistently with its specific commitments regarding such transactions, except as provided under Article 14 of this Protocol, or at the request of the Fund.

Article 14 Restrictions to Safeguard the Balance of Payments

1. In the event of serious balance of payments and external financial difficulties or threat thereof, a State Party may adopt or maintain restrictions on trade in services on which it has undertaken specific commitments, including on payments or transfers for transactions related to such commitments. It is recognized that particular pressures on the balance of payments of a State Party in the process of economic development or economic transition may necessitate the use of restrictions to ensure, inter alia, the maintenance of a level of financial reserves adequate for the implementation of its programme of economic development or economic transition.
2. The restrictions referred to in paragraph 1 of this article shall:
 - (a) Not discriminate among States Parties;
 - (b) Be consistent with the Articles of Agreement of the International Monetary Fund;
 - (c) Avoid unnecessary damage to the commercial, economic and financial interests of any other State Party;
 - (d) Not exceed those necessary to deal with the circumstances described in paragraph 1 of this article; and
 - (e) Be temporary and be phased out progressively as the situation specified in paragraph 1 of this article improves.
3. In determining the incidence of such restrictions, States Parties may give priority to the supply of services which are more essential to their economic or development programmes. However, such restrictions shall not be adopted or maintained for the purpose of protecting a particular service sector.
4. Any restrictions adopted or maintained under paragraph 1 of this article, or any changes therein, shall be promptly notified to the Secretariat.
5. States Parties applying the provisions of this article shall consult promptly within the Committee on Trade in Services on restrictions adopted under this article.
6. The Committee on Trade in Services shall establish procedures for periodic consultations with the objective of enabling such recommendations to be made to the State Party concerned as it may deem appropriate.
7. Such consultations shall assess the balance-of-payment situation of the State Party concerned and the restrictions adopted or maintained under this article, taking into account, inter alia, such factors as:
 - (a) The nature and extent of the balance-of-payments and the external financial difficulties;

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- (b) The external economic and trading environment of the consulting State Party; and
- (c) Alternative corrective measures which may be available.

8. The consultations shall address the compliance of any restrictions with paragraph 2 of this article, in particular the progressive phase-out of restrictions in accordance with paragraph 2 (e) of this article.

9. In such consultations, all findings of statistical and other facts presented by the International Monetary Fund relating to foreign exchange, monetary reserves and balance of payments, shall be accepted and conclusions shall be based on the assessment by the Fund of the balance-of-payments and the external financial situation of the consulting State Party.

10. If a State Party which is not a member of the International Monetary Fund wishes to apply the provisions of this article, the Council of Ministers shall establish a review procedure and any other procedures necessary.

Article 15 General Exceptions

Subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between States Parties where like conditions prevail, or a disguised restriction on trade in services, nothing in this Protocol shall be construed to prevent the adoption or enforcement by any State Party of measures:

- (a) Necessary to protect public morals or to maintain public order;⁶
- (b) Necessary to protect human, animal or plant life or health;
- (c) Necessary to secure compliance with laws or regulations which are not inconsistent with the provisions of this Protocol including those relating to:
 - (i) The prevention of deceptive and fraudulent practices or to deal with the effects of a default on services contracts;
 - (ii) The protection of the privacy of individuals in relation to the processing and dissemination of personal data and the protection of confidentiality of individual records and accounts;
 - (iii) Safety;
- (d) Inconsistent with national treatment, provided that the difference in treatment is aimed at ensuring the equitable or effective imposition or collection of direct taxes in respect of services or service suppliers of other States Parties; and⁷

⁶ The public order exception may be invoked only where a genuine and sufficiently serious threat is posed to one of the fundamental interests of society.

⁷ Measures that are aimed at ensuring the equitable or effective imposition or collection of direct taxes include measures taken by a State Party under its taxation system which:

- (a) Apply to non-resident service suppliers in recognition of the fact that the tax obligation of non-residents is determined with respect to taxable items sourced or located in the State Party's territory; or
- (b) Apply to non-residents in order to ensure the imposition or collection of taxes in the State Party's territory; or
- (c) Apply to non-residents or residents in order to prevent the avoidance or evasion of taxes, including compliance measures; or

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(e) Inconsistent with the most-favoured nation obligation provided that the difference in treatment is the result of an agreement on avoidance of double taxation or provisions on the avoidance of double taxation in any other international agreement or arrangement by which the State Party is bound.

Article 16 Security Exceptions

1. Nothing in this Protocol shall be construed:

(a) To require any State Party to furnish any information, the disclosure of which it considers contrary to its essential security interests; or

(b) To prevent any State Party from taking any action which it considers necessary for the protection of its essential security interests:

(i) Relating to the supply of services as carried out directly or indirectly for the purpose of provisioning a military establishment;

(ii) Relating to fissionable and fusionable materials or the materials from which they are derived; and

(iii) Taken in time of war or other emergency in international relations; or

(c) To prevent any State Party from taking any action in pursuance of its obligations under the United Nations Charter for the maintenance of international peace and security.

2. The Secretariat shall be informed, to the fullest extent possible, of measures taken under paragraph 1 (b) and (c) of this article, and of their termination.

Article 17 Subsidies

1. Nothing in this Protocol shall be construed to prevent States Parties from using subsidies in relation to their development programmes.

2. States Parties shall decide on mechanisms for information exchange and review of all subsidies related to trade in services that States Parties provide to their domestic service suppliers.

3. Any State Party which considers that it is adversely affected by a subsidy of another State Party may request consultations with that State Party on such matters. Such requests shall be accorded sympathetic consideration.

(d) Apply to consumers of services supplied in or from the territory of another State Party in order to ensure the imposition or collection of taxes on such consumers derived from sources in the State Party's territory; or

(e) Distinguish service suppliers subject to tax on worldwide taxable items from other service suppliers, in recognition of the difference in the nature of the tax base between them; or

(f) Determine, allocate or apportion income, profit, gain, loss, deduction or credit of resident persons or branches, or between related persons or branches of the same person, in order to safeguard the State Party's tax base.

Tax terms or concepts in subparagraph (d) of Article 15 and in this footnote are determined according to tax definitions and concepts, or equivalent or similar definitions and concepts, under the domestic law of the State Party taking the measure.

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PART V PROGRESSIVE LIBERALIZATION

Article 18 Progressive Liberalization

1. States Parties shall undertake successive rounds of negotiations based on the principle of progressive liberalization accompanied by the development of regulatory cooperation, and sectoral disciplines, taking into account the objectives of the 1991 Abuja Treaty that aim to strengthen integration at the regional and continental levels in all fields of trade, and in line with the general principle of progressivity towards achievement of the ultimate goal of the African Economic Community.
2. States Parties shall negotiate sector specific obligations through the development of regulatory frameworks for each of the sectors, as necessary, taking account of the best practices and *acquis* from the RECs, as well as the negotiated agreement on sectors for regulatory cooperation. States Parties agree that negotiations for continuing the process shall commence following the establishment of the AfCFTA, based on the work programme to be agreed by the Committee on Trade in Services.
3. The liberalization process shall focus on the progressive elimination of the adverse effects of measures on trade in services as a means of providing effective market access with a view to boosting intra-African trade in services.
4. The list of Priority Sectors and the Modalities on Trade in Services shall be annexed to this Protocol and shall form an integral part hereof.
5. The Transitional Implementation Work Programme developed by Member States shall guide the finalization of outstanding Phase I negotiations on this Protocol, before the entry into force of the Agreement.

Article 19 Market Access

1. With respect to market access through the modes of supply identified in Article 1, subparagraph (p), of this Protocol, each State Party shall accord services and service suppliers of any other State Party treatment no less favourable than that provided for under the terms, limitations and conditions agreed and specified in its Schedule.⁸
2. In sectors where market-access commitments are undertaken, the measures which a State Party shall not maintain or adopt either on the basis of a regional subdivision or on the basis of its entire territory, unless otherwise specified in its Schedule, are defined as:
 - (a) Limitations on the number of service suppliers whether in the form of numerical quotas, monopolies, exclusive service suppliers or the requirements of an economic needs test;
 - (b) Limitations on the total value of service transactions or assets in the form of numerical quotas or the requirement of an economic needs test;
 - (c) Limitations on the total number of service operations or on the total quantity of service output expressed in terms of designated numerical units in the form of quotas or the requirement of an economic needs test;⁹

⁸ If a State Party undertakes a market-access commitment in relation to the supply of a service through the mode of supply defined in Article 1, subparagraph (p), and if the cross-border movement of capital is an essential part of the service itself, that State Party is thereby committed to allow such movement of capital. If a State Party undertakes a market-access commitment in relation to the supply of a service through the mode of supply referred to in Article 1, subparagraph (p) (iii), it is thereby committed to allow related transfers of capital into its territory.

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- (d) Limitations on the total number of natural persons that may be employed in a particular service sector or that a service supplier may employ and who are necessary for, and directly related to, the supply of a specific service in the form of numerical quotas or the requirement of an economic needs test;
- (e) Measures which restrict or require specific types of legal entity or joint venture through which a service supplier may supply a service; and
- (f) Limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.

Article 20 National Treatment

1. In all sectors inscribed in the schedule, and subject to any conditions and qualifications set out therein, each State Party shall accord to services and service suppliers of any other State Party treatment no less favourable than that it accords to its own like services and service suppliers, subject to the conditions and qualifications agreed and specified in its Schedule of Specific Commitments.
2. A State Party may meet the requirement of paragraph 1 of this article by according to services and service suppliers of any other State Party either formally identical treatment or formally different treatment to that it accords to its own like services and service suppliers.
3. Formally identical or formally different treatment shall be considered to be less favourable if it modifies the conditions of competition in favour of services or service suppliers of the State Party compared to like services or service suppliers of any other State Party.

Article 21 Additional Commitments

The States Parties may negotiate commitments with respect to measures affecting trade in services not subject to scheduling under Articles 19 or 20 of this Protocol, including but not limited to those regarding qualification, standards or licensing matters. Such commitments shall be inscribed in a State Party's Schedule of Specific Commitments.

Article 22 Schedules of Specific Commitments

1. Each State Party shall set out in a schedule the specific commitments that it undertakes under Articles 19, 20 and 21 of this Protocol.
2. With respect to sectors where such commitments are undertaken, each Schedule of Specific Commitments shall specify:
 - (a) Terms, limitations and conditions on market access;
 - (b) Conditions and qualifications on national treatment;
 - (c) Undertakings relating to additional commitments; and

⁹ Article 1, subparagraph (g) (iii), does not cover measures of a State Party which limit inputs for the supply of services.

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(d) Where appropriate, the time frame for implementation of such commitments, including their date of entry into force.

3. Measures inconsistent with both Articles 19 and 20 of this Protocol shall be inscribed in the column relating to Article 19 of this Protocol. In this case the inscription will be considered to provide a condition or qualification to Article 20 of this Protocol as well.

4. The Schedules of Specific Commitments, the Modalities for Trade in Services and the list of Priority Sectors shall, upon adoption, form an integral part of this Protocol.

5. The Transitional Implementation Work Programme developed by Member States shall guide the finalization of outstanding Phase I negotiations on this Protocol, before the entry into force of the Agreement.

Article 23

Modification of Schedules of Specific Commitments

1. A State Party (referred to in this article as the "modifying State Party") may modify or withdraw any commitment in its schedule, at any time after three years have elapsed from the date on which that commitment entered into force, in accordance with the provisions of this article.

2. A modifying State Party shall notify its intent to modify or withdraw a commitment pursuant to this article to the Secretariat no later than three (3) months before the intended date of implementation of the modification or withdrawal. The Secretariat shall promptly circulate this information to States Parties.

3. At the request of any State Party the benefits of which under this Protocol may be affected (referred to in this article as an "affected State Party") by a proposed modification or withdrawal notified under paragraph 2 of this article, the modifying State Party shall enter into negotiations with a view to reaching agreement on any necessary compensatory adjustment. In such negotiations and agreement, the States Parties concerned shall endeavour to maintain a general level of mutually advantageous commitments not less favourable to trade than that provided for in commitments prior to such negotiations.

4. Compensatory adjustments shall be made on a most-favoured-nation basis.

5. If agreement is not reached between the modifying State Party and any affected State Party before the end of the period provided for negotiations, such affected State Party may refer the matter to dispute settlement. Any affected State Party that wishes to enforce a right that it may have to compensation must participate in the dispute process.

6. If no affected State Party has requested dispute settlement, the modifying State Party shall be free to implement the proposed modification or withdrawal, within a reasonable period of time.

7. The modifying State Party may not modify or withdraw its commitment until it has made compensatory adjustments in conformity with the findings of the dispute settlement.

8. If the modifying State Party implements its proposed modification or withdrawal and does not comply with the findings of the arbitration, any affected State Party that participated in the dispute settlement may modify or withdraw substantially equivalent benefits in conformity with those findings. Notwithstanding the obligations under Article 4 of this Protocol, such a modification or withdrawal may be implemented solely with respect to the modifying State Party.

9. The Committee on Trade in Services shall facilitate such negotiations and establish related appropriate procedures.

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Article 24 Denial of Benefits

Subject to prior notification and consultation, a State Party may deny the benefits of this Protocol to service suppliers of another State Party where the service is being supplied by a juridical person of a non-State Party, without real and continuous link with the economy of the State Party or with negligible or no business operations in the territory of the other State Party or any other State Party.

PART VI INSTITUTIONAL PROVISIONS

Article 25 Consultation and Dispute Settlement

The provisions of the Protocol on the Rules and Procedures on the Settlement of Disputes shall apply to consultations and the settlement of disputes under this Protocol.

Article 26 Implementation, Monitoring and Evaluation

1. The Council of Ministers in accordance with Article 11 of the Agreement shall establish the Committee on Trade in Services, which shall carry out such functions as may be assigned to it by the Council of Ministers to facilitate the operation of this Protocol and further its objectives. The Committee may establish such subsidiary bodies as it considers appropriate for the effective discharge of its functions.
2. The Chairman of the Committee shall be elected by the States Parties.
3. The Committee shall prepare annual reports for States Parties to facilitate the process of implementation, monitoring and evaluation of this Protocol.

Article 27 Technical Assistance, Capacity-Building and Cooperation

1. States Parties recognize the importance of technical assistance, capacity-building and cooperation in order to complement the liberalization of services, to support States Parties' efforts to strengthen their capacity in the supply of services and to facilitate implementation and attainment of the objectives of this Protocol.
2. States Parties agree, where possible, to mobilize resources, in collaboration with development partners, and implement measures, in support of the domestic efforts of States Parties, with a view to, inter alia:
 - (a) Building capacity and training for trade in services;
 - (b) Improving the ability of service suppliers to gather information on and to meet regulations and standards at international, continental, regional and national levels;
 - (c) Supporting the collection and management of statistical data on trade in services;
 - (d) Improving the export capacity of both formal and informal service suppliers, with particular attention to micro, small and medium size; women and youth service suppliers;
 - (e) Supporting the negotiation of mutual recognition agreements;

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- (f) Facilitating interaction and dialogue between service suppliers of States Parties with a view to promotion of information sharing with respect to market access opportunities, peer learning and the sharing of best practices;
 - (g) Addressing quality and standards needs in those sectors where States Parties have undertaken commitments under this Protocol with a view to supporting the development and adoption of standards; and
 - (h) Developing and implementing regulatory regimes for specific services sectors at continental, regional and national levels, in particular in those sectors in which States Parties have undertaken specific commitments.
3. The Secretariat, working with States Parties, RECs and partners, shall coordinate the provision of technical assistance.

Article 28 Annexes to this Protocol

1. Member States may develop annexes for the implementation of this Protocol relating, inter alia, to:
- (a) Schedules of Specific Commitments;
 - (b) MFN Exemption(s);
 - (c) Air Transport Services;
 - (d) List of Priority Sectors; and
 - (e) A framework document on Regulatory Cooperation.
2. Upon adoption by the Assembly, such annexes shall form an integral part of this Protocol.
3. States Parties may develop additional annexes for the implementation of this Protocol for adoption by the Assembly. Upon adoption by the Assembly, such annexes shall form an integral part of this Protocol.

Article 29 Amendment

This Protocol shall be amended in accordance with the provisions of Article 29 of the Agreement.

7.

PROTOCOL ON RULES AND PROCEDURES ON THE SETTLEMENT OF DISPUTES

We, Member States of the African Union,

Have agreed as follows:

Article 1 Definitions

- (a) "AB" means the Appellate Body established under Article 20 of this Protocol;
- (b) "Complaining party" means a State Party that has initiated a dispute settlement procedure under the Agreement;

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- (c) "Consensus" means if no State Party present at the meeting of the DSB when a decision is taken, formally objects to the decision;
- (d) "Days" means working days save for cases involving perishable goods where days shall mean calendar days;
- (e) "Dispute" means a disagreement between States Parties regarding the interpretation and/or application of the Agreement in relation to their rights and obligations;
- (f) "DSB" means the Dispute Settlement Body established under Article 5 of this Protocol;
- (g) "Panel" means a Dispute Settlement Panel established under Article 9 of this Protocol;
- (h) "Party to a dispute or proceedings" means a State Party to a dispute or proceedings;
- (i) "State Party concerned" means a State Party to which rulings and recommendations of the DSB are directed; and
- (j) "Third party" means a State Party with a substantial interest in a dispute.

Article 2 Objective

This Protocol provides for the administration of the Dispute Settlement Mechanism established in accordance with Article 20 of the Agreement and aims at ensuring that the dispute settlement process is transparent, accountable, fair, predictable and consistent with the provisions of the Agreement.

Article 3 Scope of Application

1. This Protocol shall apply to disputes arising between States Parties concerning their rights and obligations under the provisions of the Agreement.
2. This Protocol shall apply subject to such special and additional rules and procedures on dispute settlement contained in the Agreement. To the extent that there is a difference between the rules and procedures of this Protocol and the special or additional rules and procedures in the Agreement, the special or additional rules and procedures shall prevail.
3. For the purposes of this article, a dispute settlement proceeding shall be considered to have been initiated in accordance with this Protocol when the complaining party requests consultations pursuant to Article 7 of this Protocol.
4. A State Party which has invoked the rules and procedures of this Protocol with regards to a specific matter shall not invoke another forum for dispute settlement on the same matter.

Article 4 General Provisions

1. The dispute settlement mechanism of the AfCFTA is a central element in providing security and predictability to the regional trading system. The dispute settlement mechanism shall preserve the rights and obligations of States Parties under the Agreement and clarify the existing provisions of the Agreement in accordance with customary rules of interpretation of public international law.

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2. Recommendations or rulings made by the DSB shall be aimed at achieving a satisfactory settlement of a dispute in accordance with rights and obligations under the Agreement.
3. Mutually agreed solutions to matters formally raised in accordance with the consultation and dispute settlement provisions of this Protocol shall be notified to the DSB, where any State Party may raise any point relating thereto.
4. All resolutions to matters formally raised in accordance with the consultations and dispute settlement provisions of this Protocol, including arbitration awards, shall be consistent with the Agreement.
5. Requests for conciliation, good offices, mediation and the use of dispute settlement procedures should not be intended or considered as contentious acts. If a dispute arises, States Parties will engage in these procedures in good faith in an effort to resolve the dispute. Further, complaints and counter-complaints in regard to separate matters should not be linked.
6. In their findings and recommendations, the Panel and AB shall not add to or diminish the rights and obligations of States Parties pursuant to the Agreement.

Article 5 Dispute Settlement Body

1. The Dispute Settlement Body is hereby established in accordance with Article 20 of the Agreement to administer the provisions of this Protocol except as otherwise provided for in the Agreement.
2. The DSB shall be composed of representatives of the States Parties.
3. The DSB shall have the authority to:
 - (a) Establish Dispute Settlement Panels and an Appellate Body;
 - (b) Adopt Panel and Appellate Body reports;
 - (c) Maintain surveillance of implementation of rulings and recommendations of the Panels and Appellate Body; and
 - (d) Authorize the suspension of concessions and other obligations under the Agreement.
4. The DSB shall have its own chairperson and shall establish such rules of procedure as it deems necessary for the fulfilment of its responsibilities. The DSB Chairperson shall be elected by the States Parties.
5. The DSB shall meet as often as necessary to discharge its functions as provided for in this Protocol.
6. Where the rules and procedures of this Protocol provide for the DSB to take a decision, it shall do so by consensus.
7. The DSB shall inform the Secretariat of any dispute related to the provisions of the Agreement.

Article 6 Procedures under the Dispute Settlement Mechanism

1. Where a dispute arises between or among the States Parties, in the first instance, recourse shall be had to consultations, with a view to finding an amicable resolution to the dispute.

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2. Where an amicable resolution is not achieved, any party to the dispute shall, after notifying the other parties to the dispute, refer the matter to the DSB, through the Chairperson and request the establishment of a Dispute Settlement Panel, (hereinafter referred to as the "Panel") for purposes of settling the dispute.
3. The DSB shall adopt rules of procedure for the selection of the Panel, including the issues of conduct, to ensure impartiality.
4. The Panel shall set in motion the process of a formal resolution of the dispute as provided for in this Protocol and the parties to the dispute shall, in good faith, observe in a timely manner, any directions, rulings and stipulations that may be given to them by the Panel in relation to procedural matters and shall make their submissions, arguments and rebuttals in a format prescribed by the Panel.
5. The DSB shall make its determination of the matter and its decision shall be final and binding on the parties to a dispute.
6. Where the parties to a dispute consider it expedient to have recourse to arbitration as the first dispute settlement avenue, the parties to a dispute may proceed with arbitration as provided for in Article 27 of this Protocol.

Article 7 Consultations

1. States Parties, with a view to encouraging amicable resolution of disputes, affirm their resolve to strengthen and improve the effectiveness of consultation procedures employed by States Parties.
2. Each State Party undertakes to accord consideration to, and afford adequate opportunity for, consultations regarding any representation made by another State Party concerning measures affecting the operation of the Agreement.
3. Requests for consultations shall be notified to the DSB through the Secretariat in writing, giving the reasons for the request, including identification of the issues and an indication of the legal basis for the complaint.
4. Where a request for consultations is made pursuant to this Protocol, the State Party to which the request is made shall, unless otherwise mutually agreed, reply to the request within ten (10) days after the date of its receipt and shall enter into consultations in good faith within a period not exceeding thirty (30) days after the date of receipt of the request, with a view to reaching a mutually satisfactory solution.
5. Where a State Party to which the request is made does not respond within ten (10) days after the date of receipt of the request, or does not enter into consultations within a period of thirty (30) days, or a period otherwise mutually agreed, after the date of receipt of the request, the State Party that requested the consultations may refer the matter to the DSB requesting the establishment of a Panel.
6. In the course of consultations and before resorting to further action under this Protocol, States Parties shall attempt to obtain satisfactory settlement of the dispute.
7. Consultations shall be:
 - (a) Confidential; and
 - (b) Without prejudice to the rights of any State Party in any further proceedings.
8. Where States Parties to a dispute fail to settle a dispute through consultations within sixty (60) days after the date of receipt of the request for consultations, the complaining party may refer the matter to the DSB, for

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establishment of a Panel. Consultations may be held in the territory of the party complained against unless the parties agree otherwise. Unless States Parties to a dispute agree to continue or suspend consultations, consultations shall be deemed concluded within the sixty (60) days.

9. In cases of urgency, including cases of perishable goods:

(a) The State Party shall within ten (10) days after the date of receipt of the request enter into consultations;

(b) Where the parties fail to settle the dispute through consultations within twenty (20) days after the date of receipt of the request, the complaining party may refer the matter to the DSB for establishment of a Panel;

(c) Pursuant to the provisions of Annex 5 on Non-Tariff Barriers (Appendix 2: Procedures for Elimination and Cooperation in the Elimination of Non-Tariff Barriers), where a State Party fails to resolve an NTB after a mutually agreed solution was reached and after issuing the factual report, the requesting State Party shall resort to the dispute settlement panel stage. Notwithstanding the provisions herein, the above parties to a dispute may agree to submit the matter to arbitration in accordance with the provisions of Article 27 of this Protocol; and

(d) The parties to the dispute, the DSB and the Panel and Appellate Body shall make every effort to expedite the proceedings to the greatest extent possible.

10. Where a State Party that is not party to a dispute considers that it has substantial trade interest in consultations, that State Party may, within ten (10) days of the circulation of the request for consultations, request the parties to a dispute to be joined in the consultations.

11. Where the parties to the dispute agree that the claim of substantial interest is well founded, the third party shall be so joined to the consultations. If the request to join the consultations is not accepted, the disputing State Party shall inform the DSB and in this event the applicant State Party shall be free to request consultation.

Article 8

Good Offices, Conciliation and Mediation

1. States Parties to a dispute may at any time voluntarily undertake good offices, conciliation, or mediation. Proceedings that involve good offices, conciliation, or mediation shall be confidential and be without prejudice to the rights of the States Parties in any other proceedings.

2. Good offices, conciliation or mediation may be requested at any time by any State Party to a dispute. They may begin at any time and be terminated at any time by any of the States Parties to the dispute. Once procedures for good offices, conciliation or mediation are terminated, a complaining party may then proceed with a request for the establishment of a panel.

3. When good offices, conciliation or mediation are entered into after the date of receipt of a request for consultations, the complaining party must allow for a period of sixty (60) days after the date of receipt of the request for consultations before requesting the establishment of a panel. The complaining party may request the establishment of a Panel during the sixty (60) day period if the States Parties to the dispute jointly consider that the good offices, conciliation or mediation process has failed to settle the dispute.

4. States Parties participating in proceedings under this article may suspend or terminate those proceedings, at any time, if they consider that the good offices, conciliation or mediation process has failed to settle the dispute.

5. If the States Parties to a dispute agree, the procedures for good offices, conciliation or mediation may continue while the Panel process proceeds.

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6. The Head of the Secretariat may be requested by any State Party to a dispute to facilitate the process of good offices, conciliation or mediation, including offering the same. Such a request shall be notified to the DSB and the Secretariat.

Article 9 Establishment of Panels

1. Where an amicable resolution is not achieved through consultations, the complaining party shall, in writing, refer the matter to the DSB and request the establishment of a Panel. Parties to a dispute shall be informed promptly of the composition of the Panel.

2. The request referred to in paragraph 1 of this article shall indicate whether consultations were held, identify the specific measures at issue and provide a summary of the legal basis of the complaint sufficient to present the problem clearly.

3. In case the applicant requests the establishment of a Panel with terms of reference other than the standard terms, the written request shall include the proposed text of special terms of reference.

4. A meeting of the DSB shall be convened within fifteen (15) days of the request to establish a Panel, provided that at least ten (10) days advance notice of the meeting is given to the DSB.

5. The Panel shall be constituted within ten (10) days of the meeting of the DSB referred to in paragraph 4 of this article.

Article 10 Composition of the Panel

1. The Secretariat shall, upon entry into force of the Agreement, establish and maintain an indicative list or roster of individuals who are willing and able to serve as Panellists.

2. Each State Party may annually nominate two (2) individuals to the Secretariat for the inclusion in the indicative list or roster, indicating their area(s) of expertise related to the Agreement. The indicative list or roster of individuals shall be submitted by the Secretariat for consideration and approval by the DSB.

3. Individuals listed on the indicative list or roster shall:

(a) Have expertise or experience in law, international trade, other matters covered by the Agreement or the resolution of disputes arising under international trade agreements;

(b) Be chosen strictly on the basis of objectivity, reliability and sound judgment;

(c) Be impartial, independent of, and not be affiliated to or take instructions from, any party; and

(d) Comply with a code of conduct to be developed by the DSB and adopted by Council of Ministers.

4. The Panellists shall be selected with a view to ensuring their independence and integrity and shall have a sufficiently diverse background and a wide spectrum of experience in the subject matter of the dispute, unless the parties to the dispute agree otherwise.

5. In order to ensure and preserve the impartiality and independence of the Panellists, nationals of the disputing States Parties shall not serve on a Panel concerned with that dispute, unless the parties to the dispute agree otherwise.

7. RULES AND PROCEDURES ON SETTLEMENT OF DISPUTES

6. The Secretariat shall propose nominations for the Panel to the parties to the dispute. The parties to the dispute shall not oppose nominations except for compelling reasons.
7. If no agreement is reached on the composition of a Panel within thirty (30) days after the date of the establishment of a Panel, at the request of either party, the Head of the Secretariat, in consultation with the Chairperson of the DSB and with the consent of the disputing States Parties, shall determine the composition of the Panel by appointing the Panellists considered to be most appropriate.
8. The Chairperson of the DSB shall inform the States Parties of the composition of the Panel no later than ten (10) days after the date the Chairperson receives such a request.
9. Where there are two (2) disputing States Parties, the Panel shall comprise three (3) members. Where there are more than two (2) disputing States Parties, the Panel shall comprise five (5) members.
10. Panellists shall serve in their individual capacities and not as government representatives, nor as representatives of any organization.
11. Panellists shall not receive instructions or be influenced by any State Party when considering matters before them.

Article 11

Terms of Reference of the Panel

1. Panellists shall have the following terms of reference unless the parties to a dispute agree otherwise, within twenty (20) days from the establishment of the Panel:
 - (a) To examine, in the light of the relevant provisions in the Agreement, cited by the parties to the dispute, the matter referred to the DSB by the complaining party; and
 - (b) To make such findings as will assist the DSB in making the recommendations or in giving the rulings provided for in the Agreement.
2. Panels shall address the relevant provisions in the Agreement cited by the parties to the dispute.
3. In establishing a Panel, the DSB may authorize its Chairperson to draw up the terms of reference of the Panel in consultation with the States Parties to the dispute, subject to the provisions of paragraph 1. The terms of reference thus drawn up shall be circulated to all States Parties. If other than standard terms of reference are agreed upon, any State Party may raise any point relating thereto in the DSB.

Article 12

Functions of a Panel

1. The principal function of a Panel is to assist the DSB in discharging its responsibilities under the Agreement.
2. In performing this function, a Panel shall make an objective assessment of the matter before it, including an objective assessment of the facts of the case and the applicability of and conformity with the relevant provisions of the Agreement and make findings to assist the DSB in making recommendations and rulings.
3. The Panel shall consult widely and regularly with the parties to a dispute and give them an adequate opportunity to develop a mutually satisfactory solution.

Article 13

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Third Parties

1. The interests of all parties to a dispute including third parties shall be taken into account during the Panel process.
2. A third party shall, after notification of its substantial interests to the Panel through the DSB, provided that disputing parties agree that the claim of substantial interest is well founded, have an opportunity to be heard and to make written submissions to the Panel.
3. Copies of the submissions shall be served on the parties to the dispute and shall be reflected in the report of the Panel.
4. If a third party considers that a measure already the subject of a Panel proceeding impairs or nullifies benefits accruing to it under the Agreement, that third party may have recourse to normal dispute settlement procedures under this Protocol. Such a dispute shall be referred to the original Panel wherever possible.
5. Third parties shall receive the submissions of the parties to a dispute at the first meeting of the Panel.

Article 14

Procedures for Multiple Complaints

1. Where more than one (1) State Party requests the establishment of a Panel related to the same matter, a single Panel may be established to examine these complaints, taking into account the rights of all States Parties concerned. A single Panel shall be established to examine such complaints whenever feasible.
2. The single Panel shall organize its examination and present its findings to the DSB in such a manner that the rights, which the parties to the dispute would have enjoyed had separate Panels examined the complaints, are in no way impaired. If one of the parties to the dispute so requests, the Panel shall submit separate reports on the dispute concerned. The written submissions by each of the complaining parties shall be made available to the other complaining parties, and each complaining party shall have the right to be present when any one of the other complaining parties presents its views to the Panel.
3. If more than one Panel is established to examine the complaints related to the same matter, to the greatest extent possible the same persons shall serve as Panellists on each of the separate Panels and the timetable for the Panel process in such disputes shall be harmonized.

Article 15

Procedures for the Panel

1. The procedures of the Panel shall provide sufficient flexibility to ensure an effective and timely resolution of disputes by the Panels.
2. After consulting the parties to a dispute, the Panellists shall, within seven (7) days after the composition of the Panel and the determination of its terms of reference, fix the timetable for the proceedings of the Panel. The timetable thus drawn up shall be circulated to all States Parties.
3. In determining the timetable for the proceedings of the Panel, the Panel shall, within ten (10) working days, upon the expiry of the seven (7) days referred to in paragraph 2, set precise time limits for written submissions by the parties to a dispute. Parties to a dispute shall comply with the set time limits.
4. The period in which the Panel shall conduct its business, from the date of establishment of the Panel to the date of issuance of the final report to the parties to a dispute, shall not exceed five (5) months and in cases of urgency, including cases of perishable goods, the period shall not exceed one and a half (1½) months.

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5. Where the parties to the dispute have failed to develop a mutually satisfactory solution, the Panel shall submit its findings in the form of a written report to the DSB. In such cases, the report of the Panel shall set out the findings of fact, the applicability of the relevant provisions and the basic rationale behind any findings and recommendations that it makes.
6. Where a settlement of the matter among the parties to the dispute has been found, the report of the Panel shall be confined to a brief description of the case and to reporting that a solution has been reached.
7. Where a Panel determines that it cannot issue its report within five (5) months, or within one and a half (1½) months in cases of urgency, the Panel shall immediately inform the DSB in writing of the reasons for the delay together with an estimation of the period within which the Panel shall be ready to issue its report. Where a Panel cannot issue a report within the period specified in paragraph 4 of this article, the Panel shall issue the report within nine (9) months from the date of its composition.
8. The reports of the Panel shall be drafted in the absence of the parties to the dispute and shall be based on information and evidence provided by the parties and any other person, expert or institution in accordance with this Protocol.
9. The Panel shall produce a single report reflecting the views of the majority of the Panellists.
10. Without prejudice to the provisions of this article, the Panel shall follow the working procedures specified in the Annex on Working Procedures of the Panel unless the Panel decides otherwise after consulting the parties to the dispute.
11. The Panel shall, at the request of both parties to a dispute, suspend its work at any time for a period agreed by the parties not exceeding twelve (12) months and shall resume its work at the end of this agreed period at the request of the complaining party. If the complaining party does not request the resumption of the Panel's work before the expiry of the agreed suspension period, the procedure shall be terminated. The suspension and termination of the Panel's work are without prejudice to the rights of either party to a dispute in another proceeding on the same matter.

Article 16

Right to Seek Information

1. The Panel shall have the right to seek information and technical advice from any source that it deems appropriate, after informing the relevant authorities of States Parties to the dispute.
2. The Panel shall have the right to seek information and technical advice from any State Party provided that the State Party is not a party to the dispute.
3. Where a Panel seeks information or technical advice from a State Party, such State Party shall, within the time set by the Panel, respond to the request made for such information.
4. Confidential information that is provided shall not be disclosed without formal authorization from the source providing the information.
5. Where a party to a dispute raises a factual issue concerning a scientific or other technical matter, the Panel may request an advisory report in writing from an expert review group with relevant qualifications and experience on the issue.
6. Rules for the establishment of the expert review group and its procedures are set forth in the Annex on Expert Review.

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7. The Panel may seek information from any relevant source and may consult experts to obtain their opinion on any matter that may be brought before it.

Article 17 Confidentiality

1. The deliberations of the Panels shall be confidential.
2. A party to a dispute shall treat as confidential any information submitted to a Panel and designated as such, by another party to a dispute.
3. Nothing in this Protocol shall preclude a party to a dispute from disclosing statements of its own positions to the public.
4. The reports of the Panels shall be drafted without the presence of the parties to the dispute in light of the information provided and the statements made.
5. Opinions expressed in the Panel report by the individual panellists shall be anonymous.

Article 18 Reports of a Panel

1. A Panel shall consider the rebuttal submissions and arguments of the parties to a dispute and issue a draft report containing descriptive sections of the facts and arguments of the dispute, to the parties to a dispute.
2. The parties to a dispute shall submit their comments on the draft report in writing to the Panel, within a period set by the Panel.
3. Taking into account any comments received under paragraph 2 of this article, or on the expiration of the time set for the receipt of comments from the parties to a dispute, the Panel shall issue an interim report to the parties to a dispute, containing descriptive sections and its findings and conclusions.
4. Within a period set by a Panel, any party to a dispute may submit a written request for review of specific aspects of the interim report prior to the issuance and circulation of the final report to the parties to a dispute.
5. At the request of any party to a dispute, the Panel shall hold a meeting with the parties to a dispute on the review of specific aspects of the interim report.
6. Where no comments are received by the Panel within the period set for the receipt of comments on the interim report, the interim report shall be deemed to be the Panel's final report and it shall be promptly circulated to the parties to a dispute and any interested parties and shall be forwarded to the DSB for consideration.
7. The final report of the Panel shall include a discussion of the arguments made at the interim review stage.

Article 19 Adoption of Report of a Panel

1. In order to provide sufficient time for the States Parties to consider the reports of the Panel, the reports shall not be brought up for consideration by the DSB before the expiration of twenty (20) days from the date on which the Panel circulated the report.

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2. States Parties having objections to a Panel report shall give written reasons to the DSB, explaining their objections, which may include discovery of new facts, which by their nature have decisive influence on the decision provided that:

(a) Such objections must be notified to the DSB within ten (10) days prior to a meeting of the DSB at which the Panel report will be considered; and

(b) The objecting party shall serve a copy of the objection with the other parties to the dispute and to the Panel that made the report.

3. Parties to a dispute shall have the right to participate fully in the consideration of the Panel reports by the DSB and their views shall be fully recorded.

4. Within sixty (60) days from the date the final Panel report is circulated to the States Parties, the report shall be considered, adopted and signed at a meeting of the DSB convened for that purpose, unless a party to the dispute formally notifies the DSB of its decision to appeal or the DSB decides by consensus not to adopt the report. If a party to a dispute has notified its decision to appeal, the report by the Panel shall not be considered for adoption by the DSB until after completion of the appeal. The decision of the DSB shall be final except as otherwise provided for in this article.

5. The parties to the dispute shall be entitled to a signed copy of the adopted report within seven (7) days of its adoption.

6. An appeal on the report of the Panel shall be lodged with the DSB within thirty (30) days from the date of communication of the decision to appeal by the State Party to the DSB.

Article 20 Appellate Body

1. A standing Appellate Body (AB) shall be established by the DSB. The AB shall hear appeals from panel cases.

2. The AB shall be composed of seven (7) persons, three (3) of whom shall serve on any one case.

3. Persons serving on the AB shall serve in rotation. Such rotation shall be determined in the working procedures of the AB.

4. The DSB shall appoint persons to serve on the AB for a four-year term, and each person may be reappointed once. Vacancies shall be filled as they arise. A person appointed to replace a person whose term of office has not expired shall hold office for the remainder of the predecessor's term.

5. The DSB shall appoint a person to fill the vacancy within two (2) months from the date the vacancy arose.

6. Where the DSB fails to appoint a person to fill the vacancy within two (2) months, the Chairperson of the DSB in consultations with the Secretariat shall within a period of one (1) month fill the vacancy.

7. The AB shall comprise of persons of recognized authority, with demonstrated expertise in law, international trade and the subject matter of the Agreement generally.

8. Members of the AB shall not be affiliated to any government. The AB shall broadly represent the membership within the AfCFTA. All persons serving on the AB shall be available at all times and on short notice, and shall stay abreast of dispute settlement activities and other relevant activities of the AfCFTA. They shall not participate in the consideration of any disputes that would create a direct or indirect conflict of interest.

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Article 21 Appeals

1. Only parties to the dispute may appeal a Panel report. Third parties which have notified the DSB of a substantial interest in the matter pursuant to paragraph 2 of Article 13 of this Protocol, may make written submissions to, and be given an opportunity to be heard by, the AB.
2. As a general rule, the proceedings shall not exceed sixty (60) days from the date a party to the dispute formally notifies its decision to appeal, to the date the AB circulates its report. In fixing its timetable the AB shall take into account the provisions of paragraph 9 (d) of Article 7 of this Protocol if relevant. Where the AB considers that it cannot provide its report within sixty (60) days, it shall inform the DSB in writing of the reasons for the delay together with an estimate of the period within which it will submit its report. In no case shall the proceedings exceed ninety (90) days.
3. An appeal shall be limited to issues of law covered in the Panel report and legal interpretations developed by the Panel.
4. The AB shall be provided with appropriate administrative and legal support as it requires.
5. The expenses of persons serving on the AB, including travel and subsistence allowance, shall be met from the AfCFTA budget in accordance with the financial rules and regulations of the AU.

Article 22 Procedures for Appellate Review

1. Working procedures shall be drawn up by the AB in consultation with the Chairperson of the DSB and communicated to the States Parties for their information.
2. The proceedings of the AB shall be confidential.
3. The conduct of an appeal under this article shall not exceed ninety (90) days.
4. The reports of the AB shall be drafted without the presence of the parties to the dispute and in the light of the information provided and the statements made.
5. Opinions expressed in the AB report by individuals serving on the AB shall be anonymous.
6. The AB shall address each of the issues raised in accordance with paragraph 3 of Article 21 of this Protocol, during the appellate proceeding.
7. The AB may uphold, modify or reverse the legal findings and conclusions of the Panel.
8. The AB shall produce a single report reflecting the views of the majority of its members.
9. An AB report shall be adopted by the DSB and unconditionally accepted by the parties to the dispute unless the DSB decides by consensus not to adopt the AB report within thirty (30) days following its circulation to the States Parties. This adoption procedure is without prejudice to the right of States Parties to express their views on an AB report.

Article 23 Panel and Appellate Body Recommendations

7. RULES AND PROCEDURES ON SETTLEMENT OF DISPUTES

Where the Panel or the AB concludes that a measure is inconsistent with the Agreement, it shall recommend that the State Party concerned bring the measure into conformity with the Agreement. In addition to its recommendations, the Panel or the AB may suggest ways in which the State Party concerned could implement the recommendations.

Article 24

Surveillance of Implementation of Recommendations and Rulings

1. States Parties shall promptly comply with recommendations and rulings of the DSB.
2. A State Party concerned shall inform the DSB of its intentions in respect of the implementation of the recommendations and rulings of the DSB, at a meeting of the DSB which shall be held within thirty (30) days after the date of adoption of the report by the Panel or the AB.
3. Where a State Party concerned finds it impracticable to comply immediately with the recommendations and rulings of the DSB, the State Party concerned shall be granted a reasonable period in which to comply on the following basis:
 - (a) Period of time proposed by the State Party concerned provided that the DSB approves the proposal; or
 - (b) In the absence of such approval a period mutually agreed by the parties to a dispute within forty-five (45) days of the date of adoption of the report of the Panel and the AB and recommendations and rulings of the DSB; or
 - (c) In the absence of such agreement, a period of time determined through binding arbitration within ninety (90) days after the date of adoption of the recommendations and rulings. In such arbitration, a guideline for the arbitrator should be that the reasonable period of time to implement Panel or AB recommendations should not exceed fifteen (15) months from the date of adoption of a Panel or AB report. However, that time may be shorter or longer, depending upon the particular circumstances.
4. If the parties cannot agree on an arbitrator within ten (10) days after referring the matter to arbitration, the arbitrator shall be appointed by the Secretariat in consultation with the DSB within ten (10) days, after consulting the parties.
5. The Secretariat shall keep the DSB informed of the status of the implementation of decisions made under this Protocol.
6. Except where the Panel or the AB has extended, pursuant to paragraph 7 of Article 15 or paragraph 2 of Article 21 of this Protocol, the time of providing its report, the period from the date of establishment of the Panel by the DSB until the date of determination of the reasonable period of time shall not exceed fifteen (15) months unless the parties to the dispute agree otherwise. Where either the Panel or the AB has extended the time of providing its report, the additional time taken shall be added to the fifteen (15) month period; provided that unless the parties to the dispute agree that there are exceptional circumstances, the total time shall not exceed eighteen (18) months.
7. Where there is disagreement as to the existence or consistency with the agreement of measures taken to comply with the recommendations and rulings, such disagreement shall be decided through recourse to these dispute settlement procedures, including wherever possible resort to the original Panel. The Panel shall circulate its report within ninety (90) days after the date of its establishment. Where the Panel considers that it cannot circulate its report within this time frame, it shall inform the DSB in writing of the reasons for the delay together with an estimate of the period within which it will circulate its report.
8. The DSB shall keep under surveillance the implementation of adopted recommendations or rulings. The issue of implementation of the recommendations or rulings may be raised at the DSB by any State Party at any

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time following their adoption. Unless the DSB decides otherwise, the issue of implementation of the recommendations or rulings shall be placed on the agenda of the DSB meeting after six (6) months following the date of establishment of the reasonable period of time pursuant to paragraph 3 of this article, and shall remain on the DSB's agenda until the issue is resolved.

9. At least ten (10) days prior to each such DSB meeting, the State Party concerned shall provide the DSB with a detailed status report which shall contain among others:

- (a) The extent of the implementation of the ruling(s) and recommendation(s);
- (b) Issues, if any, affecting the implementation of the rulings and recommendations;
- (c) The period of time required by the State Party concerned to fully comply with implementation of the ruling(s) and recommendation(s).

Article 25

Compensation and the Suspension of Concessions or any Other Obligations

1. It is the duty of the States Parties to fully implement the recommendations and rulings of the DSB. Compensation and the suspension of concessions or other obligations are temporary measures available to the aggrieved party in the event that the accepted recommendations and rulings of the DSB are not implemented within a reasonable period of time. Provided that neither compensation nor the suspension of concessions or other obligations is preferred to full implementation of the accepted recommendations. However, compensation is voluntary and, if granted, shall be consistent with the Agreement.

2. The suspension of concessions or other obligations shall be temporary and shall only be applied in as far as it is consistent with this Agreement and shall subsist until such a time as the inconsistency with the Agreement, or any other determined breach is removed, or that the State Party implements recommendations, or provides a solution to the injury caused, or occasioned by the non-compliance, or that a mutually satisfactory solution is reached.

3. In the event that the rulings and recommendations of the DSB are not implemented within a reasonable period of time, the aggrieved party may request the DSB to impose temporary measures which include compensation and the suspension of concessions.

4. If the State Party concerned fails to bring the measure found to be inconsistent with the Agreement into compliance therewith or otherwise comply with the decisions and rulings within the reasonable period of time determined pursuant to paragraph 3 of Article 24 of this Protocol, such State Party shall, if so requested, enter into negotiations with a complaining party, with a view to developing mutually acceptable compensation. If no satisfactory compensation has been agreed upon within twenty (20) days, a complaining party may request authorization from the DSB to suspend the application to the State Party concerned of concessions or other obligations under the Agreement.

5. In considering what concessions or other obligations to suspend, the complaining party shall apply the following principles and procedures:

(a) The general principle is that the complaining party should first seek to suspend concessions or other obligations with respect to the same sector(s) as that in which the Panel or AB has found a violation or other nullification or impairment;

(b) If that party considers that it is not practicable or effective to suspend concessions or other obligations with respect to the same sector(s), it may seek to suspend concessions or other obligations in other sectors under the Agreement;

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(c) If that party considers that it is not practicable or effective to suspend concessions or other obligations with respect to other sectors under this Agreement, and that the circumstances are serious enough, it may seek to suspend concessions or other obligations under the Agreement; and

(d) If that party to a dispute decides to request authorization to suspend concessions or other obligations pursuant to subparagraphs (b) or (c), it shall state the reasons therefor in its request to the DSB.

6. In applying the above principles that party shall take into account:

(a) The trade in the sector under which the Panel or Appellate Body has found a violation or other nullification or impairment, and the importance of such trade to that party; and

(b) The broader economic elements related to the nullification or impairment and the broader economic consequences of the suspension of concessions or other obligations.

7. The level of the suspension of concessions or other obligations authorized by the DSB shall be equivalent to the level of the nullification or impairment.

8. When the situation described in paragraph 4 of this article occurs, the DSB, shall grant authorization to suspend concessions or other obligations within thirty (30) days from the date of request unless the DSB decides by consensus to reject the request. However, if the State Party concerned objects to the level of suspension proposed, or claims that the principles and procedures set forth in paragraph 5 have not been followed where a complaining party has requested authorization to suspend concessions or other obligations pursuant to paragraph 5 (b) or (c) of this article, the matter shall be referred to arbitration. Such arbitration shall be carried out by the original Panel, if Panellists are available, or by an arbitrator appointed by the Chairperson of the DSB and shall be completed within sixty (60) days from the date of appointment of the arbitrator. Concessions or other obligations shall not be suspended during the course of the arbitration.

9. The arbitrator, acting pursuant to paragraph 7 of this article, shall not examine the nature of the concessions or other obligations to be suspended but shall determine whether the level of such suspension is equivalent to the level of nullification or impairment. The arbitrator may also determine if the proposed suspension of concessions or other obligations is allowed under the Agreement. However, if the matter referred to arbitration includes a claim that the principles and procedures set forth in paragraph 3 of this article, have not been followed, the arbitrator shall examine that claim. In the event the arbitrator determines that those principles and procedures have not been followed, the complaining party shall apply them consistent with paragraph 5 of this article. The parties to a dispute shall accept the arbitrator's decision as final and the parties concerned shall not seek a second arbitration. The DSB shall be informed promptly of the decision of the arbitrator and shall upon request, grant authorization to suspend concessions or other obligations where the request is consistent with the decision of the arbitrator, unless the DSB decides by consensus to reject the request.

Article 26

Costs

1. The DSB shall determine the remuneration and expenses of the Panellists, arbitrators and experts in accordance with the financial rules and regulations of the AU.

2. The remuneration of the Panellists, arbitrators and experts, their travel and lodging expenses, shall be borne in equal parts by the parties to a dispute, or in proportions determined by the DSB.

3. A party to a dispute shall bear all other costs of the process as determined by the DSB.

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4. Parties to the dispute shall be required to deposit their share of the Panellists' expenses with the Secretariat at the time of establishment or composition of the Panel.

Article 27 Arbitration

1. Parties to a dispute may resort to arbitration subject to their mutual agreement and shall agree on the procedures to be used in the arbitration proceedings.

2. Parties to a dispute who may have referred a dispute for arbitration pursuant to this article shall not simultaneously refer the same matter to the DSB.

3. Agreement by the parties to resort to arbitration shall be notified to the DSB.

4. Third parties shall be joined to an arbitration proceeding only upon the agreement of the parties to the arbitration proceedings.

5. The parties to an arbitration proceeding shall abide by the arbitration award and the award shall be notified to the DSB for enforcement.

6. In the event of a party to a dispute refusing to cooperate, the complaining party shall refer the matter to the DSB for determination.

7. Arbitration awards shall be enforced in accordance with the provisions of Articles 24 and 25 of this Protocol *mutatis mutandis*.

Article 28 Technical Cooperation

1. Upon request from a State Party, the Secretariat may provide additional legal advice and assistance in respect of dispute settlement, provided that this shall be done in a manner that ensures the continued impartiality of the Secretariat.

2. The Secretariat may organize special training courses for interested States Parties concerning dispute settlement procedures and practices to enable States Parties to develop expert capacity on the Dispute Settlement Mechanism.

Article 29 Responsibilities of the Secretariat

1. The Secretariat shall have the responsibility of assisting Panels, especially on legal, historical and procedural aspects of the matter dealt with, and of providing secretarial support.

2. The Secretariat shall facilitate the constitution of Panels in accordance with this Protocol.

3. In order to accomplish the functions under Article 28 of this Protocol, the Secretariat shall avail experts with extensive experience in international trade law to assist the Panellists.

4. The Secretariat shall undertake such other functions and duties as may be required under the Agreement and in support of this Protocol.

5. The Secretariat shall be responsible for all relevant notifications to and from the DSB and States Parties.

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Article 30 Rules of interpretation

The Panel and the AB shall interpret the provisions of the Agreement in accordance with the customary rules of interpretation of public international law, including the Vienna Convention on the Law of Treaties, 1969.

Article 31 Amendment

This Protocol shall be amended in accordance with Article 29 of the Agreement.

8.

STATUTE OF THE AFRICAN INSTITUTE FOR REMITTANCES (AIR)

**Adopted in Addis Ababa, Ethiopia, on 29 January 2018.
Entered into force upon adoption.**

Preamble

We, the Member States of the African Union,

Mindful of the Executive Council Decision EX.CL/Dec.683 (XX) in January 2012, which acknowledges the establishment of an African Institute for Remittances (AIR) will facilitate remittances leverage for economic and social development in Africa,

Bearing in mind the resolution (Resolution 892 (XLV)) of the Fifth AU-ECA Joint Annual Meeting of the AU Conference of Ministers of Economy and Finance and the ECA Conference of African Ministers of Finance, Planning and Economic Development, in March 2012, which recognized remittances, if well harnessed and formulated, could contribute to growth and development in Africa,

Acknowledging the Declaration of the Global African Diaspora Summit, in Sandton, Johannesburg, South Africa, on 25 May 2012, (Diaspora/Assembly/AU/Decl. (I)) that adopted the African Institute for Remittances as one of the five Legacy Projects of the African Union,

Recalling our Decision (Assembly/AU/Dec.440 (XIX)) adopted during the Nineteenth Ordinary Session in July 2012, which endorsed the establishment of the African Institute for Remittances,

Considering the Executive Council Decision EX.CL/Dec. 808 (XXIV) in January 2014, that accepted the offer of the Republic of Kenya to host the African Institute for Remittances (AIR),

Hereby agree as follows:

Article 1 Definitions

1. In this Statute:

“AIR” means the African Institute for Remittances;

“Assembly” means the Assembly of Heads of State and Government of the African Union;

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“AU” or “Union” means the African Union established by the Constitutive Act of the African Union adopted by the Heads of State and Government of the Organization of African Unity (OAU) in Lomé, Togo, in July, 2000;

“Board” means the Governing Board of the AIR;

“Constitutive Act” means the Constitutive Act of the African Union adopted by the Heads of State and Government of the Organization of African Unity (OAU) in Lomé, Togo, in July, 2000;

“Commission” means the Commission of the African Union;

“Development partners” means the multilateral institutions, development agencies, donors, foundations and others that have contributed financially or otherwise to the establishment and continue supporting the Institute;

“Executive Council” means the Council of Ministers of the African Union;

“Forum” means the Consultative Forum of the AIR;

“Host country” means the Government of the Republic of Kenya;

“Institute” means the African Institute for Remittances (AIR);

“Member State” means a Member State of the African Union;

“Policy organs” means the Assembly, the Executive Council and the Permanent Representatives Committee (PRC) of the African Union;

“Private sector” means the remittances service providers (RSPs), i.e., banks, telecoms, money transfer operators (MTOs), non-bank financial institutions such as microfinance institutions, saving and credit cooperatives (SACCOs) and post offices;

“Remittances” means transactions between residents and non-residents involving financial and non-financial items that represent foreign income to households of an economy from households or entities of another economy;

“Secretariat” means the AIR Secretariat;

“Stakeholders” means organizations, individuals and/or anyone who has an interest in African remittances and/or in the African Institute for Remittances (AIR);

“Statute” means the present Statute of the African Institute for Remittances;

“STC” means the AU Specialized Technical Committee on Finance, Monetary Affairs, Economic Planning and Integration.

2. In this Statute, words expressed in the singular term shall be construed to include the plural and vice versa.

Article 2

Establishment of the African institute for Remittances

1. The AIR is hereby established as a Specialized Technical Office of the Commission.

2. The objectives, structure, mandate and functions of the AIR shall be defined as herein in the Statute.

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Article 3 Legal Status of AIR

The AIR shall possess full juridical personality and, in particular, full capacity:

- (a) To enter into agreements with members, non-members and other international organizations;
- (b) To contract;
- (c) To acquire and dispose of immovable and movable property; and
- (d) To institute and to respond to legal proceedings.

Article 4 Objectives

The objectives of the AIR shall be to:

- (a) Improve the statistical measurement, compiling and reporting capabilities of Member States on remittances data;
- (b) Promote appropriate changes to the legal and regulatory frameworks for remittances, payment and settlement systems as well as use of innovative technology so as to promote greater competition and efficiency, resulting in reductions of transfer costs;
- (c) Leverage the potential impact of remittances on social and economic development of Member States, as well as promoting financial inclusion.

Article 5 Functions and Activities of the AIR

1. In order to attain the above objectives, the AIR shall function in accordance with the provisions of this Statute.
2. The functions and activities of the AIR shall be to:
 - (a) Assist Member States, remittance senders and recipients and other stakeholders to develop and implement concrete strategies and operational instruments to leverage remittances as development tools for poverty eradication;
 - (b) Provide technical assistance to government institutions (central banks, ministries, financial and non-financial institutions) on establishing and operating the necessary regulatory frameworks on remittances;
 - (c) Promote adoption and implementation of the General Principles for International Remittance Services (GPs) by Member States, including transparency and consumer protection, an accessible payment systems infrastructure, an enabling legal and regulatory environment, a balanced market structure and competition as well as sound governance and risk management;
 - (d) Conduct empirical research on remittance markets, to address the main market inefficiencies and explore best practices in the area of remittances and disseminate findings;
 - (e) Collect and disseminate data on remittances and manage the remittances price database including Send Money Africa (SMA);

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- (f) Engage with private sectors players to address market failure, particularly to act as a catalyst in fostering investment in remittances, innovating in service delivery and promoting technology usage by remittance service providers (RSPs) including non-bank financial institutions;
- (g) Improve capacities of non-bank financial institutions to strengthen their ability to offer remittance services in rural areas;
- (h) Foster effective ways of networking, coordination and cooperation among Member States and stakeholders to address remittances issues in a more strategic and programmatic manner;
- (i) Enable development of content and technology platforms for country-based payment and settlement systems for remittances;
- (j) Promote policies that improve the development impact of remittances;
- (k) Establish an information center on remittances in Africa;
- (l) Establish partnerships with remittances sending countries to facilitate the transfer and management of remittances, to address existing challenges and to harmonize bilateral or multilateral policies and agreements.

Article 6

Governance of the AIR

The AIR shall be governed by the following bodies:

- (a) The Governing Board;
- (b) The Consultative Forum;
- (c) The Secretariat.

Article 7

The Governing Board (The Board)

1. The Board shall oversee the management of the AIR.
2. The Board shall meet in ordinary session once every year.
3. The Board may also be convened in an extraordinary session, in conformity with its rules of procedure, subject to availability of funds, at the request of:
 - (a) One half of its members;
 - (b) The policy organs of the Union; or
 - (c) The Secretariat, in the event of a situation that necessitates holding of the Board meeting.

Article 8

Board Composition Tenure of Office

1. The Board shall be composed of 11 members, as follows:

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- (a) Five ministers of finance and economic planning representing the five regions of the African Union nominated by their regions, failing which they shall be nominated by the STC;
 - (b) A representative of the Commission;
 - (c) A representative of the host country;
 - (d) Two governors of central banks representing the Association of African Central Banks (AACB);
 - (e) A representative of the African private sector;
 - (f) Chairperson of the Consultative Forum.
2. The Legal Counsel of the Commission or his/her representative shall be a non-voting member of the Board to provide legal advice as may be required.
3. The Board may invite such expertise, from relevant professionals, as may be necessary.
4. The Executive Director of the AIR shall act as the Secretary of the Board.
5. Where applicable, the term of office of members of the Board shall be a non-renewable period of three years.
6. The Board shall elect from among its members, one of the five ministers as its Chairperson, on a regional rotational basis for three years.
7. In the event of the Chairperson vacating his/her position before the expiration of his/her tenure of office for whatever reason, he/she shall be replaced by a minister to be designated by his/her region.

Article 9 Functions of the Board

The functions of the Board shall be to:

- (a) Examine and consider the plan of action and activities of the AIR;
- (b) Provide strategic guidance to the Secretariat;
- (c) Oversee the management of the AIR;
- (d) Adopt its own rules of procedure and the rules of procedure of the Forum;
- (e) Recommend amendments to this Statute;
- (f) Ensure that the remittances agenda is integrated with the continental, regional and national development strategy;
- (g) Assist the Secretariat in mobilizing funds;
- (h) Submit annual reports to the policy organs on implemented activities and achievements of the AIR.

Article 10 Quorum and Decision-Making Procedures of the Board

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1. The quorum for Board meetings shall be two thirds of the total membership of the Board.
2. The Board shall adopt its own rules of procedure.

Article 11

The Consultative Forum (The Forum)

The Forum shall serve as an advisory and technical body of the AIR.

Article 12

Composition and Tenure of the Forum

1. The Forum shall be composed of 23 members as follows:
 - (a) Two representatives of the Commission;
 - (b) Five representatives from the diaspora/migrant organizations representing each of the five regions of the African Union;
 - (c) Five representatives from development partners;
 - (d) Three representatives from the private sector (banks, money transfer operators, etc.) organizations;
 - (e) Five representatives from the Association of African Central Banks (AACB);
 - (f) A representative from the host country.
2. The Executive Director of the AIR shall serve as the Secretary of the Forum.
3. The Forum may invite such expertise from relevant stakeholders as necessary.
4. Members of the Forum shall serve for a non-renewable term of three years.
5. The Forum shall elect its own Chairperson and Vice-Chairperson by a simple majority and they shall serve for a non-renewable term of three years and two years respectively.

Article 13

Functions of the Forum

The functions of the Forum shall be to:

- (a) Recommend strategic/activity plans to the Board and the Secretariat;
- (b) Advise the Board and the Secretariat on emerging issues and other related matters on remittances;
- (c) Advise the Board and the Secretariat on the implementation of decisions by the policy organs.

Article 14

Meetings, Quorum, and Decision-Making Procedures of the Forum

1. The quorum for the Forum meetings shall be two thirds of the total membership of the Forum.

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2. The Forum shall adopt its own rules of procedure.

Article 15 The Secretariat

1. The AIR shall be managed and administered by an Executive Director.
2. The Executive Director shall be appointed by the Commission on the approval of the Board and shall serve for a period of four years.
3. The Executive Director shall not serve for a period of more than two terms.
4. Under the supervision of the Director for Social Affairs of the Commission, the Executive Director shall be responsible for:
 - (a) The implementation of the decisions of the policy organs of the Union and the Board of the AIR;
 - (b) The implementation of the Statute of the AIR, as well as, other conventions and decisions of the Governing Board of the AIR;
 - (c) The preparation of the annual budget of the AIR;
 - (d) Overseeing the recruitment process of staff members, pursuant to the Staff Regulations and Rules of the Commission except for the appointment of the Executive Director as stipulated in this Statute.

Article 16 Functions of the Executive Director

The functions of the Executive Director shall be to, inter alia:

- (a) Direct and supervise the overall management of the AIR;
- (b) Act as authorizing officer of the AIR;
- (c) Act as the AIR's official representative;
- (d) Implement directives from the Board and the Commission as may be applicable;
- (e) Prepare and submit to the Board and the Commission the annual activity programmes, budget, financial statements and operational report of the AIR;
- (f) Propose to the Board strategic alliances and partnerships for the joint execution of programmes and activities with development partners as well as mobilization of funding;
- (g) Organize the collection and dissemination of remittance related researches;
- (h) Ensure the production and publication of the periodical bulletin of the AIR;
- (i) Oversee the execution of the Host Country Agreement;
- (j) Act as Secretary of the Board;
- (k) Perform any other functions as may be assigned in line with the objectives of the AIR.

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Article 17 Budget

1. The budget of the AIR shall be within the budget of the Union.
2. In addition to the regular budget of the Union, other sources of funding the AIR may include:
 - (a) Voluntary contributions from AU Member States and partners;
 - (b) Contributions from development partners of the Union and the Commission;
 - (c) Contributions from the private sector;
 - (d) National and regional financial institutions and other financing mechanisms;
 - (e) AU Science, Technology and Innovation Fund when established; and
 - (f) Any other source of funding in accordance with AU Rules.
3. The budget calendar of the AIR shall be that of the Union.

Article 18 Headquarters of AIR

1. The headquarters of the AIR shall be in Nairobi, Republic of Kenya.
2. The Host Country Agreement shall govern the relations between AIR and the host country.
3. The Secretariat may authorize the convening of meetings and conferences in the territory of any Member State at the invitation of that Member State.

Article 19 Code of Conduct

1. In the performance of their duties, the Executive Director and any other staff of the AIR shall not accept nor receive instructions from any government or any authority other than the AIR.
2. Each Member State shall undertake to respect the exclusive nature of the responsibilities of the Executive Director and any other staff member of the AIR and shall not influence or seek to influence them in the performance of their duties.
3. The Executive Director and the other staff of the AIR shall not, in the discharge of their duties, engage in any activity or conduct incompatible with the proper discharge of their duties. They are required to avoid conflict between professional and personal interests or obligations sufficient to influence the impartial exercise of their official duties or responsibilities.
4. Where the Executive Director of the AIR fails to comply with his/her obligations, an ad hoc committee approved by the Governing Board shall provide an appropriate report and recommendations for its consideration and decision.

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5. Where a staff member fails to comply with his/her obligations, the internal procedures referred to in the Statute and the AU Staff Rules and Regulations shall be applied. The staff member concerned shall have the right to appeal in accordance with the Staff Rules and Regulations.

6. The Executive Director and other staff of the AIR may accept, on behalf of the Commission, gifts, bequests and other donations made to the AIR, provided that such donations are consistent with the objectives and principles of the AIR and shall remain the property of the AIR.

Article 20

Relation with Member States, Development Partners and Other Stakeholders

1. In carrying out its functions, the AIR shall dedicate necessary resources to building partnerships aimed at improving the effectiveness of its operations.

2. Within the African continent, the AIR shall maintain working ties with development partners and stakeholders, particularly with international financial institutions, diaspora and civil society organizations, Regional Economic Communities (RECs), private sector players and other organs of the Union in pursuit of its purposes.

3. The AIR shall develop partnerships with Member States' central banks and shall also coordinate its operations with regional and continental institutions that finance development projects across Africa.

4. In pursuance of its objectives, the AIR shall closely cooperate with international financial institutions and such cooperation shall strive to ensure synergy and partnership.

5. The AIR may be requested by the Member States, the RECs, the Commission, other organs of the Union, and international organizations to provide scientific or technical assistance in any field within its competence.

Article 21

Privileges and Immunities

The AIR shall enjoy in the territory of the host country, the privileges and immunities specified in the General Convention on Privileges and Immunities of the Organization of African Unity adopted in Accra, Ghana, on 25 October 1965.

Article 22

Amendments

1. The present Statute may be amended by the Assembly upon the recommendation of the STC.

2. The amendments shall enter into force upon their adoption by the Assembly.

Article 23

Working Languages

The working languages of the AIR shall be those of the AU.

Article 24

Entry into Force

The present Statute shall enter into force upon its adoption by the Assembly.

PART XIII

AGRICULTURE, ENERGY, SCIENCE AND TECHNOLOGY

1. AFRICAN TECHNICAL COOPERATION PROGRAMME

1.

INTER-AFRICAN CONVENTION ESTABLISHING AN AFRICAN TECHNICAL COOPERATION PROGRAMME

Adopted in Kampala, Uganda, on 1 August 1975.

The Convention shall enter into force thirty days after the deposit of the tenth instrument of ratification.

We, the African Heads of State and Government, meeting in ordinary session at Kampala, Uganda, from 28 July to 1 August 1975,

Having regard to the Charter of the Organization of African Unity, particularly to Article II, paragraph 1 (a) and (b),

Considering the fact that cooperation among African countries in the deployment of their human resources is vital and will contribute to the promotion of closer solidarity and economic development among their peoples,

Convinced that contact between the experts of African countries will reinforce the mutual understanding between the peoples of Africa and contribute to the attainment of African unity,

Considering that in some African countries, there are a number of specialists who could be of service to other countries suffering from the shortage of specialized personnel,

Convinced that the establishment of an African Technical Cooperation Programme is the most appropriate method of promoting the employment of African specialists by African States,

Have agreed to establish an Inter-African Technical Cooperation Programme (hereinafter referred to as "the Programme") whose implementation shall be governed by the following provisions:

Chapter I

Aim and Objective of the Programme

Article 1

The African Technical Cooperation Programme, without prejudice to other technical cooperation programmes designed for Africa and organized by countries inside or outside the continent, shall seek to:

- (a) Enable African countries with a sufficiency of skilled personnel to make this available to African countries which need them;
- (b) Facilitate comparison of scientific and technological knowledge as well as of experiments and experience relating to development among African countries;
- (c) Give African experts the possibility of further developing their expertise by tackling problems in the host countries;
- (d) Create and encourage the spirit of cooperation and solidarity among African countries.

Article 2

The African Technical Cooperation personnel (hereinafter referred to as "experts") who are the object of the programme shall include:

Senior cadres with university degrees or equivalent qualifications, and professional experience;

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Semi-specialized staff.

Chapter II Recruitment Formalities and Duration of Service under the Programme

Article 3

Any Party to the present Convention which desires to secure the services of an expert shall submit a request to the General Secretariat of the OAU (hereinafter referred to as "Secretariat") at least six months before the expert is due to begin work. The request shall include the following:

- (a) A clear and precise description of the job to be performed by the expert;
- (b) The qualifications and experience the expert should have;
- (c) The place of assignment and agency and/or department to which the expert will be attached;
- (d) The probable duration of the expert's services;
- (e) Conditions of service.

The offer of the expert's services may only be validly recorded by the General Secretariat of OAU after the agreement of the Government of which he is a national, and through this Government.

Article 4

As regards the duration of the expert's services, there shall be two main types of contracts, as follows:

- (a) A medium-term contract (from 6 to 12 months);
- (b) A long-term contract (over 1 year).

Notwithstanding any Party signatory to the present Convention may request the employment of an expert for a period of less than 6 months for assignment to a special mission or as a consultant. The formalities and procedure governing these short-term contracts shall be identical with those set out in Article 3.

Article 5

Any Government of an OAU Member State, Party to this Convention, that is desirous of using the services of an expert from another Member State shall conclude an agreement with the latter's Government determining the conditions of service of the expert. However, in the case of an expert from a country still under (foreign) domination, the agreement shall be signed between the recipient State and the Secretary-General of the OAU.

Article 6

During their assignment and in discharging their duties, the experts shall be responsible solely to the Governments of States which have recruited them.

Article 7

Subject to the formal agreement of the Government of the State which is the expert's country of origin, or that of the Secretary-General of OAU, should the expert be a national of a country still under (foreign) domination the duration of the contracts governing the experts may be either renewed or extended.

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Requests for the renewal or extension of the duration of the expert's services shall be made by the Government of the host country, shall state the motives and give an indication of the proposed renewal or extension at least three months before the expiration of the initial contract.

The opinion of the Government of the expert's country of origin on the renewal or extension of the duration of the contract must be received at least a month before the expiration of the initial contract, failing which the conditions set out in the first paragraph above shall be regarded as having been fulfilled.

Article 8

The Government of the country which enjoys the services of an expert in consultation with the Government of his country of origin, or the Secretary-General of OAU, should the expert be a national of a country still under (foreign) domination, may terminate the expert's contract before the date of its expiration:

- (a) If the services and conduct of the expert are unsatisfactory;
- (b) If the expert participates in activities prohibited in the country;
- (c) If the expert's health is such that he can no longer discharge the duties for which he was employed.

The General Secretariat of OAU shall be kept informed of the arrangements made with regard to the expert.

Article 9

Any expert recruited for a period of over a year shall, in the event of his contract being terminated before the date of its expiration, be given at least 60 days' notice in writing.

For contracts under a year but exceeding three months, the notice given shall be at least 30 days in advance.

In any event, the letter of notification shall state the reasons for breaking the expert's term of service.

Article 10

Apart from the cases provided for in Article 8, any expert engaged for a given period shall complete the term of his contract. In particular the Government of the expert's country of origin may not recall him before the expiration of his contract. However, under exceptional circumstances and after approval of both Governments, the Government of the country of origin may recall the expert.

Chapter III

Salaries, Allowances and Other Perquisites

Article 11

Any expert employed under the Programme shall be paid a salary commensurate with his qualifications and experiences on the basis of common agreement between the two Governments.

Article 12

Any Government which enjoys the services of an expert under the Programme, shall undertake to:

- (a) Secure a furnished dwelling-house for the expert and his family or pay him a housing allowance which shall be established in advance;

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- (b) Exempt the expert from the payment of tax and other fiscal charges that apply to emoluments paid by his country of origin;
- (c) Cover the cost of missions undertaken by the expert in the discharge of his duties or pay him the consequent daily allowances.

Article 13

- (a) The expert is entitled to sick leave on full salary within the limits imposed under the terms and conditions established in the agreement between the recipient country and the donor country.
- (b) Medical care shall be made available to the expert and his dependants under the Programme or their medical expenses shall be reimbursed by the recipient Government.
- (c) The term "dependant" shall be interpreted according to the host country's legislation.

Chapter IV Privileges and Immunities

Article 14

Any Government enjoying the services of an expert under the Programme shall undertake to:

- (a) Exempt the expert from any obligation in connection with national service;
- (b) Authorize the expert and his family to enter and leave the country at any time and supply him with work and residence permits free of charge;
- (c) Exempt the expert from the payment of customs import and export duties for personal effects imported by him within six months of his arrival in the country subject to the re-exportation of these articles at the end of his term of duty. The term "personal effects" shall include the following articles: personal and household effects, instruments and equipment needed for the discharge of his duties. The six months' time limit shall be waived in exceptional cases;
- (d) Authorize the expert to import or purchase a duty-free car;
- (e) Without prejudice to the issuing of special identification documents to the expert by the host country, the General Secretariat of the OAU shall also devise and issue a Laissez-Passer to the expert which would enable him to enjoy the protection of the national authorities in the exercise of his duties.

Article 15

1. In the event of injury, occupational illness or death arising out of and in the course of the performance of his duties, the expert or his nearest of kin shall be entitled to compensation paid by the Host Government.
2. In the event of damage caused to a third party by an expert in the discharge of the duties assigned to him under the Programme, the Government of the host country shall be entirely responsible in and on his behalf unless it is expressly proved that he has been guilty of a deliberate intent, a grave error or gross negligence.

Article 16

Any expert engaged under the Programme shall have the right to transfer to his country of origin:

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- (a) Fifty per cent of any local earnings per annum for the duration of his contract;
- (b) The full amount of any accumulated savings during service at the end of his contract.

The Government of the recipient country shall undertake to authorize the purchase of foreign currency necessary to carry out the transactions referred to above.

Chapter V Annual Leave and Home Leave

Article 17

Any expert engaged under the Programme shall be entitled to a month's annual leave per annum. Leave-taking shall be subject to the exigencies of the service and the expert may be required to take his leave during a period determined by the authorities of the host country.

Provisions shall be made for delays en route according to the geographical position of the country of origin, it being understood that the expert shall take the most direct route.

Annual leave may be accumulated, but no expert may carry forward more than two months of annual leave.

Article 18

Any expert serving under the Programme shall be entitled to home leave once in two years:

- (a) Provided he is employed for a period of three (3) years at least;
- (b) Provided, if he is engaged for a period of two (2) years, his contract is extended for another year at least.

The country where home leave is spent shall be the expert's country of origin, or in the case of experts from countries still under (foreign) domination, any country of their choice.

Chapter VI Travel Expenses of the Expert and His Dependants

Article 19

The country enjoying the services of an expert under the Programme shall pay or reimburse the travel expenses of the expert under the following circumstances:

- (a) On engagement;
- (b) When the expert goes on a mission;
- (c) When he proceeds on home leave;
- (d) When his services come to an end;
- (e) When the expert dies.

Article 20

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The host country shall pay or reimburse the travel expenses of the dependants of the expert engaged under the Programme:

- (a) On engagement provided the expert is recruited for a period of at least one year and the journey is undertaken by his dependants more than six months before the end of the expert's contract;
- (b) When the expert goes on home leave, provided his dependants accompany him or travel separately;
- (c) When the services of the expert come to an end;
- (d) When any one of his dependants dies.

Article 21

The travel expenses to be met or reimbursed by the host country under this Convention shall be:

- (a) Transport costs (cost of ticket) plus ten kilograms of excess baggage;
- (b) Any unforeseen but justified expenses in the course of the journey excluding expenses on excess baggage.

Experts shall avoid any expenditure which an individual travelling on his own account deems unreasonable.

Article 22

The host country shall meet or reimburse the expenses for the removal of an expert's personal effects:

- (a) On first contract of at least two years provided that the interested party has over a year's service still to run in the country after the expected date for the arrival of his personal effects;
- (b) When his services end, provided the interested party has been engaged for at least two years or has completed at least two years' continuous service and his personal effects are removed in the course of the year following the end of his service.

The maximum amount of personal effects for shipment which will vary according as to whether the expert is alone or accompanied by his family, as well as the mode of transport, shall be determined by the recipient country in advance.

Personal effects shall be carried in the manner the host country deems most economical.

Chapter VII Miscellaneous Provisions

Article 23

A Bureau for this technical cooperation (hereinafter referred to as "the Bureau") shall be established within the General Secretariat of the OAU. The Bureau shall undertake consultation with Member States, the United Nations and its specialized agencies and the different Regional Economic Communities for the implementation of this programme.

Article 24

The functions of the Bureau shall be as follows:

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- (a) To collect, classify, and disseminate information concerning specialists available for the Programme;
- (b) To post all applications for experts from the Member States;
- (c) To assist in the choice of candidates on the established lists and to made their *curricula vitae* available to the Member States;
- (d) To facilitate all negotiations between the country of origin of the expert and the host country.

Article 25

A technical cooperation fund shall be set up at the level of the Organization of African Unity in order to achieve the aims and objectives of the Programme as defined in Article 1 of Chapter I. Methods of endowment of management and the nature of the appropriations are to be governed by decision of the Assembly of Heads of State and Government.

Article 26

Contracts that shall be signed between the host country and the country of origin concerning the recruitment of an expert shall be in four copies:

One copy to be deposited at the General Secretariat;

One to be given to the expert;

Two others shall each be kept by the two Governments.

The two copies shall be originals.

Chapter VIII Settlement of Disputes

Article 27

Any dispute between the host Government and the Government of the expert's country of origin, which cannot be settled by any other means shall, at the request of one of the parties to the dispute, be submitted to an appropriate body of the Organization of African Unity.

Chapter IX Signature and Ratification, Entry into Force

Article 28

1. This Convention, which shall be permanent, is open for signature and adherence by all Member States of the Organization of African Unity and shall be ratified by the signatory States in accordance with their respective constitutional provisions. The instruments of ratification shall be deposited with the Secretary-General of the Organization of African Unity.

2. The Convention shall come into force 30 days after the date of the receipt of the tenth instrument of ratification.

3. For all subsequent signatories, the entry into force shall be 30 days after the date of deposit of their instruments of ratification.

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Article 29 Accession

1. All Member States of the Organization of African Unity may accede to this Convention.
2. Accession shall be by way of the deposit of an instrument of accession at the General Secretariat of the Organization of African Unity. It shall come into force 30 days after the date of the deposit.

Article 30 Termination of Adherence

Any Member State, party to this Convention, may decide to withdraw from this Convention by notice in writing to the Secretary-General of the Organization of African Unity. This withdrawal shall come into force six months after the date of the receipt of the notice, by the Secretary-General of the Organization.

Article 31 Information

The Secretary-General of the Organization of African Unity shall notify the Member States of the Organization of:

- (a) The receipt of all instruments of ratification or accession;
- (b) The date on which this Convention comes into force;
- (c) All notices of withdrawal received by virtue of Article 27 of this Convention and the dates they take effect.

2.

CONVENTION FOR THE ESTABLISHMENT OF THE AFRICAN CENTRE FOR FERTILIZER DEVELOPMENT

Adopted in February 1981.

The Convention shall enter into force on the date when the instruments of ratification or accession have been deposited by the Host State and at least five other States.

Preamble

The Contracting Parties, being simultaneously Member States of the Organization of African Unity (hereinafter referred to as "the OAU"),

Realizing that the Charter of the Organization of African Unity states that one of the purposes of the OAU is for its Member States to "coordinate and intensify their cooperation and efforts to achieve a better life for the people of Africa" and that, to this end, Member States are enjoined to harmonize their general policies in various fields, including nutritional, scientific and technical cooperation",

Conscious of the significant role that the OAU has to play in the economic development of the African region,

Having regard to the advantages for the African region to be derived from the effective and continuous exchange of information and coordination of activities in the field of agriculture, especially as regards food production,

Noting that agricultural production in Africa has declined significantly,

Realizing that fertilizers constitute one of the essential factors for increased agricultural production in Africa,

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Noting that the training of technicians, technologists and related manpower in the manufacture and marketing of fertilizers in Africa is grossly inadequate,

Considering the drought and famine situation in Africa,

Recalling the various resolutions of the Council of Ministers of the OAU calling for the establishment of an African Centre for Fertilizer Development,

Recognizing that the creation of an African Centre for Fertilizer Development would contribute to the stabilization and improvement of agriculture in Africa and thus fulfil one of the objectives of the Lagos Plan of Action,

Have agreed as follows:

Article I Establishment of the Centre

The African Centre for Fertilizer Development (hereinafter referred to as the "Centre") is hereby established and shall operate and be governed according to the provisions of this Convention.

Article II Objectives and Functions

1. The specific objectives of the Centre shall be:

- (a) To serve as a regional international centre to achieve technology transfer for improved fertilizer production in the industry in Africa;
- (b) To conduct and support research, develop, promote, and demonstrate the role that fertilizers must play for improved agriculture and fertilizer management practice;
- (c) To encourage and provide support to the fertilizer sector of Africa;
- (d) To develop cooperation and collaborative projects with other national, regional and international institutes in the adaptation, testing, and demonstration of improved fertilizers and fertilizer knowledge; and
- (e) To conduct, foster and support training in all aspects of the fertilizer sector and other fertilizer-related activities for the furtherance of its objectives.

2. For the achievement of its objectives enumerated in paragraph 1(a) to (e) of the Article, the Centre shall:

- (a) Endeavour to improve and stabilize the agriculture of Africa through the proper production and use of fertilizers; and to make the maximum use of the indigenous materials and resources of Africa for industrial production, provided it is economically and technically feasible;
- (b) Conduct activities of research, development, technical assistance and training at the Headquarters of the Centre as well as throughout Africa, in cooperation with other international and national entities that have similar or related objectives;
- (c) Make recommendations to its Member States on various aspects of fertilizer technology and development;

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- (d) Arrange contacts and organize meetings for African Governments and businessmen concerned with the fertilizer industry and its related aspects.

Article III Seat

The seat of the Centre shall be at Harare, Zimbabwe.

Article IV Membership

Membership of the Centre shall be open to all States which are members of the OAU and which ratify or accede to this Convention in accordance with Article XVII of this Convention.

Article V Obligations of Member States

1. Member States shall cooperate in every possible way to assist the Centre in achieving its objectives. They shall in particular:
- (a) Facilitate the collection, exchange and dissemination of information;
 - (b) Make available training and research facilities on such terms and conditions as may from time to time be agreed with the appropriate organs of the Centre.

Article VI Structure and Organization of the Centre

The organs of the Centre shall be:

- (a) The Board of Directors of the Centre;
- (b) The Executive Committee;
- (c) Such other bodies as shall be established by the Board of Directors of the Centre.

Article VII The Board of Directors

1. The Board of Directors shall consist of not more than the following thirteen members:
- (a) One representative of the OAU who shall be a scientist appointed by the OAU Secretary-General, and who shall be Chairman for a three-year renewable term. The post of Chairman shall not be remunerable;
 - (b) One representative from each of the five OAU subregions of Africa, appointed by the OAU Secretary-General in consultation with the States concerned;
 - (c) One representative of the Executing Agency;
 - (d) Up to three representatives of the donors and international agencies involved;
 - (e) One representative of the Host Government;

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- (f) The Executive Secretary of the United Nations Economic Commission for Africa or his representative;
 - (g) The Managing Director, who shall be appointed by the Board of Directors and shall concurrently serve as the representative of the Executive Agency.
2. The Board Members shall have experience, qualifications and recognized competence in the disciplines related to the objectives of the Centre in either natural or social sciences, administration or finance.
 3. All Board Members, other than the Managing Director, shall be appointed for three-year terms with the exception of the Members of the first Board, one-third of whom shall be appointed for one year, one-third for two years and one-third for three years.
 4. When the office of a Board Member becomes vacant by reason of retirement, death, incapacity, or other such cause, or when the term expires, the party whom he represents may, as may be appropriate, appoint a new representative for the remainder of the term or the same person for a further term.

Article VIII Functions of the Board of Directors

1. The functions of the Board of Directors shall be to:
 - (a) Elect a Vice Chairman from among its membership;
 - (b) Appoint the Managing Director of the Centre on such terms and conditions as it considers appropriate;
 - (c) Determine policies for the operation of the Centre and establish employment policies and conditions for the staff members of the Centre on an international basis without discrimination as to nationality, origin, sex or any other consideration other than qualifications, merit and experience;
 - (d) Lay down general standards and guidelines for the management and development of the Centre;
 - (e) Establish and adopt the general guidelines for the preparation of the financial affairs of the Centre in general, as is consistent with sound budgetary and accounting procedure;
 - (f) Review and approve the annual reports on the activities of the Centre as well as its audited accounts;
 - (g) Publish within a reasonable period after the termination of each operational year, a report relating to the activities of the Centre for that year, including the financial statements of the Centre and the external auditor's report thereon;
 - (h) Establish such subregional centres that it deems necessary and delegate any of its functions to them;
 - (i) Establish rules of procedure for the conduct of its meetings, including the general governance of the centre's affairs.
2. The Board may constitute such advisory, standing and other Committees as it may consider necessary.
3. (a) The Board shall meet at least once annually.
 - (b) The Annual Meeting of the Board shall be held at the Headquarters of the Centre unless the Board determines that because of special circumstances a particular meeting should be held elsewhere.

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(c) Meetings other than Annual Meetings shall be held at such times and places as the Board deems necessary.

Article IX The Executive Committee

1. The Executive Committee shall:
 - (a) Consist of the Chairman, Vice Chairman, Managing Director and at least one other Board Member elected annually by the Board of Directors;
 - (b) Have the power to act on behalf of the Board between Board meetings on all matters which the Board delegates to it;
 - (c) Report all its actions to the full Board at subsequent meeting of the latter.
2. The Chairman of the Board or his nominee shall be the Chairman of the Executive Committee.
3. Three members of the Executive Committee present at a meeting of the Executive Committee shall constitute a quorum.

Article X National Associations for Fertilizer Technology and Development

Any State which becomes a Member of the Centre shall designate, as soon as is practicable, a national institution as its National Association for Fertilizer Technology.

Article XI The Managing Director

1. The Centre shall have a Managing Director appointed by the Board of Directors as the Chief Executive of the Centre.
2. The Managing Director shall be the legal representative of the Centre. He shall implement the policies established by the Board and shall be responsible to the Board for the operation and management of the Centre and for ensuring that its programmes and objectives are properly developed and instituted.

Article XII* Executing Agency

1. An Executing Agency shall be appointed to manage the affairs of the center during the first five years of the operation of the center.
2. The details of the terms and conditions of appointment of the Executing Agency shall be the subject of an appropriate Implementing Agency Agreement.
3. The Administrator shall set up the center for a period not exceeding eighteen months from the date of signature of the present agreement or the date of the appointment of the said agent.

Article XIII

* Editor's note: This is an unofficial translation of the French version of Article XII that does not appear in the English text.

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Resources of the Centre

1. The resources of the Centre shall include:
 - (a) Any premises, equipment and other facilities owned by the Centre;
 - (b) The annual contributions of the members of the Centre; and
 - (c) Donations to the Centre.
2. The Government of the Host State shall provide at no charge or at a nominal rent at least, land for the construction of buildings and other facilities for the Centre and its Managing Director and staff. It shall also provide related facilities specified in Annex I to this Convention.
3. After the expiration of the first ten years, Member States undertake to pay annual contributions to the budget of the Centre in the event that funds from the donor countries and agencies cease or are inadequate.
4. The Centre may accept gifts, legacies, grants and any other form of donation, from any source approved by the Board of Directors, provided that acceptance of such donations is compatible with the objectives of the Centre.

Article XIV

Legal Status, Immunities and Privileges

1. The Centre shall be an autonomous intergovernmental organization, having the capacity of a legal person to perform any legal act that is necessary or useful for the carrying out of its functions or for the exercise of its powers under this Convention. The Centre shall also have the capacity to contract, acquire and dispose of immovable and movable property, and to be a party to legal proceedings.
2. Each Member State shall, having regard to the diplomatic rules governing international organizations and to the extent possible under its national legislation, grant to:
 - (a) The Centre and its property, assets and funds, such immunities, privileges and facilities as may be appropriate to enable the Centre to perform its functions; and
 - (b) Representatives of any State or intergovernmental organization performing official duties in connection with the work of the Centre, and the Director and staff of the Centre, such immunities, privileges and facilities as may be appropriate to enable them perform their official duties.
3. Without prejudice to paragraph 2 of this article, the Host State undertakes to accord the immunities, privileges and facilities specified in Annex I to this Convention.
4. In any case where an immunity conferred pursuant to this article or to Annex I would impede the course of justice and can be waived without prejudice to the interests of the Centre, such immunity shall be waived by a Member State in the case of its representative, by the Board of Directors in the case of the Managing Director of the Centre and by the Managing Director of the Centre in the case of its staff.

Article XV

Relations with other Organizations and Agencies

1. The Centre shall establish cooperative relationships with all national organizations and institutes of Member States of the OAU whose interests and activities are relevant to its objectives, and are in particular

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charged with the responsibility of promoting agricultural research, including government ministries, universities, agricultural research and training institutes, and agricultural planning and policy-making bodies.

2. The Centre shall also establish cooperative relationships with such national, regional and international organizations engaged in research of agricultural problems, as the Centre may consider necessary for the realization of its objectives or for the furtherance of international agricultural research in Africa.

Article XVI Arbitration

Any dispute arising as a result of interpretation of the provisions of this Convention including agreements specifying terms and conditions of employment which cannot be settled by negotiation or conciliation shall be submitted to an arbitrator appointed by the Secretary-General of the OAU for its decision. The decision of such an arbitrator shall be final and binding upon the parties.

Article XVII Signature, Ratification, Accession

1. All Member States of the Organization of African Unity may become parties to this Convention by the:

- (a) Signature of this Convention followed by the deposit of an instrument of ratification; or
- (b) Deposit of an instrument of accession.

2. This Convention shall be open for signature on _____ and thereafter, at the Headquarters of the Organization of African Unity, Addis Ababa, Ethiopia.

3. Instruments of ratification or accession shall be deposited with the Secretary-General of the Organization of African Unity as depositary.

Article XVIII Entry into Force

1. This Convention shall enter into force, with respect to all Member States that have ratified or acceded to it, on the date when instruments of ratification or accession have been deposited by the Host Government and by the Governments of at least five other States. Any other Member State of the Organization of African Unity shall become a party to this Convention on the date of the deposit of its instrument of ratification or accession.

2. The National Associations for Fertilizer Technology and Development referred to in Article VI and Article X shall, where possible, be designated in each instrument of ratification or accession or in an attached document.

Article XIX Amendments

1. This Convention may be amended by a two-thirds majority of all the States Parties who have ratified or acceded to this Convention. This Convention may not be amended unless a written notice of a proposed amendment shall have first been submitted to the OAU Secretary-General who shall, not less than three months after, convene a meeting for the specific purpose of considering the proposed amendment.

2. Amendments shall take effect, with respect to all States Parties, on the sixtieth day after their adoption by a meeting of the States Parties.

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3. The adoption of any amendment shall promptly be notified to the Secretary-General of the OAU as the depositary.

Article XX

Withdrawal from and Dissolution of the Centre

1. At any time after the expiration of five years from the date when it becomes a Party to this Convention; any State Party may give notice of its withdrawal from the Centre to the Secretary-General of the OAU; such withdrawal shall take effect one year after the date when notice thereof was given.

2. (a) Where withdrawal by a State Party results in there being less than five original States Parties, and in the absence of the deposit of more instruments of ratification or accession, a meeting of all the States Parties shall be convened by the Secretary-General of the OAU with the specific purpose of considering the dissolution of the Centre.

(b) At such a meeting, the Centre may be dissolved by a resolution to that effect adopted by a majority of two thirds of all the States Parties.

3. The Board of Directors, by a vote of not less than three-fourths of the Board Membership, may submit a communication to the Secretary-General of the OAU requesting him to convene a meeting for the specific purpose of considering the dissolution of the Centre, on the grounds that the Centre is no longer able to function efficiently.

4. For the purpose of the aforesaid dissolution, the land provided by the Host State shall be returned to it, including any buildings and fixtures thereon; and any unused balance of donated funds shall be returned to the respective donors. Any remaining assets shall be sold and the proceeds of the sale and any other funds of the Centre shall, after all obligations, including liquidation costs, have been met, be distributed among the States that were Members of the Centre at the time when notice of withdrawal was given, in proportion to the contributions that they had made, for the year during which the said notice was given.

Article XXI

Depositary

1. The Secretary-General of the OAU shall be the depositary of this Convention. The depositary shall:

(a) Send certified copies of this Convention to States Parties;

(b) Arrange for the registration of this Convention, upon its entry into force, with the Secretariat of the United Nations in accordance with Article 102 of the Charter of the United Nations; and

(c) Inform Member States of the OAU of:

(i) The signature of this Convention and the deposit of instruments of ratification or accession in accordance with Article XVII of this Convention;

(ii) The date of entry into force of this Convention in accordance with Article XVIII, paragraph 1, of this Convention;

(iii) Proposals for the amendment of this Convention, and the adoption of amendments, in accordance with Article XIX of this Convention;

(iv) Notices of withdrawal from the Centre in accordance with Article XX of this Convention; and

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- (v) Any notification of dissolution received in accordance with Article XX of this Convention.
- 2. One original copy of this Convention in the English, French and Arabic languages shall each be deposited in the archives of the OAU and of the Centre.

Article XXII Annex I

Annex I to this Convention shall constitute an integral part of this Convention.

ANNEX I UNDERTAKINGS BY THE HOST STATE

Introduction

Pursuant to Article XIII, paragraph 2, and Article XIV, paragraph 2, of this Convention, the present Annex relates to the additional rights and obligations of the Host State.

General Provisions

Section 1 Immunities, Privileges and Facilities Accorded to the Centre

1. Without prejudice to Article XIV, paragraph 2, of this Convention, the Host State undertakes to accord the following privileges, immunities and facilities to the Centre and its property, funds and assets, wherever located in that State:
 - (a) Immunity from every form of legal process, except insofar as in any particular case the Centre has expressly waived immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution;
 - (b) Immunity from search, requisition, confiscation, expropriation and any other form of interference;
 - (c) Freedom to hold funds, gold or currency of any kind, to operate accounts in any currency, to transfer funds, gold or foreign currency within the Host State or abroad, and to convert any foreign currency into any of their currency;
 - (d) Freedom, without prejudice to any appropriate security precautions determined by agreement between the Host State and the Centre from censorship of official correspondence and other official communications;
 - (e) Exemption from all direct and indirect taxes on the property, income and official transactions of the Centre, except taxes that are no more than charges for services rendered;
 - (f) Exemption from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the Centre, or on publications issued by the Centre, for official purposes.
2. The Host State shall exercise due diligence to ensure that the security and tranquility of the premises of the Centre are not in any way impaired and shall, at the request of the Director of the Centre, provide adequate police protection where necessary.
3. The Centre shall enjoy for its official communications treatment not less favourable than that accorded by the Host State to any other organization or government, including the diplomatic mission of such other

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government, in the Host State, in the matter of priorities, and rates on mails, cables, telegrams, telephones and other communications.

Section 2

Immunities, Privileges and Facilities Accorded to Official Representatives, the Managing Director and Staff of the Centre and other Persons

1. Without prejudice to Article XIV, paragraph 2, of this Convention, the Host State shall grant the following immunities, privileges and facilities:

(a) To the representatives of States, other than the Host State, and of intergovernmental organizations with respect to the performance of their official duties in connection with the work of the Centre:

(i) Immunity from personal arrest or detention and from seizure of their personal baggage and, in respect of words spoken or written and all acts done by them in their official capacity, immunity from legal process of every kind. This immunity from legal process shall continue to be accorded to them even after their no longer being sent on missions for the Centre;

(ii) Inviolability for all papers and documents;

(iii) Exemption in respect of themselves and their spouses from immigration restrictions, alien registration or national service obligations;

(iv) The same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;

(v) The same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys;

(vi) Such other privileges, immunities and facilities not inconsistent with those enjoyed by diplomatic envoys.

(b) To the Managing Director and staff of the Centre:

(i) Immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity;

(ii) Exemption from taxation on the salaries and emoluments paid to them by the Centre;

(iii) Exemption from national service obligations;

(iv) Immunity, together with their spouses and dependants, from immigration restrictions and alien registration;

(v) The same privileges in respect of exchange facilities as are accorded to the accredited Diplomatic Officials of comparable rank to the host State;

(vi) Together with their spouses and dependants, the same repatriation facilities in time of crisis as diplomatic envoys;

(vii) Except in the case of nationals of the Host State, the right to import free of duty their furniture and effects, including one car, at the time of first taking up their post in the Centre, as well as replacements of such furniture and effects, including a car, at such intervals as may be agreed upon by the Centre and the Government of the host State.

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2. Subject to the application of measures for the maintenance of public health and security, agreed upon between the Host State and the Centre, the host State shall impose no impediment on the entry into, and departure from its territory of the representatives of States or intergovernmental organizations referred to in paragraph 1 (a), and their spouses and dependants, or of any person visiting the Centre in connection with its work.

3. Any visa required for any person referred to in paragraph 2 shall be issued or extended promptly and without charge.

Section 3 Laws of the Host State

The Centre shall cooperate at all time with the appropriate authorities of the Host State to facilitate the proper administration of justice, secure the observance of police regulations, and prevent the occurrence of any abuse in connection with the privileges, immunities and facilities specified in Article XIV of this Convention or in the present Annex.

Section 4 Amendment of this Annex

1. Subject to paragraph 2 below, the present Annex may be amended in the manner set out in Article XVI of this Convention.

2. Notwithstanding any other provision of this Convention, including the present Annex, during such time as the Headquarters Agreement shall be in force between the Host State and the Centre no amendment to this Annex may be adopted unless the Host State has expressly consented thereto.

3.

CONVENTION ON THE AFRICAN ENERGY COMMISSION

Adopted in Lusaka, Zambia, on 11 July 2001.

Entered into force on 13 December 2006.

Preamble

The Member States of the Organization of African Unity,

Recognizing that severe energy shortages in many African countries have constrained industrial development efforts for many years in spite of the enormous conventional energy potential as well as vast deposits of new and renewable energy resources,

Realizing the fact that Africa must harness its energy resources and make them available to meet the energy needs of its peoples in order to be able to develop and provide an alternative to deforestation and use of firewood as a primary source of energy,

Recalling the various resolutions and declarations wherein it had been stipulated that the integrated economic development of the African continent is an essential condition for the achievement of the objectives of the Organization of African Unity,

Recalling further the Lagos Plan of Action adopted in 1980, the Cairo Agenda for Action adopted in 1995 and the resolutions of the First Pan-African Conference of Energy Ministers adopted in Tunis, Tunisia, in 1995, of the First

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and Second Regional Conference of African Ministers Responsible for the Development and Utilization of Mineral and Energy Resources held in Accra, Ghana, in 1995 and Durban, South Africa, in 1997, which, inter alia, advocate the need for accelerated socio-economic development in Africa, including the sustainable development and exploitation of energy resources, respectively,

Recalling also the Regulation and Decision adopted by the Council of Ministers meeting at its Seventy-second and Seventy-third Ordinary Sessions in Lomé, Togo, from 6 to 8 July 2000 and Tripoli, Libya, from 22 to 26 February 2001 endorsing the principle of establishing the African Energy Commission, Regulation CM/OAU/AEC/ Regl.1 (VII), paragraph 5, and CM/Dec.559 (LXXIII), respectively, as well as the recommendations of the Conference of African Ministers of Energy held in Algiers, Algeria, from 23 to 24 April 2001,

Recognizing the need to coordinate the actions of the African countries to develop their energy resources and deal jointly with the various problems relating to their efficient and rational exploitation and utilization, in order to ensure socio-economic development,

Reaffirming the provisions of the Treaty Establishing the African Economic Community, in general, and Article 54, paragraph 2 (f), in particular, wherein it has been provided that Member States of the African Economic Community shall, in the coordination and harmonization of their policies and programmes in the field of energy, "establish an adequate mechanism of concerted action and coordination for the collective solution of the energy development problems within the community....",

Have agreed as follows:

Chapter I General Provisions

Article 1 Definitions

In this Convention, unless the context requires otherwise:

- (a) "AFREC" shall mean the African Energy Commission;
- (b) "Board" shall mean the Executive Board established by Article 6 of this Convention;
- (c) "Conference" shall mean the Conference of Ministers or Authorities responsible for Energy established by Article 6 of this Convention;
- (d) "Energy" shall mean new and renewable or non-renewable resource of energy in the natural state or processed, harnessed by humankind;
- (e) "Treaty" shall mean the Treaty Establishing the African Economic Community;
- (f) "Regional Economic Community" or RECs shall mean any African regional economic community established, inter alia, to coordinate energy development on a regional or subregional basis and in compliance with the Treaty's definition;
- (g) "Member State" shall mean a Member State of the African Energy Commission established by this Convention.

Article 2 Establishment

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1. There shall be established within the Organization of African Unity, the African Energy Commission.
2. It shall be composed of the Member States of the OAU.

Article 3 Guiding Principles

For the purpose of this Convention, the Member States solemnly affirm and declare their adherence to the following principles:

- (a) Development of the use of energy to promote and support rapid economic and social development, eradication of poverty, combat desertification and improve the standard and quality of life throughout the Member States;
- (b) Cooperation in the area of energy among Member States, particularly through joint development of energy resources and identification and promotion of regional and/or subregional projects;
- (c) Development and utilization of sustainable and environmentally sound energy;
- (d) Acceleration of the implementation of the Abuja Treaty through the integrated, coordinated and harmonized development and utilization of energy and the development and implementation of energy policies and programmes;
- (e) Promotion of research and development, and the encouragement of transfer of technology in the energy sector;
- (f) Enhancement of integration, collective self-reliance, security and reliability of energy supply among Member States;
- (g) Inter-state, subregional and regional cooperation in training and development of human resources in the energy field;
- (h) Harmonization of standards and procedures in the energy sector;
- (i) Promotion of trade and technical assistance in energy among Member States;
- (j) Promotion of partnership among enterprises and institutions of Member States through, inter alia, the creation of favourable conditions for that purpose;
- (k) Equitable cost sharing in the implementation of this Convention in a spirit of good governance and transparency;
- (l) Peaceful settlement of disputes.

Article 4 Functions of AFREC

AFREC shall have the following functions, namely to:

- (a) Map out energy development policies, strategies and plans based on subregional, regional and continental development priorities and recommend their implementation;

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- (b) Design, create and update an energy continental data base and facilitate rapid dissemination of information and exchange of information among Member States, as well as among the Regional Economic Communities (RECs);
- (c) Advise and encourage the development of human resources in the energy sector, in particular through training;
- (d) Mobilize financial resources to provide to Member States and the Regional Economic Communities with all the necessary assistance for the development of their energy sectors;
- (e) Encourage research and development in the energy sector;
- (f) Develop trade and transit of energy goods and services among Member States, particularly through the identification and removal of barriers;
- (g) Provide technical assistance to Member States, Regional Economic Communities and other stakeholders in the African energy sectors;
- (h) Recommend the use of harmonized standards and procedures in the energy sector;
- (i) Establish the necessary mechanisms for the exploitation and utilization of energy resources of the continent in an optimal manner with the aim of complementarity;
- (j) Undertake the harmonization and rationalization of energy development and utilization programmes;
- (k) Promote among Member States the identification and the adoption and implementation of effective measures to prevent environmental pollution particularly in the exploitation, transportation, storage, distribution, and utilization of the continent's energy resources, the control of the system and mechanism for the pricing and tariffication of energy;
- (l) Work towards the realization of added value to energy resources in Member States;
- (m) Assist in the development and utilization of new and renewable sources of energy;
- (n) Provide assistance in feasibility study for energy projects and its adverse impact on the environment;
- (o) Perform any other activity that may be necessary for realization of the above objectives.

Article 5 Headquarters of AFREC

The Headquarters of AFREC shall be in Algiers, in the People's Democratic Republic of Algeria.

Article 6 Structure

The organs of the AFREC shall be:

- (a) The Conference of Ministers or Authorities responsible for Energy;
- (b) The Executive Board;
- (c) The Secretariat;

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- (d) The Technical Advisory Body; and
- (e) Other subsidiary organs that may be established in accordance with the provisions of this Convention.

Chapter II Management

Article 7 The Conference Powers and Duties

1. The Conference shall be the highest authority of the Commission.
2. It shall meet in ordinary session once every two (2) years at the Headquarters of the Commission or in any Member State upon the recommendation of the Conference. It may meet in extraordinary session at the request of the Executive Board or a Member State and subject to the concurrence of at least two thirds of the Member States of the Commission.
3. Without prejudice to the generality of the foregoing, the Conference shall, in particular:
 - (a) Discuss the general policy and approve the work programmes of the Commission and evaluate their implementation;
 - (b) Consider and approve the Commission's budget and examine the auditors' report;
 - (c) Adopt its Rules of Procedure;
 - (d) Approve the Commission's Staff Rules and Regulations and Financial Rules and Regulations;
 - (e) Elect its Bureau;
 - (f) Approve, on the proposal of the Executive Board, the appointment and removal of the Executive Director of the Commission, in accordance with this Convention and the internal regulations;
 - (g) Elect Member States to serve on the Executive Board of the Commission;
 - (h) Approve the organizational structure of the Secretariat.

Article 8 Executive Board

1. The Board shall serve for a period of two years.
2. It shall hold one ordinary meeting every year at the Headquarters of the Commission or in any Member State upon the recommendation of the Board. It may also meet in extraordinary session under conditions to be specified in the Rules of Procedure of the Commission.
3. It shall be composed as follows:
 - (a) Fifteen senior energy experts representing Member States, elected on the basis of the OAU criteria for geographical representation and on a rotational basis;

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- (b) Senior energy expert of the Organization of African Unity representing the Secretary-General;
 - (c) One duly appointed representative of each of the RECs, ex-officio;
 - (d) One duly appointed representative of the Union of Producers, Conveyors and Distributors of Electric Power in Africa (UPEDEA), ex-officio;
 - (e) A senior energy expert of the African Development Bank, ex-officio;
 - (f) A senior energy expert of the United Nations Economic Commission for Africa, ex-officio;
 - (g) The Executive Director who shall serve as the Secretary of the Board.
4. The Board shall be answerable to the Conference.
5. Without prejudice to the generality of the foregoing, the Board shall, in particular, be responsible for the following:
- (a) Prepare and submit the provisional work programmes, studies, projects, and the Commission's annual budget for the consideration of the Conference;
 - (b) Submit a periodic report on the activities of the Commission to the Conference;
 - (c) Determine the terms and conditions of service of the staff of the Commission;
 - (d) Prepare for the meetings of the Conference;
 - (e) Recommend the appointment and the removal of the Executive Director of the Commission;
 - (f) Perform any other function that may be assigned to it by the Conference.

Article 9 The Secretariat Powers and Duties

1. The Secretariat of the Commission shall be headed by the Executive Director. He/she shall be assisted by the necessary staff.
2. The Secretariat shall in particular:
- (a) Provide secretarial services to all the sessions of the Commission's organs;
 - (b) Be responsible for the day to day management of the Commission;
 - (c) Follow-up on the implementation of decisions of the Conference and the Board;
 - (d) Keep in custody the documents, files and other data relating or relevant to the work of the Commission;
 - (e) Keep an inventory of the energy resources, requirements, legislation, and programmes of Member States, RECs and other parties;
 - (f) Prepare an agenda, documents and provisional work programmes for consideration by the Board;

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- (g) Prepare and submit the draft programme budget, annual report, balance sheet and financial statements for submission to the Conference for its consideration and appropriate action, subject to previous study by the Executive Board;
- (h) Prepare and submit reports on the activities of the Commission;
- (i) Convene meetings, symposiums, exhibitions as well as groups and panels of experts it considers necessary for the implementation of its work programmes and of the activities entrusted to it by the Conference or the Executive Board;
- (j) Initiate studies, collect and analyse information and data;
- (k) Perform any other duty that may be entrusted to it by the Conference and/or the Executive Board.

Article 10 The Executive Director Functions

1. The Executive Director, appointed for a renewable mandate of four years, shall direct the affairs of the Secretariat and is responsible for the performance of its duties.
2. He/she is the accounting officer of the Commission and is responsible for the proper administration of the budget.
3. Without any prejudice to the generality of the foregoing, the Executive Director shall, in particular:
 - (a) Follow up and ensure the implementation of the decisions of the Conference and the Executive Board;
 - (b) Provide secretarial services to the Conference and the Executive Board;
 - (c) Act as the legal representative of the Commission;
 - (d) Appoint and remove in accordance with conditions to be laid down in the internal regulations, the administrative and technical personnel of the Secretariat;
 - (e) Ensure the geographical and equitable distribution of the Secretariat's personnel; and
 - (f) Perform other functions that may be assigned to it by the Conference.

Article 11 Technical Advisory Body

1. The Technical Advisory Body shall comprise the RECs, Joint Secretariat of the OAU/ECA/ADB/UN Agencies operating in the energy sector such as UNEP, UNDP, UNDESA, UNIDO, FAO and UNESCO as well as relevant regional and subregional entities dealing with energy such as the World Energy Council (WEC).
2. It shall be a consultative forum on energy policies, programmes, projects and related activities. It shall provide, more particularly, advisory and technical assistance to the Commission.

Article 12 Rules of Procedure

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The Commission shall determine its own rules of procedure. The Rules will provide, inter alia, for the quorum and the procedures for decision-making by the Commission.

Article 13 Observers

The Conference may establish modalities, in the Rules of Procedure, for granting observer status and for the participation of invited guests in its sessions.

Article 14 Obligations

1. In the performance of their duties, the Executive Director and the staff shall not receive instructions from any Government or from any other authority external to the organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the organization.
2. Each Member State undertakes to respect the exclusive character of the responsibilities of the Executive Director and the staff and not to seek to influence them in the discharge of their responsibilities.

Chapter III Assets, Financial Resources and Audit

Article 15 Assets of the Commission

The assets of the Commission shall consist of acquisitions by gift or purchase.

Article 16 Financial Resources

1. The Budget of the Commission approved by the Conference shall, subject to such Financial Rules and Regulations as may be adopted, be administered by the Executive Director of the Commission under the supervision of the Board.
2. The financial resources of the Commission shall consist of:
 - (a) Annual contributions by the Member States;
 - (b) Special contributions from the Member States;
 - (c) The Commission's remuneration for any services that it renders;
 - (d) Gifts, bequests and other donations;
 - (e) Other sources as may be approved by the Board.

Article 17 Audit

The books of accounts of the Commission shall be audited by external auditors approved by the Conference.

Article 18 Payment of Contributions

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1. Members of the Commission undertake to pay their assessed contributions regularly.
2. Any Member with outstanding arrears of contributions to the regular budget of the Commission equal to or greater than its assessed contribution for the previous two complete fiscal years shall be deprived of the right to take the floor, to vote and to present candidates for any post in any of the organs of the Commission.

Chapter IV Miscellaneous Provisions

Article 19 Status, Privileges and Immunities

The Commission, its property and assets and staff shall enjoy in the territory of each State Party to this Constitution the privileges and immunities provided for in the OAU General Convention on Privileges and Immunities. In this regard, the Commission shall conclude with the Member State in whose territory its Headquarters is established a Host Agreement.

Article 20 Amendment

1. Any Member State may submit its written proposals for the amendment of this Convention to the Executive Director who shall transmit the same to all the Member States of the Commission, within a period not exceeding three months following the receipt by the Secretariat of the proposed amendment.
2. The proposed amendment shall not be submitted to the Conference for consideration until all the members have been duly notified of it and a period of one year has elapsed.
3. Such an amendment shall require approval by at least two thirds of all the Member States.

Article 21 Cessation of Membership

1. Any State which desires to withdraw or renounce its membership shall forward a written notification to the Executive Director. At the end of one year from the date of such notification, if not withdrawn, the Convention shall cease to apply with respect to the renouncing State, which, shall thereby cease to be a member.
2. A member that has submitted a notice of withdrawal in accordance with paragraph 1 of this article shall, during the period of notice, exercise all the rights and obligations of a member in accordance with the provisions of this Convention.
3. The Conference shall have the power to suspend, under conditions to be specified, any member from the Commission where it decides by two-thirds majority of the votes of all members that such a member has failed to discharge its obligations in accordance with the provisions of this Convention.

Article 22 Official Languages

The official languages of the Commission shall be those of the Organization of African Unity.

Article 23 Special Relations with Regional Economic Communities and International Organizations

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The Commission may enter into such cooperation agreements with the Regional Economic Communities and International Organizations as the Conference may decide, on the recommendation of the Board.

Article 24 Subsidiary Bodies

The Conference may establish such subsidiary bodies and ad-hoc working groups, as it may deem necessary.

Article 25 Depositary of the Convention

1. The instruments of ratification or accession to this Convention shall be deposited with the Secretary-General of the OAU.
2. The Secretary-General of the Organization of African Unity shall transmit certified copies of this Convention and information concerning ratification, acceptance and approval of, or accession to this Convention to all Member States.
3. The functions of the Secretariat of the Commission shall, prior to its establishment, be performed by the interim structure established by Article 26 of this Convention, which shall, in collaboration with the General Secretariat of the Organization of African Unity, convene the first meeting of the Conference.

Article 26 Transitional Arrangements

Following the adoption of this Convention by the Member States of the OAU, and pending its entry into force, the General Secretariat of the OAU shall, in close cooperation and consultation with the host country and the members of the Bureau of the Conference of African Ministers of Energy, undertake the necessary measures to appoint the required staff and to set up an interim structure in order to facilitate the speedy establishment of AFREC in accordance with this Convention.

Article 27 Ratification, Accession and Entry into Force

1. This Convention shall be open for signature and ratification or accession by any Member State of the OAU.
2. This Convention shall come into force thirty days after fifteen instruments of ratification have been deposited.
3. For any State acceding subsequently, this Convention shall come into force in respect of that State on the date of the deposit of its instrument of ratification or accession.
4. The Secretary-General of the OAU shall inform all Member States of the entry into force of this Convention.

4.

STATUTE OF THE AFRICAN SCIENTIFIC RESEARCH AND INNOVATION COUNCIL (ASRIC)

**Adopted in Addis Ababa, Ethiopia, on 30 January 2016.
The Statute entered into force upon adoption on 30 January 2016.**

XIII. AGRICULTURE, ENERGY, SCIENCE AND TECHNOLOGY

We, the Member States of the African Union,

Guided by the objectives and principles enshrined in the Constitutive Act of the African Union that underscores the importance of science, technology and innovation as a tool for socio-economic transformation,

Recalling Decision EX.CL/Dec.254 (VIII) adopted by the Executive Council endorsing the Africa's Science and Technology Consolidated Plan of Action (CPA),

Noting the review process of the CPA that resulted in the ten-year incremental Science, Technology and Innovation Strategy that responds to the continental development challenges,

Further recalling Decision EX.CL/Dec.747 (XXII) and Decision EX.CL/Dec.216 (VII) adopted by the Executive Council on the establishment of the African Research and Innovation Council as the institutional setting for the implementation of the Africa Science, Technology and Innovation Agenda, and

Recognizing the role such a council would play in promoting scientific research and innovation in Africa,

Have agreed as follows:

Article 1 Definitions

In this Statute:

"ASRIC" means African Scientific Research and Innovation Council;

"Assembly" means Assembly of Heads of State and Government of the African Union;

"AU" or "Union" means the African Union established by the Constitutive Act of the African Union;

"AU-STRC" means the African Union Scientific, Technical and Research Commission;

"Commission" means the African Union Commission as established by the Constitutive Act of the African Union;

"Congress" means the General Conference of ASRIC as established by Article 5 of this Statute;

"Member States" means Member States of the African Union;

"RECs" means Regional Economic Communities recognized by the African Union;

"Secretariat" means the ASRIC Secretariat as established in this Statute;

"Scientific Committee" means the committee established in this Statute;

"Statute" means the Statute of the African Scientific Research and Innovation Council;

"STC" means the African Union Specialized Technical Committee on Education, Science and Technology;

"STI" means Science, Technology and Innovation.

Article 2 Establishment and Legal Status of ASRIC

4. AFRICAN SCIENTIFIC RESEARCH AND INNOVATION COUNCIL

1. ASRIC is hereby established as a Specialized Technical Advisory Body of the Commission and shall operate in accordance with the provisions of this Statute.
2. In accordance with Article 8 of this Statute the Secretariat of ASRIC shall be at the Department of Human Resources, Science and Technology (HRST) of the Commission.

Article 3 Objectives of ASRIC

The objective of ASRIC shall be to promote scientific research and innovation in order to address the challenges of Africa's socio-economic development.

Article 4 Functions of ASRIC

The functions of the ASRIC shall be to:

- (a) Mobilize African research excellence to advance the African development agenda;
- (b) Build and sustain a continental scientific, research and innovation policy nexus;
- (c) Mobilize resources to support scientific, research and innovation activities and programmes in accordance with the AU policy in this area;
- (d) Promote dialogue and provide the voice of the scientific community that expresses continental excellence;
- (e) Advocate for knowledge exchange and technology acquisition and link the scientific community;
- (f) Support and strengthen the capacity of STI national and regional councils and facilitate collaboration among them;
- (g) Identify strategies and means to bridge the gap between science, research and innovation and policy; and
- (h) Promote intra-Africa and international collaboration in STI.

Article 5 Governance of the ASRIC

The Governance mechanisms of the ASRIC shall be composed of:

- (a) The Congress;
- (b) The Bureau of the Congress; and
- (c) The Secretariat.

Article 6 The ASRIC Congress

1. The Congress shall direct the overall policies of ASRIC and shall be responsible to the STC.

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2. The Congress shall meet once every year in ordinary sessions and may, subject to the availability of resources, hold extraordinary sessions when the need arises.
3. The Congress shall be composed of the following:
 - (a) One (1) national research council or other similar institutions nominated by each Member State;
 - (b) RECs;
 - (c) African STI institutions;
 - (d) Financial institutions of the African Union established under Article 19 of the Constitutive Act;
 - (e) Laureates of the African Union Kwame Nkrumah Scientific awards;
 - (f) Two representatives of the African diaspora nominated by the Chairperson of the Commission in consultation with ECOSOCC;
 - (g) Two representatives of the African STI civil society nominated by the Chairperson of the Commission;
 - (h) Two representatives of industry from each of the five regions of the AU nominated by the Chairperson of the Commission in consultation with the Chairperson of the Congress; and
 - (i) The Executive Director of the ASRIC as an ex-officio member.
4. The Congress may invite International STI institutions as may be necessary to participate in its sessions.
5. The voting members of the Congress shall be the national research councils or other similar institutions nominated by each Member State.
6. The Congress shall perform the following functions:
 - (a) Direct the overall policies of ASRIC, including formulation and review of the annual ASRIC Work Programmes and approve action plans, funding and resource mobilization strategies in accordance with the AU policy in this area;
 - (b) Develop its internal guidelines and rules of procedures in line with the relevant AU legal instruments;
 - (c) Elect its Bureau;
 - (d) Define and adopt interdisciplinary programs, approve associated draft budget and produce annual reports to be submitted to the AU Policy organs;
 - (e) Establish strategic partnership with similar global institutions in accordance with AU rules and regulations; and
 - (f) Establish scientific subcommittees and other subcommittees whose functions and responsibilities shall be elaborated in the rules of procedure of ASRIC, as may be proposed by its Bureau.

Article 7 The Bureau of Congress

1. The Bureau shall be composed of:

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- (a) Chairperson;
 - (b) First Vice-Chairperson responsible for the Scientific Programme;
 - (c) Second Vice-Chairperson responsible for Innovation;
 - (d) Third Vice-Chairperson responsible for Communication; and
 - (e) Fourth Vice-Chairperson responsible for Resource mobilization.
2. The Executive Director of the Secretariat shall serve as the Secretary of the Bureau.
 3. The members of the Bureau shall serve for a non-renewable term of three years.
 4. The Bureau shall perform the following functions:
 - (a) Oversee and follow up the implementation of the decisions of the Congress;
 - (b) Preside over the proceedings of the Congress;
 - (c) Ensure scientific excellence, promote creativity and innovative research for all programs/projects supported by ASRIC;
 - (d) Establish or strengthen networks and associations to implement programs identified by the Congress;
 - (e) Coordinate research activities in Africa; and
 - (f) Develop the terms of references and rules of procedures for ad-hoc scientific subcommittees.

Article 8 The ASRIC Secretariat

1. The AU-STRC shall be the Secretariat of the ASRIC.
2. The Executive Director of ASRIC is the Head of the Secretariat.
3. The structure, function and appointment of the staff of the Secretariat shall be in accordance with the AU Staff Regulations and Rules.
4. The Secretariat shall perform the following functions:
 - (a) Provide administrative and secretarial services to ASRIC;
 - (b) Manage the overall activities related to the implementation of the interdisciplinary programs in coordination with the scientific sub-committees;
 - (c) Prepare and implement the budget of ASRIC and carry out financial programming and resource mobilization in accordance with the AU rules, policies and practice;
 - (d) Establish Pan-African platforms connecting institutions, networks, and other actors to strengthen synergies and scientific knowledge exchange;

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- (e) Administer calls and grants that address the priority areas identified by the Congress;
- (f) Promote the establishment of strategic partnerships, and advance Africa's positions in international negotiations on research matters such as research ethics, integrity and open-access to publications; and
- (g) Perform any other functions to ensure the smooth running of ASRIC.

Article 9

Budget

1. The budget of the ASRIC shall be within the AU budget.
2. In addition to the regular AU budget, other sources of funding ASRIC may include:
 - (a) Voluntary contributions from AU Member States and partners;
 - (b) Contributions from Development Partners of the Union and the Commission;
 - (c) Contributions from the Private Sector;
 - (d) National and regional financial institutions and other financing mechanisms;
 - (e) AU Science, Technology and Innovation Fund when established; and
 - (f) Any other source of funding in accordance with AU Rules.
3. The budget calendar of the ASRIC shall be that of the Union.

Article 10

Working Languages

The working languages of the ASRIC shall be those of the Union.

Article 11

Amendments

1. The present Statute may be amended upon the recommendation of the STC.
2. The amendments shall come into effect upon their adoption by the Assembly.

Article 12

Entry into Force

The present Statute shall enter into force upon its adoption by the Assembly.

5.

STATUTE OF THE AFRICAN OBSERVATORY OF SCIENCE, TECHNOLOGY AND INNOVATION (AOSTI)

Adopted in Addis Ababa, Ethiopia, on 30 January 2016.

The Statute entered into force upon adoption on 30 January 2016.

We, the Member States of the African Union,

5. AFRICAN OBSERVATORY OF SCIENCE, TECHNOLOGY AND INNOVATION

Guided by the objectives and principles enshrined in the Constitutive Act of the African Union that underscores the importance of science, technology and innovation as a tool for socio-economic transformation,

Recalling Decision EX.CL/Dec.254 (VIII) adopted by the Executive Council at its Eighth Ordinary Session in January 2006 in Khartoum, Sudan, endorsing the Africa's Science and Technology Consolidated Plan of Action (CPA) and taking into account the CPA review process that resulted in the ten-year incremental Science, Technology and Innovation Strategy guided by the AU Vision,

Further recalling Decision Assembly/AU/Dec.235 (XII) adopted by the Assembly in February 2009 in Addis Ababa, Ethiopia, that recognized the need to establish an African Observatory of Science, Technology and Innovation and endorsed the offer by the Republic of Equatorial Guinea to host the Observatory,

Reaffirming Decision Assembly/AU/Dec.452 (XX) adopted by the Assembly in January 2013 in Addis Ababa, Ethiopia, on the creation of the African Observatory of Science, Technology and Innovation as the lead African institution for the measurements of science, technology and innovation in support of the African Union decision-making processes,

Recognizing the commitment of the Government of the Republic of Equatorial Guinea to host the African Observatory of Science, Technology and Innovation in accordance with the provisions of the Host Agreement concluded between the African Union and the Government of the Republic of Equatorial Guinea in July 2010,

Hereby agree as follows:

Article 1 Definitions

In this Statute:

"AOSTI" means the African Observatory of Science, Technology and Innovation;

"Assembly" means Assembly of Heads of State and Government of the African Union;

"AU" or "Union" means the African Union established by the Constitutive Act of the African Union adopted by the Heads of States and Government of the Organization of African Unity (OAU) in Lomé, Togo, in July, 2000;

"Executive Council" means the Executive Council of Ministers of the African Union;

"Host Country" means the country that hosts the Headquarters of the AOSTI;

"Member States" means Member States of the African Union;

"RECs" means Regional Economic Communities;

"Secretariat" means the Secretariat of the Observatory;

"Statute" means this Statute of the African Observatory of Science, Technology and Innovation;

"STC" means the African Union Specialized Technical Committee on Education, Science and Technology;

"Steering Committee" means the Steering Committee established by this Statute; and

"STI" means Science, Technology and Innovation.

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Article 2 Legal Status of AOSTI

The AOSTI shall be a Specialized Technical Office of the Union and shall be governed in accordance with the provisions of this Statute.

Article 3 Objectives of AOSTI

The AOSTI shall serve as the continental repository for STI data and statistics and a source of policy analysis in support of evidence based policy-making in Africa and shall further:

- (a) Monitor and evaluate Africa Union STI policy implementation;
- (b) Champion evidence-based STI policy-making;
- (c) Support Member States and RECs to manage and use STI statistical information in accordance with the African Charter on Statistics;
- (d) Assist Member States and RECs to map their STI capabilities to address economic, social, environmental and other development challenges;
- (e) Strengthen national and RECs capacities for STI policy design, evaluation and review;
- (f) Provide to decision-makers in Member States and RECs up-to-date information on global scientific and technological trends;
- (g) Strengthen national and regional capacities for technology foresight and prospecting; and
- (h) Promote and strengthen regional and international cooperation in areas of competence of AOSTI.

Article 4 Mandate and Functions of AOSTI

The AOSTI shall perform the following functions:

- (a) Manage programmes and projects in areas of STI measurements at the continental level;
- (b) Develop capacity of Member States and RECs to undertake STI measurements;
- (c) Develop framework for reviewing national innovation systems;
- (d) Analyse STI policies in the African Union;
- (e) Initiate partnerships and networks in the field of STI measurements;
- (f) Mobilize human and financial resources to support its operations and programmes;
- (g) Establish and maintain an STI information system;
- (h) Identify future, needs and develop appropriate responsive and flexible data and indicators; and

5. AFRICAN OBSERVATORY OF SCIENCE, TECHNOLOGY AND INNOVATION

- (i) Perform any other function related to STI measurements and analysis of related policies as deemed necessary for Africa's development.

Article 5 Governance of AOSTI

The AOSTI shall be governed by the following bodies:

- (a) The STC;
- (b) The Steering Committee; and
- (c) The Secretariat.

Article 6 The Steering Committee

1. The Steering Committee shall be composed of:

- (a) Two (2) representatives from the five AU regions nominated by their regions taking into account gender balance. The representatives shall be renowned high-level scientists with expertise in the domain of statistics and scientific evaluation, provided that no two members shall be from the same country. The representatives shall serve for a non-renewable term of two (2) years;

- (b) The Director of the Department of Human Resources, Science and Technology (HRST) or his/her representative; and

- (c) A representative of the Host Country.

2. The Executive Secretary of the AOSTI shall serve as Secretary of the Steering Committee.

3. The Steering Committee shall advise the AOSTI on:

- (a) Setting up standards and validating procedures;

- (b) Monitoring and evaluation processes;

- (c) Mapping the contribution of STI in Africa's socio-economic development;

- (d) Production of the African STI Outlook Series;

- (e) Matters of policy analysis, programmes and projects including resource mobilization;

- (f) Ensuring quality measurement of indicators; and

- (g) Any scientific or technical issues in relation with the objectives of the AOSTI.

4. The Steering Committee shall:

- (a) Elect from among its members, a Chairperson and a Vice Chairperson both of whom shall serve for a non-renewable term of two (2) years;

- (b) Report to the STC through the Department of HRST; and

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- (c) Meet once a year in ordinary sessions and may, subject to the availability of resources, hold extraordinary sessions on the request of its Chairperson, the STC or the Commission.

Article 7 The Secretariat

1. The structure of the Secretariat shall be as proposed by the African Union Commission in consultation with the Steering Committee.
2. The Secretariat shall perform the following functions:
 - (a) Prepare the budget and financial reports of AOSTI;
 - (b) Work closely with Member States and RECs to set up STI statistic networks and facilities;
 - (c) Mobilize resources in the framework of the AU policy in this area;
 - (d) Establish strategic partnerships in areas of competence of AOSTI; and
 - (e) Perform any other functions that are deemed necessary in line with the objectives of AOSTI.

Article 8 Budget

1. The budget of the AOSTI shall be within the budget of the Union.
2. In addition to the regular budget of the Union, other sources of funding the AOSTI may include:
 - (a) Voluntary contributions from AU Member States and partners;
 - (b) Contributions from Development Partners of the Union and the Commission;
 - (c) Contributions from the Private Sector;
 - (d) National and regional financial institutions and other financing mechanisms;
 - (e) AU Science, Technology and Innovation Fund when established; and
 - (f) Any other source of funding in accordance with AU Rules.
3. The budget calendar of the AOSTI shall be that of the Union.

Article 9 Headquarters of AOSTI

The Headquarters of the AOSTI shall be in the Republic of Equatorial Guinea. The Host Country Agreement shall govern the relations between AOSTI and the Host Country.

Article 10 Privileges and Immunities

6. STATUTE OF THE AFRICAN SPACE AGENCY

The AOSTI shall enjoy in the territory of the Host Country, the privileges and immunities specified in the General Convention on Privileges and Immunities of the Organization of African Unity adopted in Accra, Ghana on 25 October 1965.

Article 11 Amendments

1. The present Statute may be amended by the Assembly upon the recommendation of the STC.
2. The amendments shall enter into force upon their adoption by the Assembly.

Article 12 Working Languages

The working languages of the AOSTI shall be those of the AU.

Article 13 Entry into Force

The present Statute shall enter into force upon its adoption by the Assembly.

6.

STATUTE OF THE AFRICAN SPACE AGENCY

Adopted in Addis Ababa, Ethiopia, on 29 January 2018.

Entered into force upon adoption.

Preamble

We, Member States of the African Union,

Guided by the objectives and principles enshrined in the Constitutive Act of the African Union that underscores the importance of science, technology and innovation as tools and enablers for socio-economic transformation of the continent,

Recalling Decisions EX.CL/Dec.744 (XXII), EX.CL/Dec.746 (XXII) and EX.CL/Dec.739 (XXII) adopted by the Twenty-second Ordinary Session of the Executive Council in Addis Ababa, Ethiopia, in January 2013, and recommendations from sectorial ministerial conferences on the growing need for Africa to develop a well-structured space policy and strategy that could guide the continent to implement a globally competitive outer space programme that would enable Member States to harness space resources in a more coordinated and systematic manner, address the continent's challenges, and develop an African space market and industry,

Further recalling Decision Assembly/AU/Dec.589 (XXVI) adopted by the Assembly in Addis Ababa Ethiopia, in January 2016, adopting the Africa Space Policy and Strategy with the view to formalizing an AU Agenda 2063 Outer Space Flagship Programme for developing local capacities in earth observation, satellite communication, navigation and positioning, space science and astronomy and requesting the African Union (AU) Space Working Group to develop the framework for the implementation of the African Space Policy and Strategy and the governance framework that covers the relevant legal requirements and protocols for an operational African outer space programme,

Recognizing the potential of space science, technology and innovation in Africa's development and the realization of the aspirations of our long-term vision, AU Agenda 2063, through jointly addressing common development

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challenges, such as natural hazards and disasters, climate-change mitigation and adaptation, agriculture and food insecurity, conflicts, disease outbreaks, provision of education and health services in rural and remote areas and connecting our citizens; and proactively managing, natural resources and the environment among others as outlined in the African Space Policy and Strategy,

Underscoring the need for appropriate institutional arrangements for the effective governance, promotion and coordination of space activities on the continent in order to realize maximum benefits,

Hereby agree as follows:

Article 1 Definitions

In this Statute:

"Agency" means the African Space Agency hereby established;

"Assembly" means the Assembly of Heads of State and Government of the African Union;

"AU" means the African Union established by the Constitutive Act of the African Union adopted by the Heads of State and Government of the Organization of African Unity (OAU) in Lomé, Togo, in July 2000;

"Council" refers to the African Space Council established by this Statute;

"Executive Council" means the Executive Council of the African Union;

"Host country" means the country that hosts the headquarters or an activity centre of the Agency;

"HSGC-EST" refers to the Committee of Ten Heads of State and Government Championing the cause of Education, Science and Technology;

"Member States" means the Member States of the African Union;

"Policy" means the African Space Policy;

"RECs" means the Regional Economic Communities;

"Statute" means this Statute of the African Space Agency;

"STC" means the Specialized Technical Committee of the African Union;

"STC-EST" means the African Union Specialized Technical Committee on Education, Science and Technology.

Article 2 Establishment of the African Space Agency

The African Space Agency (AfSA) is hereby established in accordance with Article 5, paragraph 2, of the Constitutive Act as an organ of the African Union, dedicated to promoting, advising and coordinating the development and utilization of space science and technology in Africa and associated regulations for the benefit of Africa and the world and forging intra-African and international cooperation.

Article 3 Legal Personality

6. STATUTE OF THE AFRICAN SPACE AGENCY

For the fulfillment of its objectives, the Agency shall possess legal personality and capacity to:

- (a) Enter into agreements;
- (b) Acquire and dispose of moveable and immovable property;
- (c) Institute legal proceedings.

Article 4 Objectives

The main objectives of the African Space Agency are to promote and coordinate the implementation of the African Space Policy and Strategy and to conduct activities that exploit space technologies and applications for sustainable development and improvement of the welfare of African citizens. In particular, the Agency shall:

- (a) Harness the potential benefits of space science, technology, innovation and applications in addressing Africa's socio-economic opportunities and challenges;
- (b) Strengthen space missions on the continent in order to ensure optimal access to space-derived data, information, services and products;
- (c) Develop a sustainable and vibrant indigenous space market and industry that promotes and responds to the needs of the African continent;
- (d) Adopt good corporate governance and best practices for the coordinated management of continental space activities;
- (e) Maximize the benefits of current and planned space activities, and avoid or minimize duplication of resources and efforts;
- (f) Engage with its users through the establishment of communities of practice for each of the identified user requirements; and
- (g) Promote an African-led space agenda through mutually beneficial partnerships.

Article 5 Functions of the Agency

1. The primary function of the Agency is to implement the African Space Policy and Strategy adopted by the AU Assembly in Decision Assembly/AU/Dec.589 (XXVI). In particular, the Agency shall:

- (a) Promote and coordinate the implementation of programmes and activities approved by the African Space Council;
- (b) Address user needs to ensure that space programmes will play a critical role in improving Africa's economy and the quality of life of its peoples;
- (c) Support Member States and RECs in building their space programmes and coordinate space efforts across the continent;
- (d) Enhance and facilitate access to space resources and services in an effort to leverage space-derived benefits to the whole continent;

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- (e) Support Member States and RECs in building critical infrastructure and coherently develop, upgrade and operate cutting-edge African space infrastructure;
 - (f) Coordinate development of a critical mass of African capacities in space science, technology and innovation through appropriate education and training programmes;
 - (g) Foster regional coordination and collaboration;
 - (h) Promote strategic intra-continental and international partnerships;
 - (i) Strengthen research, development and innovation in space science and technology;
 - (j) Coordinate and promote Africa participation in international efforts for the peaceful use of space science and technology for the welfare of humanity;
 - (k) Raise awareness of the benefits of space programmes for Africa;
 - (l) Engage Member States in space-related activities and research in Africa with the aim of fostering cooperation and avoiding duplication of efforts;
 - (m) Take maximum advantage of national activities conducted by Member States and facilitate coordination of the activities of Member States;
 - (n) Operate on the basis of international cooperation.
2. The African Space Agency with other national and international institutions will coordinate a continent-wide regulatory framework for space activities on the continent.
 3. The African Space Agency will work directly with the national space agencies when interfacing with the Member States and in the co-management of space activities for the continent.
 4. A common African position for multilateral engagements should be driven by the African Space Agency.

Article 6

Governance and Management of the African Space Agency

The governance and management structure of the Agency shall comprise:

- (a) The African Space Council;
 - (b) The Advisory Committee;
 - (c) The Secretariat; and
 - (d) The Director General.
2. HSGC-EST shall provide political guidance and shall serve as champions for space science and technology at the continental level.
 3. The STC-EST shall provide overall strategic guidance and orientation to the Agency through the Space Council.

6. STATUTE OF THE AFRICAN SPACE AGENCY

4. The Director General of the Agency shall submit reports on its annual work to the Council who shall submit the same to the STC-EST for consideration and further submission to the policy organs.

Article 7 Composition of the Council

1. The Council shall be constituted as follows:
 - (a) Ten elected persons from Member States, two per each region;
 - (b) The following representatives of the Commission:
 - (i) The Commissioner for Human Resources, Science and Technology (HRST) or his/her representative;
 - (ii) The Commissioner of Infrastructure and Energy or his/her representative;
 - (iii) The Commissioner of Peace and Security or his/her representative;
 - (iv) The Commissioner of Rural Economy and Agriculture or his/her representative;
 - (v) Two representatives of the Bureau of the Chairperson (the Director of Communications and the Legal Counsel of the African Union).
2. The Chairpersons of the following STCs shall be invited to attend the sessions of the STC on Education, Science and Technology where the Council report will be considered:
 - (i) Communication and ICT;
 - (ii) Defense, Safety and Security;
 - (iii) Agriculture Rural Development, Water and Environment;
 - (iv) Transport, Transnational and Interregional Infrastructures, Energy and Tourism.
3. The representatives of the Commission shall be members of the Council with no voting rights.
4. The Chairperson of the Advisory Committee shall be invited to attend the African Space Council meetings.
5. The Director General of AfSA shall serve as the Secretary of the Council.

Article 8 Qualifications and Election of Council Members

1. The African Space Council shall be composed of high-level experts elected by the Assembly from among persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest institution of space and astronomy, earth observation, satellite communication and navigation or related areas. The candidates should be citizens of the AU Member States provided that no members of the Council shall be nationals of the same Member State.
2. The Assembly shall elect the President and Vice-President of the African Space Agency Council from the 10 elected members referred in Article 9, paragraph 1, below.
3. The Assembly shall ensure merit and competence in the election of the Council members.

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4. The Chairperson of the Commission shall communicate the list of candidates to Member States, at least 30 days before the ordinary session of the Assembly or of the Executive Council during which the elections shall take place.

Article 9 Term of Office

1. The 10 members of the Council representing the five African Union regions shall be elected for a four-year term renewable once.
2. A new member elected to replace another, whose term of office has not expired, shall complete the term of office of his or her predecessor and shall be from the same region.
3. All the Council members, except the President and the Vice-President, shall perform their functions on a part-time basis.
4. The term of the President and Vice-President of the Council shall be determined in the Rules of Procedures of the Council, which shall be adopted by the Executive Council.

Article 10 Functions of the Council

1. The African Space Council shall have authority to oversee the Agency, issue directives, and review and approve strategic plans, workplans, budgets, regulations, policies and guidelines to govern the administrative activities and operations of the Agency for adoption by the relevant policy organs of the AU.
2. The African Space Council shall report to the Assembly through the Heads of State and Government on Education, Science and Technology (HSGC-EST).
3. The African Space Council shall meet once every year, after the meeting of the Advisory Committee of the African Space Council and prior to the annual meeting of the Heads of State and Government on Education, Science and Technology (HSGC-EST).

Article 11 Meetings of the Council

1. The Council shall elaborate its own rules of procedure and the rules shall be adopted by the Executive Council in accordance of the AU Rules.
2. The Council shall meet once every year in ordinary session. It may meet in extraordinary session at the request of the Chairperson in consultation with the Agency. The extraordinary session shall be held at the request of:
 - (a) The AU policy organs;
 - (b) The Chairperson of the STS-EST, its Bureau or as decided by the STC-EST;
 - (c) The President of the Council;
 - (d) Two-thirds majority of the total membership of the African Space Council.
3. The quorum for the meeting shall be a simple majority of the total membership of the Council.

6. STATUTE OF THE AFRICAN SPACE AGENCY

4. Decisions of the Council shall be adopted by a two-thirds majority of the members present and voting.
5. Except as otherwise determined by the Council, all meetings of the Council shall be held at the headquarters of the Agency.
6. The Council may invite, as observer, any person or institution to attend its sessions.

Article 12 The Advisory Committee

1. An advisory committee shall be established with the aim to provide necessary advice to the Council.
2. The Advisory Committee shall comprise the following:
 - (a) Five directors general of the national space agencies of Member States, one from each of the five geographic regions of the African Union based on the principle of rotation and geographic representation; the selection shall be done at each region and the nominees shall be communicated to the Commission;
 - (b) One representative of the eight RECs recognized by the African Union, for a term of two years on a rotational basis; the Commission shall lead that process for the selection of RECs;
 - (c) Two experts from the academia admitted through the African Academy of Sciences and whose membership shall be drawn from the five regions of the African Union, based on the principle of rotation and geographic representation;
 - (d) Four chief executive officers of four African private sector entities, each representing one of the four space sectors, namely, earth observation, satellite communication, navigation, and space and astronomy.
3. The Director General of AfSA shall serve as the Secretary of the Advisory Committee.
4. The Chairperson of the Advisory Committee shall be elected among the five directors general of the national space agencies of Member States, on a rotational basis and geographic distribution for a two-year term.
5. The term of office of the members of the Advisory Committee shall be three-year term renewable once.

Article 13 Functions of the Advisory Committee

1. The Advisory Committee shall review and recommend for approval by the African Space Council strategic plans, annual workplans, budgets, external audit reports, regulations, policies and guidelines to govern the administrative activities and operations of the Agency.
2. The Advisory Committee shall report to the African Space Council.
3. The Advisory Committee shall meet once every year, prior to the annual meeting of the African Space Council.
4. The Advisory Committee shall adopt its own rules of procedure.

Article 14 Meetings of the Advisory Committee

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1. The Advisory Committee shall meet once every year in ordinary session and as may be called upon to advise extraordinary sessions of the African Space Council.
2. The quorum for the meeting shall be a simple majority of the total membership of the Committee.
3. Except as otherwise determined by the African Space Council, all meetings of the Advisory Committee shall be held at the headquarters of the Agency.
4. The Director General of the African Space Agency shall present the report of the Advisory Committee to the African Space Council.

Article 15

The Director General of the Agency

1. The Director General shall be the chief executive officer and legal representative of the Agency.
2. The Director General shall be responsible for the management of the Agency and shall be assisted by the necessary staff for the smooth running of the Agency.
3. The Director General shall be appointed by the African Space Council for a term of four years renewable once.
4. The powers and duties of the Director General shall be as set out in the rules of procedures.

Article 16

Financing of the African Space Agency

1. The budget of the Agency shall be borne by the African Union and shall be within the budget of the Union.
2. The budget calendar of the Agency shall be that of the African Union.
3. The Agency shall prepare and submit its budget to the policy organs of the Union for approval and inclusion in the Union's budget.

Article 17

Headquarters of the Agency

1. The headquarters of the Agency shall be determined by the Assembly of the Union in accordance with the AU criteria adopted in 2005.
2. The AUC shall enter into a host country agreement with the government of the host country in which the Agency headquarters will be situated for the purposes of its efficient operation.
3. The Council shall hold its meetings at the headquarters of the Agency.
4. Any Member State may offer to host the Council meeting in lieu of the headquarter country. In the event that a Member State offers to host the meeting, the Member State shall be responsible for all extra expenses resulting from holding the meeting outside the Agency headquarters.
5. A Member State offering to host the Council meeting shall not be under sanctions and shall be required to meet predetermined criteria for the hosting of such session.

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6. Where two or more Member States offer to host the meeting, the Council shall decide on the venue in consultation with the Secretariat.

Article 18 Privileges and Immunities

The African Space Agency and its staff shall enjoy within the territory of all AU Member States, in particular the host country, the privileges and immunities provided in the 1965 General Convention on the Privileges and Immunities of the Organization of African Unity and other relevant international agreements.

Article 19 Working Languages

The working languages of the Agency shall be those of the African Union.

Article 20 Amendments

1. The present Statute may be amended by the Assembly upon the recommendation of the STC.
2. The amendments shall come into effect upon adoption by the Assembly.

Article 21 Entry into Force

This Statute shall enter into force upon its adoption by the Assembly.

PART XIV

TRANSPORTATION AND POSTAL SERVICES

1. AFRICAN CIVIL AVIATION COMMISSION

1.

AFRICAN CIVIL AVIATION COMMISSION CONSTITUTION

Adopted in Addis Ababa, Ethiopia, on 17 January 1969.

Entered into force on 15 March 1972.

1. The African Civil Aviation Commission (AFCAC) is an autonomous body and membership shall be open to African States members of ECA or OAU.
2. AFCAC is a consultative body and its conclusions and recommendations shall be subject to acceptance by each of the governments.

Objectives

3. The objectives of AFCAC are:
 - (a) To provide the civil aviation authorities in the Member States with a framework within which to discuss and plan all the required measures of coordination and cooperation for all their aviation activities;
 - (b) To promote coordination, better utilization and orderly development of African air transport systems.

Functions

- 4.1. The functions of AFCAC shall, in particular, include:
 - (a) Formulating plans at the regional and subregional levels for the operation of air services within and outside Africa;
 - (b) Carrying out studies of the feasibility of standardization of flying equipment and ground units servicing aircraft;
 - (c) Carrying out studies of the possibility of integration of the policies of governments regarding commercial aspects of air transport;
 - (d) Carrying out studies of intra-African fares and rates with a view to adopting a structure conducive to the rapid growth of traffic in Africa;
 - (e) Carrying out studies of regional or subregional air transport economic questions other than those mentioned in paragraphs (b), (c) and (d) above;
 - (f) Encouraging the application of ICAO standards and recommendations on facilitation and supplementing them by further measures aimed at greater facilitation of the movement by air of passengers, cargo and mail;
 - (g) Fostering arrangements between States whenever this will contribute to the implementation of:
 - (i) ICAO regional plans for air navigation facilities and services; and
 - (ii) ICAO specifications in the fields of airworthiness, maintenance and operation of aircraft, licensing of personnel and aircraft accident investigation;
 - (h) Fostering and coordinating programmes for the development of existing and future training facilities to cope with the present and future regional and subregional requirements for personnel in all fields of civil aviation;

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(i) Studying the need for collective arrangements for technical assistance in Africa with a view to obtaining the best possible use of all available resources, particularly those provided within the framework of the United Nations Development Programme.

4.2. AFCAC shall, in the exercise of its functions, work in close consultation and cooperation with OAU, ECA, ICAO and any other governmental or non-governmental international organization concerned with civil aviation.

Organization and Working Arrangements

5. AFCAC shall meet in ordinary plenary session once every two years.

6. At each ordinary plenary session, AFCAC shall elect its President and four Vice-Presidents, one for each subregion, who will constitute the Bureau of AFCAC.

7. Extraordinary plenary meetings may be convened by the Bureau and must be convened if the Bureau receives a request from two thirds of the AFCAC members.

8. At each ordinary plenary session, AFCAC shall establish its work programme for the period until the following ordinary plenary session.

9. The direction, coordination and steering of the work programme between ordinary plenary sessions shall be the responsibility of the Bureau of AFCAC.

10. AFCAC shall determine its own internal organization, arrangements and procedures, including the formation of committees to study special aspects of civil aviation in Africa.

11. Member States should be represented at meetings of AFCAC by delegates senior in rank and competent in the field to be discussed for the authoritative handling of the problems.

12. There shall be established by AFCAC a Secretariat for organizing studies, meetings, maintenance of records and the like. The rules governing the recruitment and conditions of service of the staff shall be determined by AFCAC. ICAO, during the initial period to be determined by AFCAC, shall have the following responsibilities:

(i) To provide staff to carry out studies, organize meetings and undertake related activities;

(ii) To handle minutes, correspondence, etc.

ACFAC shall make full use of the experience and assistance of ICAO in conformity with the practice followed by the latter with similar international organizations.

13. At each ordinary plenary session, AFCAC shall prepare and approve a budget of the direct costs of its activities, as indicated in the work programme for the following years. AFCAC shall establish its own financial rules for the assessment of members' contributions and control of expenditure. As regards the indirect costs, these shall be the responsibility of ICAO in accordance with the practice followed by ICAO in the joint financial field under Chapter XV of the Chicago Convention.

Signature, Ratification and Withdrawal

14. The present constitution is open to signature by all States attending the Constitutive Conference of AFCAC and by all other independent African States members of the OAU or ECA.

2. YAMOUSSOUKRO DECLARATION ON NEW AFRICAN AIR TRANSPORT POLICY

The instruments of ratification shall be deposited with the Secretariat of the OAU which shall give notice of the date of deposit to AFCAC and all Member States of AFCAC.

The present Constitution shall be open for the signature of African States as of 17 January 1969 at the Headquarters of the OAU in Addis Ababa.

The Constitution shall come into force provisionally as of 17 January 1969 and shall come into force definitively after ratification by twenty Member States.

15. To withdraw from AFCAC, a State shall address a notification to that effect to the Secretariat of OAU which shall immediately notify AFCAC and all other members. Withdrawal shall take effect one year from receipt of the notification.

Amendment

16. This Constitution may be amended by a two-thirds majority of all members.

2.

DECLARATION OF YAMOUSSOUKRO ON A NEW AFRICAN AIR TRANSPORT POLICY

Adopted in Yamoussoukro, Republic of Côte d'Ivoire, in October 1988.

We, African Ministers responsible for Civil Aviation, meeting in Yamoussoukro, Republic of Côte d'Ivoire, from 6 to 7 October 1988,

Considering the Lagos Plan of Action and Final Act of Lagos adopted in April 1980 by the Assembly of Heads of State and Government of the Organization of African Unity,

Considering the Declaration of General Policy in the field of Civil Aviation endorsed by the Assembly of Heads of State and Government of the Organization of African Unity in Resolution CM/Res.804 (XXXV) of June 1980,

Considering the various resolutions adopted by the Conference of African Ministers of Transport, Communications and Planning on air transport matters and endorsed by the ECA Conference of Ministers, in particular resolutions ECA/UNTACDA/Res.79/6 of May 1979 and ECA/UNTACDA/Res.83/84 of March 1983 on the freedoms of the air, ECA/UNTACDA/Res.79/11 of May 1979 on the establishment of an African Conference for renegotiating and approving tariffs, ECA/UNTACDA/Res.86/60 of March 1986 on the establishment of a well-coordinated network of aircraft maintenance and overhaul centres in Africa,

Convinced that air transport is an important tool for the promotion of social and economic development in Africa and in the world,

Convinced that due to the international nature of air transport, measures taken in one part of the world are likely to have an impact on developing countries in general and on Africa in particular,

Aware of the effects of deregulation in the United States and of the consequences it may have on policies of other countries for the regulation of their air transport industry,

Gravely concerned about the potential adverse effects on the African airlines of the European air transport liberalization policies, especially the application by the EEC of the Treaty of Rome to air transport services and the creation of a single internal market by 1993,

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Bearing in mind the fact that many aircraft owned by African airlines are obsolete and thus in need of replacement at great cost,

Conscious of the urgent need for African airlines to renew their fleet, and in particular to comply with chapters 2 and 3 of Annex 16 to the Chicago Convention of 1944, concerning aircraft noise,

Considering the need for African countries to exchange traffic rights in a liberal manner in order to develop air services among themselves,

Noting the urgent need for all African airlines to market their product competitively through an unbiased computerized reservation system,

Aware that most African airlines operate at a loss and that they consume a considerable part of their countries' meagre foreign exchange resources,

Recognizing the fragility of the present air transport industry in Africa and the smallness of its market, the urgent need for African airlines to improve their management and to cooperate among themselves,

Guided by the will to fight against underdevelopment under the framework of a new and just international economic order,

Strongly resolved to considerably restructure African air transport in order to make it contribute more significantly to the national development of African States and to the continent's social and economic integration,

Agree to commit ourselves, individually and collectively, to promote a climate of cooperation and solidarity which is necessary for the safeguarding and development of international air transport activities in Africa, and agree by this Declaration, to adopt a new air transport policy based on the following guidelines:

Cooperation in Air Transport

A. Integration of Airlines

We commit ourselves, individually and collectively, to make all the necessary efforts to achieve the integration of our airlines within a period of eight years. This integration should be done through the strengthening of existing cooperative structures and the creation of new entities either on a subregional basis, on the basis of economic groupings or on the basis of affinity. To this end, studies and consultations will be carried out immediately. The process towards the total integration of our airlines could be carried out in phases as indicated hereunder, it being understood that in certain cases it may not be necessary to go through all the phases.

Our Governments agree:

During Phase I

(a) To exchange information on the value and type of equipment and facilities of each African airlines, including aircraft capacity, aircraft type, training, and maintenance facilities,

(b) To initiate action for the maximum use of any available capacity and in this connection investigate the possibility of designating gateway airports from which other airlines could feed their traffic with a view to improving profitability;

(c) To promote cooperation between their national airlines with a view to amalgamating them into larger, more efficient and competitive entities.

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During Phase II

To commit their airlines to the joint operation of compatible and international routes and to carry out jointly certain aspects of airline operations particularly in the following areas:

- (a) Joint insurance;
- (b) Computerized reservations system;
- (c) Joint purchase of spare parts;
- (d) Joint aircraft purchasing and/or leasing;
- (e) Joint or common designation of flights;
- (f) Common access to the market and granting of traffic rights;
- (g) Consolidation of sales outlets and station handling activities, including mutual representation in sales offices;
- (h) Joint promotion and sale of the joint services;
- (i) Revenue and cost sharing;
- (j) Harmonization of existing individual networks;
- (k) Training facilities;
- (l) Maintenance and overhauling of equipment.

And During Phase III

To achieve the complete integration of airlines, especially according to the three schemes below:

- (a) Consortium: Close collaboration between the members without creating an independent legal entity;
- (b) Jointly owned airlines: The partners may create a separate legal entity to manage the affairs of the partners. Under this arrangement the partners merge their operations while maintaining their individuality.
- (c) Merger: The partner airlines combine to form a single entity replacing the separate airlines that existed before the merger.

African governments shall strive to undertake actions necessary to reach Phase III as quickly as possible according to the following timetable:

Phase I - 2 years;

Phase II - 3 years;

Phase III - 3 years.

B. Traffic Rights

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During the implementation of the programme for the integration of our airlines the need to exchange traffic rights will be gradually eliminated. During the period of transition, it is necessary to show more flexibility in the granting of the fifth freedom to African airlines.

Groupings of countries cooperating in the establishment of joint multinational airlines will exchange traffic rights among themselves without restriction and shall formulate a common policy for the granting of traffic rights to carriers from outside Africa.

C. Costs and Tariffs

Recognizing the relationship between tariffs and airline operating costs, African Civil Aviation Administrations and airlines undertake to increase their technical cooperation, especially in the fields of maintenance and overhaul of aircraft, fleet planning and joint purchase activities, the use of ground equipment and collective insurance so as to minimize operating costs and thereby reduce tariffs.

Immediate action shall be taken by African States that have not yet done so to ratify the Convention on the African Air Tariff Conference (AFRATC), a forum for African airlines to study, discuss and agree on air tariffs to, from and within Africa.

Improvement of Management

The ultimate integration of our airlines should be based on the improvement of their financial situation. We undertake to improve the management of existing national airlines through a programme of intensive training aimed at making available to them manpower, who are qualified and skilled in this field, competence being the sole criterion for the appointment of all staff. Every effort would be made to retain specialist staffs who are hard to come by, within the airlines.

We further undertake to intensify our efforts to accord priority to the use of existing training facilities within Africa.

Financing of Air Transport Activities

Within the framework of the integration of our airlines into larger units we shall seek to purchase equipment jointly in order to enhance our ability to acquire modern aircraft.

We shall also work towards the establishment of an African aircraft leasing and financing company so as to facilitate the acquisition of equipment by African airlines.

To this end, we call on African financing institutions, in particular the African Development Bank, and other multinational financing institutions to give high priority to activities for the implementation of the objectives set out in this Declaration. We also encourage African private capital to get involved in the financing of air transport activities.

Product Distribution System

We commit ourselves to combating the invasion of our national markets by non-African distribution systems and, to that end, we shall as a matter of urgency:

- (a) Initiate studies leading to the establishment of an African joint computerized reservation system;
- (b) Take the necessary measures to protect our local markets by requiring travel agents to use the computerized reservation system used by our national carriers;

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(c) Pending the creation of an African joint computerized reservation system, cooperate in selecting a system offering the best terms and conditions for our airlines and shall negotiate collectively for its use;

(d) Support the current efforts of ICAO which aim at the adoption, at the international level, of a code of conduct for the unbiased use of computerized reservation system taking into account the specific interests of our airlines.

Aircraft Noise

We agree to work out a common position regarding the adoption and application of measures concerning aircraft noise restrictions in accordance with our economic situation.

We reaffirm our determination to take all the necessary steps to prevent the introduction into our countries of aircraft that are no longer in use elsewhere because of noise restrictions.

We also agree not to impose restrictions on aircraft presently registered in Africa that do not comply with current noise standards.

Mechanism for Implementation and Follow-Up

We hereby decide to entrust the task of coordinating the implementation of the objectives set out in this Declaration to the Economic Commission for Africa. In this regard, we request the Economic Commission for Africa to liaise with the Organization of African Unity, the African Civil Aviation Commission, the African Airlines Association and other organizations concerned.

We commit ourselves to take all the necessary steps to facilitate the implementation of this Declaration and to instruct the Ministers responsible for Civil Aviation of the following subregions to coordinate this implementation:

North Africa: name of country to be communicated to ECA later;

East Africa: United Republic of Tanzania;

West Africa: Republic of Côte d'Ivoire;

Central Africa: Republic of Gabon;

Southern Africa: name of country to be communicated to ECA later.

Finally, we agree to meet as often as possible during each phase of the implementation of the decisions we have taken in order to assess progress made.

3.

DECISION RELATING TO THE IMPLEMENTATION OF THE YAMOOUSSOUKRO DECLARATION CONCERNING THE LIBERALIZATION OF ACCESS TO AIR TRANSPORT MARKETS IN AFRICA

Adopted in Yamoussoukro, Côte d'Ivoire, on 13 to 14 November 1999.

Endorsed by the Organization of African Unity in Lomé, Togo, on 10 to 12 July 2000 (AHG/OAU/AEC/Dec.1 (IV)).

Entered into force on 12 August 2000.

We, African Ministers in charge of civil aviation, meeting in Yamoussoukro, Côte d'Ivoire, on 13 and 14 November 1999,

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Considering the Treaty Establishing the African Economic Community, (hereinafter referred to as the Abuja Treaty), in particular Article 61 relating to the integration of air transport and Article 10 relating to the authority of the Assembly of Heads of State and Government to adopt decisions,

Considering also the general policy statement on civil aviation made by the Conference of Heads of State and Government of the Organization of African Unity under Resolution CM/Res.804 (XXXV) of June 1980,

Recognizing the relevance of the objective of the Yamoussoukro Declaration on a new African civil aviation policy adopted on 7 October 1988 whose primary purpose was to create a conducive environment for the development of intra-African and international air services,

Recalling the decisions of African Ministers Responsible for Civil Aviation adopted in Mauritius in September 1994 with a view to accelerating the implementation of the Yamoussoukro Declaration, especially those relating to the granting of traffic rights, regional cooperation in air transport and the role of governments,

Considering the need to harmonize air transport policies in order to eliminate non-physical barriers that hamper the sustainable development of air transport services in Africa,

Having regard to the recommendation of the Eleventh Conference of African Ministers responsible for Transport and Communications held in Cairo, Egypt, from 25 to 27 November 1997 calling for the organization of a regional meeting of African Ministers Responsible for Civil Aviation to review and find ways and means of implementing the Yamoussoukro Declaration,

Mindful of the guiding principles set by the International Civil Aviation Organization (ICAO) for the development of safe, regular and orderly air transport services on the basis of equality,

Further mindful of the globalization of the world economy and the need to create a conducive environment for the development and provision of safe, reliable and affordable air transport services necessary for the free movement of persons, goods and services in Africa,

Recognizing the necessity to adopt measures with the aim of progressively establishing a liberalized intra-African aviation market concerning, among other things, traffic rights, capacity, frequency and pricing,

Considering the importance of enhancing cooperation among African airlines in order to stimulate the development of inter-African air transport and the need to improve the quality of service to the consumers,

Convinced that, given the different levels of air transport development in Africa it is necessary to adopt special and transitional provisions in order to achieve full liberalization of air transport in Africa, and

Recognizing the efforts undertaken in the various subregions to merge, privatize and liberalize air transport services,

Hereby adopt this decision:

Article 1 Definitions

For the purposes of this Decision, the following expressions shall mean:

“Abuja Treaty”: the Treaty Establishing the African Economic Community adopted at Abuja, Nigeria, on 3 June 1991 and which entered into force on 12 May 1994;

3. DECISION RELATING TO THE IMPLEMENTATION OF THE YAMOUSSOUKRO DECLARATION

“Aeronautical authority”: any governmental authority, body corporate or organ duly authorized to perform any function to which this Decision relates;

“Air services” and “airlines”: have the meaning respectively assigned to them in Article 96 of the Chicago Convention on International Civil Aviation dated 7 December 1944;

“Eligible airline”: any African air transport company fulfilling the requirements set forth in Article 6, paragraph 6.9, below;

“Jointly-owned and jointly operated airline”: any airline created by virtue of Article 77 of the Chicago Convention on International Civil Aviation;

“Effective control”: a relationship constituted by rights, contracts or any other means which, either separately or jointly, confer the possibility of a State Party or group of States Parties or their nationals to directly or indirectly exercise a decisive influence on the running of the business of the airline or the right to use all or a substantive part of the assets of the air carriers;

“Designated airline”: eligible airline designated by a State Party to exercise its traffic rights under this Decision;

“Capacity”: as defined by ICAO;

“Capacity share”: the share of an eligible airline of a State Party expressed as a percentage of the total capacity in a bilateral relationship with another State Party;

“Country of origin”: the territory of a State Party where air transport starts;

“Decision”: text of this Decision including the Appendices and amendments;

“Depositary”: the Organization of African Unity;

“State Party”: each African State signatory to the Abuja Treaty and such other African country which, though not a party to the said Treaty, has declared in writing its intention to be bound by this Decision;

“Tariffs”: the prices to be paid for the carriage of passengers, baggage or cargo (excluding mail) on scheduled air services and the conditions under which these prices apply, including remuneration and conditions offered to travel agencies and other auxiliary services;

“Third freedom traffic right”: the right of an eligible airline of one State Party to put down, in the territory of another State Party, passengers, freight and mail taken up in the State Party in which it is licensed;

“Fourth freedom traffic right”: the right of an eligible airline of one State Party to take on, in the territory of another State Party, passengers, freight and mail for offloading in the State Party in which it is licensed;

“Fifth freedom traffic right”: the right of an eligible airline of one State Party to carry passengers, freight and mail between two States Parties other than the State Party in which it is licensed;

“Scheduled and unscheduled air services”: as defined in Chicago Convention and ICAO Council resolutions.

Article 2 Scope of Application

This Decision establishes the arrangement among States Parties for the gradual liberalization of scheduled and non-scheduled intra-Africa air transport services. This Decision has precedence over any multilateral or bilateral

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agreements on air services between States Parties which are incompatible with this Decision. The provisions which are included in these agreements and which are not incompatible with this Decision remain valid and are supplementary to the Decision.

Article 3 Granting of Rights

3.1 States Parties grant to each other the free exercise of the rights of the first, second, third, fourth and fifth freedoms of the air on scheduled and non-scheduled passenger, cargo and/or mail flights performed by an eligible airline to/from their respective territories.

3.2 Notwithstanding the provisions of paragraph 3.1 of this Article, a State Party may in accordance with the provision of paragraph 10.1 of Article 10 below, limit its commitment in respect to fifth freedom rights for a period no longer than two (2) years to the following:

(a) Grant and receive unrestricted fifth freedom on sectors where, for economic reasons, there are no third and fourth freedom operators; and

(b) Grant and receive a minimum of 20 percent of the capacity offered on the route concerned during any given period of time in respect to any sector where third and fourth freedom operators exist.

Article 4 Tariffs

4.1 In case of tariff increase, there shall be no approval required by the aeronautical authorities of States Parties concerned for tariff to be charged by the designated airlines of States Parties for the carriage of passenger, cargo and mail. The airlines shall in this case file such tariffs before competent authorities 30 working days before they enter into effect.

4.2 This provision is not applicable in the case of lowering tariff which takes immediate effect according to the will of the airline.

Article 5 Capacity and Frequency

5.1 Subject to the provisions of Article 3, there shall be no limit on the number of frequencies and capacity offered on air services linking any city pair combination between States Parties concerned. Each designated airline will be allowed to mount and operate such capacity and frequency as such airline deems appropriate. Consistent with this right, no State Party shall unilaterally limit the volume of traffic, the type of aircraft to be operated or the number of flights per week, except for environmental, safety, technical or other special consideration.

5.2 Without prejudice to the provisions of paragraph 5.1 above, a State Party concerned may refuse to authorize an increase in capacity if such additional capacity is not in compliance with the provisions of Article 7 relating to the rules of fair competition.

Article 6 Designation and Authorization

6.1 Each State Party shall have the right to designate in writing at least one airline to operate the intra-Africa air transport services in accordance with this Decision. Such designation shall be notified to the other State Party in writing through diplomatic channels.

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6.2 A State Party may also designate an eligible airline from another State Party to operate air services on its behalf.

6.3 A State Party shall have the right to designate an eligible African multinational airline in which it is a stakeholder and this airline shall be accepted by the other States Parties.

6.4 On receipt of the notification of such designation, the other State Party shall, in accordance with its national laws, speed up the process of authorization and licensing of the airline designated by the other State Party to operate the services. While such authorization should be granted within 30 days, the proposed schedule of flights should be submitted to the appropriate authorities for approval.

6.5 Should a State Party be convinced that a designated airline does not meet the criteria in paragraph 6.9 below, it may refuse the authorization. The State that has designated the airline may request consultations in accordance with Article 11, paragraph 4, of this Decision relating to miscellaneous provisions.

6.6 Each State Party has the right to withdraw the designation of an eligible airline and to designate another eligible airline or airlines in writing through diplomatic channels within 30 days except when prevented from doing so for security reasons.

6.7 Authorizations for the performance of non-scheduled air transport services by eligible airlines of the States Parties shall be granted by the respective competent authorities, provided that an application has been submitted for approval to the appropriate authority, accompanied by the operating certificates of the airline's country of nationality and the corresponding insurance policies.

6.8 In order to ensure continued scheduled air services on a particular route sector where scheduled airlines have an obligation to operate during low and high traffic seasons, the scheduled airlines will be given preference over the non-scheduled airlines on the same sector.

6.9 Eligibility criteria

To be eligible, an airline should:

- (a) Be legally established in accordance with the regulations applicable in a State Party to this Decision;
- (b) Have its headquarters, central administration and principal place of business physically located in the State concerned;
- (c) Be duly licensed by a State Party as defined in Annex 6 of the Chicago Convention;
- (d) Fully own or have a long-term lease exceeding six months on an aircraft and have its technical supervision;
- (e) Be adequately insured with regard to passengers, cargo, mail, baggage and third parties in an amount at least equal to the provisions of the international conventions in force;
- (f) Be capable of demonstrating its ability to maintain standards at least equal to those set by ICAO and to respond to any query from any State to which it provides air services;
- (g) Be effectively controlled by a State Party.

6.10 Revocation of authorization

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A State Party may revoke, suspend or limit the operating authorization of a designated airline of the other State Party when the airline fails to meet the criteria of eligibility. In case of revocation, the State Party shall inform the airline at least thirty (30) days before the measure enters into force.

6.11 Documents

Each State Party shall recognize as valid the Air Operating Certificate, Certificate of Airworthiness, Certificate of Competency and the licenses issued or validated by the other State Party and still in force provided that the requirements for such certificate or license are at least equal to the minimum standards set by ICAO.

6.12 Safety and security

(a) The States Parties reaffirm their obligations to each other to protect the security of civil aviation against acts of unlawful interference. The States Parties will conform to the provisions of the various conventions on air safety in accordance with ICAO provisions and especially with Annex 17 of the Chicago Convention on International Civil Aviation.

(b) Each State Party shall give consideration to any request from the other State Party for special security measures to meet a particular threat.

(c) The States Parties reaffirm their obligation to comply with the civil aviation safety standards and practices recommended by ICAO.

Article 7 Competition Rules

7.1 States Parties shall ensure fair opportunity on a non-discriminatory basis for the designated African airline to effectively compete in providing air transport services within their respective territory.

Article 8 Settlement of Disputes

8.1 If any dispute arises between States Parties relating to the interpretation or application of this Decision, the States Parties concerned shall in the first place endeavour to settle the dispute by negotiation.

8.2 If the States Parties concerned fail to reach a settlement of the dispute by negotiation within 21 days, either party may submit the dispute for arbitration in accordance with the arbitration procedures set forth in Appendix 2 hereof.

Article 9 Monitoring Body

9.1 Pursuant to paragraph 4 of Article 25 of the Abuja Treaty, a Subcommittee on Air Transport of the Committee on Transport, Communications and Tourism is hereby established which shall be responsible, inter alia, for the overall supervision, follow-up and implementation of this Decision.

9.2 A Monitoring Body composed of representatives of the ECA, OAU, AFCAC and AFRAA which shall be assisted, as the case may be, by representatives of subregional organizations, is hereby established to assist the Subcommittee on Air Transport composed of African Ministers Responsible for Civil Aviation in the follow-up of the implementation of this Decision.

9.3 The duties and responsibilities of the Monitoring Body are set forth in Annex 3 hereof. Secretariat services required by the Monitoring Body shall be provided by the ECA.

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9.4 To ensure successful implementation of the Decision, an African Air Transport Executing Agency will be established as soon as possible. The principal responsibility will include, inter alia, the supervision and management of Africa's liberalized air transport industry.

9.5 The Executing Agency shall have sufficient powers to formulate and enforce appropriate rules and regulations that give fair and equal opportunities to all players and promote healthy competition.

9.6 The Executing Agency will also ensure that consumer rights are protected.

Article 10 Transitional measures

10.1 By a formal declaration made in writing to the depository or the secretariat of the Monitoring Body, as the case may be, through diplomatic channel at the time of adoption of the Decision by the Assembly of Heads of State and Government or any time thereafter, a State Party shall have the option not to grant and receive the rights and obligations provided for in Articles 3 and 4 for a transitional period not exceeding two (2) years.

10.2 Each State Party may, on six (6) months prior notice given to the depository or the Secretariat of the Monitoring Body, assume or resume such rights and obligations.

10.3 The exemption of a State Party from the application of this Decision terminates on the date provided for in the Declaration made under paragraph 10.1 above. During the transitional period, no State Party shall be obliged to grant any rights hereunder to any State Party not bound thereby to the same extent.

10.4 With regard to any measures covered by the Decision, the States Parties shall not discriminate between designated airlines of States Parties that have assumed similar commitments.

10.5 States Parties undertake not to enter into any obligations that would be more restrictive than this Decision. However, States Parties shall not be precluded from maintaining or developing on a bilateral basis or among themselves, arrangements more flexible than those contained herein.

10.6 This Decision shall not be deemed to impose obligations on a State Party to grant cabotage privileges.

Article 11 Miscellaneous Provisions

11.1 Commercial Opportunities

11.1.1 The designated airline of each State Party shall have the right to establish offices in the territory of the other State Party for the promotion and sale of air transport services.

11.1.2 Upon request and in accordance with applicable foreign exchange regulations, each designated airline will be granted the right to convert and remit to the country of its choice, all local revenues from the sale of air transport services and associated activities directly linked to air transport in excess of sums locally disbursed, with conversion and remittance permitted promptly without restriction, discrimination, taxation ¹in respect thereof in accordance with the applicable foreign exchange regulations.

¹ The term "without taxation" refers to taxation on the conversion and remittance, not to national income tax which is better dealt with on the basis of a double taxation treaty, or some other arrangement in which the income from the sale of air transportation by foreign airlines is exempted from national income tax on a reciprocal basis. However, in the absence of a double taxation treaty or other arrangement, States could use this clause to exempt reciprocally air carriers from foreign income taxes, but should make their intention clear in this regard.

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11.1.3 The designated airline may be permitted to pay for its local expenses, such as handling and purchases of fuel in local currency, as provided for in the exchange control regulations.

11.1.4 The designated airline of each State Party shall be entitled, in accordance with the laws and regulations of the other State Party relating to entry, residence and employment, to bring into the territories employees who perform managerial, commercial, technical, operational and other specialist duties which are required for the provision of air transport services.

11.1.5 The aforementioned measures are designed to facilitate the establishment and operation of airlines and the transfer of their excess earnings shall be taken by States Parties on the basis of reciprocity.

11.2 Operational Flexibility

In operating scheduled and unscheduled services, each designated airline may, on any or all flights and at its option:

- (a) Operate flights in either or both directions;
- (b) Be permitted by the States Parties concerned to combine air services and use the same flight number;
- (c) Serve intermediate, and beyond points and points in the territories of the States Parties in Africa on the routes in any combination and in any order; and
- (d) Omit stops at any point or points, provided that the service commences at a point in the territory of the State Party designating the airline.

11.3 Cooperative Arrangements

In operating the authorized services on the agreed routes, a designated airline of one State Party may enter into cooperative marketing arrangements such as blocked-space, code sharing, franchising or leasing arrangement, with an airline or airlines of the other State Party.

11.4 Consultation

A State Party may, at any time, request consultation with other State Party (ies) in respect to the interpretation or application of this Decision. Such consultation shall begin at the earliest possible date but not later than 30 days from the date the other Party receives the request.

11.5 Review

The Air Transport Subcommittee shall review this Decision every two years or earlier if requested by two thirds of the States Parties. In such reviews, the Monitoring Body shall propose measures to eliminate existing restrictions gradually.

11.6 Registration

This Decision shall be registered by the depository and/or Monitoring Body with the International Civil Aviation Organization (ICAO).

Article 12 Final Provisions

3. DECISION RELATING TO THE IMPLEMENTATION OF THE YAMOUSSOUKRO DECLARATION

12.1 Entry into Force

12.1.1 In accordance with Article 10 of the Abuja Treaty, this Decision shall automatically enter into force thirty (30) days after the date of its signature by the Chairman of the Assembly of Heads of State and Government at which this Decision was adopted.

12.1.2 In respect of African States that are not parties to the Abuja Treaty, this Decision shall enter into force 30 days after the date on which such State has communicated its declaration of intention to be bound by this Decision in the form of Appendix 1 (a), 1 (b) and 1 (c) to the Monitoring Body which shall in turn transmit the declaration to the depository.

12.1.3 The depository shall inform all States Parties of:

- (a) Each declaration made in accordance with the Decision;
- (b) Date of the deposit and the date of effectiveness of this Decision in respect to that State;
- (c) The withdrawal of any declaration;
- (d) The withdrawal from this Decision and the date on which it takes effect; and
- (e) The accession by and admission of new States.

12.2 Role of subregional and regional organizations

Subregional and regional organizations are encouraged to pursue and to intensify their efforts in the implementation of this Decision.

12.3 Withdrawal

12.3.1 A State Party may withdraw from this Decision by a formal notification in writing addressed to the depository of its intention to do so or in the circumstances contemplated under Article 104 of the Abuja Treaty. The depository shall within 30 days of receipt of the notification of withdrawal notify the other States Parties.

12.3.2 Notwithstanding the notice of withdrawal, this Decision shall apply to the State concerned for one year after the date of receipt of the notification by the depository.

12.4 Annexes

Relevant annexes adopted by the competent organs of the African Economic Community shall form an integral part of this Decision.

Annex 1 (a)

Form of Declaration of Commitment²
on the Decision relating to the implementation of the Yamoussoukro Declaration
concerning the liberalization of access to air transport markets in Africa

I, [name of the Minister in charge of civil aviation] representing the Government of [insert name of country] and in reference to the Decision relating to the implementation of the Yamoussoukro Declaration concerning the

² This form is to be used by States Parties that are not parties to the Abuja Treaty and wish to be parties to the Decision.

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liberalization of access to air transport markets in Africa which was endorsed by the Thirty-sixth Ordinary Session of the Assembly of Heads of State and Government of the OAU as published in the Official Journal No. 6 of the African Economic Community covering Decision of the Fourth Ordinary Session of the Assembly of Heads of State and Government.

By this declaration of commitment, I declare that my country is bound by the Decision to liberalize the access to air transport markets in Africa in its entirety and will fully implement the said Decision as party thereto.

I hereby inform that my government has taken all the necessary administrative measures to give full effect to this declaration.

Our rights and obligations under the said Decision shall be effective 30 days after the receipt by you of this declaration.

Done at.....on.....

For the Government of [Insert name]
By:[..... signature.....]
Its:[..... [insert title of signatory.....]

Annex 1 (b)

Form of Declaration of Commitment³ on the Decision relating to the implementation of the Yamoussoukro Declaration concerning the liberalization of access to air transport markets in Africa

I, [name of the Minister in charge of civil aviation] representing the Government of [insert name of country] and in reference to the Decision relating to the implementation of the Yamoussoukro Declaration concerning the liberalization of access to air transport markets in Africa which was endorsed by the Thirty-sixth Ordinary Session of the Assembly of Heads of State and Government of the OAU as published in the Official Journal No. 6 of the African Economic Community covering Decision of the Fourth Ordinary Session of the Assembly of Heads of State and Government.

By this declaration of commitment, I declare that my country is bound by the Decision to liberalize the access to air transport markets in Africa in its entirety and undertake to fully implement the said Decision as party thereto, except to the extent provided below for a maximum transitional period of [insert period but not to exceed two years from date of declaration].

1. Grant of traffic rights

1.1 In accordance with the provisions of paragraph 3.2 of Article 3 of the said Decision, I commit my country to grant during the transitional period fifth freedom traffic to the designated airlines of States Parties on the following basis:

(a) Grant and receive unrestricted fifth freedom on sectors where, for economic reasons, there are no third and fourth freedom operators; and

(b) Grant and receive a minimum of 20 percent [or such other higher percentage] of the capacity offered on the route concerned during any given period of time in respect to any sector where third and fourth freedom operators exist.

³ This form is to be filled by States that are not parties to the Abuja Treaty and wish to be parties to the Decision with limitation of their commitment.

3. DECISION RELATING TO THE IMPLEMENTATION OF THE YAMO USSOUKRO DECLARATION

2. Other provisions

All other provisions of the Decision shall remain valid and be binding on us.

3. This declaration shall terminate at the latest on [insert date] and thereafter we shall be bound to the fullest extent by the terms of the Decision.

4. With respect to matters covered by the foregoing paragraphs, my country confirms the understanding that during the transitional period the obligations of other States Parties to grant any rights to us will be strictly equivalent to our commitment hereunder.

Done at.....on.....

For the Government of [Insert name]
By:[..... signature.....]
Its:[..... [insert title of signatory.....]

Annex 1 (c)

Form of Declaration of Commitment⁴ on the Decision relating to the implementation of the Yamoussoukro Declaration concerning the liberalization of access to air transport markets in Africa

By this declaration of commitment, I [insert name of the Minister] representing the Government of the Republic of [insert name] declare that my country is bound by the Decision to liberalize the access to air transport markets in Africa in its entirety and will fully implement the said Decision as party thereto, except to the extent provided below for a maximum transitional period of [insert period but not to exceed two years from date of declaration].

1. Grant of traffic rights

1.1 In accordance with the provisions of paragraph 3.2 of Article 3 of the said Decision, we commit ourselves to grant during the transitional period fifth freedom traffic to the designated airline of States Parties on the following basis:

(a) Grant and receive unrestricted fifth freedom on sectors where, for economic reasons, there are no third and fourth freedom operators; and

(b) Grant and receive a minimum of 20 percent [or such other higher percentage] of the capacity offered on the route concerned during any given period of time in respect to any sector where third and fourth freedom operators exist.

2. Other provisions

All other provisions of the Decision shall remain valid and be binding on us.

3. This declaration shall terminate at the latest on [insert date] and thereafter my Government shall be bound to the fullest extent by the terms of this Decision.

⁴ This form is to be filled by States that are parties to the Abuja Treaty who wish to limit the extent of their commitment.

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4. With respect to matters covered by the foregoing paragraphs, my country [insert the name] confirms the understanding that during the transitional period the obligations of other States Parties to grant any rights to us will be strictly equivalent to our commitment hereunder.

5. I hereby inform that my Government has taken all the necessary administrative measures to give full effect to this declaration.

6. Our rights and obligations under the said Decision shall be effective 30 days after the receipt by you of this declaration.

Done at.....on.....

For the Government of [Insert name]

By:[..... signature.....]

Its:[..... [insert title of signatory.....]

Annex 2

Duties and Responsibilities of the Monitoring Body

1. Terms of Reference

The Monitoring Body, as established under Article 9 of this Decision, shall have the following duties and responsibilities:

- (a) Prepare, for adoption by the Subcommittee on Air Transport, the relevant annexes to the Decision;
- (b) Formulate proposals on studies, seminars, workshops and other measures aimed at enhancing and updating air transport services in Africa;
- (c) Use, if necessary, experts to undertake studies related to the implementation of the Decision;
- (d) Provide, on request, to interested organizations and Member States, technical advice for the implementation of the Decision;
- (e) Receive declarations made in accordance with the Decision, notification of withdrawals of any declaration of complaints and requests and shall inform the depository accordingly;
- (f) State its views on any disputes resulting from the application and/or interpretation of the Decision and recommend solution to the dispute;
- (g) State, on request of States Parties, its views on predatory and unfair competition practices;
- (h) Request the competent national and international bodies for the support required to carry out studies, seminars, work programmes and other measures aimed at enhancing and updating air transport services in Africa;
- (i) Assist the OAU to organize the meeting of the Subcommittee on Air Transport of the Committee on Transport, Communications and Tourism.
- (j) Analyze and plan for the periodic review of the Decision;
- (k) Develop and formulate a coordinated implementation programme of the Yamoussoukro Decision between and within subregions.

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2. Seat of the Committee

The seat of the Monitoring Body will be within the ECA, which is designated to serve as its secretariat.

3. Meeting

The Monitoring Body will meet, on a rotational basis, twice a year for the first year and thereafter as required.

4. Funding

Participation in meetings of the Monitoring Body will be funded by each participating organization.

Other activities of the Monitoring Body could be financed from external sources.

4.

REVISED CONSTITUTION OF THE AFRICAN CIVIL AVIATION COMMISSION

Adopted in Dakar, Senegal, on 16 December 2009.

Entered into force on 6 April 2021.

Amended by Decision Assembly/AU/Dec.636 (XXVIII) adopted in Addis Ababa, Ethiopia, on 31 January 2017.

Amendment shall enter into force upon ratification by 15 African States.

Preamble

Whereas civil aviation plays an important role in achieving the objectives of the African Union (AU) as enshrined in the Constitutive Act of the African Union adopted by the Heads of State and Government on 11 July 2000 in Lomé, Togo,

Whereas the development of safe and orderly air transport services into, within and from Africa is to be established on the basis of equality of opportunity and operated soundly and economically as envisaged in the Convention on International Civil Aviation opened for signature at Chicago on 7 December 1944,

Whereas the African Civil Aviation Commission (AFCAC) was conceived by the Constitutive Conference convened by the International Civil Aviation Organization (ICAO) and the Organization of African Unity (OAU) in Addis Ababa, Ethiopia, in 1969 and became an OAU/AU specialized agency on 11 May 1978,

Whereas the Abuja Treaty of 3 June 1991 adopted by the Assembly of Heads of State and Government of the Member States of the OAU established the African Economic Community with the aim of, inter alia, deriving mutual benefit, coordination and integration of policies for the social and economic development of Africa, more particularly in civil aviation,

Considering the Decision taken in Yamoussoukro, Côte d'Ivoire, on 14 November 1999, relating to the implementation of the Yamoussoukro Declaration for the liberalization of access to air transport markets in Africa which was subsequently endorsed by the Assembly of Heads of State and Government of the OAU by Decision AHG/OAU/AEC/Dec.1 (IV), adopted in Lomé, Togo, on 12 July 2000,

Recalling the Ministerial Decision of the Third African Union Conference of Ministers responsible for Air Transport adopted in Addis Ababa, Ethiopia, on 11 May 2007 and subsequently endorsed by the Assembly of Heads of State and Government in Accra, Ghana, on 29 June 2007 entrusting AFCAC with the responsibility of being the Executing Agency for the Yamoussoukro Decision,

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Convinced of the need for a common civil aviation policy capable of promoting the development of African airlines and enhancing African participation in international air transport,

Recognizing that AFCAC should assist African States in supplementing the work of ICAO,

Therefore, we the African States have agreed to the following provisions:

Section I General Provisions

Article 1 Definitions

For the purpose of this Constitution, the terms and expressions below shall have the following meaning:

"Abuja Treaty" means the Treaty Establishing the African Economic Community adopted at Abuja, Nigeria on 3 June, 1991 and which entered into force on 12 May 1994;

"AFCAC" means the African Civil Aviation Commission as established in 1969 and referred to in Article 2 of this Constitution;

"AFCAC Region" shall refer to a geographical region of Africa, as defined by the African Union;

"African State" means an African State, member of the African Union or the United Nations;

"Assembly" means the Assembly of Heads of State and Government of the African Union;

"AU" means the African Union as established by the Constitutive Act of the Union;

"Bureau" means the AFCAC Bureau as described in Article 12 of this Constitution;

"Chairperson" means the Chairperson of the African Union Commission;

"Constitution" means this AFCAC Constitution as adopted by the Meeting of Plenipotentiaries held in Dakar, Senegal on the 16th of December 2009;

"Executing Agency" means the Body referred to in Article 9.4 of the Yamoussoukro Decision;

"Executive Council" means the Executive Council of Ministers of the African Union;

"ICAO" means the International Civil Aviation Organization created pursuant to the Chicago Convention 1944 and which is the international body responsible for the regulation of civil aviation worldwide;

"Member State" means an African State which has signed or ratified/acceded to the AFCAC Constitution;

"Monitoring Body" means the Monitoring Body established by Article 9.2 of the Yamoussoukro Decision;

"NEPAD" means the AU New Partnership for African Development Programme;

"Plenary" means the Assembly of designated representatives of Member States of AFCAC whose functions are described in Article 10 of this Constitution;

"RECs" means the Regional Economic Communities as recognized by the AU;

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"Secretariat" means the organ referred to in Article 14 of this Constitution;

"Secretary-General" means the Secretary-General of AFCAC as provided for under Article 14 of this Constitution;

"Subcommittee on air transport established under Article 9.1 of the Yamoussoukro Decision" means the subsectoral committee on air transport, the body referred to in Article 3 of the Rules of Procedure of the Conference of Ministers of Transport, adopted by the Thirteenth Session of the Executive Council held in Sharm El Sheikh, Egypt, from 24 to 28 June 2008;

"Yamoussoukro Decision" means the Decision relating to the Implementation of the Yamoussoukro Declaration concerning the liberalization of access to air transport markets in Africa done at Yamoussoukro on 14 November 1999.

Article 2 Establishment of AFCAC

There shall continue to be the African Civil Aviation Commission (AFCAC) as established by the 1969 AFCAC Constitution. AFCAC is the specialized agency of the African Union responsible for Civil Aviation matters in Africa.

Article 3 Objectives

AFCAC 's objectives shall be, inter alia:

- (a) Coordinate civil aviation matters in Africa and to cooperate with ICAO and all other relevant organizations and other bodies which are involved in the promotion and development of civil aviation in Africa;
- (b) Facilitating, coordinating and ensuring the successful implementation of the Yamoussoukro Decision by supervising and managing Africa's liberalized air transport industry;
- (c) Formulating and enforcing appropriate rules and regulations that give fair and equal opportunity to all stakeholders and promote fair competition;
- (d) Promoting understanding on policy matters between its Member States and States in other parts of the world;
- (e) Fostering inter alia the implementation of ICAO Standards and Recommended Practices for the safety, security, environmental protection and regularity of the aviation sector;
- (f) Ensuring adherence to and implementation of Decisions of the Executive Council and Assembly.

Article 4 Functions

AFCAC shall carry out the following functions:

- (a) Undertake studies on technical regulatory and economic developments in air transport, with particular focus on their implications for Africa;
- (b) Encourage and support Member States to comply with ICAO Standards and Recommended Practices, as well as the regional air navigation plans;

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- (c) Foster and coordinate programmes for the development of training facilities in Africa and encourage and support the training and development of personnel in all fields of civil aviation;
- (d) Encourage and support the creation of autonomous civil aviation entities;
- (e) Develop collective arrangements to secure the necessary resources for the promotion of international civil aviation, particularly those provided within the framework of bilateral and multilateral programmes for technical cooperation to Member States;
- (f) Ensure advocacy and defence of common positions of Member States at international fora relating to civil aviation;
- (g) Ensure seamless and close cooperation with the various RECs as well as those of other African organizations concerned with civil aviation matters;
- (h) Advise Member States on all civil aviation matters;
- (i) Examine specific problems which may hinder the development and operation of the African civil aviation industry and, where possible, take corrective and/or preventive actions in coordinating with Member States as required;
- (j) Act pursuant to provisions of Article 9 of the Yamoussoukro Decision to discharge its duties of Executing Agency of Air Transport in Africa;
- (k) Develop and harmonize common rules and regulations for the safety, security, environmental protection, fair competition, dispute settlement and consumer protection, among others;
- (l) Increase and coordinate synergies in the fields of search and rescue, salvage and accident investigation;
- (m) Coordinate the development and implementation of plans in the field of aviation infrastructure;
- (n) Coordinate the election of African States into the ICAO Council and of African experts into the Air Navigation Commission after receiving the approval of AU;
- (o) Support and facilitate the appointment of Africans into ICAO, its organs and other international civil aviation bodies; and
- (p) Perform such other functions as may be conferred upon it by the Executive Council or the Assembly of the African Union to fulfil its objectives.

Article 5 Membership

Membership shall be open to all African States. Each Member State shall enjoy equal rights in terms of participation and representation at AFCAC meetings.

Article 6 Legal Capacity

AFCAC shall enjoy, in the territory of each Member State, legal capacity accorded to legal persons under the national laws of the Member States as may be necessary for the fulfilment of its objectives and the exercise of its functions.

4. REVISED CONSTITUTION OF THE AFRICAN CIVIL AVIATION COMMISSION

Article 7 Privileges and Immunities

AFCAC, its representatives and staff shall enjoy in the territory of each Member State, the privileges and immunities stipulated in the 1964 General Convention on the Privileges and Immunities of the OAU/ AU.

Article 8 Headquarters

1. The Headquarters of AFCAC is established in Dakar, Senegal. The Headquarters may be transferred to another Member State by a decision of the Plenary, which shall be on the recommendation of the Bureau in accordance with the AU Criteria for hosting AU organs.

2. The Headquarters shall be governed by a Host Agreement negotiated between the Secretariat and the Host Country and approved by the Plenary, which shall be reviewed periodically to ensure strict compliance and facilitate the smooth functioning of AFCAC.

Section II AFCAC Structures

Article 9 Organs of AFCAC

The organs of AFCAC shall be:

- (a) The Plenary;
- (b) The Bureau; and
- (c) The Secretariat.

Article 10 The Plenary

1. The Plenary shall be the supreme organ of AFCAC.
2. The Plenary shall be composed of duly accredited representatives of Member States responsible for Civil Aviation.
3. The Plenary shall meet in:
 - (a) Ordinary session: once every three (3) years; and
 - (b) Extraordinary session: at the initiative of the Bureau or at the request addressed to the Bureau by a Member State and upon the approval of two thirds of all Member States.
4. The quorum for the Plenary shall be simple majority (50 per cent plus one) of Member States.*
5. Without prejudice to the provisions of Article 21, decisions of the Plenary shall be adopted by consensus failing which by two-thirds majority of Member States present and having the right to vote.

* Editor's note: Article 10, paragraph 4, was amended to replace "two-thirds majority" by "simple majority (50 per cent plus one)" by Decision Assembly/AU/Dec.636 (XXVIII) adopted on 31 January 2017.

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6. The Plenary shall take place at the Headquarters unless a Member State invites the Plenary to hold a session in its territory.

Article 11 Functions of the Plenary

The functions of the Plenary shall be to:

- (a) Issue policy guidelines through resolutions and recommendations;
- (b) Elect the President and Vice-Presidents to serve as members of the Bureau;
- (c) Approve the Organizational Structure of AFCAC and appoint the Secretary-General upon the recommendation of the Bureau;
- (d) Approve the work programme, business plan, budget, rules and regulations of AFCAC;
- (e) Establish committees and working groups, as necessary, to undertake special assignments or tasks on civil aviation in Africa, with such functions as may be specified, and appoint their members;
- (f) Approve such other activities, rules and procedures as deemed appropriate, to meet the objectives of AFCAC;
- (g) Appoint External Auditors of AFCAC;
- (h) Consider and take appropriate action on the External Auditors report;
- (i) Ensure the effective implementation of the Yamoussoukro Decision, principally the liberalization of air transport services;
- (j) Adopt the financial rules and regulations, accounting and auditing rules and regulations for AFCAC;
- (k) Submit its tri-annual report on the state of implementation of the Yamoussoukro Decision to the Assembly of Heads of State and Government through the Executive Council;
- (l) Adopt its rules of procedure, including the establishment of committees as deemed appropriate as well as the Rules of Procedure of the Bureau; and
- (m) Undertake such other functions as may be requested or conferred upon it by the relevant organs of the AU, the Monitoring Body and the Subcommittee of Air Transport.

Article 12 The Bureau

1. The Bureau shall be composed of the President and five (5) Vice-Presidents elected by the Plenary in accordance with the AU geographical representation formula.
2. The Coordinator of the African Group at ICAO Council shall attend meetings of the Bureau in an ex-officio capacity.
3. The Presidency of AFCAC shall be on rotational basis, each region serving one (1) term of three (3) years.

4. REVISED CONSTITUTION OF THE AFRICAN CIVIL AVIATION COMMISSION

4. The Vice-Presidents shall each represent one AU region.
5. Each Vice-President shall serve a term of three (3) years at a time and may be re-elected only once.
6. Members of the Bureau shall possess relevant professional experience in the field of civil aviation and participate actively in carrying out AFCAC activities.
7. Members of the Bureau shall, attend all meetings of the Bureau and perform their responsibilities as assigned by the Bureau, in the interests of AFCAC.
8. Decisions of the Bureau shall be taken in accordance with its Rules of Procedure.
9. The quorum required for the Bureau meetings shall be fixed by the Rules of Procedures of the Bureau.
10. Any Member State may participate, without a vote, in the consideration by the Bureau of any question which especially affects its interests. No member of the Bureau shall vote in the consideration by the Bureau of a dispute to which that Member State is a party.
11. The Bureau may determine its own internal organization, arrangements and procedures, including the establishment of committees as may be deemed appropriate.

Article 13 Functions of the Bureau

The functions of the Bureau shall be to:

- (a) Convene the ordinary and extraordinary plenary sessions , subject to the relevant provisions of Article 10, and determine the provisional agenda;
- (b) Ensure the implementation of the AFCAC work programmes and other resolutions of the AFCAC Plenary;
- (c) Supervise and coordinate the activities of the Secretariat and any committee or working group;
- (d) Prepare its own rules of procedures and submit them to the Plenary for approval;
- (e) Implement the resolutions, directives and decisions of the Plenary and discharge the duties and obligations which are conferred upon it in the Constitution;
- (f) Select and recommend from a short-list to the Plenary, candidates for the position of Secretary-General;
- (g) Supervise the administrative and financial management of the Secretariat;
- (h) Submit periodic reports on its activities to the Plenary; and
- (i) Carry out any other functions that may be assigned to it by the Plenary.

Article 14 The Secretariat

1. The Secretariat shall be headed by a Secretary-General assisted by the necessary and competent staff for the smooth functioning of AFCAC.
2. The Secretary-General shall be appointed by the Plenary upon the recommendation of the Bureau.

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3. In the appointment of the Secretary-General and other staff, consideration shall be made to ensure competence, qualification, experience, high integrity and geographical distribution of posts.
4. The Secretary-General shall serve in office for a term of three (3) years renewable once only for a further term of three (3) years.
5. The Secretary-General shall:
 - (a) Follow up and ensure the implementation of the resolutions, directives and decisions of the Plenary, Bureau and Monitoring Body, in accordance with the rules and regulations of AFCAC;
 - (b) Represent AFCAC and defend its interests under the guidance and approval of the Plenary and the Bureau;
 - (c) Promote the development of the programmes, projects and initiatives of AFCAC;
 - (d) Prepare and submit proposals concerning the work programmes, business plans, strategic objectives, projects, activities and budgets of AFCAC and ensure their implementation;
 - (e) Oversee the administrative and financial management of AFCAC by appropriately managing the budgetary and financial resources including collecting the approved revenue from various sources;
 - (f) Prepare financial reports including reports for the past triennial and a budget for the forthcoming triennial to be submitted by the Bureau to the Plenary for approval in accordance with AFCAC rules and regulations;
 - (g) Submit reports on the activities of AFCAC to the Plenary, Bureau and Monitoring Body;
 - (h) Appoint staff and terminate contracts of appointment in accordance with AFCAC Staff Rules and Regulations;
 - (i) Prepare and service meetings of the Plenary, Bureau and Committees of AFCAC;
 - (j) Organize meetings and undertake studies as necessary and maintain relevant records in relation thereto;
 - (k) Submit to the Bureau and the Monitoring Body annual reports on the operations of AFCAC;
 - (l) Keep in custody the seal, documents, files and other data relating or relevant to the work of AFCAC; and
 - (m) Make recommendations to improve AFCAC's operational efficiency.

Article 15

Reports to the Subcommittee on Air Transport

The Subcommittee on Air Transport is the Conference of Ministers responsible for air transport matters in Africa, whose mandate shall be to, inter alia, consider and adopt recommendations submitted by AFCAC on all activities concerning the functions of the Executing Agency entrusted to it and other matters requiring political Decisions in accordance with the African Union procedures.

Section III

International Relations

Article 16

4. REVISED CONSTITUTION OF THE AFRICAN CIVIL AVIATION COMMISSION

Cooperation with other Organizations

AFCAC shall work in close cooperation with the different AU organs, RECs, ICAO, United Nations Economic Commission for Africa (UN-ECA) as well as with other governmental and non-governmental international organizations, civil aviation service providers on civil aviation matters of mutual interest.

Section IV Financial Matters

Article 17 Financial Resources

- (a) The regular budget of AFCAC shall be funded by contributions made by Member States in accordance with the scale of assessment determined by the Plenary.
- (b) Supplemental budgets of AFCAC shall be made available, where necessary to meet the extra and/or special budgetary expenditure of AFCAC. The Plenary shall determine the contributions of Member States to the Special budgets of AFCAC.
- (c) In addition AFCAC may receive Grants, Donations and proceeds for its activities as approved by the Bureau.

Article 18 Sanctions

- 1. Any Member State that fails to honour its financial obligations to the Commission for a period of two (2) years or more shall, as long as it is in such arrears, forfeit the right to vote in the Plenary or to present candidates for any elective or other post within AFCAC.
- 2. Any Member State that remains in sanctions for a period of three (3) years or more shall, in addition to the sanctions referred to in the preceding paragraph, have its nationals deprived of the rights, privileges, benefits and advantages usually accorded to Member States.
- 3. Any violation of any provision of this constitution by a Member State shall result in sanctions as may be determined by the Plenary.

Section V Transitional and Final Provisions

Article 19 Signature, Ratification, Accession and Entry into Force

- 1. This Constitution shall be open to signature, ratification, acceptance and accession by African States in accordance with their respective Constitutional procedure.
- 2. The instrument of ratification shall be deposited with the Chairperson of the African Union Commission.
- 3. Any African State acceding to this Constitution after its entry into force shall deposit the instrument of accession with the Chairperson of the Commission.
- 4. This Constitution shall provisionally enter into force upon signature by fifteen (15) African States and shall definitively enter into force upon ratification by fifteen African States.

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5. The depositary shall give notice to AFCAC and any Member State, of the date on which this Constitution enters into force provisionally and definitively.

Article 20 Transitional Arrangements

Without prejudice to Article 26, a Member State under the 1969 AFCAC Constitution shall continue to maintain its membership of AFCAC until such a time that this Constitution comes into force definitively.

Article 21 Denunciation

Any denunciation of this Constitution shall be made through appropriate notification to the Chairperson of the AU Commission who, within thirty (30) days, shall advise AFCAC and its Member States accordingly. The denunciation of any State from membership of AFCAC shall become effective one (1) year following the receipt by the Chairperson of the AU Commission of such notification.

Article 22 Amendment and Revision

1. Any Member State may submit proposals for the amendment or revision of this Constitution.
2. Proposals for amendments or revision shall be submitted to the Chairperson of the AU Commission who shall transmit the same to AFCAC and the Member States within thirty (30) days of receipt thereof.
3. The Plenary shall meet to consider the proposals for amendments or revisions and submit their recommendations to the Executive Council.
4. The Assembly, upon the advice of the Executive Council, shall examine the recommendations within a period of one year following notification of Member States in accordance with the provisions of paragraph 2 of this article.
5. Amendments or revisions shall be adopted by the Assembly and submitted for ratification by all Member States in accordance with their respective constitutional procedure. The amendments shall enter into force in accordance with the provisions of Article 19.

Article 23 Settlement of Disputes

1. Any dispute arising between two (2) or more Member States on the application or interpretation of this Constitution shall in the first instance be settled through negotiations.
2. In case the dispute(s) remains unresolved within twenty-one (21) days, either Party may refer the dispute to the Bureau for resolution. The Bureau shall make a decision within sixty (60) days of receipt of the referral.
3. In the event that the Bureau cannot resolve the dispute or should their decision fail to provide a satisfactory solution to either Party within sixty (60) days, the dispute may be settled by arbitration. The arbitration team shall consist of a panel of African arbitrators appointed by each party. An additional arbitrator shall be appointed by the other arbitrators.
4. The arbitration panel shall adopt its own Rules of Procedure and make an award within six (6) months. The decision of the Panel shall be final and binding on the Parties.

5. DECLARATION ON THE ESTABLISHMENT OF A SINGLE AFRICAN AIR TRANSPORT MARKET

5. Without prejudice to the above provisions, the African Court of Justice and Human Rights may be seized with any dispute regarding the application or interpretation of this Constitution.

Article 24 Working Languages

The working languages of AFCAC shall be those of the AU.

Article 25 Registration

This Constitution shall be registered with ICAO in compliance with Article 83 of the Convention on International Civil Aviation opened for signature at Chicago on 7 December 1944.

Article 26 Abrogation

This Constitution shall abrogate and supersede, as of the date of its entry into force, the AFCAC Constitution adopted at Addis Ababa, Ethiopia, on 17 January 1969.

5.

DECLARATION ON THE ESTABLISHMENT OF A SINGLE AFRICAN AIR TRANSPORT MARKET (Doc. EX.CL/871(XXVI) (Assembly/AU/Decl.1 (XXIV))

Adopted in Addis Ababa, Ethiopia, in January 2015.

We, African Heads of State and Government, meeting in Addis Ababa, Ethiopia, on 30 and 31 January 2015, on the occasion of the Twenty-fourth Ordinary Session of the Assembly,

Considering:

- (i) The Constitutive Act of the African Union, adopted on 11 July 2000 in Lomé, Togo, in particular Articles 14, 15 and 16, which entrust the African Union Commission with a coordination mission in the transport, communication and tourism sectors,
- (ii) The Treaty Establishing the African Economic Community, adopted in Abuja, Nigeria, in June 1991,
- (iii) The Declaration Assembly/AU/Decl.2 (XVIII) of the Eighteenth Ordinary Session of the Assembly held in Addis Ababa, Ethiopia, in January 2012, which adopted the Programme for Infrastructure Development in Africa (PIDA) as the single policy and strategic framework for the development of infrastructure in Africa,
- (iv) The Executive Council Decision EX.CL/Dec.826 (XXV) endorsing the report of the Third Session of the Conference of African Ministers of Transport (CAMT),
- (v) The Executive Council Decision EX.CL/Dec.82 (XXV) placing the implementation of the Yamoussoukro Decision on the Liberalization of Air Transport Markets in Africa, i.e. the establishment of a single African aviation market, in the context of the African Agenda 2063,

Mindful of the Decision Assembly/AU/Dec.394 (XVIII) adopted by the Assembly during its Eighteenth Ordinary Session held in Addis Ababa, Ethiopia, on 29 and 30 January 2012 on boosting intra-African trade and fast tracking the Continental Free Trade Area,

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Concerned by the slow pace in implementing the Yamoussoukro Decision on the liberalization of air transport markets in Africa,

Aware of the political will shown by a number of States in spearheading the liberalization of the air transport markets throughout the continent and the need to encourage others to follow suit,

Declares to:

1. *Ensure* the establishment of a Single African Air Transport Market for African airlines by 1 January 2017;
2. *Support* the initiative of Championing States to open their respective air transport markets immediately and without conditions;
3. *Develop* binding guidelines for negotiation of air services agreements between African States and third parties;
4. *Encourage* African airlines to enter into cooperation agreements among themselves;
5. *Accelerate* the ratification of the Constitution of the African Civil Aviation Commission (AFCAC);
6. *Eliminate* all obstacles that may hinder the achievement of the objectives of the AU Agenda 2063 on boosting intra-African trade and fast tracking the Continental Free Trade Area as regard to air transport industry;
7. *Provide* resources to AFCAC to adequately carry out its activities as a Specialized Agency on aviation matters and as an Executing Agency of the Yamoussoukro Decision;
8. *Promote* the development of regional and continental aviation infrastructure and services in a holistic manner based on the policies and programmes of Regional Economic Communities (RECs) and through the Programme for Infrastructure Development in Africa (PIDA);
9. *Facilitate* air connectivity by implementing the regulatory texts of the Yamoussoukro Declaration;
10. *Harmonize* legislation, promote free movement, remove all barriers and improve safety and security in air transport operations;
11. *Encourage* the establishment of regional safety and security oversight, strengthen search and rescue as well as accident investigation organizations;
12. *Integrate* in all national civil aviation programmes activities to combat and prevent pandemics;
13. *Take* specific measures to ensure the sustainable financing and appropriate management of the air transport subsector and to create enabling conditions for national and foreign private investments;
14. *Ratify* and speed up, the implementation of international conventions relating to aviation safety, security and the protection of the environment as well as regional agreements on market access, facilitation of transport of passengers and cargo by air;
15. *Promote* and facilitate establishment of regional training institutions for technical and professional staff in the different civil aviation;
16. *Pursue* the creation of a human resources development fund for the civil aviation sector in Africa on the basis of the joint endeavour between AFCAC and ICAO;

6. AFRICAN ROAD SAFETY CHARTER

17. *Promote* research and development programmes for aviation infrastructure and air transport services in Africa;
18. *Ensure* that Member States of the African Union and Regional Economic Communities strengthen inter-African and continental cooperation in the air transport subsector; and
19. *Call upon* the United Nations Economic Commission for Africa, the African Development Bank, the European Union, the World Bank and other development partners to support the implementation of the Single African Air Transport Market under the AU Agenda 2063.

6.

AFRICAN ROAD SAFETY CHARTER

Adopted in Addis Ababa, Ethiopia, on 30 January 2016.

The Charter shall enter into force thirty days after the deposit of the fifteenth instrument of ratification.

Preamble

We, the Member States of the African Union,

Considering the Constitutive Act of the African Union, adopted on 11 July 2000 in Lomé, Togo, in particular Article 14, paragraph 1 (e), and Article 15, which entrusts the African Union Commission with a coordination mission in the transport, communication and tourism sectors,

Considering the Treaty Establishing the African Economic Community adopted in Abuja, Nigeria, in June 1991, in particular Article 61, that defines the steps that Member States should undertake to achieve a harmonious and integrated development of the continental transport and communications network in Africa,

Considering Decision AHG/Decl.1 (XXXVII) of the Assembly of Heads of State and Government of the Organization of African Unity adopted during the Thirty-seventh Ordinary Session of the Assembly in July 2001 in Lusaka, Zambia, establishing the New Partnership for Africa's Development (NEPAD) as the framework for Africa's development,

Considering the challenges arising from economic globalization and the need for Africa to implement, in a complete and effective manner, the Almaty Programme of Action of 2003, which underscores the United Nations programme for cooperation in transit transport for landlocked developing countries,

Considering Decision Assembly/AU/Dec.78 (V) of the Heads of State and Government of the African Union, meeting in July 2005 in Sirte, Libya, to include in the Millennium Development Goals (MDGs) the transport targets and indicators adopted in April 2005 in Addis Ababa, Ethiopia, by African Ministers responsible for transport and infrastructure, within the framework of poverty alleviation,

Considering the Declaration Assembly/AU/Decl.1 (XII) adopted at the Twelfth Ordinary Session of the Assembly of Heads of State and Government of the African Union held in Addis Ababa, Ethiopia, in February 2009, on the development of transport and energy infrastructure in Africa,

Considering resolution 64/255 adopted by the United Nations General Assembly on 2 March 2010 proclaiming 2011-2020 a Decade of Action for Road Safety as well as its related Action Plan,

Considering the Declaration Assembly/AU/Decl.2 (XVIII) adopted at the Eighteenth Ordinary Session of the Assembly of Heads of State and Government of the African Union held in Addis Ababa, Ethiopia, in January 2012

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on the Programme for Infrastructure Development in Africa (PIDA) and its Priority Action Plan (PAP) and Institutional Architecture for Infrastructure Development in Africa (IAIDA),

Considering the Luanda Declaration AU/TPT/MIN/Decl. (II) and its Africa Action Plan for the Road Safety Decade 2011-2020 adopted by the Second Ordinary Session of the Conference of African Ministers responsible for Transport, in November 2011,

Considering Decision EX.CL/Dec.682 (XX) adopted by the Twentieth Ordinary Session of the Executive Council on the Report of the Second Ordinary Session of the Conference of African Ministers responsible for Transport endorsing the Luanda Declaration and Plans of Action,

Considering the relevant international conventions in transport matters, especially in the areas of safety and security, the protection of the environment as well as facilitation of transport,

Recognizing the multisectoral dimension of road safety and the need for closer collaboration among the key stakeholders (transport, infrastructure, education, police, health, law enforcement) in improving the road safety situation on the continent,

Committed to improving transport infrastructure and health services in Africa so as to prevent road crashes and fatalities,

Recognizing the need to speed up the development of infrastructure and associated services in Africa and to put in place safer roads for Africa 's development,

Deeply concerned by the inordinately high rate of road crashes in Africa with most victims being pedestrians, cyclists and motorcyclists constituting largely young people and where the cost of road traffic accidents is nearly 2 per cent of GNP, indeed, a heavy toll with a significant adverse socio-economic impact on the continent,

Hereby agree as follows:

Chapter I General Provisions

Article 1 Definitions

For the purposes of this Charter, the following definitions shall apply:

"AU" means the African Union;

"Charter" means the African Road Safety Charter;

"Commission" means the African Union Commission;

"Constitutive Act" means the Constitutive Act of the African Union;

"Non-motorized road users" means a user of the road that does not require a motor to generate energy for that purpose, and includes the use of animal-drawn or human-drawn carts, a pedestrian and a cyclist;

"Assembly" means the Assembly of Heads of State and Government of the African Union;

"Member State" means a Member State of the African Union;

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"States Parties" mean Member States, which have ratified or acceded to this Charter;

"Road infrastructure" means road facilities and equipment, including the road network, parking spaces, stopping places, draining system, cycle paths, bridges and footpaths;

"Road Safety Decade" means 2011-2020 as Decade of Action for Road Safety proclaimed by the United Nations General Assembly (Resolution 64/255) and by the Twentieth Ordinary Session of the AU Executive Council (Dec Ex.CL/Dec.682 (XX));

"Road safety impact assessment" means the evaluation process on road safety to be undertaken at all phases of design, construction and operation of road infrastructure;

"Road safety lead agency" means the national agency in charge of road safety issue with cross-sectoral coordination responsibilities;

"Road traffic crash" means a collision or incident that may or may not lead to injury, occurring on a public road and involving at least one moving vehicle;

"Road traffic fatality" means a death occurring within 30 days of a road traffic crash;

"Road user" means a person using any part of the road system as a non-motorized or motorized transport user;

"Roadworthiness of vehicles" means the technical process of checking all safety technical parameters to ensure the safe use of a vehicle on the road;

"Safety audits" mean checks that are carried out at various stages of any road project to ensure that its design and implementation are consistent with safety principles, and to determine whether further design changes are needed to prevent crashes;

"Seat belt" means a vehicle occupant restraint, worn to protect an occupant from injury, ejection or forward movement in the event of a crash or sudden deceleration;

"UNECA" means United Nations Economic Commission for Africa;

"Vulnerable road users" mean road users most at risk in traffic, such as pedestrians, cyclists, motorcyclists and public transport passengers. Children, older people and disabled people may also be included in this category.

Chapter II Objectives and Principles

Article 2 Objectives

1. The main objectives of the Charter are:
 - (a) To serve as a policy framework for road safety improvement in Africa;
 - (b) To serve as an advocacy tool and instrument for road safety improvement on the continent aimed at facilitating the creation of an enabling environment to drastically reduce the road traffic crashes.
2. The specific objectives are to:
 - (a) Facilitate the formulation of comprehensive road safety policies at country level;

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- (b) Speed-up implementation of national, regional and continental road safety programs;
- (c) Contribute to the coordination of road safety in the continent;
- (d) Promote better coordination of interventions by development partners in the road safety area;
- (e) Enhance private sector, civil society organizations, non-governmental organizations participation in road safety issues; and
- (f) Promote the harmonization of the collection, treatment and dissemination of road safety data.

Article 3 Principles

In implementing the provisions of this Charter, States Parties shall function in accordance with the following principles:

1. Self-reliance and a sense of responsibility by driving a robust and owned vision on road safety improvement;
2. Solidarity and sharing knowledge on road safety;
3. Subsidiarity between the African States Parties, Commission and other regional and continental institutions working towards the continent's development and integration;
4. Development partnership between the African stakeholders, the United Nations agencies and other international institutions working towards a fair human development in the world.

Chapter III Road Safety Management

Article 4 Creation of Road Safety Lead Agencies

1. States Parties shall establish legally mandated national road safety lead agencies with cross-sectoral coordination responsibilities within three (3) years after the ratification or accession to this Charter.
2. The responsibilities of the lead agencies shall among others include:
 - (a) Policy advice to Government on matters of road safety across sectors; and
 - (b) Formulation and coordination of the implementation of road safety strategies.

Article 5 Institutional Strengthening of Road Safety Lead Agencies

States Parties shall provide institutional support to lead agencies through financial and human resources, political support and recognition to give them the requisite clout to perform their coordination functions.

Article 6 Road Safety Strategies

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States Parties shall, through an inclusive, collaborative and consultative process, prepare road safety strategies with clear priorities, responsibilities, ambitious and feasible targets.

Article 7

Road Safety Data Management System

1. States Parties shall build capacity within lead agencies to enable them to create and master credible road safety data management system encompassing quality data collection, storage, collation, analysis, and reporting modules.
2. Road safety data management system shall include national databases on vehicles and drivers, accidents, injuries and deaths, intermediate outcomes such as seat belt and helmet wearing rates and economic impacts of road safety injuries.
3. The data shall be robust, reliable, continentally harmonized and available for planning, research and development, monitoring and evaluation of progress made.

Article 8

Road Safety Collaboration

1. States Parties shall promote collaborative efforts at national, regional and continental levels, aimed at improving effectiveness of road safety initiatives, knowledge sharing, and monitoring and evaluation.
2. States Parties shall also engage actively in international road safety partnerships.
3. States Parties shall create the enabling environment for private sector, civil society, non-governmental organizations, academic and research institution's participation in road safety activities.
4. States Parties shall commemorate the Africa Road Safety Day, every third Sunday of November.

Chapter IV

Safer Road and Mobility

Article 9

Functional Classifications

1. States Parties shall technically classify roads according to the functions they serve. Road designs must reflect the design norms and standards of their respective classification and intended functions.
2. States Parties shall ensure that infrastructure for non-motorized traffic is incorporated as priority requirements within the design of all classes of roads, especially in the urban and rural roads context.

Article 10

Construction Traffic Management

States Parties shall develop road safety management policies and principles to guide consultants and contractors during the process of road construction in order to ensure road safety.

Article 11

Road Safety Inspection

1. States Parties shall ensure that road safety Inspections are carried out as part of all maintenance processes.

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2. The inspections shall take the form of a safety analysis and will involve, as a minimum, all road assets including, but not limited to, roadways, pavements, walkways, cycle paths, road furniture, signs, traffic signals or controls, road markings, crash barriers and streetlights.
3. The safety analysis shall also pay specific attention to areas considered as dangerous spots.

Article 12 Road Safety Audit

1. States Parties shall introduce legislation and policies requiring road safety audits in all phases of design, construction and operation of road infrastructure.
2. States Parties shall establish formal road safety audit guidelines to address inter alia the credibility and independence of the Audit process.

Article 13 National Road Design Manual

1. States Parties shall ensure that design manuals for roads and bridges are developed, reviewed and updated to ensure that they are fit for this purpose, cater for a safe design and reflect international best practices.
2. Road designs shall ensure that rest areas have been properly planned and incorporated in the national trunk road systems.

Article 14 Vulnerable Road Users

States Parties shall ensure that the needs of vulnerable road users are adequately taken into account in the planning, design and provision of road infrastructure.

Article 15 Safer Vehicle

1. States Parties shall adopt and enforce minimum standards of vehicles to ensure their roadworthiness.
2. States Parties shall formulate and enforce regulation on age limit of imported vehicles.
3. States Parties shall strengthen and enforce the mandatory periodic inspection of vehicles.
4. States Parties shall provide incentives for acquiring new vehicles that are environmentally and operationally safe. These incentives should apply also to mass transit vehicles and goods.
5. States Parties shall put in place legislation regulating the transportation of dangerous and hazardous goods.

Article 16 Safer Road Users

1. States Parties shall strengthen the rules and regulations for training of drivers and issuing of driver licences.

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2. States Parties shall introduce a communication drive to educate and sensitize the population on the principal risks of road crashes.
3. States Parties shall introduce road safety in school curricula.
4. States Parties shall issue and enforce road safety legislation, particularly those related to speed control, control of driving while under the influence of alcohol and drugs, wearing seat belts, use of helmets and enhancing visibility and use of mobile telephone while driving.
5. States Parties shall formulate and enforce regulations on driving and rest hours for professional and all other drivers and introduce appropriate monitoring and enforcement mechanisms.

Article 17 Post-Crash Care

1. States Parties shall strengthen pre-hospital and post-crash care services in order to provide timely and appropriate care to road traffic-injured patients to minimize their effects and long-term disability.
2. States Parties shall establish Emergency Medical Services (EMS) coordinating centres.
3. States Parties shall implement third party motor vehicle insurance law to ensure EMS and rehabilitation of vehicle crash victims.
4. States Parties shall facilitate training (capacity-building) in injury emergency response services.
5. States Parties shall ensure the presence of emergency services at strategic locations on highways to attend to road users injured in highway accidents.

Chapter V Financing, Monitoring and Evaluation

Article 18 Financing Modalities

1. States Parties shall recognize the socio-economic consequences of road accidents as a guiding principle in the allocation of financial resources for road safety. The expenditures on road safety should not be considered as a cost but as an investment.
2. States Parties shall prescribe the proportion of financial resources to be allocated for road safety interventions as part of road infrastructure development and maintenance.
3. States Parties shall identify sustainable sources of funding particularly internally for road safety.

Article 19 Conference of States Parties

1. A Conference of States Parties to the Charter is hereby established as the highest political decision-making body. The Conference of States Parties shall consist of Ministers responsible for road safety.
2. The Conference of States Parties shall adopt rules of procedures for itself and for any subsidiary body it may establish, as well as financial rules to determine in particular the financial participation of the Parties to Charter.

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3. The Conference of States Parties shall:
 - (a) Provide strategic oversight, ensure effective implementation of the Charter and take all measures it deems necessary for the promotion of the objectives of the Charter;
 - (b) Promote the harmonization of appropriate policies, strategies and measures for increasing road safety in Africa;
 - (c) Consider and adopt, as appropriate, recommendations of the Secretariat;
 - (d) Consider the reports and activities of the Secretariat and take appropriate action in regard thereto;
 - (e) Consider and adopt amendments to this Charter; and
 - (f) Perform any other function consistent with the Charter or the Rules of Procedure of the Conference of States Parties.
4. The Conference of States Parties shall meet every three (3) years.
5. The Commission shall serve as the Secretariat of the Conference of States Parties and shall coordinate the implementation of this Charter at the continental level.

Article 20

Monitoring and Evaluation at the National level

1. States Parties shall develop and implement sustainable and accurate national databases on road crashes and enforce mandatory reporting.
2. States Parties shall build national capacity for data management on road safety.
3. States Parties shall establish baseline data on road safety.
4. States Parties shall prepare annual progress reports on road safety.
5. The lead road safety agency in each Member State shall coordinate national road safety data collection and be the custodian of national road safety management systems.
6. States Parties shall establish an evaluation process to review the progress and draw lessons from the implementation of their road safety programs.

Article 21

Settlement of Disputes

1. Any dispute or difference arising between States Parties with regard to the interpretation, application and implementation of this Charter shall be settled by mutual consent between the States concerned, including through negotiations, mediation, conciliation or other peaceful means.
2. In the event of failure by the disputing parties to settle the dispute or difference in accordance with Article 21, paragraph 1, the disputing parties may, by mutual consent refer the dispute to:
 - (a) The African Court of Justice Human and Peoples' Rights, where applicable; or
 - (b) An Arbitration Panel of three (3) arbitrators whose appointment shall be as follows:

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- (i) Two (2) arbitrators each appointed by a party to the dispute; and
 - (ii) A third arbitrator who shall be President of the Panel and appointed by the Chairperson of the African Union Commission.
3. The decision of the Panel of Arbitrators shall be final and binding.

Chapter VI Final Provisions

Article 22 Popularization of the Charter

States Parties shall take all appropriate measures to ensure the widest possible dissemination of this Charter.

Article 23 Safeguard Clause

1. No provision in this Charter shall be interpreted as derogating from the principles and values contained in other relevant instruments for the promotion of road safety in Africa.
2. Nothing in this Charter shall be construed as preventing a Party from taking any action, compatible with the provisions of the United Nations Charter or any other international instrument and that is limited to the exigencies of the situation, as it considers necessary to its external or internal security.

Article 24 Signature, Ratification and Accession

1. This Charter shall be open to Member States of the Union for signature, ratification or accession.
2. The instrument of ratification or accession to the present Charter shall be deposited with the Chairperson of the Commission who shall notify Member States of the Union of the deposit of the instruments of ratification or accession.

Article 25 Entry into force

1. This Charter shall enter into force thirty (30) days after the deposit of the fifteenth (15th) instrument of ratification.
2. The Chairperson of the Commission shall notify all Members States of the entry into force of the present Charter.
3. For any Member State acceding to the present Charter, the Charter shall come into force in respect of that State on the date of the deposit of its instrument of accession.

Article 26 Reservations

1. A State Party may, when, ratifying or acceding to this Charter, submit in writing, a reservation with respect to any of the provisions of this Charter. Reservation shall not be incompatible with the object and purpose of this Charter.

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2. Unless otherwise provided, a reservation may be withdrawn at any time.
3. The withdrawal of a reservation must be submitted in writing to the Chairperson of the Commission who shall notify other States Parties of the withdrawal accordingly.

Article 27 Depositary

This Charter shall be deposited with the Chairperson of the Commission, who shall transmit a certified true copy of the Charter to the Government of each signatory State.

Article 28 Registration

The Chairperson of the Commission shall upon the entry into force of this Charter, register the Charter with the Secretariat of the United Nations in conformity with Article 102 of the Charter of the United Nations.

Article 29 Withdrawal

1. At any time after three years from the date of entry into force of this Charter a State Party may withdraw by giving written notification to the depositary.
2. Withdrawal shall be effective one year after receipt of notification by the depositary, or on such later date as may be specified in the notification.
3. Withdrawal shall not affect any obligation of the withdrawing State Party prior to the withdrawal.

Article 30 Amendment and Revision

1. Any State Party may submit proposal(s) for the amendment or revision of this Charter. Such proposal(s) shall be adopted by the Conference of States Parties.
2. Proposals for amendment or revision shall be submitted to the Chairperson of the Commission who shall transmit such proposals to the Conference of States Parties at least six months before the meeting at which it shall be considered for adoption.
3. Amendments or revisions shall be adopted by the Conference of States Parties by consensus or, failing which, by a two-thirds majority of States Parties.
4. The amendment or revision shall enter into force in accordance with the procedures outlined in Article 25 of this Charter.

Article 31 Authentic Texts

This Charter is drawn up in four (4) original texts, in Arabic, English, French and Portuguese languages, all four (4) texts being equally authentic.

7. REVISED CONVENTION ON THE PAN-AFRICAN POSTAL UNION

REVISED CONVENTION ON THE PAN-AFRICAN POSTAL UNION

Adopted in Arusha, Tanzania, on 18 January 1980.

Entered into force on 1 July 1980.

Revised in Antananarivo, Madagascar, on 27 July 2018. Entered into force upon approval.

Preamble

We, the Plenipotentiaries of Governments of Member States of the Pan African Postal Union (PAPU), meeting during the Fifth Extraordinary Session of the Plenipotentiary Conference from 26 to 27 July 2018 in Antananarivo, Madagascar,

Mindful of Resolution CM/Res.586 (XXIX) on the establishment of a Pan-African Postal Union adopted during the Twenty-ninth Ordinary Session of the Council of Ministers of the Organization of African Unity (OAU) held from 23 June to 3 July 1977 in Libreville, Gabon, and approved during the Fourteenth Session of the Assembly of Heads of State and Government of the OAU,

Mindful of the establishment of the Pan African Postal Union (PAPU) by the Constitutive Plenipotentiary Conference held by Member States of the OAU on 18 January 1980 in Arusha, United Republic of Tanzania,

Further mindful of Resolution CM/Res.810 (XXXV) on the establishment of the Pan African Postal Union adopted during the Thirty-fifth Ordinary Session of the OAU Council of Ministers held from 18 to 28 June 1980 in Freetown, Sierra Leone, and recognizing PAPU as the specialized agency of the OAU in charge of the postal sector, adopting its Constitutive Acts and calling on all Member States of the Organization to ratify the PAPU Convention,

In conformity with the principles and objectives set out in the Constitutive Act of the African Union,

Conscious of the important role postal services play as a communications vehicle and a vital infrastructure in peoples' economic, social and cultural development,

Taking into account changes in the international environment characterized by globalization, liberalization and the development of new information and communication technologies,

Convinced of the necessity to develop and maintain an effective coordination framework to ensure harmony in the development of postal services in Africa,

Desirous of developing the African postal services network and contributing to the strengthening of cooperation of Member States in the postal sector,

Aware of the need to restructure the Pan African Postal Union and update its Acts in order to adapt to the new global context,

Convinced of the need to promote partnership with the private sector in the development of postal services in Africa in line with the Cairo 2008 CIT Ministers Declaration and Action Plan approved by the AU Summit in June 2008,

Hereby agree as follows:

Chapter I General Provisions

Article 1 Definitions

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For the purposes of the Acts of the Pan African Postal Union, the terms below shall be defined as follows:

1. Accession: Act whereby a Member State of the African Union (AU) that is not a party to the PAPU Convention decides to submit itself to same by presenting a ratification instrument to the General Secretariat through diplomatic channels;
2. Accreditation: Recognition of a person's capacity to represent a State during PAPU meetings;
3. Adjournment of discussions/deliberations: A short postponement of deliberations on a subject matter on the agenda to a specified time;
4. Adjournment of session: A formal postponement of a session to a specified date or to an unspecified date;
5. African Union (AU): Continental organization composed of 55 African countries and established in Durban, South Africa, in 2002 pursuant to the Sirte Declaration of 9 September 1999. It replaces the Organization of African Unity (OAU);
6. Associate Member: Any entity, company and private or public sector organization, directly or indirectly engaged in postal services or activities related to postal services, regardless of their legal status, corporate purpose, head office or main office location, nationality of shareholders, share capital or key leaders, admitted at the said entity, company or organization's request to participate in any PAPU activities that are related to their core functions, in line with the requirements and limits set out in the Acts of the Union;
7. Closing of discussions/deliberations: Moment following which no speaker shall be allowed to take the floor after the list of speakers has been exhausted;
8. Closing of session: End of session that happens when all items on the agenda have been exhausted;
9. Digital economy: Economic and social activities that are generally conducted using online platforms like the Internet, mobile networks, etc. E-commerce is a key component of the digital economy;
10. Denunciation: Act whereby a Member State that is a party to the Convention of the Union withdraws therefrom by giving notice to the General Secretariat through diplomatic channels;
11. Dispute: Difference in opinion or interests between Member States arising from the Acts of the Union;
12. Financial Regulations: Regulations governing the management and control of the Union's finances;
13. Headquarters Country: Member State, whose request to accommodate the headquarters of the Union is granted by the Plenipotentiary Conference and concludes a headquarters agreement with the General Secretariat;
14. In camera sitting: Exception to the principle of public debate by barring access to the general public;
15. Member State: A Member State of the AU that has signed and ratified the PAPU Convention or acceded to same;
16. Postal service: All postal activities, the scope of which is determined and regulated by the Acts of the Universal Postal Union (UPU) and national regulations. These shall include mail/courier items, financial and digital services or other socio-economic activities as may be defined in national laws;
17. Ratification: Statutory approval of the Acts of the Union by the competent authorities of a Member State according to its domestic legislative and/or regulatory formalities;

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18. Ratification instrument: A diplomatic act whereby the Head of State or a competent authority of a country confirms the signing of the Acts of the Union by the country's plenipotentiary or its accession to the said Acts. The ratification instrument shall be deposited with the PAPU General Secretariat according to the procedure set forth in the Convention;
19. Restricted Union: Postal organization composed of either Member States only, designated operators only or regulatory bodies of a specific region, that is aimed at strengthening cooperation and fostering development in the postal sector;
20. Session: Period during which an organ or a committee of the Union meets to deliberate;
21. Sitting: A formal meeting to consider specific items on the agenda of the session of an organ or committee of the Union;
22. Staff Rules and Regulations: Regulations outlining the fundamental conditions of service, rights, duties and obligations of staff members of the Union;
23. Suspension of a Member: Decision by the Plenipotentiary Conference or the Administrative Council, as the case may be, to temporarily withdraw the rights and privileges of a Member under the Acts of the Union with effect from a specified date;
24. Sustainable development: Kind of economic development aimed primarily at reconciling economic and social progress with environmental protection, considering the latter as a common heritage to be passed on to future generations;
25. Universal Postal Service (UPS): A public offering of good-quality basic postal services, delivered in an inclusive and continuous manner, at any point of the territory and at affordable rates;
26. Universal Postal Union (UPU): Specialized institution of the United Nations in charge of outlining policy guidelines and directives for all Member States on how to deliver universal postal services and conduct exchange of mail items and financial services among all designated postal operators in Member States;
27. Withdrawal of membership: Sovereign and unilateral act whereby a member decides to leave the Union temporarily or permanently.

Article 2

Establishment of the Union

1. The Convention establishing the Pan African Postal Union (PAPU), hereinafter referred to as "the Union" signed in Arusha, Tanzania, on 18 January 1980 and its subsequent amendments are hereby repealed and replaced.
2. The Union shall be a specialized agency of the African Union (AU) in the postal field.

Article 3

Legal Status of the Union

1. The Union shall be an intergovernmental organization, which shall enjoy international legal status and capacity.
2. It shall enjoy all the powers necessary for the attainment of its objectives. Member States shall grant the Union privileges and immunities on their territories to enable it to fully achieve its objectives.

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Article 4 Privileges and Immunities

The Union shall enjoy the status, privileges and immunities accorded to international organizations, in line with the relevant texts of the African Union on granting immunities and privileges, including the issuance of laissez-passer and diplomatic passports to its officials.

As a specialized agency of the organization of the African Union in the postal field, the Union shall enjoy privileged relations with the AU. To this end, the Union and the AU shall conclude an agreement.

Article 5 Composition of the Union

The Union shall be composed of Member States of the African Union who have signed or acceded to the Convention in accordance with Articles 26 and 27.

Article 6 Membership

The Union's membership is open to:

1. Member States of the African Union as defined in Article 5;
2. Associate Members who upon application and admission become members pursuant to the rules provided in the Detailed Regulations.

Article 7 Headquarters of the Union

1. The headquarters of the Union shall be in Arusha in the United Republic of Tanzania.
2. The General Secretariat shall conclude a headquarters agreement with the government of the host country of the Union.

Article 8 Official and Working Languages of the Union

1. The working languages of the Union and all its organs shall be, if possible, African languages, Arabic, English, French, Spanish and Portuguese.
2. Each language group shall bear the cost of translation and interpretation for its language.

Chapter II Objectives

Article 9 Objectives of the Union

The objectives of the Union shall be to:

1. Foster development cooperation among Member States in the area of postal services;

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2. Promote and facilitate access to quality universal postal services;
3. Promote and facilitate reform of the postal sector;
4. Promote and facilitate technical assistance in the postal sector;
5. Promote and advance common positions of Member States on postal issues;
6. Promote research and development in the postal sector;
7. Promote regional projects for developing the African Postal network;
8. Promote the development of new postal products and services;
9. Promote the sustainable development of the postal sector;
10. Promote affirmative action in the development of the postal sector.

Chapter III Organs of the Union

Article 10 Organs of the Union

The organs of the Union shall be as follows:

1. The Plenipotentiary Conference;
2. The Administrative Council; and
3. The General Secretariat.

Chapter IV Composition and Functions of the Organs of the Union

Article 11 Plenipotentiary Conference

The Plenipotentiary Conference hereinafter referred to as “the Conference” shall be the supreme organ of the Union, which shall ensure the attainment of the Union’s objectives. It shall:

1. Be composed of ministers responsible for postal services of Member States or any other plenipotentiary duly designated by a Member State;
2. Convene in an ordinary session every four (4) years;
3. Subject to the consent of two-thirds of Member States, convene an extraordinary session or:
 - 3.1 At the decision of the Ordinary session of the Conference; or
 - 3.2 At the request of one or several Member States, the Administrative Council or at the instance of the Secretary-General.

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African Liberation Movements recognized by the African Union shall, at their request, be admitted as observers to the sessions of the Conference.

Article 12 Administrative Council

1. The Administrative Council, hereinafter referred to as “the Council”, shall consist of twenty-five (25) Member States elected by the Conference following the geographical distribution of the African Union appended hereto. Its term of office shall be four (4) years.
2. In between the sessions of the Conference, the Council shall be the decision-making body of the Union within the limits of the powers delegated to it by the Conference.
3. The Council shall convene in an ordinary session once a year.
4. At the request of one or more Member States of the Union, or the Secretary-General, and subject to the agreement of two-thirds of the Member States of the Administrative Council, the Council shall meet in an extraordinary session.
5. The Council shall report to the Conference.

Article 13 General Secretariat

1. The General Secretariat is the executive body of the Union. It shall consist of the Secretary-General, Assistant Secretary-General and other staff as may be required from time to time for the effective performance of the Union. The General Secretariat shall be headed by a Secretary-General assisted by an Assistant Secretary-General.
2. The Secretary-General and the Assistant Secretary-General shall be elected by the Conference for a four-year period. They shall be eligible for re-election only once. At the end of the second term of office, neither of them can apply again for either post.¹
3. The Secretary-General shall report to the Council and the Conference.
4. The duties of the Assistant Secretary-General shall be defined in the Detailed Regulations.

Article 14 Administrative and Technical Committees

1. The Conference or the Council may from time to time as is necessary appoint Administrative or Technical Committees in order to give effect to the functions of the Union.
2. The Committees shall undertake specific studies, operational activities or any other matter entrusted to them by the Conference or the Council and shall report to the organ that established it.

¹ Pursuant to Decision No. 02/PAPU/PC/IX/2016 by the Ninth Ordinary Session of the Plenipotentiary Conference, the ineligibility of the Assistant Secretary-General as enacted by Article 13-2 of the Convention should apply in the following two cases:

- (a) The candidate shall not be eligible for re-election for a third consecutive term where he/she has been elected twice consecutively for the same position;
- (b) The candidate shall not be eligible for re-election for a third consecutive term where he/she has already been elected twice consecutively for each of the two positions.

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Chapter V Finances of the Union

Article 15 Revenue of the Union

The Revenue of the Union shall consist of:

1. Mandatory contributions made by Member States in accordance with the scale of assessment established by the Conference;
2. Mandatory contributions of Associate Members;
3. Voluntary contributions from Member States and Associate Members;
4. Donations from non-Member States and organizations;
5. Revenue derived from products and activities implemented by the Union;
6. Income generated from investments approved by the Council;
7. Penalties/fines levied for breach of the Convention.

Article 16 Expenditure of the Union

Expenditure by the Union shall comprise expenses relating to:

1. Sessions of the Conference, the Council and meetings of the Administrative and Technical Committees;
2. Running of the General Secretariat;
3. Implementation of the Programme of Action of the Union;
4. Any other activity relating to achievement of the objectives of the Union and approved by the Plenipotentiary Conference and/or the Administrative Council.

Article 17 Advance of Funds to the Union

The government of the host-country shall to the fullest extent possible, advance to the Union, funds necessary for its operation, pending reimbursement in accordance with the headquarters agreement.

Chapter VI Classification of the Acts of the Union

Article 18 Classification of the Acts of the Union and other Regulations

1. The Convention shall be the basic Act of the Union. It supersedes any other Act of the Union.
2. The Detailed Regulations shall give effect to the Convention and shall be subordinate to it.

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3. All the other Acts prepared by organs of the Union shall be consistent with the Convention and its Detailed Regulations.
4. The Plenipotentiaries shall adopt Detailed Regulations to ensure the application of this Convention and the functioning of the organs of the Union.
5. The Conference and the Council shall adopt their own Rules of Procedure.

Chapter VII Rights and Obligations of Member States of the Union

Article 19 Obligations of Member States

All members of the Union shall:

1. Respect and abide by the provisions of the Convention and its Detailed Regulations;
2. Participate in all activities, meetings and conferences of the Union;
3. Pay their contributions pursuant to the Detailed Regulations of the Convention.

Article 20 Rights of Members

1. All Member States shall enjoy the same rights.
2. Each Member State shall have one vote at meetings of the Union.
3. Any Member State whose contributions to the Union are in arrears for two consecutive years shall forfeit the right to:
 - (a) Vote;
 - (b) Hold any positions within the Union;
 - (c) Technical assistance from the Union;
 - (d) Host meetings of organs of the Union.
4. Associate Members shall not have a right to vote and hold any positions within the Union.

Article 21 Interpretation and Application of the Acts

Any dispute arising from the interpretation or application of the Convention during meetings shall be settled by a simple majority of Member States present and voting.

Article 22 Alternative Dispute Resolution

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Any disputes between Members regarding implementation of the Convention shall be submitted to the Secretary-General in line with the provisions as laid out in Article 33 of the Detailed Regulations.

Chapter VIII Development Cooperation

Article 23 Cooperation with International Bodies

1. With a view to promoting the improvement, harmonization and development of African postal services, the Union shall maintain privileged relations with the Universal Postal Union.
2. The Union shall collaborate with Restricted Unions, African Regional Economic Communities (RECs) and international entities whose interests and activities are related to postal services.

Article 24 Agreements

Agreements may, whenever necessary, be concluded between the Union and international organizations.

Article 25 Cooperation among Members of the Union

Members shall promote mutual cooperation of all kinds in the postal field.

Chapter IX Signature, Accession and Denunciation of the Acts of the Union

Article 26 Signing of the Convention and Notification

1. The Plenipotentiaries shall sign the Convention presented in three (3) copies in English and three (3) copies in French. The General Secretariat shall keep one (1) copy, while the other two (2) shall be deposited with the host country of the Union and the African Union Commission, respectively.
2. A certified copy conforming to its text shall be forwarded to each Member State by the Secretary-General of the Union.

Article 27 Accession to the Convention

1. Any Member State that has not signed the Convention may accede to it.
2. The instrument of accession shall be deposited with the Secretary-General of the Union by diplomatic channels. It shall enter into force on the date it is deposited, unless otherwise stipulated.
3. The Secretary-General shall notify Member States of such accession and forward to each of them a certified copy of the instrument.

Article 28 Denunciation of the Convention

XIV. TRANSPORTATION AND POSTAL SERVICES

1. Any Member State of the Union may denounce the Convention by notification addressed to the Secretary-General through diplomatic channels.
2. The Secretary-General shall notify the denunciations to the other Member States.
3. This denunciation, which entails withdrawal by the Member State, shall become operative one (1) year after the date of receipt of the notification by the Secretary-General. It shall not exempt the Member State concerned from fulfilling its outstanding financial obligations to the Union.

Chapter X Final Provisions

Article 29 Suspension of Membership

The Conference may decide by a two-thirds majority of Member States present and voting to suspend a member that:

- 1.1 Practices a policy contrary to the objectives and principles of the Union;
 - 1.2 Does not, for three (3) consecutive years, honour its financial obligations to the Union;
 - 1.3 Does not respect the decisions of the Conference which are binding on Members.
1. The Conference may, by two-thirds majority of votes cast, revoke the suspension of a member.
 2. The suspension or withdrawal of membership does not exempt a member from fulfilling its financial obligations during the period of suspension or withdrawal.
 3. The suspension of membership for non-payment of contributions shall cease as soon as the member honours all its financial obligations to the Union.

Article 30 Amendment to the Convention

1. Any Member State may submit a written proposal to amend the Convention.
2. The Secretary-General shall communicate amendment proposals to Member States at least six (6) months before they are submitted to the Conference for consideration.
3. Amendments shall be adopted by two-thirds of Member States present and voting during a session of the Conference and shall enter into force.

Article 31 Detailed Regulations of the Convention

The Plenipotentiaries shall adopt Detailed Regulations to ensure the application of this Convention and the operation of the organs of the Union.

Article 32 Rules of Procedure

7. REVISED CONVENTION ON THE PAN-AFRICAN POSTAL UNION

The Conference shall adopt its Rules of Procedure. The other organs of the Union shall adopt their own Rules of Procedure if they deem it necessary.

Article 33 Entry into force

This Convention shall enter into force immediately it is approved by the Plenipotentiaries.

PART XV

**MARITIME TRANSPORT, SAFETY, SECURITY
AND DEVELOPMENT**

1. AFRICAN MARITIME TRANSPORT CHARTER

1.

AFRICAN MARITIME TRANSPORT CHARTER

Adopted in Tunis, Tunisia, in June 1994.

The Charter shall enter into force thirty days after the deposit of the instruments of ratification or accession by two-thirds majority of the Member States.

Preface

For some time now, a number of African countries have made laudable efforts to develop their maritime transport sector. However, in spite of these efforts the maritime transport sector remains relatively undeveloped in comparison to other developing countries. The poor state of the maritime sector in Africa is clearly demonstrated by Africa's very low participation in the carriage of its seaborne trade, very slow turnaround of ships at African ports and very high tariffs for sea freight and port charges that are not commensurate with the poor services offered.

At the world-wide level, however, the sector is undergoing institutional, structural and technological changes which are having a serious impact on this sector in Africa. In view of the small size of the sector in individual African countries, the Conference of African Ministers of Maritime Transport, meeting in its Third Session in Addis Ababa from 13 to 15 December 1993, reiterated the importance of cooperation among African countries in the sector in finding appropriate solutions to the problems impeding the development of the maritime transport sector as well as in facing the challenges brought about by the above-mentioned changes. The Conference, therefore, adopted an African Charter on Maritime Transport to provide the framework for cooperation, on the one hand, among African countries and, on the other hand, between African and non-African countries.

By its Resolution CM/Res.1520 (LX) on the Outcome of the Third Conference of Ministers of Maritime Transport, the Council of Ministers of the Organization of African Unity (OAU) stressed the importance of the Maritime Transport Charter. I am, therefore, urging all Member States of the OAU to sign and ratify the African Charter on Maritime Transport with the strong belief that it will foster cooperation among African countries in the maritime transport sector and thus promote the development of this vital sector.

Salim Ahmed Salim
Secretary-General
Organization of African Unity

Addis Ababa, Ethiopia, 26 July 1994

Preamble

The Member States of the Organization of African Unity, Parties to this Charter,

Considering the cooperation objectives enshrined in the Charter of the Organization of African Unity,

Considering the Treaty Establishing the African Economic Community, particularly the relevant provisions dealing with maritime transport,

Considering the relevant provisions of the Convention on a Code of Conduct for Liner Conferences,

Considering the relevant provisions of the Convention on Transit Trade of Landlocked States, signed on 8 July 1965 in New York,

Considering economic development as a priority,

XV. MARITIME TRANSPORT, SAFETY, SECURITY AND DEVELOPMENT

Considering the importance of maritime transport in the promotion of foreign trade and in economic development,

Considering maritime transport as a factor for regional and continental economic integration,

Recognizing the specific character of shipping as an international activity,

Conscious of the need to ensure an orderly expansion of African merchant fleets and a harmonious development of African maritime transport, particularly by maintaining a fair balance between the interests of shippers and those of shipowners in our respective States,

Conscious of the peculiarity of the problems faced by the landlocked Member States,

Resolved to cooperate in all fields of maritime activity,

Conscious of the need to strengthen this cooperation in order to coordinate and harmonize our maritime policies, both in our mutual relations and in our relations with third States,

Have decided to adopt an African Maritime Transport Charter and have agreed as follows:

Chapter I Definitions

Article 1 Definitions

For the purpose of the present Charter:

- (a) "Charter" means African Maritime Transport Charter;
- (b) "Region" means region of the Organization of African Unity as provided for in Resolution CM/Res.464 (XXVI) of the Council of Ministers of the Organization of African Unity on the division of Africa into five (5) regions namely: Northern, Western, Central, Eastern and Southern;
- (c) "Subregion" means at least three (3) States of one (or several) regions as defined in subparagraph (b) of this article;
- (d) "Member States" means Member States of the Organization of African Unity parties to this Charter;
- (e) "Third State" means a State other than a Member State;
- (f) "Landlocked Member State" means a Member State without a sea coast;
- (g) "Transit Member State" means a Member State with or without sea coast whose territory is used in carrying import and export commodities for one or several Member States;
- (h) "Multimodal Transport" means the carriage of goods by at least two different modes of transport one of which is a sea mode on the basis of a multimodal transport contract from a place in one country at which the goods are taken in charge by the multimodal transport operator to a place designated for delivery situated in a different country;

1. AFRICAN MARITIME TRANSPORT CHARTER

- (i) "Shipper" means a person or entity who has entered into, or who demonstrates an intention to enter into a contractual or other arrangement with a conference or shipping line for the shipment of goods in which he has a beneficial interest;
- (j) "Shippers' organization" means an association or equivalent body which promotes, represents and protects the interests of shippers and, if those authorities so desire, is recognized in that capacity by the appropriate authority or authorities of the country whose shippers it represents;
- (k) "Committee on maritime and port issues" means a committee established at port level by a Member State, which comprises, inter alia, representatives of shippers, shipowners, maritime, customs and port administration and which is charged with allocation of cargo.

Chapter II Principles and Objectives of Cooperation

Article 2 Principles

Member States hereby adhere to the following fundamental principles of maritime cooperation:

- (a) Solidarity and independence of States;
- (b) Harmonization and coordination of Member States policies in all areas connected with international maritime transport and ports;
- (c) The need to make maritime and port activities and services more efficient in order to promote economic and social development;
- (d) The right of free access to the sea for every landlocked Member State with the proviso that they comply with the laws and regulations of the transit States.

Article 3 Objectives

The objectives of African maritime cooperation are as follows:

- (a) To define and implement harmonized shipping policies capable of promoting harmonious and sustained development of the African fleet and to foster on a pragmatic basis close cooperation between the States of the same region or subregion and between the regions or subregions of Africa;
- (b) To hold regular consultations with a view to determining African common positions on all issues of international maritime policy and to define, for each given problem, concerted solutions;
- (c) To harmonize Member States' views as regards the implementation of international maritime conventions to which they are parties;
- (d) To promote bilateral and multilateral cooperation between the maritime administrations of Member States, their respective operational organizations in the field of maritime transport;
- (e) To undertake studies that will encourage the promotion and the development of cooperation in maritime transport and port operations between countries, regions or subregions of Africa;
- (f) To encourage the establishment of regional and/or subregional shipping lines.

XV. MARITIME TRANSPORT, SAFETY, SECURITY AND DEVELOPMENT

Chapter III Organs

Article 4 Continental Unit for the Coordination of Activities relating to Cooperation in Shipping and Port Operations in Africa

In order to ensure the effective coordination of maritime and port development and international policies, activities and programmes, Member States agree to establish a continental unit for the coordination of activities of regional cooperation organizations in shipping and port operations in Africa (UCOMAR) within the General Secretariat of the OAU.

Article 5 Regional and Subregional Organizations for Cooperation in the Maritime Field

1. Member States agree to establish, wherever they do not yet exist, regional and subregional cooperation organizations in maritime and port operations, and to make them operational as early as possible.
2. Member States also agree to work towards the strengthening of existing organizations, develop and sustain active cooperation among the various regional and subregional maritime institutions.

Article 6 Establishment and Strengthening of National Maritime Institutions

Member States agree to:

- (a) Establish in order to make them functional as early as possible, or strengthen the operation of national shippers' councils (or equivalent agencies), national shipping lines, wherever possible, ports, committee on maritime and port issues and national, subregional or regional maritime training and research institutions;
- (b) Bring together these various national agencies within regional or subregional specialized cooperation organizations in maritime and port activities;
- (c) Work towards the strengthening of existing regional and subregional specialized cooperation organizations in maritime and port operations.

Chapter IV Cooperation in Maritime Transport

Article 7 Cooperation among African Merchant Shipping Lines

In promoting cooperation among African shipping lines, Member States agree to:

- (a) Encourage, where they do not yet exist, the establishment of pools and cargo booking offices, the pooling of traffic rights at subregional, regional and continental levels in order to ensure optimum use of available maritime transport facilities. To this end, African shipping lines are encouraged to enter into pool agreements and operate joint services;
- (b) Promote the establishment of a common marketing network of shipping agencies within and outside Africa in order to enable African merchant shipping lines to improve on the coordination of their consignment and handling operations.

1. AFRICAN MARITIME TRANSPORT CHARTER

Article 8 Maritime Traffic

Member States agree to:

- (a) Adopt guidelines and a framework for reallocation of traffic in each region wherever possible with a view to promoting, among other things, the establishment of consortia;
- (b) Establish a harmonized system of cargo sharing;
- (c) Guarantee a fair share of the traffic to national shipping lines while ensuring high quality services at competitive costs.

Article 9 Employment of Seafarers

1. Member States agree to achieve, through the establishment of regional seafarer employment exchanges, an efficient cooperation with respect to ship personnel between African States lacking adequate trained manpower and those having excess trained manpower in relation to their national needs.
2. In this regard, they agree to comply with the international maritime regulations relating to maritime transport, training and qualification of seafarers.

Article 10 Multimodal Transport

Member States agree to promote the establishment of multimodal transport joint ventures so as to enable African shipping lines set up within the framework of the United Nations Convention on International Multimodal Transport of Goods, modern systems of point-to-point transportation, improve their services and increase their capacity to finance modern and efficient fleet.

Article 11 Cabotage

Member States agree to promote cabotage at subregional, regional and continental levels.

Article 12 Maritime Transport Ancillaries

Member States agree to organize the activities of the maritime transport ancillaries with a view to ensuring greater competitiveness and offer better quality services to the benefit of their economies.

Article 13 Legal Framework

Member States agree to set up enabling harmonized legislative and regulatory framework that shall promote and guarantee the stability of maritime transport joint ventures, particularly multimodal transport joint ventures.

Article 14 Follow up, Evaluation and Financing of Merchant Fleet

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Within the framework of actions for follow-up, evaluation and search for funds to finance their fleet, Member States agree to:

- (a) Conduct a periodical study on the situation of African shipping lines and take the most appropriate decisions on the basis of the findings of the study;
- (b) Appeal to African and international funding institutions to support African States in their policies on ship and related equipment acquisition and operation;
- (c) Promote the establishment of regional funds for the development of maritime transport and a more rational use of existing opportunities offered by the African Development Bank and by subregional or regional development banks.

Article 15 Sustaining the Development of Maritime Transport

In order to sustain the development of maritime transport in Africa, Member States, among other things, agree to:

1. Promote cooperation in the field of ship repair through:
 - (a) The coordination of their needs in the area of ship repair and the adoption of international conventions at the level of each region, in order to promote the use of African shipyards, wherever possible, and strengthen their negotiating power vis-à-vis non-African shipyards with a view to realizing significant economies of scale;
 - (b) The establishment of subregional and regional centres to manufacture, repair and overhaul containers;
 - (c) The identification of major shipyards within the continent which can undertake adequate repair of African ships and the establishment, if need be, of new and more efficient installations.
2. Establish, reactivate research, training and information centres.

In this regard, Member States agree to:

- (a) Establish information exchange centres in order to improve the dissemination of information, promote the exchange of information among operators and encourage the establishment of electronic data interchange systems in Africa;
- (b) Encourage the use of such electronic data interchange systems for the dissemination of information relating to port State control among African States;
- (c) Establish or strengthen existing national, subregional and regional maritime research and development centres, with the assistance of maritime operators or associations of operators and with the technical and financial assistance of inter-governmental and international organizations;
- (d) Promote a subregional and regional approach to maritime training through adaptation and coordination of programmes, exchange of trainers and trainees as well as teaching materials;
- (e) Promote the use and the strengthening of the existing subregional and regional maritime training institutions.

Chapter V Cooperation in the Area of Assistance to Shippers

1. AFRICAN MARITIME TRANSPORT CHARTER

Article 16 Direct Assistance to Shippers

Member States agree to encourage, wherever they do not exist, the creation of shippers' organizations and intensify direct assistance to shippers in the area of transport operations in connection with export and import activities.

Article 17 Effective Management and Pooling of Freight

Member States agree to promote an effective consolidation of cargo at national, subregional and regional levels so as to help shippers to obtain shipping services better adapted to their needs and at a lower cost.

Article 18 Facilitation of Maritime Traffic

Member States shall encourage the establishment, at national, subregional and regional levels, of committees on facilitation, harmonization and simplification of administrative and customs procedures.

Chapter VI Port Development and Management

Article 19 Rationalization of Port Services and Costs

Member States shall agree to cooperate on issues pertaining to the rationalization of services at their ports in order to realize economies of scale on services provided. In this connection, they agree to encourage:

- (a) Any actions aimed at facilitating the acquisition of modern port materials and equipment;
- (b) The promotion at subregional or regional level of a concerted programming of port dredging in order to facilitate negotiation on dredging contracts and reduce costs.

Article 20 Improvement of Port Management and Operation

In order to improve the competitiveness of the port system in Africa, Member States agree to:

- 1. Achieve an autonomous management of African ports so as to increase their effectiveness;
- 2. Encourage:
 - (a) The adoption of a harmonized port tariff and statistic system;
 - (b) Periodic survey of the situation of ports and harbours in Africa;
 - (c) Medium and long-term studies on port development;
 - (d) The formulation of strategic plans.

Chapter VII Cooperation in the Field of Maritime Legislation

XV. MARITIME TRANSPORT, SAFETY, SECURITY AND DEVELOPMENT

Article 21

Improvement and Harmonization of Legislation

Member States agree to:

- (a) Adopt and, where necessary, update their existing maritime legislation so as to make them compatible with the promotion of national maritime and port activities;
- (b) Examine with a view to revising and harmonizing, if necessary, their maritime and port legislation in order to make them compatible with each other and with the relevant international maritime conventions in force in the field of maritime transport and related activities;
- (c) Request the General Secretariat of the OAU to periodically draw an indicative list of relevant international maritime conventions to be ratified by States that might not yet be Contracting Parties.

Article 22

Cooperation Agreements

Member States agree to enter into cooperation agreements between themselves in the field of maritime transport and ports on the basis of the principles embodied in this Charter.

Chapter VIII

Cooperation between Landlocked and Transit Countries

Article 23

Transit Trade of Landlocked Member States

Transit Member States agree to grant facilities and benefits to Landlocked Member States using port infrastructure and equipment and apply to transit goods, non-discriminatory administrative, fiscal and customs measures in accordance with the principles of this Charter.

Article 24

Coordination of Policies and Actions

Transit Member States and Landlocked Member States agree to coordinate their policies of acquisition and use of means of land transport (road and rail), river, air, maritime transport and port. They also agree to coordinate the actions and instruments of implementation of their national maritime policies, those concerning, inter alia, grouping, pooling and cargo sharing, operation of cargo handling equipment as well as clearing and forwarding of cargo in transit.

Article 25

International Agreements and Conventions on Transit

Member States are encouraged to enter into bilateral and multilateral transit agreements and apply in a concerted manner, the relevant subregional, regional and international conventions in force, particularly those relating to transit.

Article 26

Exceptions and Safeguards

Notwithstanding any provisions contained therein, the implementation of this Charter shall be subject to the relevant provisions of Article 35 of the Treaty Establishing the African Economic Community.

1. AFRICAN MARITIME TRANSPORT CHARTER

Chapter IX Final Provisions

Article 27 Signature and Ratification

1. This Charter is open for signature by Member States at the General Secretariat of the Organization of African Unity.
2. The ratification, acceptance, approval or accession shall be carried out in accordance with the respective constitutional procedures of Member States and by the deposit of a duly signed instrument with the General Secretariat of the Organization of African Unity.
3. Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to the present Charter with respect to the Contracting Parties or after all the necessary measures have been taken for the entry into force of the amendment with respect to the said States shall be deemed to be in conformity with the amended convention.

Article 28 Entry into Force

1. This Charter shall provisionally enter into force thirty (30) days after being signed by at least twenty (20) Member States of the Organization of African Unity.
2. It shall finally enter into force thirty (30) days after the Secretary-General of the Organization of African Unity has received the instruments of ratification, acceptance or approval of two thirds of the Member States of the Organization of African Unity.

Article 29 Amendment and Revision of the Charter

1. Any Member State may submit proposals for the amendment or revision of the present Charter.
2. Proposals for amendment or revision shall be submitted to Member States within a maximum period of thirty (30) days after they have been received at the Headquarters of the Organization of African Unity. The Council of Ministers shall be seized of the proposals for amendment or revision of the Charter only when all the Member States have been duly notified and after a period of one year.
3. The amendments shall be adopted by consensus by the Council or, failing that, by two-thirds majority, and shall be submitted to Member States for ratification in conformity with their respective constitutional procedures.

Article 30 Entry into Force of Amendments

1. Amendments shall come into force thirty (30) days after the deposit of the instruments of ratification of two thirds of Member States of the Organization of African Unity at the office of the Secretary-General of the Organization of African Unity.
2. Without prejudice to Article 27, paragraph 3, any State which becomes party to the Charter after the entry into force of an amendment shall be deemed to be party to the unamended Charter with regard to any Contracting State which is not bound by the said amendment.

XV. MARITIME TRANSPORT, SAFETY, SECURITY AND DEVELOPMENT

Article 31 Denunciation

A Member State may denounce the Charter by giving a written notice to the Secretary-General of the Organization of African Unity specifying the reasons for such denunciation. The withdrawal shall take effect one year after the notice has been duly served, unless a later date is fixed by the State concerned.

Article 32 Settlement of Disputes

Member States undertake to settle their disputes regarding the interpretation or the application of the provisions of this Charter in accordance with Article 87 of the Treaty Establishing the African Economic Community.

Article 33 Depositary

1. The Charter, drafted in four original texts in English, Arabic, French and Portuguese, the four texts being equally authentic, shall be deposited with the Secretary-General of the Organization of African Unity who shall transmit a certified true copy thereof to the Government of each of the signatory States.

2. The Secretary-General shall notify Member States of the dates of deposit of the instruments of ratification or accession and shall, upon the entry into force of this Charter, register the same with the Secretariat of the United Nations.

2.

REVISED AFRICAN MARITIME TRANSPORT CHARTER

Adopted in Kampala, Uganda, on 26 July 2010.

The Charter shall enter into force thirty days after the deposit of the fifteenth instrument of ratification.

Preamble

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

Inspired by the objectives stated in the Constitutive Act of the African Union, particularly Article 3,

Considering the Treaty Establishing the African Economic Community, particularly the relevant provisions dealing with maritime transport,

Considering the relevant provisions of the Convention on Transit Trade of Landlocked States, signed on 8 July 1965 in New York,

Recognizing the specific character of maritime transport as a regional, continental and international activity,

Recognizing also the role of maritime transport in the facilitation and development of trade between Africa and other parts of the world and the need to implement an effective maritime transport policy with a view to promoting intra-African trade and trade between African States and other continents,

Recognizing further the essential obligations of coastal States in maritime governance and port State control,

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

2. REVISED AFRICAN MARITIME TRANSPORT CHARTER

Conscious of the interdependence between economic development and a sustainable policy for the protection and preservation of the marine environment,

Recognizing the importance and the role of efficient transport infrastructure and services in the political, economic and social integration of Africa,

Considering further the roles of United Nations agencies and other international and regional organizations in maritime transport,

Bearing in mind further the need for Africa to fully and effectively implement the 2003 Almaty Declaration and Programme of Action on addressing the Special Needs of Landlocked Developing Countries,

Conscious of the need to establish and strengthen cooperation in order to coordinate and harmonize maritime, port and inland waterways policies, regulations and procedures both in our mutual relations and in our relations with third States,

Considering that the implementation of maritime policies requires heavy investments especially in terms of infrastructure and equipment and that these investments should in the first place be provided by the Member States of the Union, including the maritime industry itself,

Concerned by the diversity and disparity of maritime and inland waterways policies, regulations and procedures between and within Member States,

Conscious of the importance of the role of maritime transport in the promotion of economic development and the achievement of the Millennium Development Goals,

Conscious of the need to develop African merchant fleets to ensure development of maritime transport in Africa,

Preoccupied by the special difficulties of island countries to fit themselves into the process of integration and development of African nations,

Resolved to implement Decision EX.CL/Dec.358 (XI) of the Executive Council of the African Union which endorses the Abuja Declaration and Plan of Action on Maritime Transports in Africa, particularly point 1 relating to the updating of the African Maritime Transport Charter adopted in 1994,

Have agreed as follows:

Chapter I Definitions and Scope of Application

Article 1 Definitions

For the purpose of the Charter:

"Chairperson" means the Chairperson of the African Union Commission;

"Charter" means African Maritime Transport Charter;

"Committee on port issues" means a committee established at port level by a Member State, which comprises, inter alia, representatives of shippers, ship owners, maritime, customs and port administration and which is charged with the promotion of safe and efficient port operations;

XV. MARITIME TRANSPORT, SAFETY, SECURITY AND DEVELOPMENT

"Commission" means the African Union Commission;

"Executive Council" means the Executive Council of Ministers of the Union;

"Freight exchange" means the place where supply and demand for goods transport meets. It is also the place where information on trade flows, regulations, tariff and other elements relating to international transport can be obtained;

"IMO" means the International Maritime Organization, a specialized agency of the United Nations with a purpose of providing mechanism and framework for cooperation among Governments in the field of governmental regulation and practices relating to technical matters of all kinds affecting shipping engaged in international trade;

"Inland waterways" means any navigable rivers, creeks, lakes, tidelands, lagoons, below water baseline, or channel leading into such place having facilities for ships to moor and load or discharge including offshore cargo handling facilities, harbour, berths, jetties, pontoons or buoys and wharves within the limits of the inland waterways in any place in a country and includes any place declared to be an inland waterways under relevant national legislation;

"International Multimodal Transport" means the carriage of goods by at least two different modes of transport, one of which is a sea mode on the basis of a unique transport contract from a place in one country at which the goods are taken in charge by the multimodal transport operator to a place designated for delivery in a different country;

"Landlocked States Party", means a States Party without a seacoast;

"Maritime Transport" means all types of carriage of goods and passengers by sea;

"Maritime transport auxiliaries" means any business entity, which contributes to implementation of operations linked or related to maritime transport;

"Member States" means Member States of the African Union;

"Region" means the regions of the African Union as provided for by Resolution CM/Res.464 (XXVI) of the Council of Ministers of the Organization of African Unity on the division of Africa into five (5) regions, namely: Northern, Western, Central, Eastern and Southern Africa;

"Ship" means a vessel or mobile facility of any type whatsoever operating in the marine and/or inland waterways environments and includes hydrofoil boat, air-cushion vehicles, submersibles, floating craft and fixed or floating platforms operated for the purpose of providing movement of goods and passengers and the provision of marine services;

"Shipper" means a person or entity who exports or imports goods wholly or partly by sea, or any person or entity through whom or for whom a contract of carriage is concluded with a carrier and shall also be interpreted as the person or entity through whom or on behalf of whom the goods are handed to the carrier in relation to the contract of carriage;

"Shippers' Council" means a statutory council, or equivalent body, which assists, promotes, represents and protects the interests of shippers;

"States Parties" means Member States, which have ratified or acceded to the present Charter;

"Subregion" means at least three (3) States of one (or several) region(s);

2. REVISED AFRICAN MARITIME TRANSPORT CHARTER

"Third State" means a State other than a State Party;

"Trans-African Cabotage" means the exercise of maritime transport and related activities between ports of Member States;

"Transit State Party" means a State Party with or without seacoast whose territory is used in carrying import and export commodities for one or several Member States;

"Union" means the African Union.

Article 2 Scope of Application

The Charter falls within the scope of international law encompassing maritime transport and related activities in the coastal, inland waterways, territorial seas including the Exclusive Economic Zones of States Parties and shall by further extension, to related activities in landlocked States Parties.

Chapter II Objectives and Principles of Cooperation

Article 3 Objectives

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

1. Declare, articulate and implement harmonized maritime transport policies capable of promoting sustained growth and development of African merchant fleets and to foster closer cooperation among the States Parties of the same region and between the regions;
2. Facilitate and encourage regular consultations for determining African common positions on issues of international maritime policy and to define, for each given problem, concerted solutions;
3. Promote effective implementation of international maritime instruments to which Member States are parties;
4. Promote bilateral and multilateral cooperation among the maritime administrations of States Parties, and their respective operational organizations in the field of maritime and inland waterways transport and port activities;
5. Promote the funding, undertaking of research studies by national institutions that encourage the promotion and development of cooperation in maritime and inland waterways transport and port operations among States Parties and regions;
6. Encourage the establishment and support of maritime and ports administrations;
7. Encourage the establishment of shippers' councils and support them in the performance of their functions;
8. Promote the establishment of national and regional shipping lines and provide them the assistance necessary for their success;
9. Develop and promote mutual assistance and cooperation between States Parties in the area of maritime safety, security and protection of the marine environment;

XV. MARITIME TRANSPORT, SAFETY, SECURITY AND DEVELOPMENT

10. Promote the sharing of best practices among States Parties in the overall management and operation of Maritime Administrations and other maritime entities established in terms of this Charter;
11. Promote the provision of maritime education and training at all levels including secondary schools;
12. Promote the employment of seafarers, decent working conditions and training of seafarers;
13. Promote development of multimodal transport and integration of all modes of transport.

Article 4 Principles

1. This Charter is aimed at strengthening cooperation among States Parties in maritime transport, inland waterways navigation, ports and related activities.
2. The Charter further seeks to promote cooperation between States Parties, regional and international organizations.
3. States Parties hereby adopt the following fundamental principles:
 - (a) Sovereignty, solidarity, cooperation, and interdependence of States;
 - (b) Harmonization and coordination of States Parties' policies and procedures where practicable in all relevant areas connected with international maritime transport inland waterways and ports;
 - (c) Efficiency, safety, security and global competitiveness of maritime, port infrastructure and operations in order to promote economic and social development;
 - (d) Safe, secure and efficient shipping on clean oceans and sustainable maritime, port policies and implementation strategies;
 - (e) Rights of access to and from the sea and freedom of transit for every landlocked State Party within the framework of international law;
 - (f) Transparency and accountability in maritime and port operations.

Chapter III Institutional Framework for Coordination of Activities Relating to Cooperation in Maritime Administration and Port Operations

Article 5 Continental Organizations

1. In order to ensure the effective coordination of maritime transport policies and programmes, the Union shall establish a continental Unit for the coordination of activities of regional cooperation in shipping marine pollution and port operations.
2. States Parties further undertake to establish at continental level and coordinated by the Commission, an Association of African Maritime Administrations (AAMA).

Article 6 Regional and Subregional Organizations

2. REVISED AFRICAN MARITIME TRANSPORT CHARTER

1. States Parties shall strive to establish, wherever they do not exist, regional and subregional cooperation organizations in maritime transport, inland waterways and port operations, and to make them operational as early as possible.
2. States Parties also agree to promote the strengthening of specialized sub-regional maritime organizations.
3. States Parties agree to further encourage interaction among Regional Economic Communities and specialized organizations.

Article 7 Maritime Administrations

1. States Parties shall promote the establishment wherever they do not exist, Maritime Administration and National Ports Authorities and to make them functional and sustainable.
2. States Parties shall enhance the capacity and performance of Maritime Administrations in charge of the implementation of laws and regulations applicable in the areas of maritime navigation, safety, security and marine environment.
3. States Parties shall further endeavour to utilize IMO's mechanisms and procedures to assess the level of performance of Maritime Administrations.
4. States Parties shall individually ensure the provision of an appropriate and dedicated budget for the proper management, functioning and operation of their Maritime Administration.

Article 8 Maritime Training Institutions

1. States Parties shall endeavour to establish or strengthen national, regional maritime training, education and research institutions.
2. States Parties shall strive to encourage collaboration among different training, education and research institutions for the purposes of cooperation in research, innovation, education and training on matters of policy, strategy and regulation of shipping and ports.
3. States Parties shall support allocation or sourcing of funding, for national and regional maritime training, research and education institutions as well as granting of training scholarships.
4. States Parties agree to strengthen existing regional specialized institutions in maritime, inland waterways transport and port operations.
5. States Parties shall encourage cooperation in seafarer education, training and employment exchanges.
6. States Parties shall comply with international maritime standards of seafarer training, certification and watch keeping.
7. States Parties shall promote the securing of training berths and opportunities for African seafarers on African owned vessels and on foreign owned vessels.
8. States Parties agree to introduce and adopt a common system and standard for the mutual recognition of diplomas and certificates awarded by national and regional institutions in order to foster the employment of seafarers in the continent.

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9. In order to enhance maritime human safety, States Parties shall endeavour to improve regulation and monitoring connected with the identification of seafarers, facilities for their professional activities and the exercise of the right to maritime employment, in conformity with the relevant international conventions in the area.
10. Promote the sharing of best practices in the overall management and operation of Maritime Administrations and other maritime entities established on the basis of this Charter.
11. Promote the provision of maritime education and training at all levels.

Chapter IV Cooperation among Shippers' Councils

Article 9 Shippers' Councils

1. States Parties agree to promote the establishment of shippers' councils wherever they do not exist, to create an enabling legal framework for their operation and to support them in the performance of their duties.
2. Shippers' Councils are responsible for protecting and defending the interest of shippers by focusing on the simplification of transport and trade procedures, as well as the negotiation of transport costs and conditions. They are also responsible for assisting shippers in their activities specially in training in the area of international transport and trade.
3. Shippers' Councils shall establish appropriate and integrated database for the benefit of shippers and operators in the transport chain.

Article 10 Transport Observatories

States Parties agree to establish at national, subregional and regional levels, transport observatories, an essential information tool to facilitate the provision to economic operators, transporters, shippers and public authorities of reliable information in real time.

Article 11 Establishment of Freight Exchanges

States Parties undertake to establish freight exchanges at national and regional level with a view to:

1. Promoting and developing trade;
2. Mastering the management and grouping of freight;
3. Fostering a common forum for the supply and demand for goods and transport.

Chapter V Cooperation in Maritime and Inland Waterways Transport

Article 12 General Cooperation

2. REVISED AFRICAN MARITIME TRANSPORT CHARTER

1. In order to facilitate effective cooperation, States Parties shall endeavour to engage in consultations at regional, continental and international levels and harmonize their policies in the area of maritime, multimodal transport and inland waterways.
2. States Parties agree to cooperate at bilateral, subregional and regional levels on all matters contained in this Charter to promote safe, secure, clean waters and environmentally sustainable maritime inland waterways transport practices.
3. States Parties agree to cooperate in the field of shipping and ports operations and Search and Rescue on the basis of the principles embodied in this Charter.
4. States Parties agree to cooperate at regional, continental and international levels to prevent and control maritime pollution in order to protect and conserve the marine environment and to suppress all unlawful acts, piracy, terrorism, etc.
5. States Parties commit themselves to cooperate to promote integration conditions and the sectoral development of landlocked and island States.

Article 13

Cooperation among African Shipping Companies

In promoting cooperation among African shipping lines, States Parties agree to:

1. Encourage the establishment and development of African shipping lines by adopting, as a top priority, national policies, regulations and programs that attract public and private investment in ships and shipping in general;
2. Promote the establishment at all levels of common and/or joint maritime agencies within and outside Africa in order to enable African shipping lines to improve on the coordination of their schedule and cargo handling operations;
3. Promote the creation of dedicated fund for the development of the African shipping lines.

Article 14

Cooperation in Transport Auxiliaries

1. States Parties agree to structure and organize maritime transport auxiliary services in order to enhance competitiveness and better quality services delivery for the benefit of their economies.
2. In this regard States Parties shall endeavour to:
 - (a) Promote access of African operators to maritime transport auxiliary services or professions;
 - (b) Create an enabling environment to foster equity investment by African operators in foreign companies operating in Africa in maritime professions and transport auxiliary;
 - (c) Encourage African operators to pool resources including expertise in order to foster the emergence of African maritime transport auxiliary groupings capable of competing effectively in the global industry.

Article 15

Trans-African Cabotage

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1. States Parties shall promote Cabotage and effective participation of private sector operators at national, regional and continental levels.

2. To this end, the establishment of national and regional maritime Cabotage shipping lines should be encouraged in order to promote intra-African trade and facilitate the economic and socio-economic integration of the continent.

Article 16

Cooperation in the Area of Inland Waterways

States Parties shall endeavour to intensify their cooperation in the management of efficient, safe, secure and environmentally friendly inland waterways in full respect of the environment and infrastructure linking the different centres of economic activity at national and regional levels.

Chapter VI

Cooperation between Landlocked States Parties and Transit States Parties

Article 17

Transit Trade of Landlocked States Parties

Transit States Parties commit themselves to grant facilities and benefits to Landlocked States Parties using their port infrastructure and equipment including inland container depots and to apply to transit goods, favourable administrative, fiscal and customs measures in accordance with the principles of this Charter and the rights and obligations resulting from relevant and applicable national law and international conventions.

Article 18

Coordination of Policies and Actions

Transit States Parties and landlocked States Parties agree to coordinate their policies on the acquisition and putting into service of land (rail and road), river, air, maritime and port transport facilities. They agree to coordinate actions and instruments relating to the implementation of their national maritime policies, particularly the grouping and operation of shipping services as well as consignment, handling and transit.

Article 19

International Transit Agreements and Conventions

States Parties are encouraged to enter into bilateral and multilateral transit agreements and apply in a concerted manner, the relevant regional and international conventions in force, particularly those relating to transit.

Article 20

Cooperation in the Field of Maritime Transport Infrastructure and Inland Waterways, Shipbuilding and Repair

In order to obtain essential support for the sustainable development of maritime transport and inland waterways in Africa, States Parties undertake notably to foster cooperation in the area of maritime transport infrastructure and auxiliary services by:

1. Coordinating their needs in respect of shipbuilding and repair;
2. Establishing at continental level shipyards that are able to provide quality, durable and efficient service to the maritime industry inland waterways;

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3. Adopting national policies and international conventions to foster the use of shipyards of States Parties where possible, and to enhance their negotiating power vis-à-vis shipyards of third States with the aim of realizing substantial economies of scale;
4. Establishing regional and subregional facilities for the manufacture and repair of containers;
5. Encouraging port authorities of States Parties to conclude partnership agreements on dredging aimed at rationalizing the use of available resources at subregional, regional and continental level.

Chapter VII Development of Multimodal Transport and Port Management

Article 21 Promotion of Multimodal Transport

1. States Parties shall promote multimodal transport at national and regional levels through the:
 - (a) Development of an appropriate regulatory framework;
 - (b) Improvement of existing facilitation and transit policies;
 - (c) Promotion of the development of integrated transport master plan for all modes of transport at national, subregional, regional and continental levels;
 - (d) Construction, rehabilitation and modernization of infrastructure, equipment and transport services;
 - (e) Training of transport services professionals;
 - (f) Establishment of economic community and logistics platforms.
2. States Parties shall work towards the establishment of a harmonized legislative and regulatory framework capable of ensuring the promotion and the guaranteeing of stability of multimodal joint ventures.
3. States Parties shall endeavour to participate in the negotiation, adoption and implementation of regional and international conventions on multimodal transport.

Article 22 Reform of Port Services

1. States Parties undertake to cooperate towards the reform and efficiency of port services and promotion of competitiveness of African ports.
2. In this connection, States Parties shall strive to encourage the:
 - (a) Promotion of private sector participation in port operations;
 - (b) Promotion of capacity-building for port operators;
 - (c) Adoption of a system of harmonized framework of port statistics and performance indicators;
 - (d) Strengthening of the existing Regional organizations and associations of ports for the benefit of port development;

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- (e) Promotion of the linkage of ports with development corridors;
- (f) Facilitation of development and acquisition of modern port facilities and equipment;
- (g) Promotion of efficient and effective channel management and port approaches;
- (h) Promotion of safe, secure and efficient port operations;
- (i) Application of internationally acceptable quality standards in port services;
- (j) Encouragement of consultation among the various port stakeholders through the establishment of port committees.

Chapter VIII Enhancing Maritime Safety and Security

Article 23 Cooperation in the Field of Maritime Legislation

States Parties shall endeavour to ensure cooperation in the implementation of relevant legislation in the field of maritime transport, inland waterways and port operations and in this regard agree to:

1. Adapt, and where necessary, update their existing maritime legislation in order to make them compatible with the promotion of safe, secure and environmentally friendly shipping, inland waterways and port activities;
2. Examine with a view to revising and harmonizing, if necessary, their maritime, port and inland waterways legislation in order to make them compatible with international instruments;
3. Consult with each other in international bodies with a view to harmonizing their positions in the area of negotiation in maritime transport and multimodal transport.

Article 24 Sharing of Information and Mutual Assistance

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

Article 25 Aids to Navigation and Provision of Hydrographic Services

States Parties shall encourage the cooperation, coordination and sharing of expertise and service provision in the fields of navigation and hydrography in accordance with the specifications and the rules of the International Association of Lighthouses Authorities (IALA) and the International Hydrographic Organization (IHO).

Article 26 International Instrument Relating To Maritime Safety, Maritime Security and Combating Piracy

2. REVISED AFRICAN MARITIME TRANSPORT CHARTER

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

Article 27 Ports and Places of Refuge

States Parties shall seek to articulate within the framework of international maritime law, national, subregional or regional strategies concerning places of refuge for ships in distress taking into consideration real and potential danger they pose to the marine environment and maritime navigation.

Chapter IX Protection of Marine Environment

Article 28 Protection and Preservation of the Marine Environment

1. States Parties shall seek to intensify their efforts at, regional and international levels, directly or with the support of competent regional and international organizations, to ensure the protection and preservation of the marine environment.
2. States Parties shall promote, either individually or in regional cooperation, develop contingency plan and other measures aimed at preventing and combating pollution incidents arising from marine transport.
3. States Parties commit themselves to the creation of a sustainable compensation regime to cover marine incidents of pollution of the sea that are not covered by existing international compensation regimes.
4. States Parties shall seek to implement a common policy aimed at preventing and combating marine pollution from ships and other sources of pollution.
5. To fully implement the provisions of this article, they shall ensure:
 - (a) Acceptance, ratification and implementation of marine environment protection conventions and instruments;
 - (b) Strengthening of mechanisms for national, bilateral, subregional, regional and international cooperation to prevent and combat pollution from all sources and the dumping of toxic wastes in African waters;
 - (c) Establishment of mechanisms of control and monitoring activities in the maritime domain;
 - (d) Development of national and regional contingency plans for marine pollution preparedness and response in partnership with the oil industry at national, regional and international levels.

Article 29 Port Reception Facilities

1. States Parties shall, individually or collectively, within the framework of relevant international, regional and national instruments, take all the necessary steps such that port reception facilities comply with the needs of ships. They shall ensure the efficient use of such facilities, making sure that this does not lead to unjustified delays to ships.

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2. States Parties agree to take all the necessary steps to ensure the proper functioning of port reception facilities in order to limit the impact of pollution from ships.
3. States Parties shall notify ships using their ports of all necessary precautions and up-to-date information relating to the obligations laid down by relevant international conventions and the national legislation applicable.

Chapter X Information and Communication Technologies, Facilitation of Maritime Traffic

Article 30 Information and Communication Technologies

1. States Parties shall share information and promote the general application and modernization of current information technologies.
2. States Parties shall encourage the use of such electronic data exchange systems for the dissemination among African States and regional and sub-regional institutions of information on the movement of ships.
3. States Parties shall promote the use of information technologies in all maritime and port activities.

Article 31 Measures to Facilitate Maritime Traffic

States Parties should encourage, at national, subregional and regional level, the establishment of committees for facilitation, harmonization and simplification of administrative and customs procedures, the use of information and communication technologies and in this regard promote the adoption of relevant international conventions aimed at the promotion of facilitation of maritime traffic.

Chapter XI Development of Maritime and Inland Waterways

Article 32 Improvement of the Safety and Security of Maritime and Inland Waterways Transport

States Parties shall endeavour to improve the safety of vessels not covered by relevant IMO Conventions including fishing, cargo, passenger ships and other small crafts operating in inland waterways. In this regard States Parties may be inspired to consider adopting the IMO Model legislation for the regulation of safety on inland waterways.

Article 33 Concerted Actions for the Development of Passenger Transport

States Parties shall establish at national and regional level a concerted plan of action for the development of maritime and inland waterways passenger transport which is reliable, competitive and sustainable.

Chapter XII Financing of Maritime and Inland Waterways Transport

Article 34 Monitoring, Evaluation and Financing of Maritime Transport and Inland Waterways Transport

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Within the framework of the mobilization of the necessary resources for financing maritime and inland waterways transport activities, States Parties shall as a priority, budget appropriately for the provision of a safe, secure and environmentally friendly maritime transport infrastructure:

1. Promote regular studies to evaluate and strengthen the performance of African shipping lines;
2. Encourage financial institutions to support States Parties and continental efforts in the strategic development of the maritime industry, including the acquisition and operation of ships, related equipment and development of maritime sector;
3. Promote the establishment of a national and/or regional maritime fund, including the creation of financial institutions for the development of maritime transport industry and inland waterways.

Article 35

Encouragement of Private Initiative in Maritime and Inland Waterways Investment

1. States Parties shall encourage the participation of the private sector in maritime and inland waterways transport activities.
2. States Parties shall promote the creation of partnerships of African operators in order to increase their financing capacities.

Chapter XIII

Human Resource Development

Article 36

Training and Capacity-Building and Upgrading of Professionals in the Maritime Sector

States Parties shall endeavour to invest in and finance established programmes for education and training in relevant maritime skills and for upgrading maritime professionals in all areas of the maritime and ports industry.

Article 37

Gender Balance and Participation of Women

1. States Parties agree to promote and adopt policies that create opportunities for the advancement of gender equality, and vigorously promote economic opportunities; recruitment, placement, promotion and progression of women in the maritime sector.
2. States Parties shall endeavour to enact relevant legislation to give effect to the acceleration of women empowerment in the maritime sector including encouragement of specific education, mentoring and training of women at all levels.

Article 38

Health and Safety

1. States Parties agree to promote the adoption of relevant regional and international instruments for the promotion of social security, and occupational health and safety in the maritime industry.
2. States Parties further agree to harmonize, coordinate and cooperate in the implementation of measures to improve the lives and working conditions of seafarers and port employees within clearly defined national, regional and international framework.

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3. States Parties shall promote and implement awareness and training programmes on contagious disease and occupational health hazards across the maritime industry and at educational and training institutions.
4. States Parties agree to promote seafarers health through the training of medical and paramedical personnel.

Article 39 Research and Information Centres

1. States Parties agree to promote research and sharing of research reports on matters of common interest, establish or reactivate research, and information centres.
2. To this end, States Parties shall endeavour to:
 - (a) Establish or strengthen national, regional maritime research and development centres;
 - (b) Promote harmonized regional approach to maritime training through the adoption and coordination of programmes, exchange of instructors and trainees within the framework of applicable conventions;
 - (c) Develop cooperation in the area of research and training with maritime industry at regional, governmental, non-governmental and inter-governmental organizations.

Chapter XIV Commitment of States Parties, Implementation, Monitoring and Evaluation Mechanisms

Article 40 Commitment of States Parties

States Parties accept the objectives and principles enshrined in this Charter to reinforce their national maritime transport and inland waterways policies and systems and undertake to institute appropriate measures, especially legislative, regulatory and administrative to ensure that their laws and regulations are consistent with this Charter.

Article 41 National Level

States Parties shall take necessary steps to ensure the implementation of this Charter in their respective countries through the elaboration of national maritime transport and inland waterways plans of action.

Article 42 Regional and Subregional Levels

States Parties shall ensure that the objectives and principles governing maritime transport at regional and subregional levels are consistent with this Charter. In this regard, regional and subregional organizations shall also develop maritime transport and inland waterways plans of action and see to it that they are implemented.

Article 43 Continental Level

1. The Commission shall, in collaboration with States Parties, Regional Economic Communities, specialized institutions and competent international organizations, institute an appropriate mechanism for implementation, monitoring and evaluation of this Charter.

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2. The Commission, central coordination organ for the implementation of the Charter must play an advocacy role for the development of maritime transport as the key vehicle for Africa's renaissance. To this effect, it has the responsibility of:

- (a) Assisting States Parties in implementation of this Charter;
- (b) Coordinating measures geared to evaluating implementation of this Charter;
- (c) Ensuring that States Parties establish national funds for Maritime Transport development and inland waterways;
- (d) Contributing to the promotion of a culture of Maritime Transport and inland waterways.

Article 44 Charter Follow-up Mechanism

1. A follow up Committee composed of fifteen (15) representatives of States Parties, designated by the Ministers Responsible for Maritime Transport, on the basis of geographical representation and rules and procedures of the Union for a period of two years is hereby created.

2. The Committee shall be charged specifically with:

- (a) Promoting and fostering of the implementation of the principles and objectives set out in the present Charter;
- (b) Monitoring and conducting evaluation of the impact of the implementation of the Charter;
- (c) Preparing, submitting and publishing through the Commission an annual report and recommendations on the status of implementation to States Parties.

3. The rules of procedure of this Committee shall be adopted by the conference of African Ministers Responsible for Maritime Transport.

4. The Committee may, for the execution of its missions, request for the support of the Regional Economic Communities, relevant specialized institutions, subregional, regional, continental and international organizations.

Chapter XV Final Provisions

Article 45 Safeguard Clause

1. Nothing in this Charter shall prejudice the rights and obligations of any State Party under the United Nations Convention on the Law of the Sea, 1982, and under the customary international law of the sea.

2. Nothing in this Charter shall prejudice the rights and responsibilities of Parties under other relevant and applicable international agreements.

3. No provision of the Charter shall be used to waive the application of the principles and values contained in other instruments for the promotion of the development of maritime transport in Africa, which have been ratified by the States Parties concerned.

Article 46

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Competence

The African Court of Justice and Human Rights shall be the competent organ for matters arising from the interpretation or application of this Charter. Pending its establishment, such matters shall be submitted to the Assembly of the Union, which shall decide by consensus or by a two-thirds (2/3) majority of States Parties.

Article 47 Settlement of Disputes

States Parties undertake to settle their disputes regarding the interpretation or the application of the provisions of this Charter by negotiations or any other peaceful means agreed upon by them, which may include enquiry, mediation, conciliation, arbitration, and judicial settlement.

Article 48 Signature, Ratification and Accession

1. This Charter shall be open to signature, ratification and accession by the Member States of the Union in accordance with their respective constitutional procedures.
2. The instruments of ratification or accession shall be deposited with the Chairperson of the Commission.

Article 49 Entry into Force

1. This Charter shall enter into force thirty (30) days after the deposit of the fifteenth (15th) instrument of ratification with the Chairperson of the Commission.
2. For each Member State that ratifies or accedes to this Charter after its entry into force, the Charter shall become effective on the date the Member State deposits its instrument of accession with the Chairperson of the Commission.
3. The Chairperson of the Commission shall notify Member States of the entry into force of this Charter at most within a time limit of thirty (30) days.

Article 50 Amendment or Revision of the Charter

1. Any State Party may submit proposals for the amendment or revision of the present Charter.
2. Proposals for amendment or revision shall be submitted to the Chairperson of the Commission who shall transmit same to States Parties within a maximum period of thirty (30) days after they have been received. The Executive Council shall be seized of the proposals for amendment or revision of the Charter only when all the States Parties have been duly notified and after a period of one year.
3. The amendments shall be adopted by the Assembly and shall be submitted to States Parties for ratification/accession in conformity with their respective constitutional procedures.

Article 51 Entry into Force of Amendments

1. Amendments shall come into force thirty (30) days after the deposit of the fifteenth (15th) instrument of ratification with the Chairperson of the Commission.

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2. Without prejudice to Article 49, paragraph 2, any Member State which becomes party to the Charter after the entry into force of an amendment shall be deemed to be party to the unamended Charter with regard to any Contracting State which is not bound by the said amendment.

Article 52 Withdrawal

A State Party may, by written notification addressed to the Chairperson of the Commission, specifying the reasons, withdraw from this Charter. The withdrawal shall take effect one year after the date of receipt of the notification, unless the notification specifies a later date.

Article 53 Authentic Texts and Depositary

1. The Charter, drafted in four (4) original texts in Arabic, English, French and Portuguese, the four texts being equally authentic, shall be deposited with the Chairperson of the Commission who shall transmit a certified true copy thereof to all Members States.

2. The Chairperson of the Commission shall notify Member States of the dates of deposit of the instruments of ratification or accession and shall, upon the entry into force of this Charter, register the Charter with the Secretariat of the United Nations.

Article 54 Abrogation

This Charter shall abrogate and supersede, as of the date of its entry into force, the African Maritime Transport Charter adopted at Addis Ababa, Ethiopia, on 15 December 1993.

3.

AFRICAN CHARTER ON MARITIME SECURITY AND SAFETY AND DEVELOPMENT IN AFRICA (LOMÉ CHARTER)

Adopted in Lomé, Togo, on 15 October 2016.

The Charter shall enter into force thirty days after the deposit of the fifteenth instrument of ratification.

Preamble

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

Considering the Constitutive Act of the African Union of 11 July 2000, in particular Article 3, subparagraphs (a), (b), (e) and (f),

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

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

Considering the International Convention for the Prevention of Pollution from Ships of 2 November 1973,

Considering the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation of 10 March 1988 and its Protocol of 14 October 2005,

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Noting the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal of 22 March 1989,

Conscious of the United Nations Convention against Transnational Organized Crime (Palermo Convention) of 15 November 2000, and its three supplementary protocols,

Considering the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa of 30 January 1991,

Considering also the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation adopted in Rome on 10 March 1988,

Recalling the provisions of the OAU Convention on the Prevention and Combating of Terrorism of 14 July 1999 and the Protocol to the OAU Convention on the Prevention and Combating of Terrorism of 1 July 2004,

Further recalling the provisions of the Revised African Maritime Transport Charter of 26 July 2010,

Mindful of the African Union Agenda 2063 and the United Nations 2030 Agenda,

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

Recalling 2050 Africa's Integrated Maritime Strategy (2050 AIM Strategy) adopted on 27 January 2014, whose implementation shall be in conformity with international maritime law,

Aware of the geostrategic importance of the seas, oceans and inland waterways in the socio-economic development of Africa and of their role in the sustainable development of the continent,

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

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

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

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

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

Concerned about the protection of biodiversity and the sustainable use of marine resources of the planet in accordance with the Convention on Biological Diversity, adopted in Rio de Janeiro, on 5 June 1992, the Convention on the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region, adopted in Nairobi, Kenya, on 21 June 1985 and the Convention for Cooperation in the Protection, Management and Development of the Marine and Coastal Environment of the Atlantic Coast of the West, Central and Southern Africa Region adopted in Abidjan, Côte d'Ivoire, on 23 March 1981,

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Deeply committed to peace and security in the Mediterranean Sea, the Red Sea, the Gulf of Aden, the Atlantic Ocean and the Indian Ocean,

Welcoming the determination, through the Maritime Strategies of the Regional Economic Communities/Regional Mechanisms, the Indian Ocean Commission, and the Gulf of Guinea Commission to work closely with the Commission of the African Union on the implementation, in conformity with international maritime law, of the 2050 AIM Strategy,

Also welcoming the convening in Yaoundé, Cameroon, from 24 to 25 June 2013 of the Joint Summit of the Economic Community of Central African States (ECCAS), the Economic Community of West African States (ECOWAS) and the Gulf of Guinea Commission (GGC) on Maritime Safety and Security, which culminated in the establishment of the Interregional Coordination Centre (ICC) based in Yaoundé, Cameroon,

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

Hereby agree as follows:

Chapter I General Provisions

Article 1 Definitions

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

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

"2050 AIM Strategy" refers to the 2050 Africa's Integrated Maritime Strategy adopted by the Assembly on 27 January 2014;

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

"Assembly" means the Assembly of Heads of State and Government of the African Union;

"AU Agenda 2063" refers to the African Union vision adopted on 27 January 2014;

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

"Blue/Ocean Economy" means sustainable economic development of oceans using such technics as regional development to integrate the use of seas and oceans, coasts, lakes, rivers, and underground water for economic purposes, including, but without being limited to fisheries, mining, energy, aquaculture and maritime transport, while protecting the sea to improve social wellbeing;

"Charter" means the African Union Charter on Maritime Security and Safety and Development in Africa;

"Coastal State" refers to any State having a coast;

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"Commission" means the African Union Commission;

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

"Flag State" means the State under whose laws a vessel is registered or licensed which has authority and responsibility to enforce regulations over vessels registered under its flag, including those relating to inspection, certification, and issuance of safety and pollution prevention documents;

"Illegal, unreported and unregulated (IUU) fishing" means:

(i) Illegal fishing means activities:

(a) conducted by national or foreign vessels in waters under the jurisdiction of a State, without the permission of that State, or in contravention of its laws and regulations;

(b) conducted by vessels flying the flag of States that are parties to a relevant regional fisheries management organization but operate in contravention of the conservation and management measures adopted by that organization and by which the States are bound, or relevant provisions of the applicable international law; or

(c) in violation of national laws or international obligations, including those undertaken by cooperating States to a relevant regional fisheries management organization;

(ii) Unreported fishing means fishing activities:

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

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

(iii) Unregulated fishing means fishing activities:

(a) in the area of application of a relevant regional fisheries management organization that are conducted by vessels without nationality, or by those flying the flag of a State not party to that organization, or by a fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organization; or

(b) in areas or for fish stocks in relation to which there are no applicable conservation or management measures and where such fishing activities are conducted in a manner inconsistent with State responsibilities for the conservation of living marine resources under international law;

"Inland waterways" means any navigable rivers, creeks, lakes, tidelands, lagoons, below water baseline, or channel leading into such place having facilities for ships to moor and load or discharge including offshore cargo handling facilities, harbour, berths, jetties, pontoons or buoys and wharves within the limits of the inland waterways in any place in a country and includes any place declared to be an inland waterway under relevant national legislation, as defined in the 2050 AIM Strategy;

"International Maritime Organization (IMO) SOLAS Convention" refers to the International Maritime Organization International Convention for the Safety of Life at Sea of 1 November 1974;

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"Marine biodiversity" refers to the variety and variability of life on Earth; It is a measure of the variety of organisms present in different ecosystems including genetic variations, ecosystem variations or species variations (number of species) within the Maritime Domain;

"Marine governance" means the national and international, legal and regulatory framework and associated enforcement processes that ensure the peaceful and sustainable use of the seas for commerce, food, energy and raw material;

"Marine pollution" refers to the introduction and/or spread of invasive organisms into the ocean or the harmful, or potentially harmful effects resulting from the entry into the ocean of chemicals, particles, industrial, agricultural and residential waste or noise and any other polluting factors carried by means of air or land pollution;

"Marine resources" means the things that plants, animals and humans need for life that originate in the sea;

"Maritime awareness" means the effective understanding of anything associated with the maritime domain that could impact upon the security, safety, economy, or environment;

"Maritime domain" refers to all areas and resources of, on, under, relating to, adjacent to, or bordering on the sea, ocean, or lakes, intra-coastal and inland navigable waterways, including all maritime-related activities, infrastructure, cargo, vessels and other means of conveyance. It also includes the air above the seas, oceans, lakes, intra-coastal and inland navigable waterways and the oceans' electromagnetic spectrum as well, as defined in the 2050 AIM Strategy;

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

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

"Maritime territories" means maritime spaces under the jurisdiction or responsibility of the State Party;

"Maritime zones" means maritime zones as defined in the United Nations Convention on the Law of the Sea (UNCLOS) adopted on 10 December 1982;

"Member State" means a Member State of the African Union;

"Palermo Convention" refers to the United Nations Convention against Transnational Organized Crime adopted by the United Nations General Assembly on 15 November 2000;

"Pavilion State" means the State under whose legislation a merchant ship is registered and which has authority and responsibility to ensure compliance with the regulations on ships flying its flag, including regulations relating to inspection, certification and issuance of safety and anti-pollution documents;

"Piracy" means:

(a) Any illegal act of violence or detention committed for private ends by the crew or passengers of a private ship or a private aircraft, and directed:

(i) On the high seas against another ship or aircraft, or against persons or property, on board such ship or aircraft;

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- (ii) Against a ship, aircraft or property in a place outside the jurisdiction of any State;
- (b) Any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;
- (c) Any act of inciting or of intentionally facilitating an act as described in paragraphs (a) or (b);

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

"Port State control" means the inspection of foreign ships in national ports to verify that the condition of the ship and its equipment comply with the requirements of international regulations and that the ship is manned and operated in compliance with these rules;

"Revised African Maritime Transport Charter" refers to the Revised African Maritime Transport Charter adopted by the African Union on 26 July 2010;

"Requested State" means the State of which something is requested;

"Requesting State" means the State that is requesting something;

"Ship" means a vessel or mobile facility of any type whatsoever operating in the marine and/or inland waterways environments and includes hydrofoil boat, air cushion vehicles, submersibles, floating craft and fixed or floating platforms operated for the purpose of providing movement of goods and passengers and the provision of marine services;

"Signatory" means a Member State that has signed this Charter;

"States Parties" means Member States that have ratified, accepted, approved or acceded to this Charter in accordance with their respective constitutional rules and the Charter has entered into force for those States;

"Subsidiarity principle" refers to the principle that seeks to guarantee a degree of independence for a lower authority in relation to a higher body or for a local authority in relation to central government. It therefore involves the sharing of powers between several levels of authority;

"Terrorist acts" refers to:

(a) Any act or threat of act in violation of the criminal laws of the State Party likely to endanger the life, physical integrity, freedoms of an individual or group of individuals, which results or may result in damages to private or public property, natural resources, the environment or cultural heritage and committed with the intention of:

- (i) Intimidating, creating a situation of terror, forcing, exerting pressure or compelling any government, body, institution, population or section thereof to take or refrain from taking any initiative, adopt, abandon any particular standpoint or act according to certain principles;
- (ii) Disrupting the normal functioning of public services, providing essential services to populations or creating a crisis situation within the population;
- (iii) Creating general insurrection in a State Party;

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(b) Any promotion, financing, contribution, order, aide, incitement, encouragement, attempt, threat, conspiracy, organization or equipment of any individual with the intention of committing any act mentioned in subparagraph (a) (i) to (iii);

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

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

"United Nations 2030 Agenda" refers to the United Nations plan for achieving a better future for all adopted by the United Nations General Assembly on 25 September 2015;

"United Nations Basel Convention" refers to the Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal adopted by the United Nations General Assembly on 31 April 1989; and

"UNCLOS" refers to the Convention on the Law of the Sea adopted by the United Nations on 10 December 1982.

2. In this Charter, any reference to sea includes oceans and inland waterways.

Article 2 Principles

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

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

Article 3 Objectives

The objectives of the present Charter shall be to:

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- (a) Prevent and suppress national and transnational crime, including terrorism, piracy, armed robbery against ships, drug trafficking, smuggling of migrants, trafficking in persons and all other kinds of trafficking transiting through the sea and IUU fishing;
- (b) Protect the environment in general and the marine environment in the space of coastal and insular States, in particular;
- (c) Promote a flourishing and sustainable Blue/Ocean Economy;
- (d) Promote and enhance cooperation in the fields of maritime domain awareness, prevention by early warning and fight against piracy, armed robbery against ships, illicit trafficking of all kinds, the pollution of the seas, cross-border crime, international terrorism and the proliferation of small arms and light weapons;
- (e) Establish appropriate national, regional and continental institutions and ensure the implementation of appropriate policies likely to promote safety and security at sea;
- (f) Promote the inter-agency and transnational coordination and cooperation among Member States within the spirit of the African Peace and Security Architecture of the African Union;
- (g) Boost the implementation of the 2050 AIM Strategy in conformity with International Maritime Law;
- (h) Promote the training and capacity-building of the maritime, port and industrial sector, for safe and responsible use of the maritime domain;
- (i) Cooperate in the field of Search and Rescue in line with the IMO SOLAS Convention;
- (j) Further sensitize communities living next to seas for sustainable development of African coastline and biodiversity;
- (k) To promote and protect the right of access to the sea of landlocked countries in accordance with the provisions of this Charter, the legal instruments of the AU and other regional and international instruments;
- (l) Raise the level of social welfare of the concerned population.

Article 4 Scope

The present Charter shall cover:

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

Chapter II Measures to Prevent and Combat Crimes at Sea

3. AFRICAN CHARTER ON MARITIME SECURITY, SAFETY AND DEVELOPMENT

Article 5

Socio-Economic Measures to Prevent Crimes at Sea

Each State Party shall endeavour to:

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

Article 6

States Parties Responsibility

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

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

Article 7

National Coordinating Structures

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

Article 8

Harmonizing of National Legislation

Each State Party shall, where appropriate:

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

Article 9

Resources to Guarantee Maritime Security and Safety

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

Article 10 Financial Obligations of Flag States and Coastal States

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

Article 11 Maritime Security and Safety Fund

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

Chapter III Maritime Governance

Article 12 Maritime Governance

Each State Party shall ensure good maritime governance based on better information sharing, effective communication, and efficient coordination of their actions.

Article 13 Maritime Boundaries

Each State Party shall endeavour to delimit its respective maritime boundaries in conformity with provisions of relevant international instruments.

Article 14 Protection of Maritime Territories

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

Article 15 Flag State Responsibilities and Port State Control

Each State Party shall fulfil its Flag State and Port State Control responsibilities within their jurisdictions to:

- (a) Eradicate substandard shipping practices;
- (b) Enhance security and safety; and
- (c) Protect the marine environment from pollution.

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

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

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Article 17 Drug Trafficking

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

Article 18 Safety of Navigation

Each State Party undertakes to promote safety of navigation as well as the protection and sustainable use of the marine environment by:

- (1) Providing appropriate aids to navigation according to available resources;
- (2) Ensuring the best possible standardization in aids to navigation; and
- (3) Facilitating access to information relating to aids to navigation.

Chapter IV Development of the Blue/Ocean Economy

Article 19 Exploitation of the Maritime Domain

1. Each State Party shall explore and exploit their respective maritime domains in accordance with relevant international principles and standards.
2. Each State Party shall facilitate the engagement of non-State actors, especially the private sector, in the development and implementation of the blue/ocean economy.

Article 20 Fisheries and Aquaculture

1. Each State Party shall implement appropriate fisheries and aquaculture policies for the conservation, management and sustainable exploitation of fish stocks and other biological resources.
2. Each State Party shall carry out the necessary reforms for good governance in the fishery sector and the promotion of continental fishing and aquaculture to contribute to the creation of employment in the sector, reduce food insecurity and malnutrition and promote economic diversification.
3. Each State Party shall take appropriate measures to effectively combat IUU fishing activities within the framework of its respective national jurisdictions and to take legal steps aimed at prosecuting the perpetrators engaged in IUU fishing.

Article 21 Creation of Wealth and Jobs through Coastal and Maritime Tourism

Each State Party undertakes to promote coastal and maritime tourism as a key sector, with due consideration to the environmental dimensions, that generates considerable revenue and creates jobs, and agree to promote the sustainable development of all associated activities.

Article 22

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Integrated Human Resource Strategy for Maritime Development

1. Each State Party shall develop an integrated human resources strategy for the maritime sector to support the provision of skills, taking into account gender balance, in the entire maritime value chain which includes shipping and logistics, offshore activities, fishing, coastal and maritime tourism, and safety and security.
2. Each State Party shall set up a human resources development agenda, including training, in accordance with the potential for economic growth and job creation opportunities more widely along the maritime value chain.

Article 23 Competitiveness Improvement

Each State Party shall improve competitiveness of its maritime industries, particularly in international trade. To this end, each State Party commits to:

- (a) Encourage the creation and development of African maritime companies;
- (b) Promote access of African operators to maritime transport auxiliary services and professions;
- (c) Create an enabling environment to foster equity investment by African operators in foreign companies operating in Africa in maritime transport auxiliary services and professions;
- (d) Prioritize trans-African cabotage to national and regional African maritime companies, in order to promote intra-African trade and facilitate the socio-economic integration of the continent.

Article 24 Development of Infrastructure and Equipment Relating to Maritime Activities

1. Each State Party shall develop and strengthen its infrastructure to enable its port facilities to achieve its economic growth potential and competitiveness.
2. Each State Party shall encourage public-private partnerships to facilitate modernization of African maritime industries in order to provide standard quality services and contribute to the attainment of the objectives of sustainable development.

Article 25 Measures to Mitigate Climate Change and Environmental Threats

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

Article 26 Protection of Marine Biological Species, Fauna and Flora

Each State Party shall preserve the marine environment and protect the biological species of marine fauna and flora in the development process of its environment and biodiversity.

Article 27

3. AFRICAN CHARTER ON MARITIME SECURITY, SAFETY AND DEVELOPMENT

Toxic and Hazardous Waste Dumping

1. Each State Party shall develop a mechanism for the detection, prevention and reporting of marine pollution, particularly through the dumping of toxic and hazardous waste.
2. Each State Party shall prohibit the import, export, handling, accumulation or dumping of trans-boundary hazardous waste, including radioactive materials, chemical and organic waste in conformity with provisions of the Bamako and Basel Conventions.

Article 28

Prevention of Illegal Exploitation and Theft of Marine Resources

1. Each State Party shall endeavor to prevent and effectively fight the illegal exploitation and theft of marine resources in its respective maritime territory.
2. Each State Party shall prohibit trade in products derived from illegal exploitation and plundering of marine resources within its maritime domain.
3. Each State Party shall prohibit trade in products derived from illegal exploitation and plundering of marine resources from any State Party.

Article 29

Maritime Disaster Risk Management

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

Chapter V Cooperation

Article 30

Cooperation in the Exploitation of the Maritime Domain

States Parties shall cooperate at national, regional and continental levels, in:

- (1) Developing and exploiting marine resources in their territorial waters through scientific and technological exchanges, partnerships for research and innovation, as well as the promotion and strengthening of the blue/ocean economy, in accordance with relevant international principles and standards;
- (2) Facilitating business partnerships in the maritime domain;
- (3) Harnessing state-of-the-art technologies, in conformity with the African Space Policy and Strategy and other relevant instruments for maritime security and safety.

Article 31

Cooperation in Fishing and Aquaculture

1. States Parties shall cooperate in order to ensure the sustainability of marine biodiversity.
2. States Parties shall cooperate within the framework of the Fisheries Committees established by its regional competent bodies and specialized institutions in order to strengthen and promote sustainable management of fishery resources.

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Article 32

Cooperation in Combating Crimes at Sea

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

Article 33

Maritime Information Sharing

1. States Parties shall establish a platform for exchange and sharing of experiences and best practices on maritime security and safety.
2. States Parties shall endeavour to develop a system of information sharing integrating national, regional and continental structures for maritime domain awareness aimed at:
 - (a) Preventing the commission of unlawful acts at sea;
 - (b) The arrest and detention of individuals preparing to or committing any unlawful acts at sea; and
 - (c) The seizure or confiscation of ships and equipment used in the commission of any unlawful acts at sea.

Article 34

Cooperation in Intelligence Sharing

States Parties shall encourage cooperation in sharing intelligence between its national services, regional and continental agencies and appropriate international specialized organs, to ensure the effectiveness of the fight against unlawful acts at sea.

Article 35

Strategies for Awareness on Maritime Related Issues

Each State Party shall adopt appropriate maritime strategies for awareness on maritime related issues adapted to its national, regional and international maritime security and safety situations in order to create greater awareness of the seas and oceans.

Article 36

Scientific and Academic Cooperation

Each State Party shall encourage:

- (1) The strengthening of cooperation between its universities and training and research institutes in relation to seas and oceans including those of the Pan- African University;
- (2) Maritime scientific research campaigns for development purposes; and
- (3) Support initiatives by training institutions in respect of capacity-building in maritime security and safety.

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Article 37

Continental Cooperation Framework

States Parties shall establish a framework for close cooperation in the field of maritime security and safety with the national cross-sectoral mechanisms, the Regional Economic Communities and other relevant bodies.

Article 38

Regional Cooperation Structures

States Parties shall establish, where they do not exist, regional cooperation structures in the fight against crime at sea.

Article 39

National Coordination Framework

1. Each State Party shall develop national legal frameworks to coordinate their respective legal interventions at sea.
2. Each State Party shall endeavour to incorporate cooperation mechanisms in its national legal frameworks with a view to effectively combating crime at sea.
3. Each State Party undertakes to promote, strengthen and sustain maritime rescue coordination centres and the maritime rescue sub-centres for the efficient organization of maritime search and rescue services.

Article 40

Judicial and Legal Cooperation

1. States Parties agree to mutual judicial and legal cooperation on the basis of the present Charter.
2. Each State Party shall cooperate on the basis of its bilateral or multilateral agreements, or in the absence of a cooperation agreement, on the basis of its national legislation.
3. Notwithstanding the differences in the legal framework of each State Party, national legislation shall guarantee joint investigation mechanisms, secure information exchange procedures, judicial requests, extradition and transfer of detainees and other related mechanisms.

Chapter VI

Monitoring and Control

Article 41

Committee of States Parties

1. A fifteen (15) member Committee of States Parties is hereby established which shall be responsible for monitoring the implementation of this Charter and recommending follow-up actions.
2. The Committee shall be composed of the Ministers responsible for maritime affairs or such other Ministers or Authorities as may be designated by the governments of the States Parties.
3. The Committee members shall be elected every three years, from among the five regions of the continent on the basis of rotation, gender and geographical distribution in accordance with AU procedures and practice.
4. States Parties shall adopt the rules of procedure of the Committee.

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Article 42 States Parties Reports

Each State Party to the present Charter shall undertake to submit to the Committee a report on the measures they have undertaken to give effect to the provisions of this Charter:

- (1) Within two years of the entry into force of the Charter for the State Party concerned; and
- (2) Thereafter, every five years.

Article 43 Reports of the Committee

The Committee of the States Parties shall present, every two years, to the Assembly of the Union, a report on the progress made in the implementation of the Charter.

Article 44 Secretariat of the Committee

The Commission shall act as the Secretariat of the Committee of the States Parties.

Article 45 Settlement of Disputes

1. Any dispute or difference arising between States Parties with regard to the interpretation, application and implementation of this Charter shall be settled by mutual consent between the States concerned, including through negotiations, mediation, conciliation or other peaceful means.
2. In the event of failure by the disputing parties to settle the dispute or difference in accordance with Article 45, paragraph 1, the disputing parties may, by mutual consent, refer the dispute to:
 - (a) The African Court of Justice Human and Peoples' Rights where applicable; or
 - (b) An arbitration panel of three (3) arbitrators whose appointment shall be as follows:
 - (i) Two (2) arbitrators each appointed by a party to the dispute; and
 - (ii) A third arbitrator who shall be President of the Panel and appointed by the Chairperson of the African Union Commission.
3. The decision of the Panel of Arbitrators shall be final and binding.

Article 46 Annexes, Guidelines and Modalities

1. Member States shall adopt as and when necessary, annexes to complement this Charter. The annexes shall be an integral part of this Charter.
2. A State Party which accedes to this Charter prior to the adoption of annexes retains the right to subsequently accede to the annexes.

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3. In the event of a State Party acceding to this Charter after the adoption of annexes, the State Party must declare its intention to be bound by one or all of the annexes.

4. States Parties shall also adopt guidelines and modalities to guide States Parties in fulfilling their obligations under this Charter.

Chapter VII Final Provisions

Article 47 Popularization of the Charter

Each State Party shall take all appropriate measures to ensure the widest possible dissemination of this Charter.

Article 48 Safeguard Clause

1. No provision in this Charter shall be interpreted as derogating from the principles and values contained in other relevant instruments for the promotion of Maritime Security and Safety and Development in Africa.

2. Nothing in this Charter shall be construed as preventing a Party from taking any action, compatible with the provisions of the United Nations Charter or any other international instrument and that is limited to the exigencies of the situation, as it considers necessary to its external or internal security.

Article 49 Signature, Ratification and Accession

1. This Charter shall be open to Member States of the Union for signature, ratification or accession.

2. The instrument of ratification or accession to the present Charter shall be deposited with the Chairperson of the Commission who shall notify Member States of the Union of the deposit of the instruments of ratification or accession.

Article 50 Entry into force

1. This Charter shall enter into force thirty (30) days after the deposit of the fifteenth (15th) instrument of ratification.

2. The Chairperson of the Commission shall notify all Members States of the entry into force of the present Charter.

3. For any Member State acceding to the present Charter, the Charter shall come into force in respect of that State on the date of the deposit of its instrument of accession.

Article 51 Reservations

1. A State Party may, when, ratifying or acceding to this Charter, submit in writing, a reservation with respect to any of the provisions of this Charter. Reservation shall not be incompatible with the object and purpose of this Charter.

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2. Unless otherwise provided, a reservation may be withdrawn at any time.
3. The withdrawal of a reservation must be submitted in writing to the Chairperson of the Commission who shall notify other States Parties of the withdrawal accordingly.

Article 52 Depositary

This Charter shall be deposited with the Chairperson of the Commission, who shall transmit a certified true copy of the Charter to the Government of each signatory State.

Article 53 Registration

The Chairperson of the Commission, shall upon the entry into force of this Charter, register the Charter with the Secretariat of the United Nations in conformity with Article 102 of the Charter of the United Nations.

Article 54 Withdrawal

1. At any time after three years from the date of entry into force of this Charter a State Party may withdraw by giving written notification to the depositary.
2. Withdrawal shall be effective one year after receipt of notification by the depositary, or on such later date as may be specified in the notification.
3. Withdrawal shall not affect any obligation of the withdrawing State Party prior to the withdrawal.

Article 55 Amendment and Revision

1. Any State Party may submit proposal(s) for the amendment or revision of this Charter. Such proposal(s) shall be adopted by the Assembly.
2. Proposals for amendment or revision shall be submitted in writing to the Chairperson of the Commission who shall transmit such proposals to the Assembly at least six months before the meeting at which it shall be considered for adoption.
3. Amendments or revisions shall be adopted by the Assembly by consensus or, failing which, by a two-thirds majority of the Assembly.
4. The amendment or revision shall enter into force thirty (30) days after the deposit of the receipt of the fifteenth (15th) instrument of ratification to the Chairperson of the Commission of the African Union.

Article 56 Authentic Texts

This Charter is drawn up in four (4) original texts, in Arabic, English, French and Portuguese languages, all four (4) texts being equally authentic.

PART XVI

**ENVIRONMENT, NATURAL RESOURCES AND
NATURAL DISASTERS**

1. PHYTOSANITARY CONVENTION FOR AFRICA

1.

PHYTOSANITARY CONVENTION FOR AFRICA

**Adopted in Kinshasa, Democratic Republic of the Congo, on 13 September 1967.
The Convention does not contain any provision relating to its entry into force.**

We, the Heads of African State and Government of the Organization of African Unity,

Considering that all possible steps should be taken to prevent the introduction of diseases, insect pests, and other enemies of plants into any part of Africa, to eradicate or control them in so far as they are present in the area, and to prevent their spread to other territories within the area,

Considering further that the former Commission for Technical Cooperation in Africa has been integrated into the Organization of African Unity (hereinafter referred to as "OAU") and that the Phytosanitary Convention for Africa South of the Sahara, done at London on 29 July 1954, as amended in 1961, should be remodeled and expanded to meet the requirements of the African States,

Recognizing that the cooperation among the African States in controlling pests and diseases of plants and plant products and in preventing their introduction and spread across national boundaries would be a vital contribution towards the realization of stronger solidarity among their peoples,

Recognizing further the usefulness of the international cooperation provided for in the International Plant Protection Convention signed at Rome on 6 December 1951, and the need for coordination of activities in this field,

Resolved to reinforce the links between our States by establishing and strengthening common institutions,

Have agreed as follows:

Article I

1. The Phytosanitary Convention for Africa South of the Sahara done at London on 29 July 1954, and amended by Protocol done at London on October 11, 1961, is, and remains abrogated as far as it concerns the African continent.
2. The present Convention shall apply to all Member States of the Organization of African Unity, herein after referred to as "Member States".

Article II

Measures of Protection

Each Member State shall take such measures of quarantine, certification or inspection, or such other measures as may be considered necessary by the OAU in respect of any living organisms, plants, plant material, seeds, soil, compost or packing material (including containers) and any other article the importation of which has been considered by the OAU to constitute a threat to agriculture in any part of Africa.

Article III

Each Member State shall take such measures of quarantine, certification or inspection, or such other measures as may be considered necessary by the OAU in respect of any living organisms, plants, plant material, seeds, soil, compost or packing material (including containers) and any other article the importation of which has been considered by the OAU to constitute a threat to agriculture in any part of Africa.

XVI. ENVIRONMENT, NATURAL RESOURCES AND NATURAL DISASTERS

Article IV

Each Member State shall prohibit, for such period of time as the OAU may propose, the importation of any living organisms, plants, plant material, seeds, soil, compost or packing material (including containers) and any other article the importation of which the OAU has considered shall be refused admittance into any part of Africa.

Article V

Each Member State shall take such action as may be desirable to deal effectively with diseases, insect pests and other enemies of plants in its territory which the OAU considers have become, or are likely to become, a serious danger within Africa.

Article VI

Nothing in the foregoing articles of the present Convention shall prevent any Member State from importing, under the safeguards to be recommended by the OAU, and for pure or applied scientific investigations, small quantities of plants, plant material or seeds or any other prohibited material. It is understood, however, that such importation of prohibited materials shall only be made in cases of absolute necessity and after ensuring that the risks involved would be kept at the barest minimum. The Member State concerned shall, however, inform the OAU of each importation of otherwise prohibited plants, plant material, seeds, or any other material which is made, and the OAU shall so inform all other Member States.

Article VII

Panel of Scientific Consultants

1. There shall be established a Panel of Scientific Consultants composed of Specialists in plant Pathology, Entomology, Nematology and other related disciplines.
2. The panel of Scientific Consultants shall advise the OAU on various technical problems relating to plant health and protection.
3. The Members of the Panel of Scientific Consultants shall be appointed by the Council of Ministers at the recommendation of the Educational, Scientific, Cultural and Health Commission. The Scientific Council of Africa shall make proposals of possible candidates to the Educational, Scientific, Cultural and Health Commission. Each Member of the Panel shall serve for a period of four years, and may be re-appointed.
4. Consultation shall normally be done by mail, but when the volume of work warrants it, a meeting of the Panel may be called to deal with the work.

Article VIII

Meeting on Phytosanitary Matters

1. At the request of the Educational, Scientific, Cultural and Health Commission, or at the request of a Member State and after approval by half of the OAU Membership, a meeting of plant experts of Member States may be called to deal with phytosanitary matters.
2. The draft agenda shall be circulated at the time that the meeting is announced.
3. The Rules of procedure of the Educational, Scientific, Cultural and Health Commission shall be applied during such a meeting.

2. AFRICAN CONVENTION ON CONSERVATION OF NATURE AND NATURAL RESOURCES

4. If at any time two thirds of the Member States have renounced membership of the OAU, the remaining Member States shall hold a special meeting to decide whether or not the Convention shall continue to exist, and if so what administrative, financial and other arrangements would govern its continued existence.

Article IX Miscellaneous Provisions

The OAU General Secretariat shall service the operation of this Convention and also shall implement duly approved decisions of the OAU which may be taken as a result of the application and operation of the Convention.

Article X

Any dispute concerning the interpretation or application of this Convention which cannot be resolved by the Educational, Scientific, Cultural and Health Commission shall be referred to the Commission of Mediation, Conciliation and Arbitration of the OAU.

Article XI

The Convention may be amended or revised by the Educational, Scientific, Cultural and Health Commission in accordance with the provisions of Article XXXIII of the Charter of the Organization of African Unity.

2.

AFRICAN CONVENTION ON THE CONSERVATION OF NATURE AND NATURAL RESOURCES

Adopted in Algiers, Algeria, on 15 September 1968.

Entered into force on 16 June 1969.

Preamble

We, the Heads of State and Government of independent African States,

Fully conscious that soil, water, flora and faunal resources constitute a capital of vital importance to mankind,

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

Fully conscious of the ever-growing importance of natural resources from an economic, nutritional, scientific, educational, cultural and aesthetic point of view,

Conscious of the dangers which threaten some of these irreplaceable assets,

Accepting that the utilization of the natural resources must aim at satisfying the needs of man according to the carrying capacity of the environment,

Desirous of undertaking individual and joint action for the conservation, utilization and development of these assets by establishing and maintaining their rational utilization for the present and future welfare of mankind,

Convinced that one of the most appropriate means of achieving this end is to bring into force a convention,

Have agreed as follows:

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Article I

The Contracting States hereby adopt the African Convention on the Conservation of Nature and Natural Resources.

Article II Fundamental Principle

The Contracting States shall undertake to adopt the measures necessary to ensure conservation, utilization and development of soil, water, flora and faunal resources in accordance with scientific principles and with due regard to the best interests of the people.

Article III Definitions

For the purposes of the present Convention, the meaning of the following expressions shall be as defined below:

- (a) "Natural Resources" means renewable resources, that is soil, water, flora and fauna;
- (b) "Specimen" means an individual example of a species of wild animal or wild plant or part of a wild plant;
- (c) "Trophy" means any dead animal specimen or part thereof whether included in a manufactured or processed object or otherwise dealt with, unless it has lost its original identity; also nests, eggs and eggshells;
- (d) "Conservation area" means any protected natural resource area, whether it be a strict natural reserve, a national park or a special reserve.
 - (1) "Strict nature reserve" means an area:
 - (i) Under State control and the boundaries of which may not be altered nor any portion alienated except by the competent legislative authority;
 - (ii) Throughout which any form of hunting or fishing, any undertaking connected with forestry, agriculture or mining, any grazing, any excavation or prospecting, drilling, leveling of the ground or construction, any work tending to alter the configuration of the soil or the character of the vegetation, any water pollution and, generally, any act likely to harm or disturb the fauna or flora, including introduction of zoological or botanical species, whether indigenous or imported, wild or domesticated, are strictly forbidden;
 - (iii) Where it shall be forbidden to reside, enter, traverse or camp, and where it shall be forbidden to fly over at low altitude, without a special written permit from the competent authority, and in which scientific investigations (including removal of animals and plants in order to maintain an ecosystem) may only be undertaken by permission of the competent authority.
 - (2) "National park" means an area:
 - (i) Under State control and the boundaries of which may not be altered or any portion alienated except by the competent legislative authority;
 - (ii) Exclusively set aside for the propagation, protection, conservation and management of vegetation and wild animals as well as for the protection of sites, land-spaces or geological formations of particular scientific or aesthetic value, for the benefit and enjoyment of the general public; and

2. AFRICAN CONVENTION ON CONSERVATION OF NATURE AND NATURAL RESOURCES

(iii) In which the killing, hunting and capture of animals and the destruction or collection of plants are prohibited except for scientific and management purposes and on the condition that such measures are taken under the direction or control of the competent authority;

(iv) Covering any aquatic environment to which all of the provisions of paragraph 4 (b) (i) to (iii) above are applicable.

The activities prohibited in a strict nature reserve under the provisions of paragraph 4 (a) (ii) of this article are equally prohibited in national parks except in so far as they are necessary to enable the park authorities to implement the provisions of paragraph 4 (b) (ii), by applying, for example, appropriate management practices, and to enable the public to visit these parks; however, sport fishing may be practiced with the authorization and under the control of the competent authority;

(3) "Special reserve" means other protected areas such as:

(i) "Game reserve" which shall denote an area

a. Set aside for the conservation, management and propagation of wild animal life and the protection and management of its habitat;

b. Within which the hunting, killing or capture of fauna shall be prohibited except by or under the direction or control of the reserve authorities;

c. Where settlement and other human activities shall be controlled or prohibited.

(ii) "Partial reserve" or "sanctuary" which shall denote an area

a. Set aside to protect characteristic wildlife and especially bird communities, or to protect particularly threatened animal or plant species and especially those listed in the annex to this Convention, together with the biotopes essential for their survival;

b. In which all other interests and activities shall be subordinated to this end.

(iii) "Soil", "water" or "forest" reserve shall denote areas set aside to protect such resources.

Article IV

Soil

The Contracting States shall take effective measures for conservation and improvement of the soil and shall in particular combat erosion and misuse of the soil. To this end:

(a) They shall establish land-use plans based on scientific investigations (ecological, pedological, economic, and sociological) and, in particular, classification of land-use capability;

(b) They shall, when implementing agricultural practices and agrarian reforms:

(1) Improve soil conservation and introduce improved farming methods, which ensure long-term productivity of the land;

(2) Control erosion caused by various forms of land-use which may lead to loss of vegetation cover.

Article V

Water

XVI. ENVIRONMENT, NATURAL RESOURCES AND NATURAL DISASTERS

1. The Contracting States shall establish policies for conservation, utilization and development of underground and surface water, and shall endeavour to guarantee for their populations a sufficient and continuous supply of suitable water, taking appropriate measures with due regard to:

- (a) The study of water cycles and the investigation of each catchment area;
- (b) The coordination and planning of water resources development projects;
- (c) The administration and control of all water utilization; and
- (d) Prevention and control of water pollution.

2. Where surface or underground water resources are shared by two or more of the Contracting States, the latter shall act in consultation, and if the need arises, set up inter-State Commissions to study and resolve problems arising from the joint use of these resources, and for the joint development and conservation thereof.

Article VI Flora

1. The Contracting States shall take all necessary measures for the protection of flora and to ensure its best utilization and development. To this end the Contracting States shall:

- (a) Adopt scientifically-based conservation, utilization and management plans of forests and rangeland, taking into account the social and economic needs of the States concerned, the importance of the vegetation cover for the maintenance of the water balance of an area, the productivity of soils and the habitat requirements of the fauna;
- (b) Observe section (a) above by paying particular attention to controlling bush fires, forest exploitation, land clearing for cultivation, and over-grazing by domestic and wild animals;
- (c) Set aside areas for forest reserve and carry out afforestation programmes where necessary;
- (d) Limitation of forest grazing to season and intensities that will not prevent forest regeneration; and
- (e) Establish botanical gardens to perpetuate plant species of particular interest.

2. The Contracting States also shall undertake the conservation of plant species or communities, which are threatened and/or of special scientific or aesthetic value by ensuring that they are included in conservation areas.

Article VII Faunal Resources

1. The Contracting States shall ensure conservation, wise use and development of faunal resources and their environment, within the framework of land-use planning and of economic and social development. Management shall be carried out in accordance with plans based on scientific principles, and to that end the Contracting States shall:

- (a) Manage wildlife populations inside designated areas according to the objectives of such areas and also manage exploitable wildlife populations outside such areas for an optimum sustained yield, compatible with and complementary to other land uses; and

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(b) Manage aquatic environments, whether in fresh, brackish or coastal water, with a view to minimize deleterious effects of any water and land use practice which might adversely affect aquatic habitats.

2. The Contracting States shall adopt adequate legislation on hunting, capture and fishing, under which:

(a) The issue of permits is properly regulated;

(b) Unauthorized methods are prohibited;

(c) The following methods of hunting, capture and fishing are prohibited:

(1) Any method liable to cause a mass destruction of wild animals;

(2) The use of drugs; poisons, poisoned weapons or poisoned baits;

(3) The use of explosives;

(4) The following methods of hunting and capture are particularly prohibited:

(i) The use of mechanically propelled vehicles;

(ii) The use of fire;

(iii) The use of firearms capable of firing more than one round at each pull of the trigger;

(iv) Hunting or capture at night;

(v) The use of missiles containing detonators.

(d) The following methods of hunting or capture are as far as possible prohibited:

(1) The use of nets and stockades;

(2) The use of concealed traps, pits, snares, set-gun traps, deadfalls, and hunting from a blind or hide.

(e) With a view to as rational use as possible of game meat the abandonment by hunters of carcasses of animals, which represent a food resource, is prohibited.

Capture of animals with the aid of drugs or mechanically-propelled vehicles, or hunting or capture by night if carried out by, or under the control of, the competent authority shall nevertheless be exempted from the prohibitions under paragraph 2 (c) above.

Article VIII Protected Species

1. The Contracting States recognize that it is important and urgent to accord a special protection to those animal and plant species that are threatened with extinction, or which may become so, and to the habitat necessary to their survival. Where such a species is represented only in the territory of one Contracting State, that State has a particular responsibility for its protection. These species which are, or may be listed, according to the degree of protection that shall be given to them are placed in Class A or B of the annex to this Convention, and shall be protected by Contracting States as follows:

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(a) Species in Class A shall be totally protected throughout the entire territory of the Contracting States; the hunting, killing, capture or collection of specimens shall be permitted only on the authorization in each case of the highest competent authority and only if required in the national interest or for scientific purposes; and

(b) Species in Class B shall be totally protected, but may be hunted, killed, captured or collected under special authorization granted by the competent authority.

2. The competent authority of each Contracting State shall examine the necessity of applying the provisions of this article to species not listed in the annex, in order to conserve the indigenous flora and fauna of their respective countries. Such additional species shall be placed in Class A or B by the State concerned, according to its specific requirements.

Article IX

Traffic in Specimens and Trophies

1. In the case of animal species to which Article VIII does not apply the Contracting States shall:

(a) Regulate trade in and transport of specimens and trophies;

(b) Control the application of these regulations in such a way as to prevent trade in specimens and trophies which have been illegally captured or killed or obtained.

2. In the case of plant and animal species to which Article VIII, paragraph 1 applies, the Contracting States shall:

(a) Take all measures similar to those in paragraph 1;

(b) Make the export of such specimens and trophies subject to an authorization:

(1) Additional to that required for their capture, killing or collecting by Article VIII;

(2) Which indicates their destination;

(3) Which shall not be given unless the specimens or trophies have been obtained legally;

(4) Which shall be examined prior to exportation;

(5) Which shall be on a standard form, as may be arranged under Article XVI.

(c) Make the import and transit of such specimens and trophies subject to the presentation of the authorization required under section (b) above, with due provision for the confiscation of specimens and trophies exported illegally, without prejudice to the application of other penalties.

Article X

Conservation Areas

1. The Contracting States shall maintain and extend where appropriate, within their territory and where applicable in their territorial waters, the Conservation areas existing at the time of entry into force of the present convention and, preferably within the framework of land use planning programmes, assess the necessity of establishing additional conservation areas in order to:

(a) Protect those ecosystems which are most representative of and particularly those which are in any respect peculiar to their territories;

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(b) Ensure conservation of all species and more particularly of those listed or may be listed in the annex to this Convention.

Article XI Customary Rights

The Contracting States shall take all necessary legislative measures to reconcile customary rights with the provisions of this convention.

Article XII Research

The Contracting States shall encourage and promote research in conservation, utilization and management of natural resources and shall pay particular attention to ecological and sociological factors.

Article XIII Conservation Education

1. (a) The Contracting States shall ensure that their peoples appreciate their close dependence on natural resources and that they understand the need, and rules for, the rational utilization of these resources.

(b) For this purpose they shall ensure that the principles indicated in paragraph 1:

(1) Are included in educational programmes at all levels;

(2) Form the object of information campaigns capable of acquainting the public with, and winning it over to, the idea of conservation.

2. In order to put into effect paragraph 1 above, the Contracting States shall make maximum use of the educational value of conservation areas.

Article XIV Development Plans

1. The Contracting States shall ensure that conservation and management of natural resources are treated as an integral part of national and/or regional development plans.

2. In the formulation of all development plans, full consideration shall be given to ecological, as well as to economic and social factors.

3. Where any development plan is likely to affect the natural resources of another State, the latter shall be consulted.

Article XV Organization of National Conservation Services

Each Contracting State shall establish, if it has not already done so, a single agency empowered to deal with all matters covered by this Convention, but, where this is not possible a coordinating machinery shall be established for this purpose.

Article XVI Inter-State Cooperation

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1. The Contracting States shall cooperate:
 - (a) Whenever such cooperation is necessary to give effect to the provisions of this Convention; and
 - (b) Whenever any national measure is likely to affect the natural resources of any other State.
2. The Contracting States shall supply the Organization of African Unity with:
 - (a) The text of laws, decrees, regulations and instructions in force in their territories, which are intended to ensure the implementation of this Convention;
 - (b) Reports on the results achieved in applying the provisions of this Convention; and
 - (c) All the information necessary for the complete documentation of matters dealt with by this Convention if requested.
3. If so requested by Contracting States, the Organization of African Unity shall organize any meeting which may be necessary to dispose of any matters covered by this Convention. Requests for such meetings must be made by at least three of the Contracting States and be approved by two thirds of the States which it is proposed should participate in such meetings.
4. Any expenditure arising from this Convention, which devolves upon the Organization of African Unity shall be included in its regular budget, unless shared by the Contracting States or otherwise defrayed.

Article XVII Provision for Exceptions

1. The provisions of this Convention shall not affect the responsibilities of Contracting States concerning:
 - (a) The paramount interest of the State;
 - (b) "Force majeure";
 - (c) Defence of human life.
2. The provisions of this Convention shall not prevent Contracting States:
 - (a) In time of famine;
 - (b) For the protection of public health;
 - (c) In defence of property,

to enact measures contrary to the provisions of the Convention, provided their application is precisely defined in respect of aim, time and place.

Article XVIII Settlement of Disputes

Any dispute between the Contracting States relating to the interpretation or application of this Convention which cannot be settled by negotiation, shall at the request of any party be submitted to the Commission of Mediation, Conciliation and Arbitration of the Organization of African Unity.

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Article XIX Signature and Ratification

1. This Convention shall be open for signature immediately after being approved by the Assembly of Heads of State and Government of the Organization of African Unity.
2. This Convention shall be ratified by each of the Contracting States. The instruments of ratification shall be deposited with the Administrative Secretary-General of the Organization of African Unity.

Article XX Reservations

1. At the time of signature, ratification or accession, any State may declare its acceptance of this Convention in part only, provided that such reservation may not apply to the provisions of Articles II to XI.
2. Reservations made in conformity with the preceding paragraph shall be deposited together with the instruments of ratification or accession.
3. Any Contracting State which has formulated a reservation in conformity with the preceding paragraph may at any time withdraw it by notifying the Administrative Secretary-General of the Organization of African Unity.

Article XXI Entry into Force

1. This Convention shall come into force on the thirtieth day following the date of deposit of the fourth instrument of ratification or accession with the Administrative Secretary-General of the Organization of African Unity, who shall inform participating States accordingly.
2. In the case of a State ratifying or acceding to the Convention after the depositing of the fourth instrument of ratification or accession, the Convention shall come into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.
3. The London Convention of 1933 or any other Convention on the conservation of flora and fauna in their natural state shall cease to have effect in States in which this Convention has come into force.

Article XXII Accession

1. After the date of approval specified in Article XIX, paragraph 1, this Convention shall be open to accession by any independent and sovereign African State.
2. The instruments of accession shall be deposited with the Administrative Secretary-General of the Organization of African Unity.

Article XXIII Denunciation

1. Any Contracting State may denounce this Convention by notification in writing addressed to the Administrative Secretary-General of the Organization of African Unity.
2. Such denunciation shall take effect, for such a State, one year after the date of receipt of its notification by the Administrative Secretary-General of the Organization of African Unity.

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3. No denunciation shall, however, be made before the expiry of a period of five years from the date at which for the State concerned this Convention comes into force.

Article XXIV Revision

1. After the expiry of a period of five years from the date of entry into force of this Convention, any Contracting State may at any time make a request for the revision of part or the whole of this Convention by notification in writing addressed to the Administrative Secretary-General of the Organization of African Unity.

2. In the event of such a request the appropriate organ of the Organization of African Unity shall deal with the matter in accordance with the provision of paragraphs 3 and 4 of Article XVI of this Convention.

3. (i) At the request of one or more Contracting States and notwithstanding the provisions of paragraphs 1 and 2 of this article, the annex to the Convention may be revised or added to by the appropriate organ of the Organization of African Unity.

(ii) Such revision or addition shall come into force three months after the approval by the appropriate organ of the Organization of African Unity.

Article XXV Final Provisions

The original of this Convention of which both the English and the French texts are authentic, shall be deposited with the Administrative Secretary-General of the Organization of African Unity.

LIST OF PROTECTED SPECIES

Class A

<i>Mammalia</i>	<i>Mammals</i>
<i>Primates</i>	<i>Primates</i>
Lemuroidea	All Malagasy lemuroids
<i>Macaca sylvana</i>	Barbary ape
<i>Theropithecus gelada</i>	Gelada baboon
<i>Cercocebus galeritus galeritus</i>	Tana River mangabey
<i>Cercopithecus diana</i>	Diana monkey
<i>Colobus badius kirkii</i>	Zanzibar red colobus
<i>Colobus badius rufomitratu</i>	Tana River red colobus
<i>Colobus badius gordonorum</i>	Uhehe red colobus
<i>Colobus verus</i>	Green colobus
<i>Pan troglodytes</i>	Chimpanzee
<i>Pan paniscus</i>	Pygmy chimpanzee
<i>Gorilla gorilla</i>	Gorilla
<i>Rodentia</i>	<i>Rodentia</i>
<i>Epixerus spp.</i>	African palm squirrels
<i>Carnivora</i>	<i>Carnivora</i>
<i>Canis simensis</i>	Simenian jackal
<i>Osbornictis piscivora</i>	Water civet
<i>Fossa fossa</i>	Malagasy civet
<i>Eupleres spp.</i>	<i>Falanouc</i>

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<i>Felis nigripes</i>	Black-footed cat
<i>Felis aurata</i>	African golden cat
<i>Acinonyx jubatus</i>	Cheetah
<i>Pinnipedia</i>	<i>Pennipedia</i>
<i>Monachus monachus</i>	Mediterranean monk seal
<i>Sirenia</i>	<i>Sirenia</i>
<i>Dugong dugon</i>	Dugong
<i>Trichechus senegalensis</i>	West African manatee
<i>Perissodactyla</i>	<i>Perissodactyla</i>
<i>Equus asinus</i>	Wild ass
<i>Equus zebra zebra</i>	Cape mountain zebra
<i>Ceratotherium simum</i>	Square-lipped rhinoceros
<i>Artiodactyla</i>	<i>Artiodactyla</i>
<i>Choeropsis liberiensis</i>	Pygmy hippopotamus
<i>Cervus elaphus barbarus</i>	Barbary stag
<i>Okapia johnstoni</i>	Okapi
<i>Taurotragus derbianus derbianus</i>	Western giant eland
<i>Cephalophus jentinki</i>	Jentink's duiker
<i>Hippotragus niger variani</i>	Giant sable antelope
<i>Alcelaphus buselaphus tora</i>	Tora Hartebeest
<i>Alcelaphus buselaphus swaynoi</i>	Swayne's hartebeest
<i>Nesotragus moschatus moschatus</i>	Zanzibar suni
<i>Dorcatragus megalotis</i>	Beira antelope
<i>Gazella dorcas neglecta</i>	Algerian dorcas gazelle
<i>Gazella dorcas massaesyla</i>	Moroccan dorcas gazelle
<i>Gazella gazella cuvieri</i>	Cuvier's gazelle
<i>Gazella leptocerus leptocerus</i>	Slender-horned gazelle
<i>Gazella pelzelni</i>	Pelseln's gazelle
<i>Gazella spekei</i>	Speke's gazelle
<i>Gazella dama mhorri</i>	Mhorri gazelle
<i>Gazella dama lazoni</i>	Rio de Oro dama gazelle
<i>Capra walie</i>	Walia ibex
<i>Aves</i>	<i>Birds</i>
<i>Pelecanidae</i>	All pelicans
<i>Ciconiidae, Scopidae et Ardeidae</i>	All storks, hammerkops, ibises, spoonbills, herons, egrets and bitterns
<i>Phoenicopteridae</i>	All Flamingos
<i>Sagittarius serpentarius</i>	Secretary bird
<i>Aegyptius, Gyps, Pseudogyps, Torgos</i>	All vultures
<i>Trigonoceps, Neophron et Necrosyrtes</i>	Lammergeyer
<i>Gypaetus barbatus</i>	Crowned hawk-eagle
<i>Stephanoaetus coronatus</i>	Teita falcon
<i>Falco fasciinucha</i>	White-headed guineafowl
<i>Agelastes meleagrides</i>	Congo peacock
<i>Afropavo congensis</i>	All cranes
<i>Gruidae</i>	All ground bornbills
<i>Bucorvus spp.</i>	White-necked rockfowl
<i>Picarthartes oreas</i>	Grey-necked rockfowl
<i>Warsanglia johannis</i>	
<i>Reptilia</i>	Reptiles
<i>Cheloniidae, Dermochelyidae</i>	All marine turtles
<i>Testudo gigantea</i>	Giant tortoise

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<i>Testudo yniphora</i>	Angulated tortoise
<i>Testudo radiata</i>	<i>Testudo radiata</i>
<i>Macroscincus coctei</i>	Cape Verde skink
<i>Gecko uroplates</i>	Leaf-tailed gecko
<i>Casarea dussumieri</i>	Plate Island boa
<i>Bolioria multicarinata</i>	Ronde Island boa
<i>Acrantophis madagascariensi</i>	<i>Acrantophis madagascariensi</i>
<i>Acrantophis dumerili</i>	<i>Acrantophis dumerili</i>
<i>Amphibia</i>	<i>Amphibians</i>
<i>Bufo supereiliaris</i>	Cameroon toad
<i>Nectophrynoides occidentalis</i>	Viviparous toad
<i>Pisces</i>	<i>Fishes</i>
<i>Caecobarbus, Cacomastacembelus</i>	Blind fishes
<i>Eilichtys, Typhleotris</i>	" "
<i>Phreatichthys, Uegitglanis</i>	" "
<i>Plantae</i>	<i>Plants</i>
<i>Welwitschia bainesii</i>	Welwitschia
<i>Encephalartos laurentanus</i>	Encephalartos
<i>Encephalartos septentrionalis</i>	Encephalartos
	Class B
<i>Mammalia</i>	<i>Mammals</i>
<i>Insectivora</i>	<i>Insectivora</i>
	All other shrews of the family
	Potamogalidae
<i>Primates</i>	<i>Primates</i>
<i>Lorisidae</i>	All prosimians of the family
<i>Primates</i>	Lorisidae
	All monkeys except common baboons
<i>Pholidota</i>	<i>Pholidota</i>
<i>Manis gigantea</i>	Giant pangolin
<i>Manis temmincki</i>	Cape pangolin
<i>Manis tricuspis</i>	Tree pangolin
<i>Manis longicaudata</i>	Long-tailed tree pangolin
<i>Carnivora</i>	<i>Carnivora</i>
<i>Lutrinae</i>	All others of the subfamily Lutrinae
<i>Proteles cristatus</i>	Aardwolf
<i>Hyaena brunnea</i>	Brown hyaena

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<i>Hyaena hyaena barbara</i>	Barbary hyaena
<i>Felis caracal</i>	Caracal lynx
<i>Felis serval</i>	Serval
<i>Felis leo</i>	Lion
<i>Panthera pardus</i>	Leopard
<i>Tenrecidae</i>	Madagascar Tenrecs (all species) Fossa
<i>Cryptoprocta ferox</i>	Fossa
<i>Galidiinae</i>	All Malagasy mongooses of the subfamily Galidiinae
<i>Tubulidentata</i>	<i>Tubulidentata</i>
<i>Orycteropus afer</i>	Aardvark
<i>Proboscidea</i>	<i>Proboscidea</i>
<i>Loxodonta africana</i>	Elephant
<i>Perissodactyla</i>	<i>Perissodactyla</i>
<i>Equus zebra burchellianae</i>	Hartmann's mountain zebra
<i>Equus burchellii</i>	Burchell's zebra
<i>Equus grevyi</i>	Grevy's zebra
<i>Diceros bicornis</i>	Black rhinoceros
<i>Hylochoerus meinertzhageni</i>	<i>Artiodactyla</i>
<i>Hippopotamus amphibius</i>	Giant forest hog
<i>Hyemoschus aquaticus</i>	Hippopotamus
<i>Giraffa camelopardalis</i>	Water chevrotain
<i>Tragelaphus angasi</i>	Giraffe
<i>Tragelaphus buxtoni</i>	Nyala
<i>Tragelaphus spekei</i>	Mountain nyala
<i>Tragelaphus imberbis</i>	Sitotunga
<i>Tragelaphus strepsiceros</i>	Lesser Kudu
<i>Taurotragus oryx</i>	Greater Kudu
<i>Taurotragus derbianus</i>	Eland
<i>Boocercus eurycerus</i>	Giant eland
<i>Syncerus caffer</i>	Bongo
<i>Cephalophus adersi</i>	Buffalo
<i>Cephalophus ogilbyi</i>	Zanzibar duiker
<i>Cephalophus silvicultor</i>	Ogilby's duiker
<i>Cephalophus spadix</i>	Yellow-backed duiker
<i>Cephalophus zebra</i>	Abbott's duiker
<i>Kobus ellipsiprymnus</i>	Banded duiker
<i>Kobus defassa</i>	Waterbuck
<i>Kobus lechwe</i>	Defassa waterbuck
<i>Kobus megaceros</i>	Lechwe
<i>Adenota kob</i>	Nile lechwe
<i>Redunca arundinum</i>	Kob
<i>Redunca fulvorufula</i>	Reedbuck
<i>Redunca equinus</i>	Mountain reedbuck
<i>Hippotragus equinus</i>	Bohor reedbuck
<i>Hippotragus niger</i>	Roan antelope
<i>Oryx gazella</i>	Sable antelope
<i>Oryx tao</i>	Oryx
	Scimitar-horned oryx

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<i>Adax nasomaculatus</i>	Addax
<i>Damaliscus lunatus</i>	Tsessebe (Sassaby)
<i>Damaliscus korrigum</i>	Topi
<i>Damaliscus dorcas dorcas</i>	Bontebok
<i>Damaliscus dorcas phillipsi</i>	Blesbok
<i>Damaliscus hunteri</i>	Hunter's hartebeest
<i>Alcelaphus buselaphus</i>	Hartebeest
<i>Alcelaphus lichtensteini</i>	Lichtenstein's hartebeest
<i>Connochaetes gnou</i>	Black wildebeest
<i>Connochaetes taurinus</i>	Wildebeest
<i>Oreotragus oreotragus</i>	Klipspringer
<i>Ourebia spp.</i>	Oribis (All species)
<i>Neotragus pygmaeus</i>	Royal antelope
<i>Neotragus batesi</i>	Dwarf antelope
<i>Madoqua kirki</i>	Damara dikdik
<i>Aepyceros melampus</i>	Impala
<i>Ammolorcas clarkei</i>	Dibatag
<i>Litodranium walleri</i>	Gerenuk
<i>Gazella dorcas</i>	Dorcas gazelle
<i>Gazella rufifrons</i>	Korin gazelle
<i>Gazella tilonura</i>	Houglin's gazelle
<i>Gazella dama</i>	Dama gazelle
<i>Gazella scommerringi</i>	Doemmering's gazelle
<i>Capra ibex nubiana</i>	Nubian ibex
<i>Ammotragus lervia</i>	Barbary sheep (Aoudad)
<i>Aves</i>	<i>Birds</i>
<i>Struthio camelus</i>	Ostrich
<i>Falconiformes et Strigiformes</i>	All birds of prey and all owls not in Class A
<i>Otididae</i>	All bustards
<i>Reptilia</i>	<i>Reptiles</i>
<i>Crocodylia</i>	All crocodiles

3. BAMAKO CONVENTION ON HAZARDOUS WASTES

3.

BAMAKO CONVENTION ON THE BAN OF THE IMPORT INTO AFRICA AND THE CONTROL OF TRANSBOUNDARY MOVEMENT AND MANAGEMENT OF HAZARDOUS WASTES WITHIN AFRICA

Adopted in Bamako, Mali, on 30 January 1991.

Entered into force on 22 April 1998.

Preamble

The Parties to this Convention,

Mindful of the growing threat to health and the environment posed by the increased generation and the complexity of hazardous wastes,

Further mindful that the most effective way of protecting human health and the environment from the dangers posed by such wastes is the reduction of their generation to a minimum in terms of quantity and/or hazard potential,

Aware of the risk of damage to human health and the environment caused by transboundary movements of hazardous wastes,

Reiterating that States should ensure that the generator should carry out his responsibilities with regard to the transport and disposal of hazardous wastes in a manner that is consistent with the protection of human health and environment, whatever the place of disposal,

Recalling relevant Chapters of the Charter of the Organization of African Unity (OAU) on environmental protection, the African Charter on Human and Peoples' Rights, Chapter IX of the Lagos Plan of Action and other recommendations adopted by the Organization of African Unity on the environment,

Further recognizing the sovereignty of States to ban the importation into, and the transit through, their territory, of hazardous wastes and substances for human health and environmental reasons,

Recognizing also the increasing mobilization in Africa for the prohibition of transboundary movements of hazardous wastes and their disposal in African countries,

Convinced that hazardous wastes should, as far as is compatible with environmentally sound and efficient management, be disposed in the State where they were generated,

Convinced that the effective control and minimization of transboundary movements of hazardous wastes will act as an incentive, in Africa and elsewhere, for the reduction of the volume of the generation of such wastes,

Noting that a number of international and regional agreements deal with the problem of the protection and preservation of the environment with regard to the transit of dangerous goods,

Taking into account the Declaration of the United Nations Conference on the Human Environment (Stockholm, 1972), the Cairo Guidelines and Principles for the Environmentally Sound Management of Hazardous Wastes adopted by the Governing Council of the United Nations Environment Programme (UNEP) by Decision 14/30 of 17 June 1987, the recommendations of the United Nations Committee of Experts on the Transport of Dangerous Goods (formulated in 1957 and updated biennially), the Charter of the United Nations, relevant recommendations, declarations, instruments and regulations adopted within the United Nations system, the relevant articles of the 1989 Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal which allow for the establishment of regional agreements which may be equal to or stronger than its own

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provisions, Article 39 of the Lomé IV Convention relating to the international movement of hazardous wastes and radioactive wastes, African intergovernmental organizations and the work and studies done within other international and regional organizations,

Mindful of the spirit, principles, aims and functions of the African Convention on the Conservation of Nature and Natural Resources adopted by the African Heads of State and Government in Algiers (1968) and the World Charter for Nature adopted by the General Assembly of the United Nations at its Thirty-seventh Session (1982) as the rule of ethics in respect of the protection of the human environment and the conservation of natural resources,

Concerned by the problem of transboundary traffic in hazardous wastes,

Recognizing the need to promote the development of clean production methods, including clean technologies, for the sound management of hazardous wastes produced in Africa, in particular, to avoid, minimize and eliminate the generation of such wastes,

Recognizing also that, where necessary, hazardous wastes should be transported in accordance with relevant international conventions and recommendations,

Determined to protect, by strict control, the human health of the African population and the environment against the adverse effects which may result from the generation of hazardous wastes,

Affirming a commitment also to responsibly address the problem of hazardous wastes originating within the continent of Africa,

Have agreed as follows:

Article 1 Definitions

For the purpose of this Convention:

1. "Wastes" are substances or materials which are disposed of, or are intended to be disposed of, or are required to be disposed of by the provisions of national law;
2. "Hazardous wastes" means wastes as specified in Article 2 of this Convention;
3. "Management" means the prevention and reduction of hazardous wastes and the collection, transport, storage, and treatment either for the reuse or disposal, of hazardous wastes including after-care of disposal sites;
4. "Transboundary movement" means any movement of hazardous wastes from an area under the national jurisdiction of any State to or through an area under the national jurisdiction of another State, or to or through an area not under the national jurisdiction of another State, provided at least two States are involved in the movement;
5. "Clean production methods" means production or industrial systems which avoid, or eliminate the generation of hazardous wastes and hazardous products in conformity with Article 4, section 3 (f) and (g) of this Convention;
6. "Disposal" means any operation specified in Annex III to this Convention;
7. "Approval site or facility" means a site or facility for the disposal of hazardous wastes which is authorized or permitted to operate for this purpose by a relevant authority of the State where the site or facility is located;

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8. "Competent authority" means governmental authority designated by a Party to be responsible, within such geographical areas as the Party may think fit, for receiving the notification of a transboundary movement of hazardous wastes and any information related to it, and for responding to such a notification, as provided in Article 6 of this Convention;
9. "Focal point" means the entity of a Party referred to in Article 5 of this Convention responsible for receiving and submitting information as provided for in Articles 13 and 16;
10. "Environmentally sound management of hazardous wastes" means taking all practicable steps to ensure that hazardous wastes are managed in a manner which will protect human health and the environment against the adverse effects which may result from such wastes;
11. "Area under the national jurisdiction of a State" means any land, marine area or airspace within which a State exercises administrative and regulatory responsibility in accordance with international law in regard to the protection of human health or the environment;
12. "State of export" means a State from which a transboundary movement of hazardous wastes is planned to be initiated or is initiated;
13. "State of import" means a State to which a transboundary movement is planned or takes place for the purpose of disposal therein or for the purpose of loading prior to disposal in an area not under the national jurisdiction of any State;
14. "State of transit" means any State, other than the State of export or import, through which a movement of hazardous wastes is planned or takes place;
15. "States concerned" means States of export or import, or transit States, whether or not Parties;
16. "Person" means any natural or legal person;
17. "Exporter" means any person under the jurisdiction of the State of export who arranges for hazardous wastes to be exported;
18. "Importer" means any person under the jurisdiction of the State of import who arranges for hazardous wastes to be imported;
19. "Carrier" means any person who carries out the transport of hazardous wastes;
20. "Generator" means any person whose activity produces hazardous wastes, or, if that person is not known, the person who is in possession and/or control of those wastes;
21. "Disposer" means any person to whom hazardous wastes are shipped and who carries out the disposal of such wastes;
22. "Illegal traffic" means any transboundary movement of hazardous wastes as specified in Article 9 of this Convention;
23. "Dumping at sea" means the deliberate disposal of hazardous wastes at sea from vessels, aircraft, platforms or other man-made structures at sea, and includes ocean incineration and disposal into the seabed and subseabed.

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1. The following substances shall be "hazardous wastes" for the purposes of this convention:
 - (a) Wastes that belong to any category contained in Annex I of this Convention;
 - (b) Wastes that are not covered under subparagraph (a) above but are defined as, or are considered to be, hazardous wastes by the domestic legislation of the State of export, import or transit;
 - (c) Wastes which possess any of the characteristics contained in Annex II of this Convention;
 - (d) Hazardous substances which have been banned, cancelled or refused registration by government regulatory action, or voluntarily withdrawn from registration in the country of manufacture, for human health or environmental reasons.
2. Wastes which, as a result of being radioactive, are subject to any international control systems, including international instruments, applying specifically to radioactive materials, are included in the scope of this Convention.
3. Wastes which derive from the normal operations of a ship, the discharge of which is covered by another international instrument, shall not fall within the scope of this Convention.

Article 3

National Definitions of Hazardous Wastes

1. Each State shall, within six months of becoming a Party to this Convention, inform the Secretariat of the Convention of the wastes, other than those listed in Annex I of this Convention, considered or defined as hazardous under its national legislation and of any requirements concerning transboundary movement procedures applicable to such wastes.
2. Each Party shall subsequently inform the Secretariat of any significant changes to the information it has provided pursuant to paragraph 1 of this article.
3. The Secretariat shall forthwith inform all Parties of the information it has received pursuant to paragraphs 1 and 2 of this article.
4. Parties shall be responsible for making the information transmitted to them by the Secretariat under paragraph 3 of this article available to their exporters and other appropriate bodies.

Article 4

General Obligations

1. Hazardous Waste Import Ban.

All Parties shall take appropriate legal, administrative and other measures within the area under their jurisdiction to prohibit the import of all hazardous wastes, for any reason, into Africa from non-Contracting Parties. Such import shall be deemed illegal and a criminal act. All Parties shall:

- (a) Forward as soon as possible, all information relating to such illegal hazardous waste import activity to the Secretariat who shall distribute the information to all Contracting Parties;
- (b) Cooperate to ensure that no imports of hazardous wastes from a non-Party enter a Party to this Convention. To this end, the Parties shall, at the Conference of the Contracting Parties, consider other enforcement mechanisms.

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2. Ban on Dumping of Hazardous Wastes at Sea and Internal Waters.

(a) Parties, in conformity with related international conventions and instruments shall, in the exercise of their jurisdiction within their internal waters, territorial seas, exclusive economic zones and continental shelf, adopt legal, administrative and other appropriate measures to control all carriers from non-Parties, and prohibit the dumping at sea of hazardous wastes, including their incineration at sea and their disposal in the seabed and subseabed. Any dumping of hazardous wastes at sea, including incineration at sea as well as seabed and subseabed disposal, by Contracting Parties, whether in internal waters, territorial seas, exclusive economic zones or high seas all be deemed to be illegal;

(b) Parties shall forward, as soon as possible, all information relating to dumping of hazardous wastes to the Secretariat which shall distribute the information to all Contracting Parties.

3. Waste generation in Africa.

Each Party shall:

(a) Ensure that hazardous waste generators submit to the Secretariat reports regarding the wastes that they generate in order to enable the Secretariat of the Convention to produce a complete hazardous waste audit;

(b) Impose strict, unlimited liability as well as joint and several liability of hazardous waste generators;

(c) Ensure that the generation of hazardous wastes within the area under its jurisdiction is reduced to a minimum taking into account social, technological and economic aspects;

(d) Ensure the availability of adequate treatment and/or disposal facilities, for the environmentally sound management of hazardous wastes which shall be located, to the extent possible, within its jurisdiction;

(e) Ensure that persons involved in the management of hazardous wastes within its jurisdiction take such steps as are necessary to prevent pollution arising from such wastes and, if such pollution occurs, to minimize the consequence thereof for human health and the environment;

The Adoption of Precautionary Measures:

(f) Each Party shall strive to adopt and implement the preventive, precautionary approach to pollution problems which entails, inter alia, preventing the release into the environment of substances which may cause harm to humans or the environment without waiting for scientific proof regarding such harm. The Parties shall cooperate with each other in taking the appropriate measures to implement the precautionary principle to pollution prevention through the application of clean production methods, rather than the pursuit of permissible emissions approach based on assimilative capacity assumption;

(g) In this respect Parties shall promote clean production methods applicable to entire product life cycles including:

Raw material selection, extraction and processing;

Product conceptualization, design, manufacture and assemblage;

Materials transport during all phases;

Industrial and household usage;

Reintroduction of the product into industrial systems or nature when it no longer services a useful function;

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Clean production shall not include "end-of-pipe" pollution controls such as filters and scrubbers, or chemical, physical or biological treatment. Measures which reduce the volume of waste by incineration or concentration, mask the hazard by dilution, or transfer pollutants from one environment medium to another, are also excluded;

(h) The issue of preventing the transfer to Africa of polluting technologies shall be kept under systematic review by the Secretariat of the Conference and periodic report shall be made to the Conference of the Parties;

Obligations in Transport and Transboundary Movement of Hazardous Wastes from Contracting Parties:

(i) Each Party shall prevent the export of hazardous wastes to States which have prohibited by their legislation or international agreement all such imports, or if it has reason to believe that the wastes in question will not be managed in an environmentally sound manner, according to criteria to be decided on by the Parties at their first meeting;

(j) A Party shall not permit hazardous wastes to be exported to a State which does not have the facilities for disposing of them in an environmentally sound manner;

(k) Each Party shall ensure that hazardous wastes to be exported are managed in an environmentally sound manner in the State of import and transit. Technical guidelines for the environmentally sound management of wastes subject to this Convention shall be decided by the Parties at their first meeting;

(l) The Parties agree not to allow the export of hazardous wastes for disposal within the area South of 60 degrees South Latitude, whether or not such wastes are subject to transboundary movement;

(m) Further, each Party shall:

(i) Prohibit all persons under its national jurisdiction from transporting, storing or disposing of hazardous wastes unless such persons are authorized or allowed to perform such operations;

(ii) Ensure that hazardous wastes that are to be the subject of a transboundary movement are packaged, labelled, and transported in conformity with generally accepted and recognized international rules and standards in the field of packaging, labelling, and transport, and that due account is taken of relevant internationally recognized practices;

(iii) Ensure that hazardous wastes be accompanied by a movement document, containing information specified in Annex IV B, from the point of which a transboundary movement commences to the point of disposal;

(n) Parties shall take the appropriate measures to ensure that the transboundary movements of hazardous wastes only are allowed if:

(i) The State of export does not have the technical capacity and the necessary facilities, capacity or suitable disposal sites in order to dispose of the wastes in question in an environmentally sound and efficient manner; or

(ii) The transboundary movement in question is in accordance with other criteria to be decided by the Parties, provided those criteria do not differ from the objectives of this Convention;

(o) Under this Convention, the obligation of States in which hazardous wastes are generated, requiring that those wastes are managed in an environmentally sound manner, may not under any circumstances be transferred to the States of import or transit;

(p) Parties shall undertake to review periodically the possibilities for the reduction of the amount and/or the pollution potential of hazardous wastes which are exported to other States;

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- (q) Parties exercising their right to prohibit the import of hazardous wastes for disposal shall inform the other Parties of their decision pursuant to Article 13 of this Convention;
- (r) Parties shall prohibit or shall not permit the export of hazardous wastes to States which have prohibited the import of such wastes, when notified by the Secretariat or any competent authority pursuant to subparagraph (q) above;
- (s) Parties shall prohibit or shall not permit the export of hazardous wastes if the State of import does not consent in writing to the specific import, in the case where that State of import has not prohibited the import of such wastes;
- (t) Parties shall ensure that the transboundary movement of hazardous wastes is reduced to the minimum consistent with the environmentally sound and efficient management of such wastes, and is conducted in a manner which will protect human health and the environment against the adverse effects which may result from such movement;
- (u) Parties shall require that information about a proposed transboundary movement of hazardous wastes be provided to the States concerned, according to Annex IV A of this Convention, and clearly state the potential effects of the proposed movement on human health and the environment.

Furthermore

- (a) Parties shall undertake to enforce the obligations of this Convention against offenders and infringements according to relevant national laws and/or international law;
- (b) Nothing in this Convention shall prevent a Party from imposing additional requirements that are consistent with the provisions of this Convention, and are in accordance with the rules of international law, in order to better protect human health and the environment;
- (c) This Convention recognizes the sovereignty of States over their territorial sea, waterways, and air space established in accordance with international law, and jurisdiction which States have in their exclusive economic zone and their continental shelves in accordance with international law, and the exercise by ships and aircraft of all States of navigation rights and freedoms as provided for in international law and as reflected in relevant international instruments.

Article 5 Designation of Competent Authorities, Focal Point and Dumpwatch

To facilitate the implementation of this Convention, the Parties shall:

1. Designate or establish one or more competent authorities and one focal point. One competent authority shall be designated to receive the notification in case of a State of transit;
2. Inform the Secretariat, within three months of the date of the entry into force of this Convention for them, which agencies they have designated as their focal point and their competent authorities;
3. Inform the Secretariat, within one month of the date of decision, of any changes regarding the designations made by them under paragraph 2 above;
4. Appoint a national body to act as a Dumpwatch. In such capacity as a Dumpwatch, the designated national body only will be required to coordinate with the concerned governmental and non-governmental bodies.

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Article 6

Transboundary Movement and Notification Procedures

1. The State of export shall notify, or shall require the generator or exporter to notify, in writing, through the channel of the competent authority of the State of export, the competent authority of the States concerned of any proposed transboundary movement of hazardous wastes. Such notification shall contain the declarations and information specified in Annex IV A of this Convention, written in a language acceptable to the State of import. Only one notification needs to be sent to each State concerned.
2. The State of import shall respond to the notifier in writing consenting to the movement with or without conditions, denying permission for the movement, or requesting additional information. A copy of the final response of the State of import shall be sent to the competent authorities of the States concerned that are Parties to this Convention.
3. The State of export shall not allow the transboundary movement until it has received:
 - (a) Written consent of the State of import; and
 - (b) From the State of import, written confirmation of the existence of a contract between the exporter and the disposer specifying environmentally sound management of the wastes in question.
4. Each State of transit which is a Party to this Convention shall promptly acknowledge to the notifier receipt of the notification. It may subsequently respond to the notifier in writing, within 60 days, consenting to the movement with or without conditions, denying permission for the movement, or requesting additional information. The State of export shall not allow the transboundary movement to commence until it has received the written consent of the State of transit.
5. In the case of a transboundary movement of hazardous wastes where the wastes are legally defined as or considered to be hazardous wastes only:
 - (a) By the State of export, the requirements of paragraph 8 of this article that apply to the importer or disposer and the State of import shall apply mutatis mutandis to the exporter and State of export, respectively;
 - (b) By the Party of import, or by the States of import and transit which are Parties to this Convention, the requirements of paragraphs 1, 3, 4 and 6 of this article that apply to the exporter and State of export shall apply mutatis mutandis to the importer or disposer and Party of import, respectively; or
 - (c) By any State of transit which is a Party to this Convention, the provisions of paragraph 4 of this article shall apply to such State.
6. The State of export shall use a shipment specific notification even where hazardous wastes having the same physical and chemical characteristics are shipped regularly to the same disposer via the same customs office of entry of the State of import, and in the case of transit, via the same customs office of entry and exit of the State or States of transit; specific notification of each and every shipment.
7. Each Party to this Convention shall limit their points or ports of entry and notify the Secretariat to this effect for distribution to all Contracting Parties. Such points and ports shall be the only ones permitted for the transboundary movement of hazardous wastes.
8. The Parties to this Convention shall require that each person who takes charge of a transboundary movement of hazardous wastes sign the movement document either upon delivery or receipt of the wastes in question. They shall also require that the disposer inform both the exporter and the competent authority of the

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State of export of receipt by the disposer of the wastes in question and, in due course, of the completion of disposal as specified in the notification. If no such information is received within the State of export, the competent authority of the State of export or the exporter shall so notify the State of import.

9. The notification and response required by this article shall be transmitted to the competent authority of the States concerned.

10. Any transboundary movement of hazardous wastes shall be covered by insurance, bond or other guarantee as may be required by the State of import, or any State of transit which is a Party to this Convention.

Article 7

Transboundary Movement from a Party through States which are not Parties

Paragraphs 2 and 4 of Article 6 of this Convention shall apply mutatis mutandis to transboundary movements of hazardous wastes from a Party through a State or States which are not Parties.

Article 8

Duty to Re-import

When a transboundary movement of hazardous wastes to which the consent of the States concerned has been given, subject to the provisions of this Convention, cannot be completed in accordance with the terms of the contract, the State of export shall ensure that the wastes in question are taken back into the State of export, by the exporter, if alternative arrangements cannot be made for their disposal in an environmentally sound manner within a maximum of 90 days from the time that the importing State informed the State of export and the Secretariat. To this end, the State of export and any State of transit shall not oppose, hinder or prevent the return of those waste to the State of export.

Article 9

Illegal Traffic

1. For the purpose of this Convention, any transboundary movement of hazardous wastes under the following situations shall be deemed to be illegal traffic:

- (a) If carried out without notification, pursuant to the provisions of this Convention, to all States concerned; or
- (b) If carried out without the consent, pursuant to the provisions of this Convention, of a State concerned; or
- (c) If consent is obtained from States concerned through falsification, misrepresentation or fraud; or
- (d) If it does not conform in a material way with the documents; or
- (e) If it results in deliberate disposal of hazardous wastes in contravention of this Convention and of general principles of international law.

2. Each Party shall introduce appropriate national legislation for imposing criminal penalties on all persons who have planned, carried out, or assisted in such illegal imports. Such penalties shall be sufficiently high to both punish and deter such conduct.

3. In case of a transboundary movement of hazardous wastes deemed to be illegal traffic as the result of conduct on the part of the exporter or generator, the State of export shall ensure that the wastes in question are taken back by the exporter or the wastes in question are taken back by the exporter or generator or if necessary by itself into the State of export, within 30 days from the time the State of export has been informed about the illegal

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traffic. To this end the States concerned shall not oppose, hinder or prevent the return of those wastes to the State of export and appropriate legal action shall be taken against the contravenor(s).

4. In the case of a transboundary movement of hazardous wastes deemed to be illegal traffic as the result of conduct on the part of the importer or disposer, the State of import shall ensure that the wastes in question are returned to the exporter by the importer and that legal proceedings according to the provisions of this Convention are taken against the contravenor(s).

Article 10 Intra-African Cooperation

1. The Parties to this Convention shall cooperate with one another and with relevant African organizations, to improve and achieve the environmentally sound management of hazardous wastes.

2. To this end, the Parties shall:

(a) Make available information, whether on a bilateral or multilateral basis, with a view to promoting clean production methods and the environmentally sound management of hazardous wastes, including harmonization of technical standards and practices for the adequate management of hazardous wastes;

(b) Cooperate in monitoring the effects of the management of hazardous wastes on human health and the environment;

(c) Cooperate, subject to their national laws, regulations and policies, in the development and implementation of new environmentally sound clean production technologies and the improvement of existing technologies with a view to eliminating, as far as practicable, the generation of hazardous wastes and achieving more effective and efficient methods of ensuring their management in an environmentally sound manner, including the study of the economic, social and environmental effects of the adoption of such new and improved technologies;

(d) Cooperate, subject to their national laws, regulations and policies, in the development and implementation of new environmentally sound clean production technologies and the improvement of existing technologies with a view to eliminating, as far as practicable, the generation of hazardous wastes and achieving more effective and efficient methods of ensuring their management in an environmentally sound manner, including the study of the economic, social and environmental effects of the adoption of such new and improved technologies;

(e) Cooperate in developing appropriate technical guidelines and/or codes of practice;

(f) Cooperate in the exchange and dissemination of information on the movement of hazardous wastes in conformity with Article 13 of this Convention.

Article 11 International Cooperation Bilateral, Multilateral and Regional Agreements

1. Parties to this Convention may enter into bilateral, multilateral, or regional agreements or arrangements regarding the transboundary movement and management of hazardous wastes generated in Africa with Parties or non-Parties provided that such agreements or arrangements do not derogate from the environmentally sound management of hazardous wastes as required by this Convention. These agreements or arrangements shall stipulate provisions which are no less environmentally sound than those provided for by this Convention.

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2. Parties shall notify the Secretariat of any bilateral, multilateral or regional agreements or arrangements referred to in paragraph 1 of this article and those which they have entered into prior to the entry into force of this Convention for them, for the purpose of controlling transboundary movements of hazardous wastes which take place entirely among the Parties to such agreements. The provisions of this Convention shall not affect transboundary movements pursuant to such agreements provided that such agreements are compatible with the environmentally sound management of hazardous wastes as required by this Convention.

3. Each Contracting Party shall prohibit vessels flying its flag or aircraft registered in its territory from carrying out activities in contravention of this Convention.

4. Parties shall use appropriate measures to promote South-South cooperation in the implementation of this Convention.

5. Taking into account the needs of developing countries, cooperation between international organizations is encouraged in order to promote, among other things, public awareness, the development of rational management of hazardous waste, and the adoption of new and non/less polluting technologies.

Article 12 Liabilities and Compensation

The Conference of Parties shall set up an ad hoc expert organ to prepare a draft protocol setting out appropriate rules and procedures in the field of liabilities and compensation for damage resulting from the transboundary movement of hazardous wastes.

Article 13 Transmission of Information

1. The Parties shall ensure that in the case of an accident occurring during the transboundary movement of hazardous wastes or their disposal which is likely to present risks to human health and the environment in other States, those States are immediately informed.

2. The States shall inform each other, through the Secretariat, of:

- (a) Changes regarding the designation of competent authorities and/or focal points, pursuant to Article 5 of this Convention;
- (b) Changes in their national definition of hazardous wastes, pursuant to Article 3 of this Convention;
- (c) Decisions made by them to limit or ban the import of hazardous wastes;
- (d) Any other information required pursuant to paragraph 4 of this article.

3. The Parties, consistent with national laws and regulations, shall set up information collection and dissemination mechanisms on hazardous wastes. They shall transmit such information through the Secretariat, to the Conference of the Parties established under Article 15 of this Convention, before the end of each calendar year, in a report on the previous calendar year, containing the following information:

- (a) Competent authorities, Dumpwatch, and focal points that have been designated by them pursuant to Article 5 of this Convention;
- (b) Information regarding transboundary movements of hazardous wastes in which they have been involved, including:

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- (i) The quantity of hazardous wastes exported, their category, characteristics, destination, any transit country and disposal method as stated in the notification;
- (ii) The amount of hazardous wastes imported, their category, characteristics, origin, and disposal methods;
- (iii) Disposal which did not proceed as intended;
- (iv) Efforts to achieve a reduction of the amount of hazardous wastes subject to transboundary movement;
- (c) Information on the measures adopted by them in the implementation of this Convention;
- (d) Information on available qualified statistics - which have been compiled by them on the effects on human health and the environment of the generation, transportation, and disposal of hazardous wastes - as part of the information required in conformity with Article 4, paragraph 3 (a), of this Convention;
- (e) Information concerning bilateral, multilateral and regional agreements and arrangements entered into pursuant to Article 11 of this Convention;
- (f) Information on accidents occurring during the transboundary movements, treatment and disposal of hazardous wastes and on the measures undertaken to deal with them;
- (g) Information on treatment and disposal options operated within the area under their national jurisdiction;
- (h) Information on measures undertaken for the development of clean production methods, including clean production technologies, for the reduction and/or elimination of the production of hazardous wastes; and
- (i) Such other matters as the Conference of the Parties shall deem relevant.

4. The Parties, consistent with national laws and regulations, shall ensure that copies of each notification concerning any given transboundary movement of hazardous wastes, and the response to it, are sent to the Secretariat.

Article 14 Financial Aspects

1. The regular budget of the Conference of Parties, as required in Articles 15 and 16 of this Convention, shall be prepared by the Secretariat and approved by the Conference.
2. Parties shall, at the first meeting of the Conference of the Parties, agree on a scale of contributions to the recurrent budget of the Secretariat.
3. The Parties shall also consider the establishment of a revolving fund to assist, on an interim basis, in case of emergency situations to minimize damage from disasters or accidents arising from transboundary movements of hazardous wastes or during the disposal of such wastes.
4. The Parties agree that, according to the specific needs of different regions and subregions, regional or subregional centres for training and technology transfers regarding the management of hazardous wastes and minimization of their generation should be established, as well as appropriate funding mechanisms of a voluntary nature.

Article 15 Conference of the Parties

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1. A Conference of the Parties, made up of Ministers having the environment as their mandate, is hereby established. The first meeting of the Conference of the Parties shall be convened by the Secretary-General of the OAU not later than one year after the entry into force of this Convention. Thereafter, ordinary meetings of the Conference of the Parties shall be held at regular intervals to be determined by the Conference at its first meeting.
2. The Conference of the Parties to this Convention shall adopt rules of procedure for itself and for any subsidiary body it may establish, as well as financial rules to determine in particular the financial participation of the Parties to this Convention.
3. The Parties to this Convention at their first meeting shall consider any additional measures needed to assist them in fulfilling their responsibilities with respect to the protection and the preservation of the marine and inland waters environments in the context of this Convention.
4. The Conference of the Parties shall keep under continued review and evaluation the effective implementation of this Convention, and in addition, shall:
 - (a) Promote the harmonization of appropriate policies, strategies and measures for minimizing harm to human health and the environment by hazardous wastes;
 - (b) Consider and adopt amendments to this Convention and its annexes, taking into consideration, inter alia, available scientific, technical, economic and environmental information;
 - (c) Consider and undertake any additional action that may be required for the achievement of the purpose of this Convention in the light of experience gained in its operation and in the operation of the agreements and arrangements envisaged in Article 11 of this Convention;
 - (d) Consider and adopt protocols as required;
 - (e) Establish such subsidiary bodies as are deemed necessary for the implementation of this Convention; and
 - (f) Make decisions for the peaceful settlement of disputes arising from the transboundary movement of hazardous wastes, if need be, according to international law.
5. Organizations may be represented as observers at meetings of the Conference of the Parties. Any body or agency, whether national or international, governmental or non-governmental, qualified in fields relating to hazardous wastes which has informed the Secretariat, may be represented as an observer at a meeting of the Conference of the Parties. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.

Article 16 Secretariat

1. The functions of the Secretariat shall be:
 - (a) To arrange for, and service, meetings provided for in Articles 15 and 17 of this Convention;
 - (b) To prepare and transmit reports based upon information received in accordance with Articles 3, 4, 6, 11 and 13 of this Convention as well as upon information derived from meetings of subsidiary bodies established under Article 15 of this Convention as well as upon as appropriate information provided by relevant inter-governmental and non-governmental entities;
 - (c) To prepare reports on its activities carried out in the implementation of its functions under this Convention and present them to the Conference of the Parties;

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(d) To ensure the necessary coordination with relevant international bodies, and in particular to enter into such administrative and contractual arrangements as may be required for the effective discharge of its functions;

(e) To communicate with focal points, competent authorities and Dumpwatch established by the Parties in accordance with Article 5 of this Convention as well as appropriate inter-governmental and non-governmental organizations which may provide assistance in the implementation of this Convention;

(f) To compile information concerning approved national sites and facilities of Parties to this Convention available for the disposal and treatment of their hazardous wastes and to circulate this information;

(g) To receive and convey information from and to Parties on:

Sources of technical assistance and training;

Available technical and scientific know-how;

Sources of advice and expertise; and

Availability of resources;

This information will assist them in,

The management of the notification system of this Convention;

Environmentally sound clean production methods relating to hazardous wastes, such as clean production technologies;

The assessment of disposal capabilities and sites;

The monitoring of hazardous wastes; and

Emergency responses;

(h) To provide Parties to this Convention with information on consultants or consulting firms having the necessary technical competence in the field, which can assist them with examining a notification for a transboundary movement, the concurrence of a shipment of hazardous wastes with the relevant notification, and/or whether the proposed disposal facilities for hazardous wastes are environmentally sound, when they have reason to believe that the wastes in question will not be managed in an environmentally sound manner. Any such examinations would not be at the expense of the Secretariat;

(i) To assist Parties to this Convention in their identification of cases of illegal traffic and to circulate immediately to the Parties concerned any information it has received regarding illegal traffic;

(j) To cooperate with Parties to this Convention and with relevant and competent international organizations and agencies in the provision of experts and equipment for the purpose of rapid assistance to States in the event of an emergency situation; and

(k) To perform such other functions relevant to the purposes of this Convention as may be determined by the Conference of the Parties to this Convention.

2. The Secretariat's functions shall be carried out on an interim basis by the Organization of African Unity (OAU) jointly with the United Nations Economic Commission for Africa (ECA) until the completion of the first

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meeting of the Conference of the Parties held pursuant to Article 15 of this Convention. At this meeting, the Conference of the Parties shall also evaluate the implementation by the interim Secretariat of the functions assigned to it, in particular under paragraph 1 above, and decide upon the structures appropriate for those functions.

Article 17

Amendment of the Convention and of Protocols

1. Any Party may propose amendments to this Convention and any Party to a Protocol may propose amendments to that Protocol. Such amendments shall take due account, inter alia, of relevant scientific, technical, environmental and social considerations.
2. Amendments to this Convention shall be adopted at a meeting of the Conference of the Parties. Amendments to any Protocol shall be adopted at a meeting of the Parties to the Protocol in question. The text of any proposed amendment to this Convention or to any Protocol, except as may otherwise be provided in such Protocol, shall be communicated to the Parties by the Secretariat at least six months before the meeting at which it is proposed for adoption. The Secretariat shall also communicate proposed amendments to the Signatories to this Convention for their information.
3. The Parties shall make every effort to reach agreement on any proposed amendment to this Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall, as a last resort, be adopted by a two-thirds majority vote of the Parties present and voting at the meeting. It shall then be submitted by the depositary to all Parties for ratification, approval, formal confirmation or acceptance.

Amendment of Protocols to this Convention

4. The procedure specified in paragraph 3 above shall apply to amendments to any protocol, except that a two-thirds majority of the Parties to that Protocol present and voting at the meeting shall suffice for their adoption.

General Provisions

5. Instruments of ratification, approval, formal confirmation or acceptance of amendments shall be deposited with the depositary. Amendments adopted in accordance with paragraph 3 or 4 above shall enter into force between Parties having accepted them, on the ninetieth day after the receipt by the depositary of the instrument of ratification, approval, formal confirmation or acceptance by at least two thirds of the Parties who accepted the amendments to the Protocol concerned, except as may otherwise be provided in such Protocol. The amendments shall enter into force for any other Party on the ninetieth day after that Party deposits its instrument of ratification, approval, formal confirmation or acceptance of the amendments.
6. For the purpose of this article, "Parties present and voting" means Parties present and casting an affirmative or negative vote.

Article 18

Adoption and Amendment of Annexes

1. The annexes to this Convention or to any Protocol shall form an integral part of this Convention or of such Protocol, as the case may be and, unless expressly provided otherwise, a reference to this Convention or its Protocols constitutes at the same time a reference to any annexes thereto. Such annexes shall be restricted to scientific, technical and administrative matters.

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2. Except as may be otherwise provided in any Protocol with respect to its annexes, the following procedures shall apply to the proposal, adoption and entry into force of additional annexes to this Convention or of annexes to a protocol:

(a) Annexes to this Convention and its Protocols shall be proposed and adopted according to the procedure laid down in Article 17, paragraphs 1, 2, 3 and 4, of this Convention;

(b) Any Party that is unable to accept an additional annex to this convention or an annex to any Protocol to which it is Party shall so notify the depositary, in writing, within six months from the date of the communication of the adoption by the depositary. The depositary shall without delay notify all Parties of any such notification received. A Party may at any time substitute an acceptance for a previous declaration of objection and the annexes shall thereupon enter into force for that Party;

(c) Upon the expiration of six months from the date of the circulation of the communication by the depositary, the annex shall become effective for all Parties to this Convention or to any Protocol concerned with the provision of subparagraph (b) above.

3. The proposal, adoption and entry into force of amendments to annexes to this Convention or to any Protocol shall be subject to the same procedure as for the proposal, adoption and entry into force of annexes to the Convention or annexes to a Protocol. Annexes and amendments thereto shall take due account, inter alia, of relevant scientific and technical considerations.

4. If an additional annex or an amendment to an annex involves an amendment to this Convention or to any Protocol, the additional annex or amended annex shall not enter into force until such time as the amendment to this Convention or to the Protocol enters into force.

Article 19 Verification

Any Party which has reason to believe that another Party is acting or has acted in breach of its obligations under this Convention must inform the Secretariat thereof, and in such an event, shall simultaneously and immediately inform, directly or through the Secretariat, the Party against whom the allegations are made. The Secretariat shall carry out a verification of the substance of the allegation and submit a report thereof to all the Parties to this Convention.

Article 20 Settlement of Disputes

1. In case of dispute between Parties as to the interpretation or application of, or compliance with, this Convention or any Protocol thereto, the Parties shall seek a settlement of the dispute through negotiations or any other peaceful means of their own choice.

2. If the Parties concerned cannot settle their dispute as provided in paragraph 1 of this article, the dispute shall be submitted either to an ad hoc organ set up by the Conference for this purpose, or to the International Court of Justice.

3. The conduct of arbitration of disputes between Parties by the ad hoc organ provided for in paragraph 2 of this article shall be as provided in Annex V of this Convention.

Article 21 Signature

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This Convention shall be open for signature by Member States of the OAU in Bamako and Addis Ababa for a period of six months from 30 January 1991 to 31 July 1991.

Article 22

Ratification, Acceptance, Formal Confirmation or Approval

1. This Convention shall be subject to ratification, acceptance, formal confirmation, or approval by Member States of the OAU. Instruments of ratification, acceptance, formal confirmation, or approval shall be deposited with the depositary.
2. Parties shall be bound by all obligations of this Convention.

Article 23

Accession

This Convention shall be open for accession by Member States of the OAU from the day after the date on which the Convention is closed for signature. The instruments of accession shall be deposited with the depositary.

Article 24

Right to Vote

Each Contracting Party to this Convention shall have one vote.

Article 25

Entry into Force

1. This Convention shall enter into force on the ninetieth day after the date of deposit of the tenth instrument of ratification from Parties signatory to this Convention.
2. For each State which ratifies this Convention or accedes thereto after the date of the deposit of the tenth instrument of ratification, it shall enter into force on the ninetieth day after the date of deposit by such State of its instrument of accession or ratification.

Article 26

Reservations and Declarations

1. No reservations or exception may be made to this Convention.
2. Paragraph 1 of this article does not preclude a State when signing, ratifying, or acceding to this Convention, from making declarations or statements, however phrased or named, with a view, inter alia, to the harmonization of its laws and regulations with the provisions of this Convention, provided that such declarations or statements do not purport to exclude or to modify the legal effects of the provisions of the Convention in their application to that State.

Article 27

Withdrawal

1. At any time after three years from the date on which this Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the depositary.
2. Withdrawal shall be effective one year after receipt of notification by the depositary, or on such later date as may be specified in the notification.

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3. Withdrawal shall not exempt the withdrawing Party from fulfilling any obligations it might have incurred under this Convention.

Article 28 Depositary

The Secretary-General of the Organization of African Unity shall be the depositary for this Convention and of any Protocol thereto.

Article 29 Registration

This Convention, as soon as it enters into force, shall be registered with the Secretariat of the United Nations in conformity with Article 102 of the Charter of the United Nations.

Article 30 Authentic Texts

The Arabic, English, French and Portuguese texts of this Convention are equally authentic.

ANNEX I CATEGORIES OF WASTES WHICH ARE HAZARDOUS WASTES

Waste Streams:

Y0 All wastes containing or contaminated by radionuclides, the concentration or properties of which result from human activity;

Y1 Clinical wastes from medical care in hospitals, medical centres and clinics;

Y2 Wastes from the production and preparation of pharmaceutical products;

Y3 Waste pharmaceutical, drugs and medicines;

Y4 Wastes from the production, formulation and use of biocides and phytopharmaceuticals;

Y5 Wastes from the manufacture, formulation and use of organic solvents;

Y6 Wastes from the production, formulation and use of organic solvents;

Y7 Wastes from heat treatment and tempering operations containing cyanides;

Y8 Waste mineral oils unfit for their originally intended use;

Y9 Waste oils/water, hydrocarbons/water mixtures, emulsions;

Y10 Waste substances and articles containing or contaminated with polychlorinated biphenyl (PCBs) and/or polychlorinated terphenyls (PCTs) and/or polybrominated biphenyl (PBBs);

Y11 Wastes tarry residues arising from refining, distillation and any pyrolytic treatment;

Y12 Wastes from production, formulation and use of inks, dyes, pigments, paints, lacquers, varnish;

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Y13 Wastes from production, formulation and use of resins, latex, plasticizers, glues/adhesives;

Y14 Waste chemical substances arising from research and development or teaching activities which are not identified and/or are new and whose effects on man and/or the environment are not known;

Y15 Wastes of an explosive nature not subject to other legislation;

Y16 Wastes from production, formulation and use of photographic chemicals and processing materials;

Y17 Wastes resulting from surface treatment of metals and plastics;

Y18 Residues arising from industrial waste disposal operations;

Y46 Wastes collected from households, including sewage and sewage sludges;

Y47 Residues arising from the incineration of household wastes;

Wastes having as constituents:

Y19 Metal carbonyls;

Y20 Beryllium; beryllium compounds;

Y21 Hexavalent chromium compounds;

Y22 Copper compounds;

Y23 Zinc compounds;

Y24 Arsenic, arsenic compounds;

Y25 Selenium; selenium compounds;

Y26 Cadmium; cadmium compounds;

Y27 Antimony; antimony compounds;

Y28 Tellurium; tellurium compounds;

Y29 Mercury, mercury compounds;

Y30 Thallium; thallium compounds;

Y31 Lead; lead compounds;

Y32 Inorganic fluorine compounds excluding calcium fluoride;

Y33 Inorganic cyanides;

Y34 Acidic solutions or acids in solid form;

Y35 Basic solutions or bases in solid form;

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Y36 Asbestos (dust and fibres);

Y37 Organic phosphorous compounds;

Y38 Organic cyanides;

Y39 Phenols; phenolcompounds including chlorophenols;

Y40 Ethers;

Y41 Halogenated organic solvents;

Y42 Organic solvents excluding halogenated solvents;

Y43 Any congener of polychlorinated dibenzo-furan;

Y44 Any congener of polychlorinated dibenzo-p-dioxin;

Y45 Organohalogen compounds other than substances referred to in this annex (e.g., Y39, Y41, Y42, Y43, Y44).

ANNEX II LIST OF HAZARDOUS CHARACTERISTICS

UN code Characteristics

Class*

1 H1 Explosive

An explosive substance or waste is a solid or liquid substance or waste (or mixture of substances or wastes) which is in itself capable by chemical reaction or producing gas at such a temperature and pressure and at such a speed as to cause damage to the surroundings.

*Corresponds to the hazardous classification system included in the United Nations Recommendations on the Transport of Dangerous Goods (ST/Secretary-General/AC.10/1/Rev.5, United Nations, New York, 1988).

H3 Flammable liquids

The word "flammable" has the same meaning as "inflammable". Flammable liquids are liquids, or mixtures or liquids, or liquids containing solids in solution or suspension (for example paints, varnishes, lacquers, etc., but not including substances or wastes otherwise classified on account of their dangerous characteristics) which give off a flammable vapour at temperatures of not more than 60.5 degrees C, closed cup test, or not more than 65.6 degrees C, open-cup test. (Since the results of open-cup tests and of closed-cup tests are not strictly comparable and even individual results by the same test are often variable, regulations varying from the above figures to make allowance for such difference would be within the spirit of this definition).

4.1 H4.1 Flammable solids

Solids, or waste solids, other than those classed as explosives, which under conditions encountered in transport are readily combustible, or may cause or contribute to fire through friction.

4.2 H4.2 Substances or wastes liable to spontaneous combustion

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Substances or wastes which are liable to spontaneous heating under normal conditions encountered in transport, or to heating up on contact with air, and being then liable to catch fire.

4.3 H4.3 Substances or wastes which, by interaction with water are liable to become spontaneously flammable or to give off flammable gases in dangerous quantities.

5.1 H5.1 Oxidizing

Substances or wastes which, while in themselves not necessarily combustible, may, generally by yielding oxygen, cause or contribute to the combustion of other materials.

5.2 H5.2 Organic peroxides

Organic substances or wastes which contain the bivalent-O-O-structure are thermally unstable substances which may undergo exothermic self-accelerating decomposition.

6.1 H6.1 Poisonous (Acute)

Substances or wastes liable either to cause death or serious injury or to harm human health if swallowed or inhaled or by skin contact.

6.2 H6.2 Infectious substances

Substances or wastes containing viable micro organisms or their toxins which are known or suspected to cause disease in animals or humans.

8 H8 Corrosives

Substances or wastes which, by chemical action, will cause severe damage when in contact with living tissue, or in the case of leakage, will materially damage, or even destroy other goods or the means of transport; they may also cause other hazards.

9 H10 Liberation of toxic gases in contact with air or water.

Substances or wastes which, by interaction with air or water, are liable to give off toxic gases in dangerous quantities.

9 H11 Toxic (Delayed or chronic)

Substances or wastes which, if they are inhaled or ingested or if they penetrate the skin, may involve delayed or chronic effects, including carcinogenicity.

9 H12 Extotoxic

Substances or wastes which if released present or may present immediate or delayed adverse impacts to the environment by means of bioaccumulation and/or toxic effects upon biotic systems.

9 H13 Capable, by any means, after disposal, of yielding another material, e.g., leachate, which possesses any of the characteristics listed above.

ANNEX III DISPOSAL OPERATIONS

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- D1 Deposit into or onto land, (e.g., landfill, etc.)
- D2 Land treatment, (e.g., biodegradation of liquid or sludgy discards in soils, etc.)
- D3 Deep injection, (e.g., injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.)
- D4 Surface impoundment, (e.g., placement of liquid or sludge discards into pits, ponds, or lagoons, etc)
- D5 Specially engineered landfill, (e.g., placement into lined discrete cells which are capped and isolated from one another and the environment, etc.)
- D6 Release into a water body except seas/oceans
- D7 Release into seas/oceans including sea-bed insertion
- D8 Biological treatment not specified elsewhere in this annex which results in final compound or mixtures which are discarded by means of any of the operations in Annex III
- D9 Physico-chemical treatment not specified elsewhere in this annex which results in final compounds or mixtures which are discarded by means of any of the operations in Annex III, (e.g., evaporation, drying, calcination, neutralization, precipitation, etc.)
- D10 Incineration on land
- D11 Incineration at sea
- D12 Permanent storage, (e.g., emplacement of containers in a mine, etc.)
- D13 Blending or mixing prior to submission to any of the operations in Annex III
- D14 Repackaging prior to submission to any of the operations in Annex III
- D15 Storage pending any of the operations in Annex III
- D16 Use as a fuel (other than in direct incineration) or other means to generate energy
- D17 Solvent reclamation/regeneration
- D18 Recycling/reclamation of organic substances which are not used as solvents
- D19 Recycling/reclamation of metals and metal compounds
- D20 Recycling/reclamation of other inorganic materials
- D21 Regeneration of acids and bases
- D22 Recovery of components used for pollution abatement
- D23 Recovery of components from catalysts
- D24 Used oil re-refining or other reuses of previously used oil

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D25 Land treatment resulting in benefit to agriculture or ecological improvement

D26 Uses of residual materials obtained from any of the operations numbered D1-D25

D27 Exchange of wastes for submission to any of the operations numbered D1-D26

D28 Accumulation of material intended for any operation in Annex III

ANNEX IV A INFORMATION TO BE PROVIDED ON NOTIFICATION

1. Reason for waste export
2. Exporter of the waste 1/
3. Generator(s) of the waste and site of generation 1/
4. Importer and Disposer of the waste and actual site of disposal 1/
5. Intended carrier(s) of the waste or their agents, if known 1/
6. Country of export of the waste
Competent authority 2/
7. Countries of transit
Competent authority 2/
8. Country of import of the waste
Competent authority 2/
9. Projected date of shipment and period of time over which waste is to be exported and proposed itinerary (including point of entry and exit)
10. Means of transport envisaged (road, rail, sea, air, inland waters)
11. Information relating to insurance^{3/}
12. Designation and physical description of the waste including Y number and UN number and its composition ^{4/} and information on any special handling requirements including emergency provisions in case of accidents
13. Type of packing envisaged (e.g. bulk, drummer, tanker)
14. Estimated quantity in weight/volume
15. Process by which the waste is generated ^{5/}
16. Waste classifications from Annex II of this Convention: Hazardous characteristics, H number, and UN class
17. Method of disposal as per Annex III of this Convention
18. Declaration by the generator and exporter that the information is correct

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19. Information transmitted (including technical description of the plant) to the exporter or generator from the disposer of the waste upon which the latter has based his assessment that there was no reason to believe that the wastes will not be managed in an environmentally sound manner in accordance with the laws and regulations of the country of import
20. Information concerning the contract between the exporter and disposer

Notes

- 1/ Full name and address, telephone, telex or telefax number and the name, address, telephone, telex, or telefax number of the person to be contacted.
- 2/ Full name and address, telephone, telex or telefax number.
- 3/ Information to be provided on relevant insurance requirements and how they are met by exporter, carrier, and disposer.
- 4/ The nature and the concentration of the most hazardous components, in terms of toxicity and other dangers presented by the waste both in handling and in relation to the proposed disposal method.
- 5/ In so far as this is necessary to assess the hazard and determine the appropriateness of the proposed disposal operations.

ANNEX IV B INFORMATION TO BE PROVIDED ON THE MOVEMENT DOCUMENT

1. Exporter of the waste 1/
2. Generator(s) of the waste and site of generation 1/
3. Disposer of the waste and actual site of disposal 1/
4. Carrier(s) of the waste 1/ or his agent(s)
5. The date the transboundary movement started and date(s) and signature on receipt by each person who take charge of the waste
6. Means of transport (road, rail, inland waterway, sea, air) including countries of export, transit and import, also point of entry and exist where have been designated
7. General description of the waste (physical state, proper UN shipping name and class, UN number, Y number and H number as applicable)
8. Information on special handling requirements including emergency provisions in case of accidents
9. Type and number of packages
10. Quantity in weight/volume
11. Declaration by the generator or exporter that the information is correct
12. Declaration by the generator or exporter indicating no objection from the competent authorities of all States concerned

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13. Certification by disposer of receipt at designated disposal facility and indication of method of disposal and of the appropriate date of disposal

Notes

The information required on the movement document shall where possible be integrated into one document with that required under transport rules. Where this is not possible, the information should complement rather than duplicate that required under the transport rules. The movement document shall carry instructions as to who is to provide information and fill-out any form.

1/ Full name and address, telephone, telex or telefax number of the person to be contacted in case of emergency.

ANNEX V ARBITRATION

Article 1

Unless the agreement referred to in Article 20 of the Convention provides otherwise, the arbitration procedure shall be conducted in accordance with Articles 2 to 10 below.

Article 2

The claimant party shall notify the Secretariat that the parties have agreed to submit the dispute to arbitration pursuant to paragraph 1 or paragraph 2 of Article 20 of this Convention and include, in particular, the articles of the Convention, and the interpretation or application of which are at issue. The Secretariat shall forward the information thus received to all Parties to the Convention.

Article 3

The arbitral tribunal shall consist of three members. Each of the parties to the dispute shall appoint an arbitrator, and the two arbitrators so appointed shall designate by common agreement the third arbitrator, who shall be the chairman of the tribunal. The latter shall not be a national of one of the parties to the dispute, nor have his usual place of residence in one of the Parties, nor be employed by any of them, nor have dealt with the case in any other capacity.

Article 4

1. If the chairman of the arbitral tribunal has not been designated within two months of the appointment of the second arbitrator, the Secretary-General of the OAU shall, at the request of either party, designate him within a further two months period.

2. If one of the parties to the dispute does not appoint an arbitrator within two months of the receipt of the request, the other party may inform the Secretary-General of the OAU who shall designate the chairman of the arbitral tribunal within a further two months period. Upon designation, the chairman of the arbitral tribunal shall request the party which has not appointed an arbitrator to do so within two months. After such period, he shall inform the Secretary-General of the OAU who shall make this appointment within a further two month's period.

Article 5

1. The arbitral tribunal shall render its decision in accordance with international law and in accordance with the provisions of this Convention.

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2. Any arbitral tribunal constituted under the provisions of this annex shall draw up its own rules of procedure.

Article 6

1. The decisions of the arbitral tribunal both on procedure and on substance, shall be taken by majority vote of its members.

2. The tribunal may take all appropriate measures in order to establish the facts. It may, at the request of one of the Parties, recommend essential interim measures of protection.

3. The parties to the dispute shall provide all facilities necessary for the effective conduct of the proceedings.

4. The absence or default of a party in the dispute shall not constitute an impediment to the proceedings.

Article 7

The tribunal may hear and determine counter-claims arising directly out of the subject matter of the dispute.

Article 8

Unless the arbitral tribunal determines otherwise because of the particular circumstances of the case, the expenses of the tribunal, including the remuneration of its members, shall be borne by the parties to the dispute in equal shares. The tribunal shall keep a record of all its expenses, and shall furnish a final statement thereof to the parties.

Article 9

Any Party that has an interest of a legal nature in the subject matter of the dispute which may be affected by the decision in the case, may intervene in the proceedings with the consent of the tribunal.

Article 10

1. The tribunal shall render its award within five months of the date on which it is established unless it finds it necessary to extend the time limit for a period which should not exceed five months.

2. The award of the arbitral tribunal shall be accompanied by a statement of reasons. It shall be final and binding upon the parties to the dispute.

3. Any dispute which may arise between the parties concerning the interpretation or execution of the award may be submitted by either party to the arbitral tribunal which made the award or, if the latter cannot be seized thereof, to another tribunal constituted for this purpose in the same manner as the first.

4.

REVISED AFRICAN CONVENTION ON THE CONSERVATION OF NATURE AND NATURAL RESOURCES

Adopted in Maputo, Mozambique, on 11 July 2003.

Entered into force on 23 July 2016.

Preamble

4. REVISED CONVENTION ON CONSERVATION OF NATURE AND NATURAL RESOURCES

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

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

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

Conscious of the ever-growing importance of natural resources from economic, social, cultural and environmental points of view,

Affirming that the conservation of the global environment is a common concern of humankind as a whole, and the conservation of the African environment a primary concern of all Africans,

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

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

Conscious of the dangers which threaten some of these irreplaceable assets,

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

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

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

Conscious of the need to continue furthering the principles of the Stockholm Declaration, to contribute to the implementation of the Rio Declaration and of Agenda 21, and to work closely together towards the implementation of global and regional instruments supporting their goals,

Considering the principles and objectives stated in the Treaty Establishing the African Economic Community and the Constitutive Act of the African Union,

Convinced that the above objectives would be better achieved by amending the 1968 African Convention on the Conservation of Nature and Natural Resources by expanding elements related to sustainable development,

Have agreed as follows:

Article I Scope

This Convention shall apply:

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1. To all areas which are within the limits of national jurisdiction of any Party; and
2. To the activities carried out under the jurisdiction or control of any Party within the area of its national jurisdiction or beyond the limits of its national jurisdiction.

Article II Objectives

The objectives of this Convention are:

1. To enhance environmental protection;
2. To foster the conservation and sustainable use of natural resources; and
3. To harmonize and coordinate policies in these fields

with a view to achieving ecologically rational, economically sound and socially acceptable development policies and programmes.

Article III Principles

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

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

Article IV Fundamental Obligation

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

Article V Use of Terms

For purposes of this Convention:

1. "Natural Resources" means renewable resources, tangible and non-tangible, including soil, water, flora and fauna and non-renewable resources. Whenever the text of the Convention refers to non-renewable resources this will be specified;
2. "Specimen" means any animal or plant or microorganism, alive or dead;
3. "Product" means any part or derivative of a specimen;

4. REVISED CONVENTION ON CONSERVATION OF NATURE AND NATURAL RESOURCES

4. "Species" means any species, subspecies, or geographically separate population thereof;
5. "Threatened Species" means any species of fauna or flora which is considered critically endangered, endangered, or vulnerable, for which definitions are contained in Annex 1 to this Convention, and for which criteria may be adopted and from time to time reviewed by the Conference of the Parties, taking into consideration the work of competent international organizations in this field;
6. "Conservation area" means:
 - (a) Any protected area designated and managed mainly or wholly for one of the following purposes:
 - (i) Science or wilderness protection (Strict Nature Reserve/Wilderness Areas);
 - (ii) Ecosystem protection and recreation (National Parks);
 - (iii) Conservation of specific natural features (National Monuments);
 - (iv) Conservation through management interventions (Habitat/Species Management Areas);
 - (v) Landscape/seascape conservation and recreation (Protected Landscapes/Seascapes);
 - (vi) The sustainable use of natural ecosystems (Managed Resource Protected Areas)for which definitions and management objectives are contained in Annex 2 to this Convention, as well as
 - (b) Other areas designated and/or managed primarily for the conservation and sustainable use of natural resources, for which criteria may be adopted and from time to time reviewed by the Conference of the Parties.
7. "Biological Diversity" means the variability among living organisms from all sources including, inter alia, terrestrial, marine, or other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems.
8. "Original Convention" means the African Convention on the Conservation of Nature and Natural Resources, adopted in 1968 in Algiers.

Whenever a specific term not defined in this Convention has been defined in global conventions it can be construed as defined in those conventions. Where an African regional or subregional convention exists that defines such terms, these definitions shall prevail.

Article VI Land and Soil

1. The Parties shall take effective measures to prevent land degradation, and to that effect shall develop long-term integrated strategies for the conservation and sustainable management of land resources, including soil, vegetation and related hydrological processes.
2. They shall in particular adopt measures for the conservation and improvement of the soil, to, inter alia, combat its erosion and misuse as well as the deterioration of its physical, chemical and biological or economic properties.
3. To this end:

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- (a) They shall establish land-use plans based on scientific investigations as well as local knowledge and experience and, in particular, classification and land-use capability;
 - (b) They shall, when implementing agricultural practices and agrarian reforms:
 - (i) Improve soil conservation and introduce sustainable farming and forestry practices, which ensure long-term productivity of the land;
 - (ii) Control erosion caused by land misuse and mismanagement which may lead to long-term loss of surface soils and vegetation cover;
 - (iii) Control pollution caused by agricultural activities, including aquaculture and animal husbandry;
 - (c) They shall ensure that non-agricultural forms of land use, including but not limited to public works, mining and the disposal of wastes, do not result in erosion, pollution, or any other form of land degradation;
 - (d) They shall, in areas affected by land degradation, plan and implement mitigation and rehabilitation measures.
4. Parties shall develop and implement land tenure policies able to facilitate the above measures, inter alia by taking into account the rights of local communities.

Article VII Water

1. The Parties shall manage their water resources so as to maintain them at the highest possible quantitative and qualitative levels. They shall, to that effect, take measures designed to:
- (a) Maintain water-based essential ecological processes as well as to protect human health against pollutants and water-borne diseases;
 - (b) Prevent damage that could affect human health or natural resource in another State by the discharge of pollutants; and
 - (c) Prevent excessive abstraction, to the benefit of downstream communities and States.
2. The Parties shall establish and implement policies for the planning, conservation, management, utilization and development of underground and surface water, as well as the harvesting and use of rain water, and shall endeavour to guarantee for their populations a sufficient and continuous supply of suitable water, taking appropriate measures with due regard to:
- (a) The study of water cycles and the investigation of each catchment area;
 - (b) The integrated management of water resources;
 - (c) The conservation of forested and other catchment areas and the coordination and planning of water resources development projects;
 - (d) The inventory and management of all water resources, including the administration and control of all water utilization; and
 - (e) The prevention and control of water pollution through, inter alia, the establishment of effluent and water quality standards.

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3. Where surface or underground water resources and related ecosystems, including wetlands, are transboundary to two or more of the Parties, the latter shall act in consultation, and if the need arises, set up inter-State Commissions for their rational management and equitable utilization and to resolve disputes arising from the use of these resources, and for the cooperative development, management and conservation thereof.

4. The Parties undertake, individually or within subregional arrangements, to cooperate in rational water husbandry and conservation in irrigated agriculture for improved food security and sustainable agro-based industrialization.

Article VIII Vegetation Cover

1. The Parties shall take all necessary measures for the protection, conservation, sustainable use and rehabilitation of vegetation cover. To this end they shall:

- (a) Adopt scientifically-based and sound traditional conservation, utilization and management plans for forests, woodlands, rangelands, wetlands and other areas with vegetation cover, taking into account the social and economic needs of the peoples concerned, the importance of the vegetation cover for the maintenance of the water balance of an area, the productivity of soils and the habitat requirements of species;
- (b) Take concrete steps or measures to control fires, forest exploitation, land clearing for cultivation, grazing by domestic and wild animals, and invasive species;
- (c) Establish forest reserves and carry out afforestation programmes where necessary;
- (d) Limit forest grazing to season and intensities that will not prevent forest regeneration.

Article IX Species and Genetic Diversity

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

2. The Parties shall ensure the conservation of species and their habitats within the framework of land-use planning and of sustainable development. Management of species and their habitats shall be based on the results of continued scientific research and Parties shall:

- (a) Manage plant and animal populations inside conservation areas according to the objectives of such areas;
- (b) Manage harvestable populations outside such areas in a sustainable manner, compatible with and complementary to other sustainable land uses;
- (c) Establish and/or strengthen existing facilities for ex situ conservation to perpetuate animal or plant species of particular interest;
- (d) Manage and protect aquatic environments, whether in fresh, brackish or marine water, with a view to minimizing deleterious effects of any water and land use practice which might adversely affect aquatic habitats;

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(e) Undertake inventories of species of fauna and flora and prepare maps of their distribution and abundance, and conduct regular reviews to facilitate the monitoring of the status of such species and their habitats with a view to:

- (i) Providing the appropriate scientific basis for decisions pertaining to their conservation and use,
 - (ii) Identifying species that are threatened or may become so, and providing them accordingly with appropriate protection, and
 - (iii) Identifying species that are migratory or congregatory and therefore confined to specific areas at particular seasons, and providing them with appropriate protection;
- (f) Identify areas of critical importance for the survival of species of fauna and flora which are threatened;
- (g) Preserve as many varieties as possible of domestic or cultivated species and their wild relatives, as well as of other economically valuable species, including forest trees and micro-organisms;
- (h) Strictly control the intentional and, in as far as possible, accidental introduction, in any area, of species which are not native to that area, including modified organisms, and endeavour to eradicate those already introduced where the consequences are detrimental to native species or to the environment in general;
- (i) Take appropriate measures to control pests and eradicate animal and plant diseases;
- (j) Provide for fair and equitable access to genetic resources, on terms mutually agreed between the providers and users of such resources; and
- (k) Provide for the fair and equitable sharing of benefits arising out of biotechnologies based upon genetic resources and related traditional knowledge with the providers of such resources.

3. Parties shall adopt legislation regulating all forms of taking, including hunting, capture and fishing and collection of whole or parts of plants under which:

- (a) The conditions and procedures for issue of permits are appropriately regulated;
- (b) Taking is regulated with a view to ensuring that the use of any population is sustainable. Measures to that effect shall include:
 - (i) Closed seasons,
 - (ii) Temporary or local prohibitions of exploitation, as needed to restore satisfactory population levels,
 - (iii) The prohibition of the use of all indiscriminate means of taking and of the use of all means capable of causing mass destructions, as well as local disappearance of, or serious disturbance to, populations of a species, in particular the means specified in Annex 3;
- (c) With a view to as rational use as possible, the products of hunting and fishing, the use and abandonment of such products, and plant collection are regulated;
- (d) Operations carried out by, or under the control of, the competent authority for management purposes may nevertheless be exempted from specific restrictions.

Article X Protected Species

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1. The Parties undertake to identify the factors that are causing the depletion of animal and plant species which are threatened or which may become so, with a view to their elimination, and to accord a special protection to such species, whether terrestrial, freshwater or marine, and to the habitat necessary for their survival. Where a species is represented only in areas under the jurisdiction of one Party, that Party has a particular responsibility for its protection.

2. The Parties shall adopt legislation on the protection of species referred to in paragraph 1 above, taking into particular account the need to develop or maintain throughout the African continent concerted protection measures for such species. One or several annexes to this Convention may be adopted by the Conference of the Parties to that effect.

Article XI

Trade in Specimens and Products Thereof

1. The Parties shall:

(a) Regulate the domestic trade in, as well as the transport and possession of specimens and products to ensure that such specimens and products have been taken or obtained in conformity with domestic law and international obligations related to trade in species;

(b) In the measures referred to under subparagraph (a) above, provide for appropriate penal sanctions, including confiscation measures.

2. The Parties shall, where appropriate, cooperate through bilateral or subregional agreements with a view to reducing and ultimately eliminating illegal trade in wild fauna and flora or their specimens or products.

Article XII

Conservation Areas

1. The Parties shall establish, maintain and extend, as appropriate, conservation areas. They shall, preferably within the framework of environmental and natural resources policies, legislation and programmes, also assess the potential impacts and necessity of establishing additional conservation areas and wherever possible designate such areas, in order to ensure the long-term conservation of biological diversity, in particular to:

(a) Conserve those ecosystems which are most representative of and peculiar to areas under their jurisdiction, or are characterized by a high degree of biological diversity;

(b) Ensure the conservation of all species and particularly of those which are:

(i) Only represented in areas under their jurisdiction;

(ii) Threatened, or of special scientific or aesthetic value;

and of the habitats that are critical for the survival of such species.

2. The Parties shall seek to identify areas critically important to the goals referred to in paragraph 1 (a) and (b) above which are not yet included in conservation areas, taking into consideration the work of competent international organizations in this field.

3. The Parties shall promote the establishment by local communities of areas managed by them primarily for the conservation and sustainable use of natural resources.

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4. The Parties shall, where necessary and if possible, control activities outside conservation areas which are detrimental to the achievement of the purpose for which the conservation areas were created, and establish for that purpose buffer zones around their borders.

Article XIII

Processes and Activities Affecting the Environment and Natural Resources

1. The Parties shall, individually or jointly, and in collaboration with the competent international organizations concerned, take all appropriate measures to prevent, mitigate and eliminate to the maximum extent possible, detrimental effects on the environment, in particular from radioactive, toxic, and other hazardous substances and wastes. For this purpose, they shall use the best practicable means and shall endeavour to harmonize their policies, in particular within the framework of relevant conventions to which they are Parties.

2. To that effect, Parties shall:

(a) Establish, strengthen and implement specific national standards, including for ambient environmental quality, emission and discharge limits as well as process and production methods and product quality;

(b) Provide for economic incentives and disincentives, with a view to preventing or abating harm to the environment, restoring or enhancing environmental quality, and implementing international obligations in these regards; and

(c) Adopt measures necessary to ensure that raw materials, non-renewable resources, and energy, are conserved and used as efficiently as possible, and that used materials are reused and recycled to the maximum extent possible while nondegradable materials are disposed of in the most effective and safe way.

Article XIV

Sustainable Development and Natural Resources

1. The Parties shall ensure that:

(a) Conservation and management of natural resources are treated as an integral part of national and/or local development plans;

(b) In the formulation of all development plans, full consideration is given to ecological, as well as to economic, cultural and social factors

in order to promote sustainable development.

2. To this end, the Parties shall:

(a) To the maximum extent possible, take all necessary measures to ensure that development activities and projects are based on sound environmental policies and do not have adverse effects on natural resources and the environment in general;

(b) Ensure that policies, plans, programmes, strategies, projects and activities likely to affect natural resources, ecosystems and the environment in general are the subject of adequate impact assessment at the earliest possible stage and that regular environmental monitoring and audit are conducted;

(c) Monitor the state of their natural resources as well as the impact of development activities and projects upon such resources.

Article XV

4. REVISED CONVENTION ON CONSERVATION OF NATURE AND NATURAL RESOURCES

Military and Hostile Activities

1. The Parties shall:
 - (a) Take every practical measure, during periods of armed conflict, to protect the environment against harm;
 - (b) Refrain from employing or threatening to employ methods or means of combat which are intended or may be expected to cause widespread, long-term, or severe harm to the environment and ensure that such means and methods of warfare are not developed, produced, tested or transferred;
 - (c) Refrain from using the destruction or modification of the environment as a means of combat or reprisal;
 - (d) Undertake to restore and rehabilitate areas damaged in the course of armed conflicts.
2. The Parties shall cooperate to establish and further develop and implement rules and measures to protect the environment during armed conflicts.

Article XVI Procedural Rights

1. The Parties shall adopt legislative and regulatory measures necessary to ensure timely and appropriate:
 - (a) Dissemination of environmental information;
 - (b) Access of the public to environmental information;
 - (c) Participation of the public in decision-making with a potentially significant environmental impact; and
 - (d) Access to justice in matters related to protection of environment and natural resources.
2. Each Party from which a transboundary environmental harm originates shall ensure that any person in another Party affected by such harm has a right of access to administrative and judicial procedures equal to that afforded to nationals or residents of the Party of origin in cases of domestic environmental harm.

Article XVII Traditional Rights of Local Communities and Indigenous Knowledge

1. The Parties shall take legislative and other measures to ensure that traditional rights and intellectual property rights of local communities including farmers' rights are respected in accordance with the provisions of this Convention.
2. The Parties shall require that access to indigenous knowledge and its use be subject to the prior informed consent of the concerned communities and to specific regulations recognizing their rights to, and appropriate economic value of, such knowledge.
3. The Parties shall take the measures necessary to enable active participation by the local communities in the process of planning and management of natural resources upon which such communities depend with a view to creating local incentives for the conservation and sustainable use of such resources.

Article XVIII Research

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1. The Parties shall strengthen their capabilities to carry out scientific and technological research in conservation, sustainable utilization and management of natural resources paying particular attention to ecological and socio-economic factors as well as their integration, and shall ensure the application of research results to the development and implementation of their environmental conservation policies.
2. The Parties shall promote cooperation in scientific and technological research, as well as in economic and marketing systems, between themselves and with third parties in the field of environmental conservation and sustainable use of natural resources. To that end, they shall in particular:
 - (a) Coordinate their research programmes with a view to achieving maximum synergy and complementarity;
 - (b) Promote the exchange of research results; and
 - (c) Promote the development of joint research activities and programmes in the fields covered by this Convention.

Article XIX Development and Transfer of Technology

1. The Parties shall encourage and strengthen cooperation for the development and use, as well as access to and transfer of, environmentally sound technologies on mutually agreed terms, with a view to accelerating the transition to sustainable development, in particular by establishing joint research programmes and ventures.
2. To that effect the Parties shall adopt legislative and regulatory measures which provide for inter alia, economic incentives for the development, importation, transfer and utilization of environmentally sound technologies in the private and public sectors.

In implementing paragraphs 1 and 2 above, attention shall be paid to technologies which can be used locally by individuals, local communities and small/medium enterprises.

Article XX Capacity-Building, Education and Training

1. (a) The Parties shall promote environmental education, training and awareness creation at all levels in order to enhance their peoples' appreciation of their close dependence on natural resources and their understanding of the reasons and rules for the sustainable use of these resources.
 - (b) For this purpose they shall ensure that environmental matters:
 - (i) Are included in educational and training programmes at all levels; and
 - (ii) Form the object of information campaigns capable of acquainting the public with, and winning it over to, the concepts of conservation and sustainable use of natural resources.
 - (c) In order to put into effect paragraphs (a) and (b) above, the Parties shall make maximum use of the educational and training value of conservation areas and the experience of local communities.
2. Parties shall develop their capacities in the field of education and training relating to environmental and natural resources conservation and use, in particular through the promotion and development of:
 - (a) Training of trainers programmes;
 - (b) Appropriate teaching and training materials;

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(c) Available and accessible educational and training opportunities at all levels.

3. In order to facilitate the implementation of paragraphs 1 and 2 above, the Parties shall cooperate among themselves, in particular with a view to strengthening or establishing:

- (a) Regional or subregional training institutions;
- (b) Joint training programmes;
- (c) Libraries and documentation centres; and
- (d) A continuous exchange of information and experience

in the fields covered by this Convention.

Article XXI National Authorities

Each Party shall establish or designate, if it has not already done so, a national authority empowered to deal with all matters covered by this Convention, and/or, where appropriate, establish a coordinating machinery between existing national institutions.

Article XXII Cooperation

1. The Parties shall cooperate between themselves and, where appropriate and possible, with other States:

- (a) To give effect to the provisions of this Convention;
- (b) Whenever any national measure is likely to affect the environment or natural resources of any other State or areas beyond national jurisdiction;
- (c) In order to enhance the individual and combined effectiveness of their policies and legislation, as well as measures adopted under this Convention and under other international conventions in the fields of environmental protection and natural resources conservation and use; and
- (d) In order to harmonize their policies and laws at the continental or regional levels, as appropriate.

2. In particular:

- (a) Whenever an environmental emergency or natural disaster occurring in a Party is likely to affect the natural resources of another State, the latter shall be provided with all relevant available data by the former as early as practicable;
- (b) When a Party has reasons to believe that a programme, activity or project to be carried out in areas under its jurisdiction may have adverse effects on the natural resources of another State, it shall provide that other State with relevant information on the proposed measures and their possible effects, and shall consult with that State;
- (c) Whenever a Party objects to an activity referred to in subparagraph (b) above, they shall enter into negotiations;

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- (d) Parties shall develop disaster preparedness, prevention and management programmes, and as the need arises hold consultations towards mutual assistance initiatives;
- (e) Whenever a natural resource or an ecosystem is transboundary, the Parties concerned shall undertake to cooperate in the conservation, development and management of such resource or ecosystem and if the need arises, set up interstate commissions for their conservation and sustainable use;
- (f) The Parties shall, prior to the export of hazardous substances, or of alien or modified organisms, undertake to secure the prior informed consent of the importing, and where appropriate, transit States;
- (g) The Parties shall take concerted action regarding the transboundary movement, management and processing of hazardous wastes, with a view to supporting, individually and jointly, international accords in this field, and to implementing African instruments related thereto;
- (h) The Parties shall exchange information bilaterally or through competent international agencies on activities and events likely to affect the natural resources and the environment of areas beyond national jurisdiction.

Article XXIII Compliance

The Conference of the Parties shall, as soon as possible, develop and adopt rules, procedures and institutional mechanisms to promote and enhance compliance with the provisions of this Convention.

Article XXIV Liability

The Parties shall, as soon as possible, adopt rules and procedures concerning liability and compensation of damage related to matters covered by this Convention.

Article XXV Exceptions

1. The provisions of this Convention shall not affect the responsibilities of Parties concerning:
 - (a) "Force majeure"; and
 - (b) Defence of human life.
2. The provisions of this Convention shall not prevent Parties from adopting precisely defined measures derogatory to the provisions of the Convention, provided their application is limited in respect of aim, duration and place:
 - (a) In time of declared emergencies arising from disasters; and
 - (b) For the protection of public health;
3. The Parties who take action in accordance with paragraphs 1 and 2 undertake to inform the Conference of the Parties without delay, through the Secretariat, of the nature and circumstances of these measures.

Article XXVI Conference of the Parties

4. REVISED CONVENTION ON CONSERVATION OF NATURE AND NATURAL RESOURCES

1. A Conference of the Parties is hereby established at ministerial level, as the decision-making body of this Convention. The first meeting of the Conference of the Parties shall be convened by the Chairperson of the Commission of the African Union not later than one year after the entry into force of the Convention. Thereafter ordinary meetings shall be convened at least once every two years, unless the Conference decides otherwise.
2. Extraordinary meetings of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party, provided that, within six months of the request being communicated to them by the Secretariat, it is supported by at least one third of the Parties.
3. At its first meeting, the Conference of the Parties shall adopt rules of procedure for itself and for any subsidiary body it may establish, as well as determine the rules governing the funding and operation of the Secretariat; Parties shall make every effort to reach these decisions by consensus; if all efforts at consensus have been exhausted, and no agreement reached, the decisions shall as a last resort be adopted by a two-third majority of the Parties present and voting.
4. At each of its ordinary meetings, the Conference of the Parties shall adopt a programme and budget for the financial period until the next ordinary meeting.
5. The Conference of the Parties shall keep under review and promote the effective implementation of this Convention, and, for this purpose, shall:
 - (a) Make recommendations to the Parties on any matters related to the implementation of this Convention;
 - (b) Receive and consider information and reports presented by the Secretariat or by any Party and make recommendations thereto;
 - (c) Establish such subsidiary bodies as are deemed necessary for the implementation of this Convention, in particular to provide scientific and technical advice;
 - (d) Review reports submitted by any subsidiary body and provide guidance to them;
 - (e) Promote and facilitate the exchange of information on measures proposed or adopted by the Parties;
 - (f) Consider and undertake any additional action that may be required for the achievement of the purposes of this Convention;
 - (g) Consider and adopt, as required, amendments to this Convention;
 - (h) Consider and adopt, as required, additional annexes and amendments to the annexes to this Convention;
 - (i) Seek, through the Secretariat, the cooperation of, and utilize the services of and information provided by, competent bodies or agencies, whether national or international, governmental or non-governmental, and strengthen the relationship with other relevant conventions; and
 - (j) Consider any other matter within the scope of this Convention.
6. African Regional Economic Communities, as well as African regional and subregional intergovernmental organizations may be represented at meetings of the Conference of the Parties without the right to vote. The United Nations, its specialized agencies and any State Party to the original Convention not party to this Convention, may be represented at meetings of the Conference of the Parties and participate as observers. Any non-governmental organization, whether national, continental, regional or subregional, or international, which is qualified in matters covered by the Convention, and which has informed the Secretariat of its wish to be represented at a meeting of the Conference of the Parties as an observer, may be so admitted unless at least one

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third of the Parties present object. The participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.

Article XXVII The Secretariat

1. A Secretariat to this Convention is hereby established.
2. At its first meeting, the Conference of the Parties shall designate an organization to carry out the Secretariat functions under the Convention or shall appoint its own Secretariat and determine its location.
3. The functions of the Secretariat shall be:
 - (a) To arrange for and service meetings of the Conference of the Parties and of its subsidiary bodies;
 - (b) To execute the decisions addressed to it by the Conference of the Parties;
 - (c) To draw the attention of the Conference of the Parties to matters pertaining to the objectives of this Convention and its implementation;
 - (d) To gather and disseminate among the Parties the texts of laws, decrees, regulations and instructions in force which are intended to ensure the implementation of this Convention, as well as reports pertaining to such implementation;
 - (e) To administer the budget for the Convention and if established, its conservation fund;
 - (f) To enter into such administrative and contractual arrangements as may be required for the effective discharge of its functions;
 - (g) To prepare studies and reports on its activities carried out in the implementation of its functions under this Convention and present them to the Conference of Parties;
 - (h) To coordinate its activities with the secretariats of other relevant international bodies and conventions;
 - (i) To provide information for the general public concerning the Convention and its objectives; and
 - (j) To perform such other functions as may be assigned to it by this Convention, or determined by the Conference of the Parties.

Article XXVIII Financial Resources

1. Given the central importance of financing to the achievement of the purposes of this Convention, each Party, taking into account its capability, shall make every effort to ensure that adequate financial resources are available for the implementation of this Convention.
2. Financial resources towards the budget of the Convention shall consist of assessed contributions from Parties, annual contributions by the AU, and contributions from other institutions. Contributions of the Parties to the budget of the Convention shall be in accordance with the scale of assessment approved by the Conference of the Parties at its first meeting.
3. The Conference of the Parties may establish a conservation fund constituted from voluntary contributions of Parties or from any other source accepted by the Conference for the purpose of financing projects and activities

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relating to the conservation of the environment and natural resources. The fund shall function under the authority of, and be accountable to, the Conference of the Parties.

4. The Parties, individually or jointly, shall seek to mobilize further financial resources and to that effect seek full use and continued qualitative improvement of all national, bilateral and multilateral funding resources and mechanisms, using consortia, joint programmes and parallel financing, and shall seek to involve private sector funding resources and mechanisms, including those of non-governmental organizations.

Article XXIX Reports and Information

1. The Parties shall present, through the Secretariat, to the Conference of the Parties reports on the measures adopted by them in the implementation of this Convention and the results thereof in applying its provisions in such form and at such intervals as the Conference of the Parties may determine. This presentation shall be accompanied by the comments of the Secretariat, in particular regarding failure to report, adequacy of the report and of the measures described therein.

2. The Parties shall supply the Secretariat with:

(a) The texts of laws, decrees, regulations and instructions in force which are intended to ensure the implementation of this Convention;

(b) Any other information that may be necessary to provide complete documentation on matters dealt with by this Convention;

(c) The names of the agencies or coordinating institutions empowered to be focal points in matters under this Convention; and

(d) Information on bilateral or multilateral agreements relating to the environment and natural resources to which they are parties.

Article XXX Settlement of Disputes

1. Any dispute between the parties regarding the interpretation or the application of the provisions of this Convention shall be amicably settled through direct agreement reached by the parties to the dispute directly or through the good offices of a third party. If the parties concerned fail to settle such dispute, either party may, within a period of twelve months, refer the matter to the Court of Justice of the African Union.

2. The decisions of the Court of Justice shall be final and shall not be subject to appeal.

Article XXXI Amendment of the Convention

1. Any Party may propose amendments to this Convention.

2. The text of any proposed amendment to this Convention shall be communicated to the Parties by the Secretariat at least six months before the meeting of the Conference of the Parties at which it is proposed for approval. The Secretariat shall also communicate proposed amendments to the signatories to this Convention at least three months before the meeting.

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3. The Parties shall make every effort to reach agreement on any proposed amendment to this Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a two-thirds majority vote of the Parties present and voting.
4. The depositary shall communicate the adoption of the amendment to all Parties and signatories to this Convention.
5. Ratification, acceptance or approval of amendments shall be notified to the depositary in writing. Amendments shall enter into force among Parties having accepted them on the ninetieth day after the deposit of instruments of ratification, acceptance or approval by at least two thirds of the Contracting Parties to this Convention. Thereafter the amendments shall enter into force for any other Party on the ninetieth day after that Party deposits its instrument of ratification, acceptance or approval of the amendments.
6. For the purposes of this article, "Parties present and voting" means Parties present and casting an affirmative or negative vote.

Article XXXII Adoption and Amendment of Annexes

1. The annexes to this Convention shall form an integral part of the convention. Such annexes shall be restricted to scientific, technical, financial and administrative matters.
2. The following procedure shall apply to the proposal, adoption and entry into force of additional annexes to this Convention:
 - (a) Any Party may propose additional annex to this Convention;
 - (b) The text of any proposed additional annex to this Convention shall be communicated to the Parties by the Secretariat at least six months before the meeting of the Conference of the Parties at which it is proposed for adoption. The Secretariat shall also communicate the text of any proposed additional annex to the signatories to this Convention at least three months before the meeting;
 - (c) The Parties shall make every effort to reach agreement on any proposed additional annex to this Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the additional annex shall as a last resort be adopted by a two-thirds majority vote of the Parties present and voting;
 - (d) The depositary shall communicate the adoption of the annex to all Parties and signatories to this Convention;
 - (e) Any Party that is unable to accept an additional annex to this Convention shall notify the depositary, in writing, within six months from the date of the communication of the adoption by the depositary. The depositary shall without delay notify all Parties of any such notification received. A Party may at any time substitute an acceptance for a previous declaration of objection and the annexes shall thereupon enter into force for that Party;
 - (f) Upon expiration of six months from the date of the circulation of the communication by the depositary, the annex shall enter into force for all Parties to this Convention, which have not submitted a notification in accordance with the provisions of subparagraph (e) above.
3. The proposal, adoption and entry into force of amendments to annexes to this Convention shall be subject to the same procedure as for the proposal, adoption and entry into force of additional annexes to the Convention.

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4. If an additional annex or an amendment to an annex is related to an amendment to this Convention, the additional annex or amended annex shall not enter into force until such time as the amendment to this Convention enters into force.

Article XXXIII Right to Vote

Each Party to this Convention shall have one vote.

Article XXXIV Relationship between Parties to the Revised Convention and Parties Bound by the 1968 Algiers Convention

1. Between Parties which are bound by this Convention, only this Convention shall apply.
2. The relationships between Parties to the original Convention and Parties to this Convention shall be governed by the provisions of the original Convention.

Article XXXV Relationship with other International Conventions

The provisions of this Convention do not affect the rights and obligations of any Party deriving from existing international treaties, conventions or agreements.

Article XXXVI Signature and Ratification

1. This Convention shall be open for signature immediately after being adopted by the Assembly of the African Union.
2. The Convention shall be subject to ratification, acceptance or approval by each of the States referred to in paragraph 1 above. The instruments of ratification, acceptance or approval shall be deposited with the depositary.

Article XXXVII Accession

1. This Convention shall be open to accession by Member States of the AU from the date on which it is closed for signature.
2. The instruments of accession shall be deposited with the depositary.

Article XXXVIII Entry into Force

1. This Convention shall come into force on the thirtieth day following the date of deposit of the fifteenth instrument of ratification, acceptance, approval or accession with the depositary, who shall inform the States referred to in Articles XXXVI and XXXVII accordingly.
2. For each State which ratifies, accepts or approves this Convention or accedes thereto after the depositing of the fifteenth instrument of ratification, acceptance, approval or accession, this Convention shall come into force on the thirtieth day after the deposit by such State of its instrument of ratification, acceptance, approval or accession.

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3. Any State that becomes a party to the present Convention that was not a party to the 1968 Algiers Convention shall take necessary steps to withdraw from the London Convention of 1933 on the Conservation of Flora and Fauna in their Natural State.

4. No instrument of accession to the 1968 Algiers Convention may be deposited after the adoption of this Convention.

Article XXXIX Reservations

No reservation may be made to this Convention.

Article XL Withdrawal

1. Any Party may withdraw from this Convention by notification in writing addressed to the depositary.

2. Such withdrawal shall take effect, for such a Party, one year after the date of receipt of its notification by the depositary.

3. No withdrawal shall, however, be made before the expiry of a period of five years from the date at which this Convention comes into force for the Party concerned.

Article XLI Secretariat Interim Arrangements

The Secretariat functions referred to in Article XVII, paragraph 3, shall be carried out on an interim basis by the Chairperson of the African Union until the decision of the Conference of the Parties referred to in Article XXVII, paragraph 2, has been taken.

Article XLII Depositary

The Chairperson of the African Union shall be the depositary of this Convention.

Article XLIII Authentic Texts

The original of this Convention of which the Arabic, English, French and Portuguese texts are equally authentic, shall be deposited with the depositary.

ANNEX 1 THREATENED SPECIES DEFINITION

A threatened species is a species which is either:

(a) Critically Endangered:

A taxon is "critically endangered" when the best available evidence indicates that it is considered to be facing an extremely high risk of extinction in the wild.

(b) Endangered:

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A taxon is "endangered" when the available evidence indicates that it is considered to be facing a very high risk of extinction in the wild.

(c) Vulnerable:

A taxon is "vulnerable" when the best available evidence indicates that it is considered to be facing a high risk of extinction in the wild.

ANNEX 2 CONSERVATION AREAS

Definitions and Management Objectives

Strict Nature Reserve Protected Area Managed Mainly for Science

Definition

Area of land and/or sea possessing some outstanding or representative ecosystems, geological or physiological features and/or species, available primarily for scientific research and/or environmental monitoring.

Objectives of Management

To preserve habitats, ecosystems and species in as undisturbed a state as possible;

To maintain genetic resources in a dynamic and evolutionary state;

To maintain established ecological processes;

To safeguard structural landscape features or rock exposures;

To secure examples of the natural environment for scientific studies, environmental monitoring and education, including baseline areas from which all avoidable access is excluded;

To minimize disturbance by careful planning and execution of research and other approved activities; and

To limit public access.

Wilderness Area Protected Area Managed Mainly for Wilderness Protection

Definition

Large area of unmodified or slightly modified land, and/or sea, retaining its natural character and influence, without permanent or significant habitation, which is protected and managed so as to preserve its natural condition.

Objectives of Management

To ensure that future generations have the opportunity to experience understanding and enjoyment of areas that have been largely undisturbed by human action over a long period of time;

To maintain the essential natural attributes and qualities of the environment over the long term;

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To provide for public access at levels and of a type which will serve best the physical and spiritual well-being of visitors and maintain the wilderness qualities of the area for present and future generations; and

To enable local communities living at low density and in balance with the available resources to maintain their life style.

National Park Protected Area Managed Mainly for Ecosystem Protection and Recreation

Definition

Natural area of land and/or sea, designated to (a) protect the ecological integrity of one or more ecosystems for present and future generations, (b) exclude exploitation or occupation inimical to the purposes of designation of the area and (c) provide a foundation for spiritual, scientific, educational, recreational and visitor opportunities, all of which must be environmentally and culturally compatible.

Objectives of Management

To protect natural and scenic areas of national and international significance for spiritual, scientific, educational, recreational or tourist purposes;

To perpetuate, in as natural a state as possible, representative examples of physiographic regions, biotic communities, genetic resources, and species, to provide ecological stability and diversity;

To manage visitor use for inspirational, educational, cultural and recreational purposes at a level which will maintain the area in a natural or near natural state;

To eliminate and thereafter prevent exploitation or occupation inimical to the purposes of designation;

To maintain respect for the ecological, geomorphologic, sacred or aesthetic attributes which warranted designation; and

To take into account the needs of local communities, including subsistence resource use, in so far as these will not adversely affect the other objectives of management.

Natural Monument Protected Area Managed Mainly for Conservation of Specific Natural Features

Definition

Area containing one, or more, specific natural or natural/cultural feature which is of outstanding or unique value because of its inherent rarity, representative or aesthetic qualities or cultural significance.

Objectives of Management

To protect or preserve in perpetuity specific outstanding natural features because of their natural significance, unique or representational quality, and/or spiritual connotations;

To an extent consistent with the foregoing objective, to provide opportunities for research, education, interpretation and public appreciation;

To eliminate and thereafter prevent exploitation or occupation inimical to the purpose of designation; and

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To deliver to any resident population such benefits as are consistent with the other objectives of management.

Habitat/Species Management Area Protected Area Managed Mainly for Conservation Through Management Intervention

Definition

Area of land and/or sea subject to active intervention for management purposes so as to ensure the maintenance of habitats and/or to meet the requirements of specific species.

Objectives of Management

To secure and maintain the habitat conditions necessary to protect significant species, groups of species, biotic communities or physical features of the environment where these require specific human manipulation for optimum management;

To facilitate scientific research and environmental monitoring as primary activities associated with sustainable resource management;

To develop limited areas for public education and appreciation of the characteristics of the habitats concerned and of the work of wildlife management;

To eliminate and thereafter prevent exploitation or occupation inimical to the purposes of designation; and

To deliver such benefits to people living within the designated area as are consistent with the other objectives of management.

Protected Landscape/Seascape Protected Area Managed Mainly for Landscape/Seascape Conservation and Recreation

Definition

Area of land, with coast and sea as appropriate, where the interaction of people and nature over time has produced an area of distinct character with significant aesthetic, ecological and/or cultural value, and often with high biological diversity. Safeguarding the integrity of this traditional interaction is vital to the protection, maintenance and evolution of such an area.

Objectives of Management

To maintain the harmonious interaction of nature and culture through the protection of landscape and/or seascape and the continuation of traditional land uses, building practices and social and cultural manifestations;

To support lifestyles and economic activities which are in harmony with nature and the preservation of the social and cultural fabric of the communities concerned;

To maintain the diversity of landscape and habitat, and of associated species and ecosystems;

To eliminate where necessary, and thereafter prevent, land uses and activities which are inappropriate in scale and/or character;

To provide opportunities for public enjoyment through recreation and tourism appropriate in type and scale to the essential qualities of the areas;

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To encourage scientific and educational activities which will contribute to the long term well-being of resident populations and to the development of public support for the environmental protection of such areas; and

To bring benefits to, and to contribute to the welfare of, the local community through the provision of natural products (such as forest and fisheries products) and services (such as clean water or income derived from sustainable forms of tourism).

Managed Resource Protected Area Protected Area Managed Mainly for the Sustainable Use of Natural Ecosystems

Definition

Area containing predominantly unmodified natural systems, managed to ensure long term protection and maintenance of biological diversity, while providing at the same time a sustainable flow of natural products and services to meet community needs.

Objectives of Management

To protect and maintain the biological diversity and other natural values of the area in the long term;

To promote sound management practices for sustainable production purposes;

To protect the natural resource base from being alienated for other land-use purposes that would be detrimental to the area's biological diversity; and

To contribute to regional and national development.

ANNEX 3 PROHIBITED MEANS OF TAKING

Snares

Live animals used as decoys which are blind or mutilated

Tape recorders

Electrical devices capable of killing and stunning

Artificial light sources

Mirrors and other dazzling devices

Devices for illuminating targets

Sighting devices for night shooting comprising an electronic image magnifier or image converter

Explosives

Fire

Nets (except as specified by the Conference of the Parties)

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Traps

Poison and poisoned or anaesthetic bait

Gassing or smoking out

Semi-automatic or automatic weapons with a magazine capable of holding more than two rounds of ammunition

Aircraft

Motor vehicles in motion

5.

AGREEMENT FOR THE ESTABLISHMENT OF THE AFRICAN RISK CAPACITY (ARC) AGENCY

Adopted in Pretoria, South Africa, on 23 November 2012.

The Agreement shall enter into force 30 days from the date of deposit of the tenth instrument of ratification, acceptance or approval.

Preamble

The Parties,

Aware that extreme weather events driven by climate change will be likely to result in increased risk of hunger and malnutrition in Africa's most vulnerable populations,

Cognizant that systems for responding to natural disasters must be timely and equitable, and must provide adequate funding if lives and livelihoods are not to be lost, assets depleted and development gains reversed,

Noting the support expressed by the Third Joint African Union Conference of African Ministers of Economy and Finance and United Nations Economic Commission for Africa ("ECA") Conference of African Ministers of Finance, Planning and Economic Development, held in Lilongwe, Malawi, from 29 to 30 March 2010 for efforts to enhance capacity to mitigate exposure to disaster risk through sharing risk across regions, support that was endorsed by the Executive Council of the African Union ("Executive Council") in its decision, EX.CL/Dec.564 (XVII) at the July 2010 AU Summit in Kampala, Uganda, and further endorsed by the Assembly of Heads of State and Government of the African Union ("AU Assembly"),

Noting the Resolution of the Ministers responsible for Disaster Risk Reduction, representing 47 African Union Member States at the Second Africa Ministerial Conference on Disaster Risk Reduction held in Nairobi, Kenya, on 16 April 2010, endorsed by the Executive Council in its decision EX.CL/Dec.607 (XVIII) which called on African Union Member States to explore the feasibility of the creation of an African-owned Pan-African disaster risk pool,

Recalling the decision taken by the Fourth Joint African Union Conference of Ministers of Economy and Finance and ECA Conference of African Ministers of Finance, Planning and Economic Development, held in Addis Ababa, Ethiopia, in March 2011 relating to the implementation of the Resolution for the Establishment of the Joint Africa-Arab Fund for Disaster Response (Assembly/Africa-Arab/Res.2 (II)) adopted at the Second Africa-Arab Summit in Sirte, Libya, on 10 October 2010 "to establish a fund for disaster response, the statute, objectives and modalities of which are to be defined by the AU Commission and the League of Arab States" by the Conference of Ministers supporting the "Commission's leadership in exploring... the design of such a facility",

Also recalling the Agreement on the African Risk Capacity Project Special Arrangement concluded on 24 June 2011 between the African Union Commission and the World Food Programme (hereinafter referred to as "WFP")

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pursuant to the January 2011 decision of the Executive Council requesting the Commission "to put in place the necessary administrative arrangements," (EX.CL/Dec.607 (XVIII)) providing for cooperation between the two organizations in working towards a long-term sustainable solution to provide the AU Member States with adequate contingency funding in a timely, appropriate, objective and cost-efficient manner in order to address the impacts of extreme weather events,

Further recalling Resolution XVI on "African Risk Capacity (ARC): Sovereign Disaster Risk Solutions" adopted by the Fifth Joint African Union Conference of African Ministers of Economy and Finance and ECA Conference of African Ministers of Finance, Planning and Economic Development, held in Addis Ababa, Ethiopia, from 26 to 27 March 2012, which "endorses, in principle, the proposal to establish ARC; requests that the Commission elaborate a legal agreement for the establishment of the African Risk Capacity (ARC); and recommends that ARC should be established as a specialized agency of the African Union and accorded the privileges and immunities specified in the OAU General Convention on Privileges and Immunities",

Also further recalling the Decision adopted by the Assembly of Heads of State and Government (Assembly/AU/Dec.417 (X1X)) of 16 July 2012 "that the ARC shall be established as a specialized agency of the African Union and accorded the privileges and immunities specified in the OAU General Convention on Privileges and Immunities",

Convinced that the establishment of an African Risk Capacity under the leadership of the African Risk Capacity Agency will provide an improved sovereign risk management instrument that will allow African Union Member States to pool resources to provide rapid and efficient emergency financing when faced with extreme weather events in a manner that is complementary to the development of other risk management mechanisms for enterprises and households, improve African Union Member States' access to predictable, regionally-managed funding for emergencies, and facilitate contingency planning for such events,

Have agreed as follows:

Part One The ARC Agency and its Objective

Article 1 Definitions

For the purpose of this Agreement the terms and expressions below shall have the following meaning:

"ARC" means the African Risk Capacity;

"ARC Agency" means the African Risk Capacity Agency as established by this Agreement;

"ARC Agency Subsidiary or Affiliated Entity" means a subsidiary or affiliated entity established by or at the instigation of the ARC Agency for the purpose of carrying out insurance, reinsurance, derivatives transactions, and other means of risk transfer;

"AU" means the African Union;

"AU Commission" means the African Union Commission;

"Bureau" means the Bureau of the Conference of the Parties as defined in paragraph 4 of Article 12;

"Certificate of good standing" means a certificate attesting to the fact that the country concerned is in compliance with the requirements set out in rules adopted by the Conference of the Parties pursuant to paragraph 2 (I) of Article 13;

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"Conference of the Parties" means the Conference of the Parties to this Agreement;

"Contingency plans" means detailed procedures formulated by individual Parties in cooperation with the ARC Agency, describing the steps to be taken in case of an extreme weather event, as well as the intended uses of the emergency funds and insurance proceeds paid out by an ARC Agency Subsidiary or Affiliated Entity in the case of such an event;

"Director General" means the Director General of the ARC Agency;

"Extreme weather event" means a weather phenomenon that is at the extreme of historical distribution;

"Governing Board" means the Governing Board of the ARC Agency;

"Insurance" means a financial arrangement pursuant to which risk is pooled and then transferred to a third party who, in exchange for premium payments, will make payments upon the occurrence of certain trigger events;

"Natural disaster" means a sudden calamitous event caused by natural forces that results in serious disruption of the functioning of a community or a society causing widespread human, material, economic and/or environmental losses that exceed the ability of the affected community or society to cope using its own level of resources;

"Party" means an AU Member State that is a Party to this Agreement;

"Reinsurance" means the practice where an insurance company (the insurer) transfers a portion of its risks to another (the reinsurer);

"Risk pool" means an aggregation of individual country risks for the purpose of managing the consequences of independent risks which effectively disperse losses incurred by a few over a larger group;

"Risk transfer" means shifting the burden of financial loss or responsibility for risk financing to another party, through insurance, reinsurance, or other means;

"Secretariat" means the Secretariat of the ARC Agency comprised of the Director General and the staff of the ARC Agency;

"Software" means the software developed for the use of the ARC Agency and the ARC Agency Subsidiary or Affiliated Entities for the purposes of weather risk assessment.

Article 2 Establishment

The ARC Agency is hereby established as a specialized agency of the AU to help Member States of the African Union to improve their capacities to better plan, prepare and respond to extreme weather events and natural disasters.

Article 3 Objective of the ARC Agency

The objective of the ARC Agency is to assist the Member States to reduce the risk of loss and damage caused by extreme weather events and natural disasters affecting Africa's populations by providing targeted responses to disasters in a more timely, cost-effective, objective and transparent manner.

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Article 4 Functions of the ARC Agency

- I. The ARC Agency shall undertake such functions as may be necessary to achieve its objective.
2. Without prejudice to the generality of the foregoing, the ARC Agency shall undertake in particular the following functions:
 - (a) Enabling Parties to enhance the quantification and management of risk through modern and innovative financial tools such as risk financing and risk transfer;
 - (b) Helping Parties plan and prepare for emergencies caused by extreme weather events and natural disasters: the ARC Agency shall begin by assisting Parties to plan and prepare for emergencies caused by drought, and will later expand to address other types of extreme weather events and natural disasters, as decided by the Conference of the Parties;
 - (c) Helping develop contingency plans and risk management strategies for extreme weather events and natural disasters, and monitoring the continuing effectiveness of such contingency plans and risk management strategies;
 - (d) Assisting Parties in assessing the financial impact of extreme weather events and natural disasters;
 - (e) Facilitating the pooling of the financial resources of Parties to provide contingency funding in a timely, objective and cost-efficient manner in order to help alleviate the impacts of extreme weather events and natural disasters;
 - (f) Establishing and operating an African Risk Capacity Insurance or financial facility in the form of an ARC Agency Subsidiary or Affiliated Entity to engage in insurance, reinsurance, derivatives transactions, and other means of risk transfer to manage the delivery of this contingency funding effectively;
 - (g) Assisting Parties in establishing a regional contingent credit or revolving grant facility for addressing more serious extreme weather events and natural disasters.
3. The ARC Agency, after the initial phase, will focus more on the oversight of risk transfer operations to be carried out through its African risk capacity insurance or financial facility and the ownership functions related to that facility, and the size and structure of the ARC Agency will reflect that core role.

Article 5 Transparency and Accountability

The ARC Agency shall operate in accordance with generally accepted international standards of governance, transparency and accountability.

Article 6 Use of Software

The Parties shall have the right to use the Software free of charge under licence from the ARC Agency for the purposes of this Agreement.

Part Two Status of the Arc Agency and its Staff

Article 7

5. AFRICAN RISK CAPACITY AGENCY

Legal Capacity

1. The ARC Agency shall have full international legal personality and shall enjoy in the territory of each Party, full juridical personality necessary for the fulfilment of its objectives and the exercise of its functions in accordance with this Agreement.
2. For the fulfilment of its objectives, the ARC Agency shall, in particular, have the legal capacity to:
 - (a) Enter into agreements;
 - (b) Acquire and dispose of moveable and immoveable property;
 - (c) Institute legal proceedings.

Article 8

Privileges and Immunities of the ARC Agency

The Parties undertake to accord to the ARC Agency, its premises, property and assets, representatives of Parties, Members of the Governing Board, staff members of the ARC Agency, and experts on mission providing advice or assistance to the ARC Agency the privileges and immunities as specified in the General Convention on the Privileges and Immunities of the Organization of African Unity and the Additional Protocol to the OAU General Convention on Privileges and Immunities, and such facilities and courtesies as are necessary for the exercise of their functions in connection with the ARC Agency.

Article 9

Headquarters of the ARC Agency

1. The headquarters of the ARC Agency shall be situated in such a location as the Conference of the Parties shall determine based on criteria agreed upon by the Conference of the Parties.
2. The ARC Agency shall as soon as practicable enter into a hosting agreement with the government of the country in which its headquarters are situated concerning the provision of premises, facilities, services, and privileges and immunities for the purposes and efficient operation of the ARC Agency.

Part Three

Administration and Institutional Framework of the Arc Agency

Article 10

Organs of the ARC Agency

The ARC Agency shall have the following organs:

- (a) The Conference of the Parties;
- (b) The Governing Board;
- (c) The Secretariat.

Article 11

Subsidiary or Affiliated Entities of the ARC Agency

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There shall be such subsidiary or affiliated entities of the ARC Agency as the Conference of the Parties may decide it is necessary to establish for the purposes of carrying out the functions of the ARC Agency. Such entities may include, where the Conference of the Parties deems so appropriate, subsidiary or affiliated entity or entities to be established under the national laws. Such entities may be established under the national laws of a Member State of the African Union, unless decided otherwise by the Conference of the Parties, in order to benefit from more effective legal and regulatory conditions and until such time that an equally favourable legal and regulatory regime exists in an AU Member State.

Article 12

The Composition and Sessions of the Conference of the Parties

1. The Conference of the Parties shall be composed of all Parties to this Agreement in accordance with Article 26.
2. The Parties shall be represented by Ministers or their duly authorized representatives.
3. The Conference of the Parties shall meet at least once every year in ordinary session and at such other times as may be requested in writing by at least two thirds of the Parties or by the Governing Board of the ARC Agency.
4. The Conference of the Parties shall elect a Bureau composed of at least a Chairperson, and two Vice-Chairpersons from among the representatives of the Parties taking into account the principle of geographical rotation; the members of the Bureau shall hold office for one year with the possibility of renewal for one additional term.
5. The quorum for a Conference of the Parties shall be a simple majority of the Parties of the ARC Agency.
6. Decisions of the Conference of the Parties shall be taken by a two-thirds majority of the Parties present and voting, except that decisions taken pursuant to paragraph 2 (b), (n), (o), and (p) of Article 13 shall be taken by a two-thirds majority of the Parties to this Agreement.
7. The Conference of the Parties shall have the right to invite observers to attend its meetings without the right to vote.

Article 13

Functions of the Conference of the Parties

1. The Conference of the Parties is the supreme organ of the ARC Agency and shall have the power to undertake such function as are provided for in this Agreement and as may otherwise be necessary to achieve the objectives of this Agreement.
2. The functions of the Conference of the Parties, without prejudice to the generality of the foregoing, shall in particular be to:
 - (a) Adopt the Rules of Procedure for the Conference of the Parties;
 - (b) Determine the criteria and the scale of assessment for membership fees for Parties in accordance with Article 18;
 - (c) Appoint and dismiss the Director General of the ARC Agency;
 - (d) Adopt the Strategic Plan, approve the Programme of Work and Budget of the ARC Agency;

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- (e) Elect and dismiss for cause the Members of the Governing Board in accordance with Article 14;
- (f) Dissolve the Governing Board if necessary;
- (g) Determine the headquarters location of the ARC Agency in accordance with the Criteria for Hosting ARC and its organs adopted by the Conference of the Parties;
- (h) Adopt rules for ensuring Parties' compliance with approved contingency plans;
- (i) Decide on the necessity of establishing or causing to be established, or dissolving or causing to be dissolved any ARC Agency Subsidiary or Affiliated Entity and whether such entities should be established under national law;
- (j) Decide on the location of any ARC Agency Subsidiary or Affiliated Entity to be established;
- (k) Appoint, and dismiss if necessary, the independent auditor of ARC Agency;
- (l) Establish rules governing the issuance and withdrawal of Certificates of Good Standing;
- (m) Decide and prioritize the activities of the ARC Agency relating to extreme weather events and natural disasters affecting different parts of the continent;
- (n) Amend this Agreement in accordance with Article 23;
- (o) Dissolve ARC Agency, if deemed necessary, in accordance with Article 25;
- (p) Settle disputes regarding the interpretation and/or application of this Agreement, in accordance with Article 24.

Article 14 Composition of the Governing Board

1. The Governing Board shall consist of:
 - (a) Subject to paragraph 2 below, five members, and one alternate for each such member elected by the Conference of the Parties in accordance with the rules of procedure established pursuant to paragraph 2 (a) of Article 13 from among the Parties that have, at the time of the election current contracts for insurance with an ARC Agency Subsidiary or Affiliated Entity, taking into account the need for equitable geographical representation and rotation among the Parties;
 - (b) One member having experience in insurance matters to be appointed by the Chairperson of the AU Commission from among the nationals of the Member States of the AU;
 - (c) One member having experience in the area of food security, extreme weather events and disaster risk management to be appointed by the Chairperson of the AU Commission in consultation with the Executive Director of the United Nations World food Programme from among the nationals of the Member States of the AU;
 - (d) The Director General of the ARC Agency, without the right to vote;
 - (e) One additional member may be appointed by the Conference of the Parties to give effect to any arrangements entered into under Article 21.

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2. During the initial period before Parties have entered into contracts for insurance with an ARC Agency Subsidiary or Affiliated Entity, the members of the Governing Board and alternates shall be elected from Parties that have:
 - (a) Signed pre-participation Memoranda of Understanding with the ARC Project; and
 - (b) Have notified in writing to the Chairperson of the Conference of Parties their intention to take out contracts for insurance once such contracts are available.
3. Members and their alternates shall serve in their personal capacities, and shall serve on a part-time basis as required to carry out their functions.
4. An alternate shall not attend any meeting of the Governing Board if the member he or she is replacing is also present.
5. Subject to paragraph 6 of this article, members of the Governing Board shall be appointed for a term of not more than three years, which term may be renewed for one further term of three years.
6. The Conference of the Parties at its first session shall adopt a scheme for the staggering of the terms of members of the Governing Board, to ensure continuity in the work of the Board. The terms of the first members of the Governing Board shall be as determined by the Conference of the Parties in order to give effect to this scheme.
7. The Governing Board may invite observers to attend its meetings without the right to vote. Invitations to attend as observers may be extended in particular to organizations with which the ARC Agency is maintaining close working relationships including the League of Arab States and its specialized institutions.
8. The Governing Board shall elect its own Chairperson from among the members of the Governing Board.

Article 15 Functions of the Governing Board

The functions of the Governing Board shall be to:

- (a) Prepare its own rules of procedure;
- (b) Draw up the strategic plans for adoption by the Conference of the Parties and set the general policy direction of the ARC Agency in implementation of the decisions of the Conference of the Parties and monitor their performance;
- (c) Establish the timing and mode of payment of contributions;
- (d) Determine the currency of contributions;
- (e) Establish, or cause to be established, such ARC Agency Subsidiary or Affiliated Entities, including Subsidiary or Affiliated Entities established under national law, as the Conference of the Parties may deem necessary to carry out the functions of the ARC Agency;
- (f) Advise the Members or shareholders of any ARC Agency Subsidiary or Affiliated Entity, on the appointment or dismissal of the Members of the Board of Directors of such entity taking into account any requirements and nomination procedures applicable to such ARC Agency Subsidiary or Affiliated Entity;
- (g) Evaluate the performance of any ARC Agency Subsidiary or Affiliated Entity, and advise the Members or shareholders of such company on its operations;

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- (h) Evaluate the performance of the Director General;
- (i) Review reports by the Director General;
- (j) Consider the Programme of Work submitted by the Director General and make recommendations to the Conference of the Parties;
- (k) Set standards for development and updating of contingency plans by Parties;
- (l) Approve initial contingency plans, as well as updated or revised contingency plans;
- (m) Consider reports from the Director General on the monitoring of the implementation of contingency plans by Parties, and take action to ensure compliance by Parties with the terms of approved contingency plans in accordance with such rules as may be approved by the Conference of the Parties;
- (n) Submit to the Conference of the Parties nominations for the post of Director General in accordance with guidelines set by the Conference of the Parties;
- (o) In the event of the death, resignation, incapacity, or other inability of the Director General to perform his or her functions during the period between sessions of the Conference of the Parties, appoint an interim Director General of the ARC Agency for a period of no more than one year pending the appointment of a new Director General by the Conference of the Parties;
- (p) Approve the issuance, or withdrawal, by the Director General of Certificates of Good Standing for the ARC Agency Parties, a requirement for participation in the Risk Pool;
- (q) Submit reports on its work to the Conference of the Parties;
- (r) Approve the Financial and Staff Regulations of the ARC Agency and amendments to those Regulations, and submit them for adoption by the Conference of the Parties;
- (s) Approve policies relating to exceptional and significant acquisition of moveable or immovable property not provided for in the Strategic Plan, Programme of Work and Budget;
- (t) Set guidelines regarding the receipt of grants, donations and proceeds for its activities from international organizations, governments, foundations and other entities;
- (u) Prepare meetings of the Conference of the Parties; and
- (v) Perform such other functions as may be directed by the Conference of the Parties for the attainment of the objectives of the ARC Agency.

Article 16

Meetings of the Governing Board

1. The Governing Board shall meet:
 - (a) In regular session twice a year; and
 - (b) As often as necessary in extraordinary session at the request of the Chairperson of the Governing Board or as otherwise requested by the Conference of Parties.

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2. The quorum for meetings of the Governing Board shall be a two-thirds majority of the members of the Governing Board.
3. The decisions of the Governing Board shall be taken by consensus. However; if all attempts to reach a consensus fail, decisions may be taken by a two-thirds majority of the Members of the Governing Board.
4. Alternate members will replace the Members of the Governing Board in the case of their unavailability.
5. Where a meeting of the Governing Board is to consider matters relating to establishment and operation of an ARC Agency Subsidiary or Affiliated Entity, and if formal action is required by the Members or shareholders of the ARC Agency Subsidiary or Affiliated Entity to implement recommendations of the Governing Board, the meeting shall be organized back to back with a meeting of the Members or shareholders of the ARC Agency Subsidiary or Affiliated Entity.

Article 17

The Secretariat and the Director General of the ARC Agency

1. The Director General shall be the head of the Secretariat of the ARC Agency.
2. The Director General shall be a person of demonstrated competence, leadership ability and integrity, expertise and experience in the subject matter of this Agreement or related issues in Africa.
3. The Conference of the Parties shall appoint an interim Director General pending the appointment of a regular Director General.
4. The Director General shall be a national of a State Party appointed by the Conference of the Parties for a term of 4 years, renewable once.
5. Without prejudice to the generality of the foregoing, the Director General shall have the following specific responsibilities:
 - (a) Control and coordinate all technical and administrative activities of the ARC Agency Secretariat;
 - (b) Recruit, supervise, manage, discipline and when necessary dismiss , the staff of the Secretariat of the ARC Agency, and supervise staff seconded to work with the Secretariat of the ARC Agency in accordance with arrangements agreed with the seconding entity;
 - (c) Prepare and submit for the approval of the Conference of the Parties the Programme of Work and Budget of the ARC Agency;
 - (d) Prepare evaluations of the operations of the ARC Agency Subsidiary and Affiliated Entities for consideration by the Governing Board;
 - (e) Organize and carry out capacity-building activities related to the functions of the ARC Agency;
 - (f) Make recommendations to the Governing Board regarding the approval of contingency plans and monitor Parties' compliance with approved contingency plans and other programme requirements;
 - (g) Issue and withdraw, with the approval of the Governing Board, Certificates of Good Standing certifying that individual Parties are in compliance with their financial and other obligations under this Agreement and are authorized to take out insurance with a Subsidiary or Affiliated Entity established for this purpose;
 - (h) Implement the programme of activities of the ARC Agency as approved by the Governing Board;

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- (i) Prepare the Financial Regulations and Rules of the ARC Agency and its Staff Regulations and Rules, for approval by the Governing Board, which regulations shall be drawn up to internationally accepted standards, and shall be applied provisionally until adopted by the Conference of the Parties;
 - (j) Submit to the Governing Board a report on membership fees due under paragraph 1 of Article 18 once a year;
 - (k) Prepare annual reports and such other reports regarding the activities of the ARC Agency and its performance as may be requested by the Governing Board;
 - (l) Represent the ARC Agency in its relations with States, individuals, corporations and other bodies or entities, and enter into agreements with such States, individuals, corporations and other bodies or entities in accordance with the mandate given by the Governing Board;
 - (m) Provide such other services to the Conference of the Parties and sessions of the Governing Board as those organs may require and be present at such meetings.
6. The Director General shall be responsible for the day-to-day operations of the ARC Agency subject to the policy guidance of the Governing Board.
7. The Director General may delegate to other officers of the Secretariat the authority and functions as he/she considers necessary for carrying out effectively the responsibilities of the Director General.

Part Four Financial Provision

Article 18 Financial Resources

1. The annual membership fees to be paid by the Parties to defray the costs of the ARC Agency shall be set by the Conference of the Parties and adopted concurrently with the budget of the ARC Agency.
2. The Conference of the Parties shall determine the appropriate sanctions to be imposed on any Member State that defaults in the payment of its contributions to the budget of the ARC Agency for a period in excess of two years from the date the payment is due.
3. The ARC Agency shall devise innovative ways of resource mobilization. It may also receive grants, donations and proceeds for its activities from international organizations, governments, foundations and other entities in accordance with guidelines set by the Governing Board.

Article 19 Expenses

1. The Secretariat may incur expenses for administrative, operational and investment purposes in accordance with the approved Programme of Work, Budget and Financial Regulations and Rules of the ARC Agency as adopted by the Conference of the Parties.
2. Expenses incurred by representatives of Parties and by their alternates in attending meetings of the Conference of the Parties shall be borne by their respective governments.
3. Expenses incurred by Members of the Governing Board in the course of their official duties for the ARC Agency shall be borne by the ARC Agency.

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4. The ARC Agency finances and accounts will be audited by an independent auditor appointed by the Conference of the Parties under Article 13, paragraph 2 (k), of this Agreement.

Part Five External Relations of the Arc Agency

Article 20 Relationship with the African Union

1. The ARC Agency shall maintain a close working relationship with the AU, which in turn is encouraged to assist the ARC Agency in the achievement of its objectives.
2. The ARC Agency shall present a written annual report on its activities to the AU Assembly through the Executive Council.

Article 21 Relationship with States and Other Organizations

The ARC Agency shall establish and maintain active cooperation with States, inter-governmental organizations and non-governmental organizations or institutions that are desirous of assisting the ARC Agency in achieving its objectives.

Part Six Final Provisions

Article 22 Working Languages

The working languages of the ARC Agency shall be those of the AU.

Article 23 Amendment of the Agreement

1. Any Party may propose an amendment to this Agreement and submit it to the Chairperson of the AU Commission through the Director General of the ARC Agency.
2. No amendment to this Agreement shall be considered by the Conference of the Parties unless it has been notified by the Chairperson of the AU Commission to all the Parties at least six months prior to such consideration.
3. An amendment shall be adopted by a two-thirds majority vote of the Parties of the ARC Agency.
4. An amendment shall come into force for each Party that accepts the amendment three months after the deposit of the instrument of acceptance.
5. Instruments of acceptance of an amendment shall be deposited with the Chairperson of the AU Commission.

Article 24 Settlement of Disputes

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1. Any dispute that may arise concerning the interpretation and/or application of any of the provisions of this Agreement, which cannot be settled by the parties to the dispute, shall be submitted to the Conference of the Parties.
2. If the Conference of the Parties does not reach a decision on the dispute, or if the decision of the Conference of the Parties is not accepted by the parties to the dispute concerned, either party to the dispute may request that the matter be submitted for arbitration by a Tribunal composed of three members selected in the following manner:
 - (a) Each party shall nominate an arbitrator;
 - (b) The third arbitrator, who shall be the Chairperson of the Arbitration Tribunal, shall be chosen by common agreement between the arbitrators nominated by the parties to the dispute;
 - (c) If there are more than two parties to a dispute, then each of the parties shall be entitled to select one arbitrator, and the arbitrators shall nominate another arbitrator who shall serve as the Chairperson of the Arbitration Tribunal.
3. If the Arbitration Tribunal is not formed within a period of three months from the date of the request for arbitration, either of the parties to the dispute may request the Chairperson of the Conference of the Parties to make the necessary nominations, except when the ARC Agency itself is a party to the dispute, in which case nominations shall be made by the Chairperson of the AU Commission.
4. The decisions of the Arbitration Tribunal shall be binding on the parties to the dispute.
5. The provisions of paragraphs 2 and 3 of this article shall be without prejudice to the choice of any other mode of settlement that the parties concerned may decide upon.

Article 25 Dissolution

1. The ARC Agency may be dissolved by agreement of two thirds of the Parties to this Agreement at a meeting of the Conference of the Parties in accordance with Article 13 and upon endorsement by the AU Assembly.
2. At least six months notice shall be given of any meeting of the Conference of the Parties at which the dissolution of the ARC Agency is to be discussed.
3. Where agreement has been reached on the dissolution of the ARC Agency, the Conference of the Parties shall establish the modalities for the liquidation of the assets of the ARC Agency.

Article 26 Signature, Ratification and Accession

1. This Agreement, in the Arabic, English, French and Portuguese texts, shall be deposited with the Chairperson of the AU Commission.
2. This Agreement shall be open for signature by all Member States of the AU.
3. This Agreement shall be applied provisionally, once it has been signed by at least ten Member States of the AU, for each signatory State to the extent that provisional application is consistent with that State's own constitution, laws or regulations, pending ratification by the State concerned or the definitive entry into force of this Agreement.

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4. Decisions on the permanent location of the ARC Agency and/or its subsidiary or affiliated entities shall not be taken prior to the definitive entry into force of this Agreement.
5. Financial obligations shall not be imposed on a State Party until the State concerned has ratified this agreement.
6. This Agreement shall be subject to ratification, acceptance or approval.
7. Instruments of ratification, acceptance or approval shall be deposited with the Chairperson of the AU Commission.
8. This Agreement shall enter into force definitively 30 days from the date of deposit of the tenth instrument of ratification, acceptance or approval.
9. Any AU Member State desirous of becoming a member of the ARC Agency after the entry into force of this Agreement, may do so by depositing with the Chairperson of the AU Commission its instrument of accession to this Agreement.
10. The Chairperson of the AU Commission shall transmit certified copies of this Agreement and information relating to the ratification, acceptance or approval of this Agreement to all Member States of the AU.

Article 27 Reservations

No reservation shall be made to this Agreement if the reservation is incompatible with the object and purpose of this Agreement.

Article 28 Withdrawal

1. Any party may withdraw from this Agreement through written notification to the Chairperson of the AU Commission who within 30 days will inform the ARC Agency and the Parties to this Agreement accordingly.
2. The notification of withdrawal shall become effective one year following receipt by the Chairperson of the AU Commission of the notification of withdrawal.
3. The obligations incurred by the withdrawing Party under this Agreement prior to its withdrawal taking effect shall continue in force.
4. Such withdrawal shall not affect any contract of insurance already entered into with an ARC Agency Subsidiary or Affiliated Entity referred to in Article 11; the withdrawing State shall not be entitled to enter into new contracts.

6.

STATUTE OF THE AFRICAN MINERALS DEVELOPMENT CENTRE

Adopted in Addis Ababa, Ethiopia, on 30 January 2016.

The Statute shall enter into force thirty days after the deposit of the fifteenth instrument of ratification.

Preamble

6. AFRICAN MINERALS DEVELOPMENT CENTRE

We, the Member States of the African Union,

Bearing in mind the importance of minerals and other natural resources, notably their contribution towards inclusive growth and sustainable development through job creation especially for the youth and women, wealth creation and poverty eradication thus leading to socio-economic structural transformation of African economies,

Deeply concerned about the fact that Africa's abundant mineral resources are not yet contributing equitably and effectively towards improving the living conditions of its populations,

Also concerned about the increasing competition and demand for Africa's raw mineral resources and the imposition of trade conditionalities, both of which are likely to reduce the continent's policy space to pursue local beneficiation, value addition and resource-based industrialization,

Aware of the enormous potential that the appropriate development of mineral resources offers to propel Africa towards broad-based socio-economic development and to the achievement of the African Union Agenda 2063,

Recalling the commitment made by African Union Heads of State and Government in their Solemn Declaration on the occasion of the fiftieth anniversary of the OAU/AU to take ownership of, use and develop the natural resources endowments and mineral resources, through value addition as the basis for industrialization of the continent,

Also recalling Decision AU/MIN/CAMRMRD/4 (I) taken during the First Ordinary Session of the AU Conference of Ministers Responsible for Mineral Resources Development held from 13 to 17 October 2008, calling upon AU Member States to work together to ensure that international agreements that they enter into enhance rather than undermine Africa's policy space for integrating mineral resources development into their economies,

Further recalling Decision Assembly/AU/Dec.175 (X) adopted by the Assembly of the Union in Addis Ababa, Ethiopia, on 31 January 2008 that adopted the Action Plan for Accelerated Industrial Development of Africa (Doc. EX.CL/378 (XII)),

Mindful of Decision EX.CL/Dec.471 (XIV) of the Fourteenth Ordinary Session of the Executive Council held in Addis Ababa, Ethiopia, in February 2009 that adopted the Africa Mining Vision, as well as Decision EX.CL/Dec.714 (XXI) of the Twenty-first Ordinary Session of the Executive Council held in Addis Ababa, Ethiopia, in July 2012 that endorsed the Addis Ababa Declaration on Building a Sustainable Future for Africa's Extractive Industry - From Vision To Action and called for the establishment of a Minerals Development Centre,

Convinced that the time is now for Africa's renaissance, for the continent to regain ownership of its natural resources and to implement the Africa Mining Vision, with sound, prudent management and good governance, with a view to maximizing the benefits derivable from mineral resources exploitation for the present and future generations while limiting negative environmental and macroeconomic impacts,

Recognizing that the implementation of the Africa Mining Vision is a joint responsibility of State and non-State actors, including the private sector, community-based organizations, specialized institutions, and organized labour among other stakeholders,

Determined to seize the opportunities offered by historically high commodity prices and increased competition for Africa's mineral resources, in order to change the continent's development paradigm and move from a mere reliance on extracting and exporting raw minerals to a more transformational growth trajectory,

Reaffirming the commitment for efficient implementation of the Action Plan of the Africa Mining Vision in order to achieve the goals of the Accelerated Industrial Development of Africa (AIDA), Boosting of Intra-African Trade (BIAT) as well as of the African Union Agenda 2063 for the transformation of the lives of Africa's populations and the integration of Africa into the global economy,

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Inspired by the outcomes of the First Ministerial Retreat of the Executive Council held in Bahir Dar, Ethiopia, from 24 to 26 January 2014, calling for an effective management, governance and beneficiation of African resources to effect transformation, inclusive growth and industrialization,

Urging that minerals should play their transformative role in order to contribute to solving the pressing problems of development on the African continent,

Being aware of the need for cooperation in this field, particularly in research, development and training,

Emphasizing the urgency of strengthening the mineral beneficiation capabilities of African countries,

Recognizing the important role that the African Minerals Development Centre will play in supporting African Union Member States towards harnessing effectively their mineral resources in order to improve the living conditions of Africans,

Appreciating the efforts taken by our key partners the African Development Bank, the United Nations Development Programme and the United Nations Economic Commission for Africa for the promotion and preparation of the establishment of such a centre,

Have agreed as follows:

Article 1 Definitions

For the purpose of this Statute:

"Act" means the Constitutive Act of the African Union;

"Assembly" means the Assembly of Heads of State and Government of the African Union;

"Affiliated Institutions" means established institutions with the capacity to execute specialized functions in fulfilment of the objectives of the Centre;

"Advisory Board" means the Minerals Advisory Board of the Centre;

"AMV" means the Africa Mining Vision;

"AU" or "Union" means the African Union;

"Centre" means the African Minerals Development Centre;

"Collaborating Institutions" means any entities or organizations that will cooperate with the Centre on issues of mutual interest;

"Commission" means the African Union Commission;

"Continent" means the continent of Africa;

"Conference of States Parties" means the highest executive decision-making body of the Centre;

"Court" means the African Court of Justice and Human and Peoples' Rights;

"Director General" means the Chief Executive of the Centre and the Head of the Secretariat;

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"Executive Council" means the Executive Council of Ministers of the African Union;

"General Convention" means the General Convention on Privileges and Immunities of the Organization of African Unity;

"Members" means the States Parties;

"Member State" means a Member State of the African Union;

"Obligation" means the commitments of States Parties to the Centre;

"RECs" means the Regional Economic Communities recognized by the African Union;

"Region" means any of the regions of the African Union as provided for by Resolution CM/Res.464 (XXVI) of the Council of Ministers of the Organization of African Unity on the division of Africa into five (5) regions, namely: Northern, Western, Central, Eastern and Southern Africa;

"Senior Officials" means the category of staff other than executives as defined by the Centre;

"Special Operations" means any other operation that is different from ordinary operations;

"State Party" means the Member State which has ratified or acceded to the Statute of the Centre;

"Statute" means the present Statute of the Centre;

"Subsidiary institutions" means such institutions that are partly or wholly owned and controlled by the Centre to implement specific activities within the objectives of the Centre;

"Supervisory Bodies" means the Conference of States Parties and the Advisory Board, which oversees the activities of the Centre;

"UNECA" means the United Nations Economic Commission for Africa.

Article 2 Establishment of the Centre

1. The Centre is hereby established as a specialized agency of the Union.
2. The Centre shall be responsible for Mineral resources Development in Africa.

Article 3 Objectives

1. The main objective of the Centre shall be to coordinate and oversee the implementation of the AMV and its Action plan to enable the mineral resource sector to play its role in the social and economic transformation, inclusive growth and sustainable development of African economies, in conjunction with Member States, RECs, the private sector, civil society organizations including women and youth organizations, collaborating institutions and other key stakeholders.
2. The specific objectives of the Centre shall be to:

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- (a) Ensure that there are coherent policies and robust regulatory and legal frameworks on exploration, exploitation, licensing, contracting, taxation, exporting, mineral processing and handling at the national level which are harmonized at the regional and continental levels;
- (b) Develop a diversified and globally competitive African mineral industry which contributes to broad economic and social growth through the creation of economic linkages;
- (c) Contribute to the regional integration agenda and the boosting of intra-African trade;
- (d) Promote good governance in mineral resources development for the betterment of local communities in Africa;
- (e) Foster sustainable development principles based on environmentally and socially responsible mining, which respects human rights, health and safety of the local communities, workers and other stakeholders; and
- (f) Contribute to the Plan of Action for Accelerating Industrial Development of Africa (AIDA) through promotion of beneficiation, value addition, industrial linkages, responsible investments, innovation and diversification.

Article 4 Functions of the Centre

The Centre shall:

1. Support Member States in the formulation, harmonization and implementation of coherent policies, legal and fiscal regimes which are geared towards development of the mineral sector;
2. Support the acceleration of regional mapping and exploration activities to improve the quality of geological information and geodata management systems on the continent;
3. Facilitate and nurture human resources and skills development in line with the AMV Action Plan;
 - (a) Facilitate and undertake research and development, and the building of knowledge networks and niches involving the academia, private sector, government, think tanks, and other players;
 - (b) Encourage the establishment of industry/professional associations, Chambers of Mines, cluster councils, and incubator/technology parks;
 - (c) Foster learning processes by the establishment of a critical mass of industry players that share information and best practices, collaborate and compete to enhance competitiveness;
 - (d) Promote local beneficiation and value addition for the local production of consumer and industrial goods;
 - (e) Encourage and support Artisanal and Small Scale Mining and medium-scale enterprises to be integrated in the regional and global value chains;
 - (f) Harness the potential of Public Private Partnerships in supporting infrastructure and capacity development;
 - (g) Promote advocacy and communication in the mineral resources sector in order to strengthen transparency and access to information and knowledge at all levels, that may enhance informed decision-making;
 - (h) Promote and apply science, technology and innovation in awareness raising;

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- (i) Promote the mineral sector development that is environmental friendly, socially responsible and gender responsive and benefits all the communities; and
- (j) Carry out any other functions that may enable the Centre to achieve its objectives as may be approved by the Conference of States Parties.

Article 5 Membership

1. Membership of the Centre shall be open to all Member States of the Union.
2. Member States that have signed and ratified the Statute before its entry into force are Founding Members of the Centre.

Article 6 Legal Capacity

For the fulfilment of its objectives the Centre shall, in particular, have legal capacity to:

- (a) Enter into agreements;
- (b) Acquire and dispose of moveable and immovable property; and
- (c) Institute legal proceedings.

Article 7 Privileges and Immunities

The Centre, its representatives and staff shall enjoy in the territory of each Member State, the privilege and immunities stipulated in the General Convention and its Additional Protocol, and such facilities and courtesies as are necessary for the exercise of their functions.

Article 8 Headquarters

The headquarters of the Centre shall be situated in such a location as the Conference of States Parties shall determine based on the Criteria for Hosting the AU organs.

Article 9 Organs of the Centre

The Centre shall have the following organs:

- (a) The Conference of States Parties;
- (b) The Minerals Advisory Board; and
- (c) The Secretariat.

Article 10 The Conference of States Parties

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1. States Parties shall be represented by Ministers responsible for Mineral resources development or their duly authorized representatives.
2. States Parties shall, in nominating a representative to the Conference of States Parties, pay due regard to their administrative capability and minerals policy and development background.
3. The following shall participate in the Conference of States Parties:
 - (a) The AU Commissioner of Trade and Industry;
 - (b) The Chairperson of the Advisory Board; and
 - (c) The Director General of the Centre.
4. The Conference of States Parties shall meet in:
 - (a) Ordinary session once every two years; and
 - (b) Extraordinary session at the request of the Chairperson of the Conference of States Parties or any State Party and upon approval of two thirds of all the States Parties.
5. The Conference of States Parties shall elect a Bureau, which shall be comprised of a Chairperson, two Vice-Chairpersons and a Rapporteur from among its representatives taking into account the principle of geographical rotation.
6. The members of the Bureau shall hold office for two years renewable once for a further term of two years.
7. The quorum for the Conference of States Parties shall be two thirds of the total membership of the Centre.
8. Decisions of the Conference of States Parties shall be taken by a two-thirds majority of the States Parties present and having a right to vote.
9. The Conference of States Parties shall have the right to invite Member States and stakeholders as observers to attend its meetings without the right to vote.

Article 11

Functions of the Conference of States Parties

The Conference of the States Parties shall:

- (a) Issue policy guidelines through resolutions and recommendations;
- (b) Adopt its Rules of Procedure;
- (c) Determine the criteria and the scale of assessment for membership fees;
- (d) Appoint and dismiss the Director General of the Centre;
- (e) Appoint external auditors and decide on their mandate and remuneration;
- (f) Appoint and dismiss for cause the Members of the Advisory Board;

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- (g) Dissolve the Advisory Board, if necessary;
- (h) Decide on the necessity of establishing or causing to be established, or dissolving or causing to be dissolved any subsidiary institution as provided for in Article 15 of this Statute;
- (i) Decide on the location of any subsidiary institution of the Centre;
- (j) Decide on a sustainable financial mechanism as well as decide and prioritize the activities of the Centre relating to critical issues affecting minerals development in different parts of the continent.

Article 12

The Minerals Advisory Board

1. The Advisory Board shall consist of the following:
 - (a) The AU Director of Trade and Industry;
 - (b) Representatives of the members of the Bureau of the AU Specialized Technical Committee on Trade, Industry and Mineral Resources;
 - (c) One representative from each REC;
 - (d) The representatives of the Collaborating Institutions;
 - (e) The Director General of the Centre; and
 - (f) An expert in the area of minerals resources development appointed by the Conference of States Parties.
2. Members of the Advisory Board shall possess relevant professional experience in the field of mineral resources development and participate actively in carrying out AMDC's activities.
3. Members of the Advisory Board other than the Director General and the AU Director of Trade and Industry, shall be appointed for a term of two years renewable once.
4. The Advisory Board Members shall serve in their personal capacities on a part-time basis, as representatives of the Centre.
5. The Advisory Board shall meet:
 - (a) In regular session twice a year one of which is to immediately precede the Conference of States Parties;
 - (b) As often as necessary in extraordinary session at the request of the Chairperson of the Advisory Board or as otherwise requested by the Secretariat subject to the availability of resources; and
 - (c) At the seat of the Centre, unless otherwise determined by the Conference of States Parties.
6. The quorum for meetings of the Advisory Board shall be a two-thirds majority of the members of the Advisory Board.
7. The decisions of the Advisory Board shall be taken by consensus, failing which by a two-thirds majority of the members of the Advisory Board.

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8. The Board shall elect annually from among its members, a Chairperson, Vice Chairperson and a Rapporteur on regional rotational basis.
9. A Member State may participate in a meeting of the Advisory Board to consider any issue that affects that Member State provided that the Member State shall not vote on the matter under consideration.
10. The members of the Advisory Board shall not be remunerated but shall be reimbursed for any costs incurred as a result of attending Board meetings.
11. Pending the definitive entry into force of this Statute the Chairperson of the AU Commission shall appoint members of the Advisory Board to undertake the functions of the Advisory Board. Such members appointed by the Chairperson of the AU Commission shall serve only on an interim basis.

Article 13

The Functions of the Minerals Advisory Board

The functions of the Advisory Board shall be to:

- (a) Prepare its own rules of procedure and submit to Conference of States Parties for approval;
- (b) Convene the ordinary and extraordinary sessions of the Conference of States Parties, subject to the relevant provisions of Article 10, and determine the provisional agenda;
- (c) Ensure the implementation of the work programme and other resolutions of the Conference of States Parties;
- (d) Supervise and coordinate the activities of the Secretariat and committees or working groups;
- (e) Assist the States Parties in implementing the resolutions, directives and decisions of the Conference of States Parties and discharge the duties and obligations, which are conferred upon it under the Statute;
- (f) Submit to the Conference of States Parties nominations for the post of Director General in accordance with guidelines set by the Conference of States Parties;
- (g) Supervise the Director General in the administration and financial management of the Secretariat;
- (h) Submit periodic reports of its activities to the Conference of States Parties; and
- (i) Carry out any other functions that may be assigned to it by the Conference of States Parties.

Article 14

The Secretariat

1. The Secretariat shall be headed by a Director General who shall be assisted by the necessary and competent staff for the smooth functioning of the Centre.
2. The Conference of States Parties shall on the recommendation of the Advisory Board appoint the Director General.
3. In the appointment of the Director General and other staff, consideration shall be made to ensure competence, gender balance, qualification, experience, high integrity and geographical distribution of posts.
4. The Director General shall serve in office for a term of four (4) years renewable only once.

6. AFRICAN MINERALS DEVELOPMENT CENTRE

5. The Director General shall:

- (a) Follow up and ensure the implementation of the resolutions, directives and decisions of the Conference of States Parties and the Advisory Board in accordance with the rules and regulations of the Centre;
- (b) Represent the Centre and defend its interest under the guidance and approval of the Advisory Board and the Conference of States Parties;
- (c) Promote the development of the programmes, projects and initiatives of the Centre;
- (d) Prepare and submit proposals relating to the work programmes, business plans, strategic objectives, projects, activities and budgets of the Centre and ensure their implementation;
- (e) Oversee the administrative and financial management of the Centre by appropriately managing the budgetary and financial resources including collecting the approved revenue from various sources;
- (f) Prepare financial reports and budgets to be submitted to the Conference of States Parties for approval on the recommendation of the Advisory Board, in accordance with the Centre's rules and regulations;
- (g) Submit reports on the activities of the Centre to the Conference of States Parties and Advisory Board;
- (h) Appoint the staff of the Centre and terminate their contracts of appointments in accordance with the Centre's Staff Rules and Regulations;
- (i) Prepare and service meetings of the Conference of States Parties, the Advisory Board and Committees of the Centre;
- (j) Organize meetings and undertake studies as necessary and maintain relevant records in relation thereto;
- (k) Submit to the Conference of States Parties and the Advisory Board annual reports on the operations of the Centre;
- (l) Keep in custody the seal, documents, files and other data relating or relevant to the work of the Centre; and
- (m) Make recommendations to improve the Centre's operational efficiency.

Article 15

Subsidiary or Affiliated Institutions of the Centre

There shall be such subsidiary or affiliated institutions of the Centre as the Conference of States Parties may decide for the purposes of carrying out the functions of the Centre.

Article 16

Cooperation with other Organizations

The Centre shall work in close cooperation with the different AU organs, RECs, national organizations, including government ministries, universities, industrial research and training institutes, mineral development and policy-making bodies as well as the private sector, civil society organizations and international agencies.

Article 17

Financial Resources of the Centre

XVI. ENVIRONMENT, NATURAL RESOURCES AND NATURAL DISASTERS

1. The regular budget of the Centre shall be funded by contributions of States Parties in accordance with the scale of assessment determined by the Conference of States Parties.
2. Supplemental budgets of the Centre shall be made available, where necessary to meet the extra and/or special budgetary expenditure of the Centre. The Conference of States Parties shall determine the contributions of States Parties to the special budgets of the Centre.
3. In addition, the Centre may receive grants, donations and proceeds for its activities as approved by the Advisory Board.

Article 18 Expenses

1. The Secretariat may incur expenses for administrative, operational and investment purposes in accordance with the approved Programme of Work, Budget and Financial Regulations and Rules of the Centre as adopted by the Conference of States Parties.
2. Expenses incurred by representatives of States Parties in attending meetings of the Conference of States Parties shall be borne by their respective governments.
3. Expenses incurred by Members of the Advisory Board in the course of their official duties for the Centre shall be borne by the Centre.

Article 19 Sanctions

1. Any State Party that fails to honour its financial obligations to the Centre for a period of two years or more shall, as long as it is in such arrears, forfeit the right to vote in the Conference of States Parties or to present candidates for any elective or other post with the Centre.
2. Any violation of any provisions of this Statute by a State Party shall result in sanctions as may be determined by the Conference of States Parties.

Article 20 Settlement of Disputes

1. Any dispute or difference arising between States Parties with regard to the interpretation, application and implementation of this Statute shall be settled by mutual consent between the States concerned, including through negotiations, mediation, conciliation or other peaceful means.
2. In the event of failure by the disputing parties to settle the dispute or difference in accordance with Article 20, paragraph 1, the disputing parties may, by mutual consent, refer the dispute to:
 - (a) The African Court of Justice and Human Rights, where applicable; or
 - (b) An Arbitration Panel of three (3) arbitrators whose appointment shall be as follows:
 - (i) The parties to the dispute shall appoint two (2) of the arbitrators;
 - (ii) The Chairperson of the Commission shall appoint the third arbitrator who shall be President of the Panel.
3. The decision of the Panel of Arbitrators shall be binding.

6. AFRICAN MINERALS DEVELOPMENT CENTRE

Article 21 Popularization of the Statute

States Parties shall take all appropriate measures to ensure the widest possible dissemination of this Statute in accordance with the relevant provisions and procedures of their respective constitutions.

Article 22 Safeguard Clause

1. No provision in this Statute shall be interpreted as derogating from the principles and values contained in other relevant instruments for the promotion of minerals development in Africa.
2. Nothing in this Statute shall be construed as preventing a Party from taking any action, compatible with the provisions of the United Nations Charter or any other international instrument and that is limited to the exigencies of the situation, as it considers necessary to its external or internal security.

Article 23 Signature, Ratification and Accession

1. This Statute shall be open to Member States of the Union for signature, ratification or accession.
2. The instrument of ratification or accession to the present Statute shall be deposited with the Chairperson of the Commission who shall notify Member States of the Union of the deposit of the instruments of ratification or accession.

Article 24 Entry into Force

1. This Statute shall enter into force thirty (30) days after the deposit of the fifteenth (15th) instrument of ratification.
2. The Chairperson of the Commission shall inform all Members States of the entry into force of the present Statute.
3. For any Member State acceding to the present Statute, the Statute shall come into force in respect of that State on the date of the deposit of its instrument of accession.

Article 25 Reservations

1. A State Party may, when ratifying or acceding to this Statute, submit in writing a reservation with respect to any of the provisions of this Statute. Reservations shall not be incompatible with the object and purpose of this Statute.
2. Unless otherwise provided, a reservation may be withdrawn at any time.
3. The withdrawal of a reservation must be submitted in writing to the Chairperson of the Commission who shall notify other States Parties of the withdrawal accordingly.

Article 26 Depositary

XVI. ENVIRONMENT, NATURAL RESOURCES AND NATURAL DISASTERS

This Statute shall be deposited with the Chairperson of the Commission, who shall transmit a certified true copy of the Statute to the Government of each signatory State and notify Member States of the dates of the deposit of the instruments of ratification or accession.

Article 27 Registration

The Chairperson of the Commission shall upon the entry into force of this Statute register this Statute with the Secretariat of the United Nations in conformity with Article 102 of the Charter of the United Nations.

Article 28 Withdrawal

1. At any time after three years from the date of entry into force of this Statute, a State Party may withdraw by giving written notification to the depositary.
2. Withdrawal shall be effective one year after receipt of notification by the depositary, or on such later date as may be specified in the notification.
3. Withdrawal shall not affect any obligation of the withdrawing State Party prior to the withdrawal.

Article 29 Amendment and Revision

1. Any State Party may submit proposal(s) for the amendment or revision of this Statute. Such proposal(s) shall be adopted by the Conference of States Parties.
2. Proposals for amendment or revision shall be submitted to the Chairperson of the Commission who shall transmit such proposal(s) to the Conference of States Parties at least six months before the meeting at which it shall be considered for adoption.
3. The Conference of States Parties, upon the advice of the Commission, shall examine these proposals within a period of one year from the date of receipt of such proposals.
4. Amendments or revisions shall be adopted by the Conference of States Parties by consensus or, failing which, by a two-thirds majority.
5. The amendment or revision shall come into force thirty (30) days after adoption by the Conference of States Parties.

Article 30 Authentic Texts

This Statute is drawn up in four (4) original texts, in Arabic, English, French and Portuguese languages, all four (4) texts being equally authentic.

Article 31 Working Languages

The working languages of the Centre shall be those of the Union.

PART XVII

EDUCATION, HEALTH, CULTURE AND SPORTS

1. CULTURAL CHARTER FOR AFRICA

1.

CULTURAL CHARTER FOR AFRICA

**Adopted in Port Louis, Mauritius, on 5 July 1976.
Entered into force on 19 September 1990.**

Preamble

We, the Heads of State and Government of the Organization of African Unity meeting in its Thirteenth Ordinary Session, in Port Louis, Mauritius, from 2 to 5 July 1976,

Guided

By the Charter of the Organization of African Unity,

By Resolution CM/Res.371 (XXIII) adopted by the Twenty-third Ordinary Session of the Council of Ministers and by the Assembly of Heads of State and Government of the Organization of African Unity in June 1974, in Mogadishu, Somalia,

By the Declaration of Principles of International Cultural Cooperation adopted by the General Conference of UNESCO at its Fourteenth Session in 1966,

By the Pan-African Cultural Manifesto of Algiers (1969), and by the Inter-governmental Conference on cultural policies in Africa organized by UNESCO in Accra, Ghana, in 1975 in cooperation with the Organization of African Unity,

Convinced

That any human society is necessarily governed by rules and principles based on traditions, languages, ways of life and thought, in other words, on a set of cultural values which reflect its distinctive character and personality,

Convinced

That all cultures emanate from the people, and that any African cultural policy should of necessity enable the people to expand for increased responsibility in the development of its cultural heritage,

Aware of the fact

That any people has the inalienable right to organize its cultural life in full harmony with its political, economic, social, philosophical and spiritual ideas,

Convinced

That all the cultures of the world are equally entitled to respect just as all individuals are equal as regards free access to culture,

Recalling

That, under colonial domination, the African countries found themselves in the same political, economic, social and cultural situation,

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That cultural domination led to the depersonalization of part of the African peoples, falsified their history, systematically disparaged and combated African values, and tried to replace progressively and officially, their languages by that of the colonizer,

That colonization has encouraged the formation of an elite which is too often alienated from its culture and susceptible to assimilation and that a serious gap has been opened between the said elite and the African popular masses,

Convinced

That the unity of Africa is founded first and foremost on its history,

That the affirmation of cultural identity denotes a concern common to all peoples of Africa,

That African cultural diversity, the expression of a single identity, is a factor making for equilibrium and development in the service of national integration,

That it is imperative to edify educational systems which embody the African values of civilization, so as to ensure the rooting of youth in African culture and mobilize the social forces in the context of permanent education,

That it is imperative to resolutely ensure the promotion of African languages, mainstay, and media of cultural heritage in its most authentic and essentially popular form,

That it is imperative to carry out a systematic inventory of the cultural heritage, in particular in the spheres of traditions, history and arts,

Guided by

A common determination to strengthen understanding among our peoples and cooperation among our States in order to meet the aspirations of our peoples to see brotherhood and solidarity reinforced and integrated within a greater cultural unity which transcends ethnic and national divergencies,

Aware

That culture constitutes for our peoples the surest means of overcoming our technological backwardness and the most efficient force of our victorious resistance to imperialist blackmail,

Convinced

That African culture is meaningless unless it plays a full part in the political and social liberation struggle, and in the rehabilitation and unification efforts and that there is no limit to the cultural development of a people,

Convinced

That a common resolve provides the basis for promoting the harmonious cultural development of our States,

Agree

To establish the Cultural Charter for Africa as set out below.

Part I Aims, Objectives and Principles

1. CULTURAL CHARTER FOR AFRICA

Article 1

The aims and objectives of this Charter are as follows:

- (a) To liberate the African peoples from sociocultural conditions which impede their development in order to recreate and maintain the sense and will for progress, the sense and will for development;
- (b) The rehabilitation, restoration, preservation and promotion of the African cultural heritage;
- (c) The assertion of the dignity of the African and of the popular foundations of his culture;
- (d) The combating and elimination of all forms of alienation and cultural suppression and oppression everywhere in Africa, especially in countries still under colonial and racist domination including apartheid;
- (e) The encouragement of cultural cooperation among the States with a view to the strengthening of African unity;
- (f) The encouragement of international cultural cooperation for a better understanding among peoples within which Africa will make its original and appropriate contribution to human culture;
- (g) Promotion in each country of popular knowledge of science and technology, a necessary condition for the control of nature;
- (h) Development of all dynamic values in the African cultural heritage and rejection of any element which is an impediment to progress.

Article 2

In order to fulfill the objectives set out in Article 2, the African States solemnly subscribe to the following principles:

- (a) Access of all citizens to education and to culture;
- (b) Respect for the freedom to create and the liberation of the creative genius of the people;
- (c) Respect for national authenticities and specificities in the field of culture;
- (d) Selective integration of science and modern technology into the cultural life of the African peoples;
- (e) Exchange and dissemination of cultural experience between African countries, in the field of cultural decolonization in all its forms.

Part II

Cultural Diversity and National Identity

Article 3

The African States recognize the need to take account of national identities, cultural diversity being a factor making for balance within the nation and a source of mutual enrichment for various communities.

Article 4

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The African States recognize that African cultural diversity is the expression of the same identity; a factor of unity and an effective weapon for genuine liberty, effective responsibility and full sovereignty of the people.

Article 5

The assertion of national identity must not be at the cost of impoverishing or subjecting various cultures within the State.

Part III National Cultural Development

Chapter I Basic Principles Governing a National Cultural Policy

Article 6

Each African State recognizes that it is the working people who make history and establish the foundations and conditions for the advancement of culture. As culture has an innovating and beneficial influence on the means of production and on man, each African State agrees:

(a) To work out a national cultural policy for each State. This policy should be designed as a codification of social practices and concerted activities whose aim is to satisfy cultural needs through the optimal utilization of all the available material and human resources;

(b) To integrate the cultural development plan in the overall programme for economic and social development;

(c) That individual States shall be free to establish their priorities and select the methods they consider best suited for attaining their cultural development objectives and to that end individual States regard the following priorities and methods as guidelines.

1. Priorities:

(a) The transcription, teaching and development of national languages with a view to using them for the dissemination and the development of science and technology;

(b) The recording, conservation, use and dissemination of information on oral tradition;

(c) The adaptation of educational curricula to development needs and to the National and African Cultural and Social realities;

(d) The promotion of cultural activities, encouragement to artists and assistance to creativity in the people;

(e) The protection of creative artists and cultural assets;

(f) The development of research and the establishment of permanent research centres in the field of culture;

(g) Research, on the basis of modern science, in the field of local African medicine and pharmacopeia.

2. Methods and means:

(a) The introduction of African Culture into all national educational systems;

1. CULTURAL CHARTER FOR AFRICA

- (b) The introduction and intensification of the teaching in national languages in order to accelerate the economic, social, political and cultural development in our States;
- (c) The establishment of appropriate institutions for the development, preservation and dissemination of culture;
- (d) The training of competent staff, at all levels;
- (e) The concrete and effective establishment of links between the school and the national realities as well as the life of the people, a link which should be apparent in the school curricula and structure;
- (f) The sensitization and exhortation of all citizens to ensure their willing participation in the field of culture;
- (g) The provision of a budget corresponding to the needs of culture and of research in the humanities, natural sciences and technology;
- (h) The financing of cultural programmes essentially out of national resources in order to implement certain cultural projects;
- (i) The organization of competitions offering prizes;
- (j) The organizational of national and Pan-African cultural festivals, in the spirit of this Charter.

Chapter II The Democratization of Culture

Article 7

The African States recognize that the driving force of Africa is based more on development of the collective personality than on individual advancement and profit, and that culture cannot be considered as the privilege of an elite.

Article 8

The African States agree to undertake the following:

- (a) Create conditions which will enable their peoples to participate to the full in the development and implementation of cultural policies;
- (b) Defend and develop the peoples' culture;
- (c) Implement a cultural policy providing for the advancement of creative artists;
- (d) To, whenever necessary, abolish the caste system and rehabilitate the functions of artist and craftsman (griots and craftsmen).

Chapter III The Need for Active Participation by Youth in National Cultural Life

Article 9

Continuous cultural development in Africa rests with its young people. Therefore the African States should create conditions for the active and enlightened participation of young people in African cultural life.

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Article 10

The African States shall endeavour to raise continually the cultural awareness of young people through the introduction of African cultural values into education and through the organization of national and Pan-African festivals, conferences, seminars and training and refresher courses.

Article 11

The cultural policies of the various States shall ensure that young African people also have the means of familiarizing themselves with the whole of African and other civilizations in order to prepare them for fruitful inter-cultural relations.

Part IV Training and Lifelong Education

Chapter IV Training

Article 12

Professional training is as important both for cultural development as for economic and social development. Consequently, the African States should devote themselves to creating conditions favouring large-scale participation of culture by the African working class and peasant at the actual work-sites.

Article 13

To achieve the aim laid down in the preceding article, States should adopt a training policy for specialists at all levels and in all fields.

Article 14

Professional training for creative artists should be improved, renewed and adapted to modern methods, without breaking the umbilical cord linking it with the traditional sources of African art. Hence, specialist training should be provided in national, regional and subregional training centres.

Chapter V Lifelong Education

Article 15

African governments will have to pay special attention to the growing importance of life-long education in modern societies.

Article 16

African governments should take steps to organize continuous training in a rational way and to establish an appropriate system of education which satisfies the specific needs of their people.

Part V The Use of African Languages

Article 17

1. CULTURAL CHARTER FOR AFRICA

The African States recognize the imperative need to develop African languages which will ensure their cultural advancement and accelerate their economic and social development and to this end will endeavour to formulate a national policy in regard to languages.

Article 18

The African States should prepare and implement the reforms necessary for the introduction of African languages into education. To this end each State may choose one or more languages.

Article 19

The introduction of African languages at all levels of education should have to go hand-in-hand with literacy work among the people at large.

Part VI

Use Of Mass Media

Article 20

The African States should recognize that there can be no cultural policy without corresponding policies on information and communication.

Article 21

The African States should encourage the use of the information and communication media for their cultural development.

Article 22

(a) The African Governments should ensure the total decolonization of the mass media and increase the production of radio and television broadcasts, cinematographic films which reflect the political, economic and social realities of the people in order to enable the masses to have greater access to and participation in the cultural riches.

(b) African Governments should create publishing and distribution institutions for books, school manuals, records and instruments of the press in Africa to combat market speculators and make them into instruments of popular education.

(c) African Governments should establish joint cooperation in order to break the monopoly of non-African countries in this field.

Part VII

The Role of Governments in Cultural Development

Chapter VI

Assistance to Artistic Creation

Article 23

African States should be active in promoting national cultural development through a policy of effective assistance both as regards collective methods of creation and in favour of individual artists. Such assistance may take various forms:

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- (a) Organization of competitions offering prizes and mobile exhibitions of works of art and artistic visits;
- (b) Fiscal assistance through a policy in which African cultural assets are exempted wholly or partly from tax;
- (c) Supporting artists, writers and research workers by providing financial assistance and scholarships for training or refresher courses;
- (d) The creation of National Fund for the promotion of culture and the Arts.

Chapter VII The Protection of African Works

Article 24

African States should prepare inter-African convention on copyright so as to guarantee the protection of African Works. They should also intensify their efforts to modify existing international conventions to meet African interests.

Article 25

African governments should enact national and inter-African laws and regulations guaranteeing the protection of copyright, set up national copyright offices and encourage the establishment of authors' associations responsible for protecting the moral and material interests of those who produce work that gives spiritual and mental pleasure.

Chapter VIII Protection of the African Cultural Heritage

Article 26

The African cultural heritage must be protected on the legal and practical planes in the manner laid down in the international instruments in force and in conformity with the best standards applicable in this field.

Article 27

The African governments should have to adopt national laws and inter-African regulations governing the protection of cultural property in times of peace and in the event of war.

Article 28

The African States should take steps to put an end to the despoliation of African cultural property and ensure that cultural assets, in particular archives, works of art and archeological objects, which have been removed from Africa, are returned there. To this end they should, in particular, support the efforts exerted by UNESCO and take all other necessary steps to ensure the implementation of the United Nations General Assembly resolution on the restitution of works of art removed from their country of origin.

Article 29

The African States should take steps to ensure that the archives which have been removed from Africa are returned to African governments in order that they may have complete archives concerning the history of their country.

1. CULTURAL CHARTER FOR AFRICA

Part VIII Inter-African Cultural Cooperation

Article 30

The African States acknowledge that it is vital to establish inter-African cultural cooperation as a contribution to the mutual understanding of national cultures and enrichment of African cultures, thus to take the form of a two-way exchange, firstly, among all the countries on the continent and, secondly, between Africa and the rest of the world through specialized institutions like UNESCO.

Article 31

To achieve the aims set out in the previous article, the African States agree:

(a) To consolidate their cooperation by way of joint cultural activities and periodical discussions of major issues;

(b) To develop the exchange of information, documentation and cultural material by:

Strengthening the Association of African Universities;

University and specialist exchange, in order that scientific cultural studies can develop in the research institutes;

Exchange and meetings between young people;

The organization of joint cultural events such as festivals, symposia, sports and art exhibitions;

Establishment of cultural research centres on national, regional and Pan-African level;

Creation of an Inter-African Fund for the support and promotion of cultural studies and programmes.

(c) To endeavour to ensure that African cultural values are deployed to maximum effect in order to illustrate that all African States are members of one and the same community;

(d) Creation of regional specialized institutions for the training of specialized cultural cadres.

Article 32

The African Cultural Council should function in close cooperation and consultation with the OAU Commission on Education, Science, Health and Culture in the field of cultural policies.

Part IX Final Provisions

Article 33 Signature and Ratification

(a) This Charter shall be open for signature to all Member States of the Organization of African Unity and shall be ratified by the signatory States in accordance with their respective constitutional processes.

(b) The original instrument, done if possible in African languages and in English and French, all texts being equally authentic, shall be deposited with the Secretary-General of the Organization of African Unity which shall transmit copies thereof to all OAU Member States.

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(c) Instruments of ratification shall be deposited with the OAU General Secretariat which shall notify all signatories of such deposit.

Article 34 Entry into Force

This Charter shall come into force immediately upon receipt by the OAU General Secretariat of the instruments of ratification and accession from two thirds of the total membership of the OAU.

Article 35 Registration of the Charter

This Charter shall, after due ratification, be registered with the Secretariat of the United Nations through the OAU General Secretariat in conformity with Article 102 of the Charter of the United Nations.

Article 36 Interpretation of the Charter

Any question which may arise concerning the interpretation of this Charter shall be resolved by decision of Assembly of Heads of State and Government of the OAU.

Article 37 Adhesion and Accession

(a) Any OAU Member State may at any time notify the General Secretariat of the OAU of its intention to adhere or accede to this Charter.

(b) The General Secretariat shall, on receipt of such notification, communicate a copy of it to all the Member States. Adhesion and accession shall take effect fourteen days after communication of the applicant's notice to all Member States by the General Secretariat of the OAU.

2.

AGREEMENT FOR THE ESTABLISHMENT OF THE AFRICAN REHABILITATION INSTITUTE (ARI)

Adopted in Addis Ababa, Ethiopia, on 17 July 1985.

Entered into force on 2 December 1991.

Preamble

The Contracting Parties,

Recalling Resolution CM/Res.375 (XXXVII) adopted by the Organization of African Unity (hereinafter referred to as OAU) Council of Ministers at its Thirty-seventh Ordinary Session and endorsed by the Assembly of Heads of State and Government at its Eighteenth Ordinary Session held in Nairobi, Kenya, in June 1981, thanking the International Labour Organization (hereinafter referred to as ILO) for the technical assistance it had given so far as part of the implementation of Resolution CM/Res.834 (XXXVI) which recommended the establishment of an African Rehabilitation Institute (hereinafter referred to as ARI) and the strengthening of the existing centres for the treatment, re-education and socio-economic rehabilitation of disabled persons,

Recognizing the need for the Conference of African Ministers of Social Affairs to define, inter alia, guiding principles for the ARI, with a view to adopting measures to prevent disability and to rehabilitate disabled persons

2. AFRICAN REHABILITATION INSTITUTE

in Africa and, in this regard, recalling the Resolution of the Third Conference of the African Ministers of Social Affairs held in Addis Ababa, Ethiopia, in October 1980 as well as the Resolution of the OAU Labour Commission on the International Year of the Disabled Persons (IYDP), adopted in April 1981, CM/Res.1140 (XXXVII) and LC/Res.63 (V) Annex (IV), respectively,

Noting operative paragraph 4 of Resolution CM/Res.875 (XXXVII) providing for a five Member State Ministerial ad hoc Committee on IYDP to help the Organization of African Unity carry out programmes in favour of disabled persons in Africa,

Realizing that the establishment of an African Rehabilitation Institute will harmonize the principles and the strategy for disability prevention and the rehabilitation of the disabled, and will facilitate the training of required manpower in this endeavour as well as promote the production of indigenous material for disabled persons,

Recalling the Cooperation Agreement concluded on 25 November 1965 between the Organization of African Unity and the International Labour Organization providing for cooperation between the two organizations in all matters relating to technical and social activities with a view to offering better living conditions to the African peoples,

Bearing in mind operative paragraph 2 of Resolution CM/Res.875 (XXXVII) in which the OAU appeals to the United Nations Development Programme, other international agencies and humanitarian organizations to contribute financially towards the establishment of this Institute and the strengthening of the existing specialized centres involved in disability prevention and the rehabilitation of disabled persons in Africa,

Determined to utilize these financial contributions for the realization of the project of ARI as well as for the strengthening of the existing centres, with the technical assistance of the ILO in both areas of endeavour,

Have agreed as follows:

Part One The Institute and Its Objectives

Article I

1. Definition

The African Rehabilitation Institute (ARI) shall be mainly a social Institute which will utilize the various services and facilities existing in African countries to promote and develop regional or subregional training and research programmes drawn up for rehabilitation and for disability prevention. The Institute shall consist of a central planning and coordinating unit and those existing institutions and facilities throughout the African region shall form the decentralized branches of the ARI.

2. Establishment

An Institute to be known as the African Rehabilitation Institute (hereinafter referred to as the Institute) is hereby established by this Agreement. It shall be governed in accordance with the provisions of this Agreement.

Article II Aims of the Institute

The aim of the Institute shall be to assist the Member States of the Organization of African Unity to:

- (a) Develop a unified approach for promoting the development of prevention and rehabilitation services;

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- (b) Create facilities to satisfy the needs of handicapped Africans who, because of their disability, find it difficult to adapt themselves to the rapidly changing world;
- (c) Promote the development of rehabilitation centres in all the countries of the African continent: to assist them to harmonize as much as possible their basic conceptual principles and work out strategies in the field of rehabilitation of the disabled persons within the African region;
- (d) Create favourable conditions for inter-African cooperation and mutual assistance as part of rehabilitation and strengthening the already existing rehabilitation institutions in various parts of Africa; and utilizing them for the training of the manpower required for the development of indigenous rehabilitation activities carried out in Africa;
- (e) Provide an appropriate framework for the establishment and launching of training and research programmes in the field of rehabilitation and other special projects to be carried out at regional level in accordance with the priorities and demands of these countries willing to participate in these regional programmes;
- (f) Create a structure which would encourage and facilitate coordinated actions, measures and programmes among the African countries and the various international, governmental and non-governmental donor organizations in all areas of comprehensive rehabilitation development;
- (g) Promote and ensure the exchange of information and experiences among African States and other countries of the world;
- (h) Organize special projects in the field of rehabilitation and disability prevention, with a view to developing indigenous teaching and research facilities and materials.

Part Two

Status of the Institute and the Staff

Article III

Status of the Institute

1. The Institute shall possess in the territory of each of the Member States of the Organization of African Unity juridical personality which shall make it independent of the governments of the said States and it shall not be considered as part of any of those governments. The said States shall accord the Institute the status, privileges, immunities and exemptions set forth in the present Agreement.
2. The Institute shall, inter alia, have the power to:
 - (a) Enter into agreements;
 - (b) Acquire, own and dispose of immovable property;
 - (c) Sue.
3. The Institute, its property and assets shall enjoy immunity from every form of legal action except in any particular case where it has expressly waived its immunity, provided however that no waiver of immunity shall extend to any act of execution.
4. The premises of the Institute shall be inviolable. The property and assets of the Institute shall be immune from search, requisition and confiscation as well as from administrative, judicial or legislative action.
5. The archives of the Institute and, in general, all documents belonging to it or held by it, shall be inviolable.

2. AFRICAN REHABILITATION INSTITUTE

6. (a) The Institute, its assets, income and other property shall be exempt from all forms of direct taxes; provided, however, that such tax exemption shall not extend to the owner or lessor of any property rented by the Institute.

(b) Goods imported by the Institute for official use shall be exempt from customs duties and other levies and from prohibitions and restrictions on imports and exports, it being understood that customs duty may be payable at the appropriate rate on all or any of the articles imported, in accordance with the above subparagraph, if such articles are sold or disposed of locally, unless they are sold to persons entitled to purchase such goods duty free.

(c) The Institute shall, in all its transactions, be exempted from taxes, recording fees and documentary taxes.

7. (1) Members of the Conference and Governing Board of the Institute, who are not otherwise officials of the OAU or its specialized agencies and of ILO, attending meetings of, or convened by, the Institute, shall, while exercising their functions and during their journey to and from the territories of members of the Institute, enjoy the following privileges and immunities:

(a) Immunity from personal arrest or detention and from seizure of their personal and official baggage;

(b) Immunity from legal processes of any kind in respect of words, spoken or written and acts performed by them in their official capacity and such immunity shall continue even after they ceased to be representatives of the members of the Institute;

(c) Inviolability of all papers and documents;

(d) The right to use codes and to receive papers or correspondence by courier or in sealed bags;

(e) Exemption in respect of themselves and their spouses from immigration restrictions, alien registration or national service obligations;

(f) The same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign Governments on temporary official missions; and

(g) The same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys.

(2) In this article, the expression "Member of Conference or Governing Board" shall be deemed to include all representatives, advisers, technical experts and secretaries of delegations.

Article IV

Staff members of the Institute, who are not officials of the OAU or its specialized agencies and of ILO, shall be:

(a) Immune from legal process in respect of all actions taken by them in the performance of their functions, including words spoken and written;

(b) Exempt from taxation on salaries and emoluments paid to them by the Institute;

(c) Immune from national service obligations;

(d) Immune together with their spouses and dependent children from immigration and alien registration;

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- (e) Accorded the same privileges in respect of exchange facilities as are accorded to officials of comparable rank in diplomatic missions;
- (f) Given, together with their spouses and dependent children and relatives, the same repatriation facilities in time of international crisis as diplomatic envoys; and
- (g) Shall have the right to import the following articles for their personal use free of duty and other levies imports, prohibition and restrictions within the first two years of arrival:
 - (i) Their furniture, household and personal effects;
 - (ii) One motor vehicle purchased duty free or from bonded warehouse.

Article V

1. The Contracting Parties undertake to accord all members of the Conference and the Governing Board, all staff members and experts providing advice or assistance to the Institute, such facilities and courtesies as are necessary for the exercise of their functions in connection with the Institute.
2. The privileges and immunities set out in Articles III and IV of this Agreement are accorded to the staff solely in the interest of the Institute and not for their personal benefit, in the dependent exercise of their functions. Consequently, the Executive Director of the Institute shall have the right and duty to waive the immunity of any staff member of the Institute in cases, where in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interest of the Institute.
3. All trainees of the Institute who are not nationals of the Contracting Parties concerned shall have the right of entry into, stay in, transit in and exit from the territory of each Member State of the Institute when such entry, stay, transit or exit is necessary for their training. These rights shall be granted promptly and freely.
4. The Institute shall cooperate at all times with the appropriate authorities of the Member States of the OAU so as to facilitate the proper administration of justice, secure observance of police regulations and prevent the occurrence of any abuses in connection with the privileges, immunities and facilities contained in Articles III and IV of this Agreement and in this article.
5. The Institute shall as soon as practicable enter into an agreement with the Government of the country where its headquarters is situated, and with the governments where the regional centres are situated, concerning the provision of premises, facilities, services, privileges and immunities for the purposes and efficient operation of the Institute and its regional centres.
6. Officials of the OAU and ILO and their specialized agencies performing functions in connection with the Institute shall respectively enjoy appropriate privileges and immunities provided under the Convention on Privileges and Immunities of the OAU, ILO and their specialized agencies, as the case may be.

Part Three

Institutional Framework and Administration of the Institute

Article VI

Organs of the Institute

The Institute shall have the following:

- (a) The Conference of African Ministers responsible for Social Affairs;

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- (b) The Governing Board;
- (c) The Technical Advisory Committee;
- (d) The General Secretariat of the Institute and the Regional Centres;
- (e) Such other organs as may be established by the Conference of African Ministers of Social Affairs with the endorsement of the OAU Assembly of Heads of State and Government.

Article VII

1. The Conference of African Ministers responsible for Social Affairs (hereinafter referred to as The Conference) shall be the supreme organ of the Institute.
2. The Conference shall consist of the Ministers responsible for Social Affairs in each Member State.
3. The Conference shall:
 - (a) Determine the general principles and policies of the Institute;
 - (b) Approve the programme of activities, budget and audited accounts of the Institute;
 - (c) Appoint the Executive Director of the Institute;
 - (d) Establish such other organs of the Institute as it may deem necessary for the purpose of achieving the objectives of the Institute, and prescribe rules to govern their operation; and
 - (e) Generally perform such other functions as may be necessary for the attainment of the objectives of the Institute.
4. The Conference shall meet in ordinary session once every two years. It shall meet in extraordinary session at the request of a Member State and subject to the concurrence of two thirds of its members.
5. The Conference shall adopt its own rules of procedure.

Article VIII

The Governing Board Composition, Functions and Meetings

1. The Governing Board shall consist of:
 - (a) A representative of the OAU appointed by the Secretary-General of OAU who shall be the ex-officio Chairman;
 - (b) A representative of the ILO;
 - (c) A representative of the ECA;
 - (d) Two representatives from each of the five regions of Africa designated by the Conference for two years in the English alphabetical order.

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2. The Executive Director of the Institute shall sit as Secretary of the Governing Board, and he shall sit in an advisory capacity. So shall the Directors of the Regional Centres attend under the directives of the Executive Director.
3. The Governing Board shall, subject to such directions as the Conference may give:
 - (a) Submit for the approval of the Conference the programme of activities, the budget and the audited accounts of the institute;
 - (b) Appoint the Auditor of the Institute;
 - (c) Propose for the approval of the Conference the contributions to be paid by the Member States;
 - (d) Draw up regulations with respect to the activities of the Institute, the staff, administrative and financial matters;
 - (e) Designate the cooperating States and organizations which may serve on the Technical Advisory Committee;
 - (f) Consult the Technical Advisory Committee on matters falling within its competence; and
 - (g) Submit annual reports to the Conference on the achievements and activities of the Institute.
4. The Governing Board shall meet at least once a year.
5. The Governing Board shall adopt its own rules of procedure.
6. At the end of its meetings, the Governing Board shall adopt a report which shall be circulated to all Member States and, as appropriate, to States and Organizations with which the Institute has working relations.

Article IX Technical Advisory Committee Composition, Functions and Meetings

1. The Technical Advisory Committee which shall be responsible to the Governing Board, shall consist of:
 - (a) A representative of the Secretary-General of the OAU who shall be its ex-officio Chairman;
 - (b) A representative of the ILO;
 - (c) A representative of the ECA;
 - (d) The Executive Director of the Institute;
 - (e) The Directors of the Regional Centres;
 - (f) Four African specialists designated by the Governing Board of the Centres;
 - (g) The Executive Secretary of the Association for Social Work Education in Africa;
 - (h) The Executive Director of ACARTSOD;

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- (i) Any other representatives of Member States and organizations as may be designated by the Governing Board;
 - (j) Such specialists or representatives of institutions, the advice of which may be useful to the Institute, as the Governing Board may consult on any particular matter.
2. The Technical Advisory Committee shall adopt its own rules of procedure.
 3. The Technical Advisory Committee shall:
 - (a) Assist the Executive Director of the Institute in the preparation of the programme of activities and the budget of the Institute;
 - (b) Advise the Governing Board and the Executive Director of the Institute on specific technical matters brought to its attention;
 - (c) Execute such tasks as may be entrusted to it by the Governing Board.
 4. The Technical Advisory Committee shall meet as often as may be necessary for the efficient discharge of its functions.

Article X

The Executive Director and the Executive Secretariat of the Institute

1. The Executive Director of the Institute shall be the Head of the Executive Secretariat of the Institute. He shall, subject to the directives of the Governing Board:
 - (a) Control and coordinate all technical and administrative activities of the Executive Secretariat of the Institute;
 - (b) Recruit, control, promote and terminate appointments of staff members of the Institute in conformity with the Staff Rules and Regulations;
 - (c) Prepare and submit for the consideration of the Governing Board, the programme of activities and budget of the Institute in conformity with financial Regulations of the Institute;
 - (d) Prepare and submit for the consideration of the Governing Board the annual contributions and other special fees to be paid by the Member States;
 - (e) Collect and receive contributions, fees and debts due to the Institute as well as contributions from other sources;
 - (f) Administer the property and accounts of the Institute;
 - (g) Cause proper accounts of the Institute to be kept and ensure their timely auditing and presentation to the Governing Board;
 - (h) Represent the Institute in its relations with States, individuals, corporations and other bodies or entities;
 - (i) Exercise such powers and discharge such duties as are conferred upon him by this Agreement and perform such other functions as may be delegated to him by the Governing Board;

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(j) Implement the decisions of the Conference and the Governing Board and execute the programme of activities of the Institute;

(k) Keep abreast of developments in all matters relating to the objectives of the Institute; and

(l) Prepare for the approval of the Governing Board regulations governing the financial, administrative and other activities of the Institute.

2. The Executive Director of the Institute or any person acting for the time being as such, shall, after consultation with the Governing Board, as appropriate, take decisions on behalf of the Institute for the purposes enumerated in subparagraphs (a) and (b) of paragraph 2 of Article III and in Article V of this Agreement.

Part Four Financial Provision

Article XI Financial Resources

1. The annual contributions to be paid by the Member States shall be determined by the Governing Board on the basis of the OAU scale of Assessment and submitted to the Conference, for adoption concurrently with the budget of the Institute.

2. Member States of the Institute may be required to make special contributions in kind or in cash, in respect of programmes or projects carried out in their territories. The nature and extent of such contributions shall be determined by the Conference and provided for in agreements entered into by the parties concerned.

3. The timing, mode of payment and currency of contributions in cash shall be determined by the Conference.

4. The Executive Director of the Institute shall submit to the Governing Board at each annual meeting a report on contributions due under paragraphs 1 and 2 of this article.

5. The Executive Director of the Institute shall, after consultation with the Governing Board, accept gifts, legacies, grants, loans and other contributions in cash or in kind from governmental or national organizations or institutions, and from other sources, provided that such gifts, legacies, grants, loans or other contributions are intended for the furtherance of the objectives of the Institute.

Article XII Expenses

1. The Executive Director of the Institute may incur expenses for its administrative and operational purposes in accordance with an approved programme of activities and within the limits of a budget of the Institute.

2. Expenses incurred by representatives of Member States or participating States and organizations and by their alternates and advisers, as well as expenses incurred by observers, for the purpose of attending meetings of the Conference, the Governing Board, the Technical Advisory Committee or other organs of the Institute, shall be borne by their respective governments or organizations.

Part Five External Relations of the Institute

Article XIII Relationship with the Organization of African Unity

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1. The Institute shall maintain a close working relationship with the Secretariat of the OAU which, in turn shall, within the limits of its resources, assist the Institute in the achievement of its objectives.
2. Notwithstanding the provisions of this Agreement, the General Secretariat of the OAU shall be entrusted by the Conference with the responsibility of seeking assistance from participating States and organizations for the implementation of approved projects of the Institute and acting as the executing agency of such projects for which it has been able to obtain assistance.

Article XIV Relationship with Participating States and Organizations

The Institute shall establish and maintain active cooperation with States of the OAU, inter-governmental organizations and non-governmental organizations or institutions (collectively referred to in this Agreement as Participating States and organizations") which are desirous of assisting the Institute in achieving its objectives.

Part Six Final Provisions

Article XV Amendment of the Agreement

1. Any Member State may propose an amendment to this Agreement.
2. No amendment to this Agreement shall be considered by the Conference unless it has been notified to all the members of the Conference at least six months prior to such consideration.
3. The amendment shall take effect only after it is approved by a two-thirds majority vote of the members of the Conference.

Article XVI Settlement of Disputes

1. Any dispute that may arise concerning the interpretation or application of any of the provisions of this Agreement, which cannot be settled by the parties to the dispute, shall be submitted to the Conference.
2. If the Conference does not reach a decision on the dispute, or if the decision of the Conference is not accepted by the parties to the dispute concerned, either party to the dispute may request that the matter be submitted for arbitration by a Tribunal composed of three members selected in the following manner:
 - (a) Each party shall nominate an arbitrator;
 - (b) The third arbitrator, who shall be the Chairman of the Arbitration Tribunal, shall be chosen by common agreement between the Arbitrators nominated by the parties.
3. If the Arbitration Tribunal is not formed within a period of three months from the date of the request for arbitration, any one of the parties to the dispute may request the Chairman of the Conference to make the necessary nominations, except when the Institute is a party to a dispute, in which case nominations shall be made by the Secretary-General of the OAU.
4. The decision of the Arbitration Tribunal shall be binding on parties to the dispute.

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5. The provisions of paragraphs 2 and 3 of this article shall be without prejudice to the choice of any other mode of settlement that the parties concerned may decide upon.

Article XVII Dissolution

The Institute may be dissolved by agreement of two thirds of the members of the Conference, at a meeting of the Conference, and, upon such agreement, the Conference shall appoint a subcommittee for the liquidation of the assets of the Institute and prescribe for such a subcommittee its terms of reference.

The decision of dissolution shall take effect only after the approval of the Assembly of Heads of State and Government of the OAU.

Article XVIII Final and Transitional Provisions

1. This Agreement, of which the Arabic, English and French texts are equally authentic, shall be deposited with the General Secretariat of the OAU.

2. This Agreement shall enter into force provisionally when signed by at least nine of the Member States.

3. This Agreement shall enter into force three months from the date of its provisional application if it is ratified, accepted or approved by at least nine of the Member States.

4. The instruments of ratification shall be deposited with the General Secretariat of the OAU and copies thereof with the Executive Director of the Institute.

5. Any Member State of the OAU, desirous of becoming a member of the Institute after the entry into force of this Agreement, may do so by depositing with the General Secretariat of the OAU its instrument of accession to this Agreement.

6. The Secretary-General of the OAU shall transmit certified copies of this Agreement and information relating to the ratification of this Agreement to all Member States of the OAU.

7. (1) Upon the entry into force of this Agreement and until the establishment of the Executive Secretariat of the Institute, the functions of the Executive Secretariat shall be performed by the OAU in cooperation with ILO and ECA.

(2) However, the OAU General Secretariat, in cooperation with the ILO and ECA, shall, for at least the first three years, continue to give its support to the Institute until it takes off the ground effectively.

3.

STATUTE OF THE ECONOMIC, SOCIAL AND CULTURAL COUNCIL OF THE AFRICAN UNION

Adopted in Addis Ababa, Ethiopia, in July 2004.

Entered into force in July 2004.

Amended in Addis Ababa, Ethiopia, on 29 January 2018.

Preamble

The Assembly of the African Union,

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Recalling the objectives and principles enshrined in the Constitutive Act of the African Union,

Recalling further the establishment of the Economic, Social and Cultural Council under the provision of Articles 5 and 22 of the Constitutive Act,

Convinced that popular participation in the activities of the African Union, as enunciated in the African Charter for Popular Participation, is a prerequisite for its success,

Guided by the common vision of a united and strong Africa and by the need to build a partnership between governments and all segments of civil society, in particular women, youth and the private sector, in order to strengthen solidarity and cohesion among our peoples,

Recalling the decision of the Assembly to invite and encourage the full participation of the African diaspora as an important part of the continent, in the building of the African Union,

Agrees as follows:

Article 1 Definitions

In this Statute:

"Assembly" means the Assembly of Heads of State and Government of the African Union;

"Chairperson" means the Chairperson of the Commission of the African Union unless otherwise specified;

"African diaspora" means the African diaspora as defined by the Executive Council of the African Union;

"Commission" means the Commission of the African Union;

"Committee" means a Specialized Technical Committee of the African Union;

"Constitutive Act" means the Constitutive Act of the African Union;

"CSO" means civil society organization;

"ECOSOCC" means the Economic, Social and Cultural Council of the African Union;

"CSSDCA" means the Conference on Security, Stability, Development and Cooperation in Africa;

"Executive Council" means the Executive Council of the African Union;

"General Assembly" means the General Assembly of ECOSOCC;

"Member State" means a Member State of the African Union;

"Member" means a civil society organization elected to ECOSOCC;

"NEPAD" means the New Partnership for Africa's Development;

"Parliament" means the Pan-African Parliament of the African Union;

"PRC" means the Permanent Representatives Committee of the African Union;

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"Representative" means the duly accredited representative of a member of ECOSOCC;

"RECs" means the Regional Economic Communities;

"Standing Committee" means the Standing Committee of ECOSOCC;

"STCs" means Specialized Technical Committees as established under Article 14 of the Constitutive Act;

"Union" means the African Union established by the Constitutive Act;

"Special interest groups" means vulnerable groups such as the aged, the physically challenged and people living with HIV/AIDS.

Article 2 Objectives

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

1. Promote continuous dialogue between all segments of the African people on issues concerning Africa and its future;
2. Forge strong partnerships between governments and all segments of the civil society, in particular women, the youth, children, the diaspora, organized labour, the private sector and professional groups;
3. Promote the participation of African civil society in the implementation of the policies and programmes of the Union;
4. Support policies and programmes that will promote peace, security and stability in Africa, and foster development and integration of the continent;
5. Promote and defend a culture of good governance, democratic principles and institutions, popular participation, human rights and freedoms as well as social justice;
6. Promote, advocate and defend a culture of gender equality;
7. Promote and strengthen the institutional, human and operational capacities of the African civil society.

Article 3 Composition

1. ECOSOCC shall be an advisory organ of the African Union composed of different social and professional groups of the Member States of the African Union.
2. These CSOs include but are not limited to the following:
 - (a) Social groups such as those representing women, children, the youth, the elderly and people with disability and special needs;
 - (b) Professional groups such as associations of artists, engineers, health practitioners, social workers, media, teachers, sport associations, legal professionals, social scientists, academia, business organizations, national

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chambers of commerce, workers, employers, industry and agriculture as well as other private sector interest groups;

(c) Non-governmental organizations (NGOs), community-based organizations (CBOs) and voluntary organizations;

(d) Cultural organizations.

3. ECOSOCC shall also include social and professional groups in the African diaspora organizations in accordance with the definition approved by the Executive Council.

Article 4 Membership

1. ECOSOCC shall be composed of one hundred and fifty (150) CSOs which shall include different social and professional groups in Member States of the Union and the African diaspora, in conformity with Article 5 of this Statute:

(a) Two (2) CSOs from each Member State of the Union;

(b) Ten (10) CSOs operating at regional level and eight (8) at continental level;

(c) Twenty (20) CSOs from the African diaspora, as defined by the Executive Council, covering the various continents of the world;

(d) Six (6) CSOs, in ex-officio capacity, nominated by the Commission based on special considerations, in consultation with Member States.

2. The elections of the members of ECOSOCC at Member State, regional, continental and diaspora levels shall ensure 50 per cent gender equality provided that 50 per cent of the representatives of the members shall consist of youths between the ages of 18 and 35.

Article 5 Election of Members

1. Competent CSO authorities in each Member State shall establish a consultation process, in accordance with the provisions of Article 6 of this Statute, for the purpose of determining modalities for election, of two (2) CSOs to the ECOSOCC General Assembly.

2. Regional and continental CSOs shall establish an appropriate consultative process to determine modalities for election, and elect eighteen (18) CSOs to the ECOSOCC General Assembly.

3. African diaspora organizations shall establish an appropriate process for determining modalities for elections and elect twenty (20) CSOs to the ECOSOCC General Assembly.

4. The Commission shall adopt appropriate criteria for its selecting nominated members to the General Assembly, in consultation with Member States.

5. The members of ECOSOCC shall have a mandate of four (4) years and may be reelected only once.

Article 6 Eligibility Requirements for Membership

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The requirements to be fulfilled by CSOs seeking membership are as follows:

1. Be national, regional, continental or African diaspora CSO, without restriction to undertake regional or international activities;
2. Have objectives and principles that are consistent with the principles and objectives of the Union as set out in Articles 3 and 4 of the Constitutive Act;
3. Registration and status:
 - (a) Be registered in a Member State of the Union and/or;
 - (b) Meet the general conditions of eligibility for the granting of observer status to non-governmental organizations;
 - (c) Show a minimum of three (3) years proof of registration as either an African or an African diaspora CSO prior to the date of submission of application, including proof of operations for those years;
4. Provide annual audit statements by an independent auditing company;
5. Show proof that the ownership and management of the CSO is made up of not less than 50 per cent of Africans or of African diaspora;
6. The basic resources of such an organization shall substantially, at least 50 per cent, be derived from contributions of the members of the organization. Where external voluntary contributions have been received, their amounts and donors shall be faithfully revealed in the application for membership. Any financial or other support or contribution, direct or indirect, from a government to the organization shall be declared and fully recorded in the financial records of the organization;
7. Provide information on funding sources in the preceding three (3) years;
8. For regional and continental CSOs, show proof of activities that engage or are operative in at least three (3) Member States of the Union;
9. CSOs that discriminate on the basis of religion, gender, tribe, ethnic, racial or political basis shall be barred from representation to ECOSOCC;
10. Adherence to a code of ethics and conduct for civil society organizations affiliated to or working with the Union.

Article 7 Functions

As an advisory organ, ECOSOCC shall:

1. Contribute, through advise, to the effective translation of the objectives, principles and policies of the Union into concrete programmes, as well as the evaluation of these programmes;
2. Undertake studies that are recommended or deemed necessary by any other organ of the Union and submit recommendations accordingly;
3. Carry out other studies as it deems necessary and submit recommendations as appropriate;

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4. Contribute to the promotion of popularization, popular participation, sharing of best practices and expertise, and to the realization of the vision and objectives of the Union;
5. Contribute to the promotion of human rights, the rule of law, good governance, democratic principles, gender equality and child rights;
6. Promote and support efforts of institutions engaged in review of the future of Africa and forge Pan-African values in order to enhance an African social model and way of life;
7. Foster and consolidate partnership between the Union and CSOs through effective public enlightenment, mobilization and feedback on the activities of the Union;
8. Assume such other functions as may be referred to it by any other organ of the Union.

Article 8 Structure

1. The structure of ECOSOCC shall be as follows:
 - (a) A General Assembly;
 - (b) A Standing Committee;
 - (c) Sectoral Cluster Committees;
 - (d) Credentials Committee.

Article 9 General Assembly

1. The General Assembly shall be the highest decision and policymaking body of ECOSOCC and shall be composed of all members as provided for in Article 4 of this Statute.
2. The functions of the General Assembly shall be as follows:
 - (a) Elect members of the Standing Committee and oversee its work;
 - (b) Prepare and submit advisory opinions and reports as appropriate;
 - (c) Submit proposals on the budget and activities of ECOSOCC;
 - (d) Approve and amend the Code of Ethics and Conduct for CSOs affiliated to or working with the Union;
 - (e) Review the activities of ECOSOCC and propose appropriate actions and recommendations.
3. The General Assembly shall meet in ordinary session once every two (2) years and may meet in extraordinary sessions under conditions to be specified in the rules of procedure of ECOSOCC.
4. The General Assembly shall:
 - (a) Elect a Bureau composed of a Presiding Officer and five (5) Deputy Presiding Officers on the basis of equitable geographical distribution and rotation, including one (1) from the diaspora;

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- (b) The term of office of the Presiding Officer and the Bureau shall be two (2) years.

Article 10 The Standing Committee

1. The Standing Committee shall be elected by the General Assembly and shall be composed of eighteen (18) members as follows:
 - (a) The Presiding Officer and the other members of the Bureau;
 - (b) The Chairpersons of ten (10) Sectoral Cluster Committees;
 - (c) Two (2) representatives of the Commission.
2. The Standing Committee shall perform the following functions:
 - (a) Coordinate the work of ECOSOCC;
 - (b) Prepare the meetings of the General Assembly;
 - (c) Follow up on the implementation of the Code of Ethics and Conduct developed for civil society organizations affiliated to or working with the Union;
 - (d) Prepare and submit annual reports of ECOSOCC to the Assembly of the Union.
3. The Standing Committee, in consultation with the Commission, shall determine the criteria and modalities for granting observer status to ECOSOCC.
4. The term of office of the members comprising the Standing Committee shall be two (2) years renewable only once.*
5. The frequency of the meetings of the Standing Committee shall be provided in the Rules of Procedure.

Article 11 Sectoral Cluster Committees

1. The following Sectoral Cluster Committees are hereby established as key operational mechanisms of ECOSOCC to formulate opinions and provide inputs into the policies and programmes of the African Union:
 - (a) Peace and Security: conflict anticipation, prevention, management and resolution; post-conflict reconstruction and peacebuilding; prevention and combating of terrorism, use of child soldiers, drug trafficking, illicit proliferation of small arms and light weapons; and security reforms, etc.;
 - (b) Political Affairs: human rights, rule of law, democratic and constitutional rule, good governance, power sharing, electoral institutions, humanitarian affairs and assistance, etc.;
 - (c) Infrastructure and Energy: energy, transport, communications, infrastructure and tourism, etc.;

* Editor's note: Article 10, paragraph 4, was amended by the Assembly of Heads of State and Government of the African Union at its Thirtieth Ordinary Session in Addis Ababa, Ethiopia, on 29 January 2018 (Decision Assembly/AU/Dec.676 (XXX) (Doc. EX.CL/1048 (XXXII), Annex 6).

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- (d) Social Affairs and Health: health, children, drug control, population, migration, labour and employment, family, aging, the physically challenged, sports, culture, youth and protection and social integration, etc.;
 - (e) Human Resources, Science and Technology: education, illiteracy, information technology, communication, human resources, science and technology, etc.;
 - (f) Trade and Industry: trade, industry, handicrafts, customs and immigration matters, etc.;
 - (g) Rural Economy and Agriculture: rural economy, agriculture and food security, livestock, environment, water and natural resources, and desertification, etc.;
 - (h) Economic Affairs: economic integration, monetary and financial affairs, private sector development, including the informal sector, and resource mobilization, etc.;
 - (i) Women and Gender: women, gender and development as a cross-cutting issue, etc.;
 - (j) Cross-Cutting Programmes: all other cross-cutting issues that are not covered in the above clusters such as HIV/AIDS, international cooperation, coordination with other institutions and organs of the Union, etc.
2. The Sectoral Cluster Committees of ECOSOCC shall prepare and submit advisory opinions and reports of ECOSOCC.
 3. The Sectoral Cluster Committees shall also perform any other functions as may be assigned to it.
 4. The ECOSOCC General Assembly may recommend amendments to the established Sectoral Cluster Committees, as it may deem necessary.

Article 12 The Credentials Committee

1. The Credentials Committee shall be established by the General Assembly and shall be composed of the following:
 - (a) One (1) CSO representative from each of the five (5) regions;
 - (b) One (1) CSO representative of African diaspora;
 - (c) One (1) nominated representative for special interest groups such as vulnerable groups, the aged, the physically challenged and people living with HIV/AIDS; and
 - (d) Two (2) representatives of the Commission.
2. The Credentials Committee shall be responsible for examining the credentials of members of ECOSOCC and of their representatives.
3. The Rules of Procedure of the Credentials Committee shall be adopted by the General Assembly.

Article 13 Budget

1. The regular budget of ECOSOCC shall constitute an integral part of the regular budget of the Union.

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2. ECOSOCC may, however, mobilize resources from extrabudgetary sources in accordance with guidelines laid down by the Executive Council.

Article 14 Secretariat

1. The seat of the Economic Social and Cultural Council of the African Union and its Secretariat shall be located in the Republic of Zambia.

2. The Economic Social and Cultural Council may convene in the territory of any Member State at the invitation of that Member State.*

Article 15 Quorum

The quorum for meetings of the General Assembly of ECOSOCC or of any of its committees shall be constituted by a simple majority.

Article 16 Voting

Each member of ECOSOCC shall have one vote and decision-making shall be by consensus, failing which it shall be by two-thirds (2/3) majority of those present and voting. However, questions of procedure shall require a simple majority.

Article 17 Rules of Procedure

ECOSOCC shall adopt its own Rules of Procedure, including additional provisions on modalities for selection of its members, subject to approval by the Executive Council.

Article 18 Working Languages

The official languages of ECOSOCC shall be the same as those of the Union.

Article 19 Entry into Force

This Statute shall enter into force upon adoption by the Assembly.

Article 20 Amendments

Proposals for the amendment of this Statute may be made by any Member State of the Union, or the General Assembly of ECOSOCC to the Assembly for its consideration.

* Editor's note: Article 14, paragraphs 1 and 2, was amended by the Assembly of Heads of State and Government of the African Union at its Thirtieth Ordinary Session in Addis Ababa, Ethiopia, on 29 January 2018 (Decision Assembly/AU/Dec.676 (XXX) (Doc. EX.CL/1048 (XXXII), Annex 6).

4. STATUTE OF THE AFRICAN ACADEMY OF LANGUAGES

4.

STATUTE OF THE AFRICAN ACADEMY OF LANGUAGES

**Adopted in Khartoum, Sudan, on 24 January 2006.
Entered into force upon adoption.**

Preamble

The adherents to the present Statute,

Considering the Charter of the Organization of African Unity (1963),

Considering the Cultural Charter of Africa (1976),

Considering the O.A.U. Linguistic Action Plan (21 to 25 July 1986),

Conscious of the role of languages in the economic, social and cultural development of nations, the role of languages in African integration as a factor of peace, comprehension and prevention of conflicts, and the weight of illiteracy in Africa,

Have agreed on the following:

Title I

Creation and Missions

Article 1.

It has been created in Bamako, Mali, under the protection of the African Union the African Academy of Languages, in short ACALAN. The African Academy is a Pan-African institution. It has an unlimited lifetime and its seat is in Bamako.

Article 2.

1. The African Academy of Languages has the following missions:
 - (a) The advancement of African languages in general, and of cross-border languages in particular;
 - (b) The reinforcement of linguistic cooperation between African States;
 - (c) The international promotion of African languages.
2. In carrying out these missions, the African Academy of Languages will contribute to:
 - (a) Promotion of scientific and democratic culture;
 - (b) The harmonious economic, social and cultural development of African countries;
 - (c) African integration as an instrument of peace and prevention of conflicts.

Title II

The Activities of the Academy

Article 3

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The African Academy of Languages works towards:

- (a) The boosting of research on African languages;
- (b) The coordination and the development of research activities and the setting up of a consultation framework;
- (c) The centralization and dissemination of the results of linguistic research;
- (d) The technical assistance to the different States as regards the development and the implementation of their linguistic policy, especially in the creation and/or setting up of national structures for the advancement of African languages;
- (e) The modernization of linguistic tools through the use of new technologies of information and communication (NTIC);
- (f) The use of African languages as working languages at the national, subregional and international levels;
- (g) The development of a linguistic atlas of Africa;
- (h) The harmonization of instructional curricula of cross-border languages;
- (i) The filing and the gathering of data banks;
- (j) The redefinition of the relationships between African languages and partner languages.

Article 4

The African Academy carries a constant reflection on all matters pertaining to African languages in general and cross-border languages in particular, and sees to the application of linguistic standards through:

- (a) Its opinion on the request of the authorities, the communities and the research institutions;
- (b) The research works it finances;
- (c) The formulation and follow up of the recommendations;
- (d) The representation of African cross-border languages at the international level;
- (e) Developing cooperation and exchange agreements with foreign institutions aiming at similar objectives;
- (f) Awarding prizes and distinctions.

Title III

Membership of the African Academy of Languages

Article 5

The African Academy of Languages is a learned society composed of distinguished men and women of science and culture called academicians.

Article 6

4. STATUTE OF THE AFRICAN ACADEMY OF LANGUAGES

The African Academy of Languages is composed of:

- (a) Incumbent members;
- (b) Associate members;
- (c) Corresponding members.

Article 7

The members of the African Academy of Languages are elected by their peers, and then appointed by the Board of Governors of the ACALAN.

Article 8

Proposals for candidacy come from the members of the Academy, institutions of research and higher education and other national, African or international renowned cultural and scientific bodies.

Chapter I The Incumbent Members

Article 9

To be an incumbent member of the ACALAN a candidate must satisfy the following conditions:

- (a) Be a citizen of an African country;
- (b) Be a scientific, technical, cultural and moral authority and having achieved outstanding results.

Article 10

There is a maximum of two incumbent members per Language Commission and per country. The incumbent members remain in their original institutions. They must:

- (a) Attend the public sessions of the Academy in which they can present the original results of their works or make presentations on topics related to scientific, technical and cultural news;
- (b) Participate in the meetings of the Commission and in all the works of the Academy which require their presence;
- (c) Encourage researchers to make the significant results of their works available to the Academy;
- (d) Study the notes and questions submitted to them and give their opinion in all independence.

Chapter II The Associate Members

Article 11

The associate members, a maximum of two per Language Commission and per country, are renowned African scientific personalities working in their original institutions. They participate in the public sessions and in the works

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of the Academy but cannot vote. They must encourage researchers to make the significant results of their works available to the Academy.

Chapter III The Corresponding Members

Article 12

The corresponding members, a maximum of two per Language Commission and per continent, are non-African scientific personalities who have notoriously contributed to the study and advancement of African languages. In addition to their contributions, they will plead everywhere for the African Academy. They participate in the public sessions of the Academy but cannot vote.

Title IV The Organs and the Instances of the African Academy of Languages

Chapter I The Board of Governors

Article 13

The Board of Governors is the highest authority of the Academy. It is composed of the ministers in charge of education, culture, or scientific research of Member States.

Article 14

The Board of Governors calls an ordinary meeting biennially at the seat of the Academy. However, upon the request of two thirds of its members, the President shall call an extraordinary session on a precise agenda communicated in advance to all the members.

Article 15

The Board of Governors has the following prerogatives:

- (a) It elects the President of the Academy;
- (b) It approves the internal rules, the activity report, the action plan and the budget of the Academy;
- (c) It makes its decisions on the simple majority of the members present. Each member is entitled to one vote. Should the votes be even, the President is empowered with the casting vote;
- (d) It can order an audit of the management of the Academy.

Chapter II The Presidency of the Academy

Article 16

The Presidency of the Academy is the animation, administration and leadership authority of the Academy.

Article 17

4. STATUTE OF THE AFRICAN ACADEMY OF LANGUAGES

The Presidency of the Academy includes: the President of the Academy, the Secretary-General, the Director of the Documentation and Information Centre, and the accountant. It is run by the President of the Academy.

Article 18

The President of the Academy is elected by the Board of Governors for a four-year term renewable only once. He authorizes the expenditures of the Academy and can, on his authority, empower the Secretary-General.

Article 19

The President prepares the international rules of the Academy. He implements the instructions of the Board of Governors and is accountable to it. He prepares the programmes of activity, the balance sheet and the reports of the Academy. He attends all the meetings of the Board of Governors and accounts for all its secretarial work.

Article 20

The President appoints persons to the administrative jobs within the Academy. He represents the Academy to the administrative and political authorities of Member States, and to the authorities of the African Union and international institutions as well.

Article 21

The Secretary-General is appointed by the President of the Academy on the proposal of the host country. Under the authority of the President, he runs, coordinates and stimulates the administrative services of the Academy. He is in charge of the secretarial work of the meetings of the Board of Governors and of the Presidency. He files the archives, the minutes of the meetings and the reports of the debates. He ensures contact and facilitates the collaboration between the Academy and the administrative authorities of the host country.

Article 22

The Director of the Documentation and Information Centre is appointed by the President after announcement of a vacancy. He is in charge of centralizing and disseminating the results of linguistic research; filing and gathering data banks; ensuring the production and the translation of the documents of the Academy in cross-border languages and in partner languages; and ensuring the publication of the Bulletin of the Academy.

Article 23

The accountant is appointed by the President of the Academy after announcement of a vacancy and upon approval by the Board of Governors. He is in charge of general accounting and cost accounting. The accountant is responsible for the bookkeeping of the Academy. With the President, he co-signs all the supporting documents.

Article 24

The members of the Presidency fulfil permanent duties remunerated in accordance with the salary scale of the specialized institutions of the African Union.

Chapter III The Language Commissions

Article 25

The African Academy of Languages sets up a Language Commission for every cross-frontier language of wider communication. Language Commissions are the working structures for the academicians.

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Article 26

Each Commission is composed of two incumbent members, two associate members, per country and two corresponding members per continent.

Article 27

Each Language Commission is animated by a Permanent Secretary elected among the incumbent members.

Article 28

The Permanent Secretary coordinates the activities of the Commission and centralizes the results of the work of the Commission for the sessions of the Academy.

Chapter IV The Session

Article 29

The session is the authority of the Academy which brings together twice a year the incumbent members, the associate members and the corresponding members. The members discuss and adopt the results of the work of the commissions. In case of necessity, the President shall call an extraordinary session. He presides over all the sessions of the Academy. Only the President and the incumbent members can vote.

Article 30

A session allowance is provided to the academicians.

Title V Final Clauses

Article 31

The internal rules of the Academy define the mode of election and appointment of the members of the Presidency and the Language Commissions, lay down their prerogatives and the conditions in which they fulfil their duties.

Article 32

For the initial constitution of the African Academy of Languages, the public and private scientific organizations and institutions propose to the Board of Governors the scientific lists eligible to the Academy for membership as incumbent members, associate members and corresponding members.

Article 33

The present Statute is completed by the internal rules.

Article 34

The present Statute of the African Academy of Languages can be modified only by the Board of Governors called in an extraordinary session.

5. CHARTER FOR AFRICAN CULTURAL RENAISSANCE

5.

CHARTER FOR AFRICAN CULTURAL RENAISSANCE

Adopted in Khartoum, Sudan, on 24 January 2006.

The Charter shall enter into force thirty days after the deposit of the fifteenth instrument of ratification or accession.

Amended in Addis Ababa, Ethiopia, in February 2019.

Preamble

We, the Heads of State and Government of the African Union meeting in the Sixth Ordinary Session in Khartoum, the Republic of The Sudan, from 23 to 24 January 2006,

Inspired by the Cultural Charter for Africa adopted by the Heads of State and Government of the Organization of African Unity meeting at its Thirteenth Ordinary Session, in Port Louis, Mauritius, from 2 to 5 July 1976,

Guided by

The Constitutive Act of the African Union,

The Declaration of Principles of International Cultural Cooperation adopted by the General Conference of UNESCO at its Fourteenth Session in 1966,

The Pan-African Cultural Manifesto of Algiers (1969), and by the Inter-Governmental Conference on Cultural Policies in Africa organized by UNESCO in Accra, Ghana, in 1975, in cooperation with the Organization of African Unity,

The African Charter on Human and Peoples' Rights (1981),

The Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) and its additional protocols,

The Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970),

The Convention Concerning the Protection of the World Cultural and Natural Heritage (1972),

The UNESCO Universal Declaration on Cultural Diversity (2001),

The Convention for the Safeguarding of the Intangible Cultural Heritage (2003),

The Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005),

The Decision of the OAU Summit on the establishment of the African Academy of Languages,

The Decision of the First Conference of African Ministers of Culture on the endorsement of the Draft Charter for African Cultural Renaissance, held from 13 to 14 December 2005, in Nairobi, Kenya,

Affirming

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That any human community is necessarily governed by rules and principles based on culture, and that culture should be regarded as the set of distinctive linguistic, spiritual, material, intellectual and emotional features of the society or a social group, and that it encompasses, in addition to art and literature, lifestyles, ways of living together, value systems, traditions and beliefs,

That all cultures emanate from the societies, communities, groups and individuals and that any African cultural policy should of necessity enable peoples to evolve for increased responsibility in its development,

Aware of the fact

That any people have the inalienable right to organize their cultural life in full harmony with their political, economic, social, philosophical and spiritual ideas,

Convinced

That all the cultures of the world are equally entitled to respect just as all individuals are equal as regards free access to culture,

Recalling

That despite cultural domination which during the slave trade and the colonial era led to the depersonalization of part of the African peoples, falsified their history, systematically disparaged and combated African values, and tried to replace progressively and officially, their languages by that of the colonizer, the African peoples were able to find in African culture, the necessary strength for resistance and the liberation of the continent,

Convinced

That the unity of Africa is founded first and foremost on its history,

That the affirmation of cultural identity denotes a concern common to all peoples of Africa,

That African cultural diversity and unity are a factor of equilibrium, strength in African economic development, conflict resolution and reducing inequality and injustice to promote national integration,

That it is imperative to edify educational systems which embody the African and universal values, so as to ensure the rooting of youth in African culture, their exposure to the values of other civilizations, and mobilize the social forces in the context of a sustainable, endogenous participatory development,

That it is imperative to resolutely ensure the promotion of African languages, the mainstay and media of tangible and intangible cultural heritage in its most authentic and essentially popular form and also as a factor of development,

That it is imperative to carry out a systematic inventory with a view to preserving and promoting tangible and intangible cultural heritage, in particular in the spheres of history, traditions, arts and handicrafts, knowledge and know-how,

Guided by

A common determination to strengthen understanding among our peoples and cooperation among our States in order to meet the aspirations of our peoples to see brotherhood and solidarity reinforced and integrated within a greater cultural unity which transcends ethnic, national and regional divergences on the basis of a shared vision,

Aware

5. CHARTER FOR AFRICAN CULTURAL RENAISSANCE

That culture constitutes for our peoples the surest means to chart Africa's own course towards technological development, and the most efficient response to the challenges of globalization,

Convinced

That African culture is meaningless unless it plays a full part in the political, economic and social liberation struggle, and in the rehabilitation and unification efforts and that there is no limit to the cultural development of a people,

Convinced

That a common resolve provides the basis for promoting the harmonious cultural development of our States and our societies,

Considering

That the globalization process facilitated by rapid developments in information and communication technologies constitutes a challenge for cultural identities and cultural diversity and requires universal mobilization to promote dialogue between civilizations,

Agree

To establish the present Charter for African Cultural Renaissance.

Article 1 Replacement of the 1976 Cultural Charter for Africa

The Cultural Charter for Africa adopted in 1976 by the Heads of States and Governments of the Organization of African Unity is hereby replaced by the present Charter.

Article 2 Relationship between Parties to the Revised Charter and Parties Bound by the 1976 Cultural Charter for Africa

- (a) Between Parties which are bound by this Charter, only this Charter shall apply.
- (b) The relationships between Parties to the original Cultural Charter for Africa of 1976 and Parties to this Revised Charter shall be governed by the provisions of original Cultural Charter for Africa.

Part I Objectives and Principles

Article 3

The objectives of this Charter are as follows:

- (a) To assert the dignity of African men and women as well as the popular foundations of their culture;
- (b) To promote freedom of expression and cultural democracy, which is inseparable from social and political democracy;
- (c) To promote an enabling environment for African peoples to maintain and reinforce the sense and will for progress and development;

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- (d) To preserve and promote the African cultural heritage through preservation, restoration and rehabilitation;
- (e) To combat and eliminate all forms of alienation, exclusion and cultural oppression everywhere in Africa;
- (f) To encourage cultural cooperation among Member States with a view to the strengthening of African unity, through the use of African languages and the promotion of inter-cultural dialogue;
- (g) To integrate cultural objectives in development strategies;
- (h) To encourage international cultural cooperation for a better understanding among peoples within and outside Africa;
- (i) To promote in each country the popularization of science and technology including traditional knowledge systems as a condition for better understanding and preservation of cultural and natural heritage;
- (j) To strengthen the role of culture in promoting peace and good governance;
- (k) To develop all the dynamic values of the African cultural heritage that promote human rights, social cohesion and human development;
- (l) To provide African peoples with the resources to enable them to cope with globalization.

Article 4

In order to fulfil the objectives set out in Article 1, the African States solemnly subscribe to the following principles:

- (a) Access of all citizens to education and to culture;
- (b) Respect for the freedom to create and the liberation of the creative genius of the people;
- (c) Respect for national and regional identities in the area of culture as well as the cultural rights of minorities;
- (d) Strengthening the role of science and technology, including endogenous systems of knowledge, in the life of the African peoples by incorporating the use of African languages;
- (e) Exchange and dissemination of cultural experiences between African countries.

Part II

African Cultural Diversity, Identity and Renaissance

Article 5

1. African States recognize that cultural diversity is a factor for mutual enrichment of peoples and nations. Consequently, they commit themselves to defend minorities, their cultures, their rights and their fundamental freedoms.
2. Cultural diversity contributes to the expression of national and regional identities, and more widely, to building Pan-Africanism.

Article 6

5. CHARTER FOR AFRICAN CULTURAL RENAISSANCE

At national level, the promotion of identities consists of fostering mutual understanding and coordinating inter-cultural and inter-generational dialogue. At global level, the promotion of African identities exemplifies African dignity and freedoms. It presents African values and the contribution of Africa and the African diaspora to the building of universal civilization.

Article 7

1. African States commit themselves to work for African Renaissance. They agree on the need for reconstruction of the historical memory and conscience of Africa and the African diaspora.
2. They consider that the general History published by UNESCO constitutes a valid base for teaching the History of Africa and recommend its dissemination, including in African languages, as well as the publication of its abridged and simplified versions for wider audiences.

Part III Cultural Development

Chapter I Basic Principles of a Cultural Policy

Article 8

The experience of previous decades recommends that an in-depth renewal of national and regional approaches in terms of cultural policy be carried out. As the production of peoples, grassroots communities, artists and intellectuals, culture is a factor of social progress and a driving force for innovation.

Article 9

States have the essential task of creating an enabling environment for cultural innovation and development. To this end, they shall guarantee freedom of expression for all citizens and cultural stakeholders.

Article 10

1. States will ensure the introduction of African cultural values and the universal principles of human rights in education, as well as in information and communication programmes.
2. States commit themselves to:
 - (a) Protect and promote the freedom of artists, intellectuals and men and women of culture;
 - (b) Protect and develop tangible and intangible cultural heritage;
 - (c) Financially and materially support cultural initiatives in all strata of society;
 - (d) Facilitate access to education and culture for all segments of the population.

Chapter II Cultural Stakeholders

Article 11

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1. States recognize that a significant number of non-institutional actors are instrumental in cultural development: designers, private developers, associations, local governments, the private sector.
2. States commit themselves to support cultural development through incentive measures in fiscal, legislative and administrative plans. Such measures shall target inventors associations, the civil society and the private sector.

Article 12

1. States shall build the capacity of the cultural sector and stakeholders through the organization of festivals, seminars, conferences, training and refresher courses at national, subregional, continental and Pan-African level.
2. States shall guarantee equal access of women and men to cultural expression, decision-making, art and cultural professions.

Article 13

1. The youth represent the majority of the African population. The key resources for contemporary creation reside in the youth.
2. States commit themselves to recognize cultural expressions by the youth, according them their true value and responding to their aspirations, in accordance with African culture and values.

Article 14

Elders and traditional leaders are cultural stakeholders in their own right. Their role and importance deserve official recognition in order for them to be integrated in modern mechanisms of conflict resolution and the inter-cultural dialogue system.

Article 15

Training is a fundamental component of cultural, economic and social development. Consequently, African States should create an enabling environment to enhance the access and participation of all in culture, including marginalized and underprivileged communities.

Article 16

To achieve the objective spelt out in the previous article, African States should define training policies for artists that guarantee the freedom of artists, creators and other cultural stakeholders.

Article 17

Professional training for creative artists should be improved, renewed and adapted to modern methods, without breaking links with traditional sources of culture. To this end, specialist training should be provided in national, subregional and regional training institutions which should be established by Africans.

Part IV Use of African Languages

Article 18

5. CHARTER FOR AFRICAN CULTURAL RENAISSANCE

African States recognize the need to develop African languages in order to ensure their cultural advancement, and acceleration of their economic and social development. To this end, they should endeavour to formulate and implement appropriate national language policies.

Article 19

African States should prepare and implement reforms for the introduction of African languages into the education curriculum. To this end, each State should extend the use of African languages taking into consideration the requirements of social cohesion and technological progress, as well as regional and African integration.

Part V Use of Mass Media

Article 20

African States recognize the links between cultural, information and communication policies, therefore they should encourage the use of the information and communication media for their cultural development and promotion.

Article 21

African States should:

- (a) Ensure that new information and communication technologies are used to promote African culture;
- (b) Promote the establishment of publishing and distribution houses for books, textbooks, children's books and audio-visual works, particularly in African languages;
- (c) More specifically, create an enabling environment that will enhance the creation, protection, production and distribution of cultural works.

Part VI The Role of States in Cultural Development

Chapter III Assistance to Artistic Creation and Expression

Article 22

States should create an enabling environment that fosters creativity in all its diversity, mainly through:

- (a) Putting in place an appropriate institutional framework with a view to facilitating creativity and artistic expression;
- (b) Providing financial, technical and other forms of assistance to stimulate artistic creation and expression, preferably by the establishment of national funds for the promotion of arts and culture;
- (c) Providing fiscal assistance and incentives measures, particularly tax exemption for African cultural goods and services;
- (d) Subscribing to and ratifying charters, conventions and other legislative instruments for the preservation and promotion of artistic creation and expression, namely, the International Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005), which is an important instrument on the protection of

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local languages, arts and culture against the effects of standardization arising from cultural globalization, particularly in developing countries;

(e) Taking appropriate measures for the protection of intellectual property rights related to the expression of cultural diversity;

(f) Harmonizing national policies and legislation with international charters, conventions and other legislative instruments.

Chapter IV The Protection of African Artistic Goods and Services

Article 23

African States should prepare an inter-African convention on copyright in order to guarantee the protection of African works. They should also intensify their efforts to modify existing international conventions to meet African interests.

Article 24

African States should enact national and inter-African laws and regulations guaranteeing the protection of copyright and set up national authors' associations and copyright offices and encourage the establishment of authors' associations responsible for protecting the material and moral interests of those who produce cultural goods and services.

Chapter V The Protection of African Cultural Heritage

Article 25

African States, having adopted the African Position Paper on the State of World Heritage in Africa, and the proposal for the establishment of the African World Heritage Fund, should take all the necessary measures to implement the relevant provisions contained in this document and the Proposal for the Establishment of the African World Heritage Fund.

Article 26

African States should take steps to put an end to the pillage and illicit traffic of African cultural property and ensure that such cultural property is returned to their countries of origin.

Article 27

African States should take the necessary measures to ensure that archives and other historical records which have been illicitly removed from Africa are returned to African Governments in order that they may have complete archives concerning the history of their country.

Article 28

The concerned African States shall commit themselves to provide appropriate physical and environmental conditions to safeguard and protect returned archives and historical records.

Article 29

5. CHARTER FOR AFRICAN CULTURAL RENAISSANCE

African States should ratify the Convention for the Protection of Cultural Property in the Event of Armed Conflict and the Convention for the Safeguarding of the Intangible Cultural Heritage.

Part VII Intra and Inter-African Cultural Cooperation

Article 30

African States acknowledge that it is vital to establish inter-African cultural cooperation as a contribution to the mutual understanding of the cultures of other States for the enrichment of African cultures, and between Africa and the rest of the world, particularly with the African diaspora.

Article 31

To achieve the aims set out in the previous article, African States agree:

- (a) To build capacities, particularly for the specialized institutions of the AU Commission to enable it to coordinate, monitor, evaluate and harmonize best practices and policies concerning programmes and networks;
- (b) To organize cultural events such as festivals, symposia, sporting events and arts exhibitions;
- (c) To establish cultural research centres and encourage cultural exchange programmes;
- (d) To commit themselves to ensure that African cultural values are deployed to maximum effect in order to promote and reinforce a sense of identity among Africans.

Part VIII Africa and the African Diaspora

Article 32

African States should strengthen their ties with the African diaspora worldwide in the areas of culture, education, science and technology, finance and economy. They should support the members of the African diaspora to better interact with local, regional and national authorities in their countries of residence, capable of seeking solutions to the problems facing their communities. They should also assist them to participate further in the development of Africa.

Article 33

The African Union should take the necessary measures to establish institutions or "Africa Houses" in countries where there is a significant African diaspora, and elsewhere with a view:

- (a) To promote positive awareness about Africa;
- (b) To promote African positions and perspectives;
- (c) To support the African diaspora in its efforts to forge relations with their communities, their regional and national governments in Africa and in the rest of the world.

Part IX Final Provisions

Article 34

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Signature and Ratification

- (a) This Charter shall be open for signature to all Member States of the African Union and shall be ratified by the signatory States in accordance with their respective constitutional processes.
- (b) The original instrument, done if possible in African languages and in Arabic, English, French and Portuguese, all texts being equally authentic, shall be deposited with the Commission of the African Union which shall transmit copies thereof to all AU Member States.
- (c) Instruments of ratification shall be deposited with the Commission of the African Union which shall notify all signatories of such deposit.

Article 35 Entry into Force

This Charter shall enter into force thirty (30) days after the deposit of the 15th instrument of ratification or accession.

Article 36 Registration of the Charter

This Charter shall, after due ratification, be registered with the Secretariat of the United Nations through the Commission of the African Union in conformity with Article 102 of the Charter of the United Nations.

Article 37 Interpretation of the Charter

Any question which may arise concerning the interpretation of this Charter shall be resolved by decision of the Assembly of the African Union.

Article 38 Adhesion and Accession

- (a) Any AU Member State may at any time notify the Commission of the African Union of its intention to adhere or accede to this Charter.
- (b) The Commission of the African Union shall, on receipt of such notification, communicate a copy of it to all the Member States. Adhesion and accession shall take effect fourteen days after communication of the applicant's notice to all Member States by the Commission of African Union.

Article 39 Amendment and Revision

- (a) Any State Party may submit proposals for the amendment or revision of this Charter.
- (b) Proposals for amendment or revision shall be submitted, in writing, to the Chairperson of the Commission of the African Union who shall transmit the same to the States parties, in accordance within thirty (30) days of receipt thereof.
- (c) The Assembly shall examine these proposals within a period of one (1) year following notification of States parties, in accordance with the provisions of paragraph 2 of this article.

6. AFRICAN UNION SPORTS COUNCIL

(d) Amendments or revisions shall be adopted by the Assembly by consensus, failing which, by a two-thirds majority.

(e) Amendments or revisions shall enter into force for each State Party, which has accepted them, thirty (30) days after the Chairperson of the Commission of the African Union has received notice of acceptance.

6.

STATUTE OF THE AFRICAN UNION SPORTS COUNCIL

Adopted in Addis Ababa, Ethiopia, on 30 January 2016.

The Statute entered into force upon adoption on 30 January 2016.

Preamble

We, the Member States of the African Union,

Recalling the objectives and principles enshrined in the Constitutive Act of the African Union,

Also recalling the Executive Council Decision EX.CL/Dec.680 (XX) of January 2012, which dissolved the Supreme Council and established the African Union Sports Council,

Whereas sport, as an element of culture and a major phenomenon in contemporary civilization, plays a powerful role in human upbringing, the strengthening of national cohesion and the rapprochement of peoples,

Whereas Member States have, in this respect, increased their efforts to integrate sport and sport for development as well as physical activities in their respective development plans,

Whereas Member States are concerned over the need to actively contribute toward the establishment of a New International Sports Order that is balanced and democratic,

Whereas Member States are resolute to pursue and intensify the campaign against all forms of racial, religious and political discrimination in sports,

Whereas in order to safeguard and ensure the gradual triumph of these values as well as to foster sports development in Africa, there is a strong need for unity, close and dynamic cooperation between African States,

Whereas Member States are further convinced that in order to achieve that goal, it is necessary to establish a Specialized Technical Office to direct, coordinate and superintend activities of the entire African Sport Movement,

Now hereby agree as follows:

Article 1 Definitions

For the purpose of the present Statute:

"AASC" means Association of African Sports Confederations;

"Africa Sports Movement" means a forum comprised of the African Union, the Association of African Sports Confederations and Association of National Olympic Committees of Africa and other Stakeholders;

"African Games" means the Multi-Sport discipline event held after four (4) years;

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"AGTC" means African Games Technical Committee;

"ANOCA" means Association of National Olympic Committees of Africa;

"Assembly" means the Assembly of Heads of State and Government of the Union;

"AUSC" means African Union Sports Council;

"Chairperson" means the Chairperson of the AU Commission unless otherwise specified;

"Commission" means the African Union Commission;

"Committee" means a Technical Committee of the AUSC;

"Constitutive Act" means the Constitutive Act of the African Union;

"Executive Council" means the Executive Council of Ministers of the African Union;

"Executive Secretary" means the Executive Secretary of AUSC;

"Member State" means a Member State of the African Union;

"Member" means African Sport Movement (Member of AUSC);

"Representative" means the duly accredited representative of a member of AUS;

"STC" means the Specialized Technical Committee on Youth, Culture and Sports as established under Article 14 of the Constitutive Act;

"Union" means the African Union established by the Constitutive Act.

Article 2 Establishment and Headquarters

1. The AUSC is hereby established as a Specialized Technical Office of the Union.
2. The Headquarters of the AUSC shall be in Yaoundé, Republic of Cameroon, unless otherwise decided by the Assembly.
3. A Headquarters Agreement shall govern the relations between the Union and the Host Country.

Article 3 Purpose

The AUSC shall be responsible for the coordination of the Africa Sports Movement and the forum for concerted action between Member States for the promotion and development of Sports and development through Sport in Africa.

Article 4 Composition

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The AUSC shall be composed of Member States, the African Union Sport Development Regions, ANOCA, AASC, and other continental sports bodies recognized by AUSC.

Article 5 Functions

The AUSC shall:

- (a) Service the sport policy development needs of the AU;
- (b) Promote sport as a fundamental human right to be enjoyed by all;
- (c) Promote and defend sport development and development through sport;
- (d) Grant membership of the AUSC subject to approval by the STC;
- (e) Ensure that Member States fund sport development;
- (f) Ensure that Member States develop sport policies, programmes, systems and structures;
- (g) Facilitate the development of relevant sport structures in Member States and the alignment of national sport policies and strategies to the AU Sport Policy Framework and other continental sport policies to achieve harmonization and coordination of sports development;
- (h) Facilitate sport development on the African continent in terms of skills development, social interaction, and communication of relevant information on programmes in combating HIV and AIDS and anti-doping programmes, as well as to promote person-to-person development programmes;
- (i) Enhance the profile and status of the African Games to attract high profile athletes to ensure that it becomes a qualifier for the Olympic Games and other international events;
- (j) Increase the revenue of the African Games and institute transparent mechanisms regarding the proceeds raised from the marketing and sponsorship of the African Games;
- (k) Promote cooperation with international sports organizations with a view to solicit sponsorship, funding and training of sportsmen and women;
- (l) Ensure that ANOCA and AASC play their assigned roles within the new African Union Sports Council;
- (m) Promote and defend a culture of good governance, democratic principles and institutions, popular participation, human rights and freedoms as well as social justice in the domain of sport;
- (n) Promote, advocate and defend a culture of gender equality in the domain of sport;
- (o) Promote and strengthen the institutional, human and operational capacities of African civil society.

Article 6 Working Languages

The working languages of AUSC shall be those of the Union.

Article 7 Emblem and Flag

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1. The emblem of the AUSC shall represent the outline of the African Union emblem with eight rings and a flame superimposed on it.
2. The flag of the AUSC shall be that of the African Union stamped with the AUSC emblem.

Article 8 Organs of the AUSC

The AUSC shall be governed by the following bodies:

- (a) The STC as provided for in its rules of Procedure;
- (b) The Sport Advisory Board;
- (c) The Technical Committees;
- (d) The African Union Sport Development Regions;
- (e) The Secretariat of the AUSC.

Article 9 Composition of the Sport Advisory Board

The Sport Advisory Board shall be composed as follows:

- (a) Chairpersons of the five (5) AU Sports Development Regions at the expert level;
- (b) Africa Union Commission represented by the Department responsible for Sport;
- (c) Executive Secretary of the AUSC;
- (d) Two (2) representatives from ANOCA;
- (e) Two (2) representatives from AASC;
- (f) Chairpersons of the Technical Committees.

Article 10 Functions of the Sport Advisory Board

The Sport Advisory Board shall:

- (a) Consider different aspects of sport on the continent;
- (b) Recommend strategic/activity plans for the Commission and Regional Economic Communities;
- (c) Advise the STC on emerging issues and other matters related to sport;
- (d) Advise the Commission on the implementation of decisions by Member States;
- (e) Make appropriate recommendations on the Host Country of the African Games for consideration by the STC;

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- (f) Recommend members of the Technical Committees to the STC for consideration;
- (g) Carry out any other functions assigned to it by the STC.

Article 11

Meetings of the Sport Advisory Board

1. The Sport Advisory Board shall meet twice a year in ordinary session at the Headquarters of AUSC or in any other Member State upon the invitation of the Member State.
2. In the event the session is held outside the Headquarters of the AUSC, the Host Country shall be responsible for all extra expenses incurred by the AUSC as a result of holding the session outside the Headquarters.
3. At the request of two thirds of its members, the Chairperson of the Sport Advisory Board shall convene an extraordinary session on a specific agenda communicated to all members at least fifteen (15) days in advance.
4. Each Member of the Sport Advisory Board shall bear the cost of his/her participation in all meetings of the Board.

Article 12

Quorum of the Sport Advisory Board

A simple majority of members of the Sport Advisory Board shall be required to constitute a quorum for any ordinary or extraordinary session.

Article 13

Decision-Making of the Sport Advisory Board

1. Decisions of the Sport Advisory Board shall be taken by a simple majority of members present.
2. Each member shall have one vote.
3. In the event of a tie, the Chairperson of the Sport Advisory Board shall have the casting vote.

Article 14

Bureau of the Sport Advisory Board

1. The Sport Advisory Board shall, on the basis of rotation and geographical distribution, elect, after due consultations, a Chairperson, a Vice-Chairperson and a Rapporteur.
2. The Bureau shall be elected by a simple majority.
3. The Members of the Bureau shall hold office for a period of two (2) years renewable only once.

Article 15

Functions of the Chairperson of the Sport Advisory Board

1. The Chairperson shall:
 - (a) Preside over all the proceedings of the ordinary and extraordinary sessions;
 - (b) Open and close the sessions;

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- (c) Submit for approval the records of the sessions;
 - (d) Guide the proceedings;
 - (e) Submit to a vote matters under discussion and announce the results of the vote taken;
 - (f) Rule on points of order;
 - (g) Ensure order and decorum during the proceedings of the sessions.
2. In the absence of the Chairperson or in case of a vacancy, the Vice-Chairperson or in his/her absence, the Rapporteur shall act as the Chairperson.
3. The provisions of the present article are applicable to the Chairperson of the Bureau of the Technical Committees and ad hoc working group, which may be set up by the Board and the Technical Committees.

Article 16

Technical Committee on Sport for Development

1. The Technical Committee on Sport for Development shall consist of the following members:
- (a) A representative from each AU Sport Development region;
 - (b) A representative from ANOCA;
 - (c) A representative from AASC;
 - (d) A representative from AUSC Secretariat;
 - (e) A representative from Women in Sports Associations;
 - (f) A representative from Sport for Development and Peace Organization;
 - (g) A representative from School and Tertiary Sport Association;
 - (h) A representative from Association of African Paralympic;
 - (i) A representative from African Region Anti-Doping;
 - (j) A representative from Sport for All;
 - (k) A representative from Military Sport (OSMA).
2. The Sport Advisory Board may review the composition of this Technical Committee.
3. The Technical Committee on Sport for Development shall elect from among its members a Chairperson who shall be a representative of one of the AU Sport Development Regions for a term of two (2) years on the basis of rotation and geographical distribution. The Chairperson shall be assisted by a Vice-Chairperson and a Rapporteur.
4. The Technical Committee on Sport for Development shall carry out the following functions:

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- (a) Facilitate training of professionals in sport science, medicine, anti-doping and related fields of study;
- (b) Advocate and promote anti-doping programmes on and off the field of play;
- (c) Conduct education and awareness campaigns on communicable/transmittable diseases;
- (d) Ensure and monitor inclusivity and equity in sports including promoting the involvement of women, the girl child and people with disabilities not only as athletes but also as technical officials and administrators;
- (e) Design and ensure the development and the implementation of sport development and educational programmes, for women, the girl child and people with disabilities;
- (f) Advocate for local manufacturing of sport equipment;
- (g) Create awareness and campaign for the manufacture of products required by people with disabilities;
- (h) Design programmes for sport and development through sport and ensure that these are implemented;
- (i) Develop sport education and accreditation criteria and systems to be implemented on the continent;
- (j) Focus on crisis areas affected by man-made or natural calamities in Africa to produce strategic plans for their introduction of Sport and Recreation for victims in these areas;
- (k) Aim at the achievement of Agenda 2063 through sport;
- (l) Develop continental sport law and Policy; and
- (m) Carry out any other functions assigned to it by the Sport Advisory Board or the STC.

Article 17

Technical Committee for Finance

1. The Technical Committee for Finance shall be composed as follows:
 - (a) One (1) representative from each of the five (5) development regions;
 - (b) AUSC Executive Secretary;
 - (c) ANOCA representative;
 - (d) AASC representative;
 - (e) One (1) AUSC Finance Officer.
2. The Sport Advisory Board may review the composition of this Technical Committee.
3. The Technical Committee on Finance shall elect from among its members a Chairperson who shall be a representative of one of the AU Sport Development Regions for a term of two (2) years on the basis of rotation and geographical distribution. The Chairperson shall be assisted by a Vice-Chairperson and a Rapporteur.
4. The functions of the Finance Technical Committee shall be to:
 - (a) Consider financial matters for the AUSC, including income from the African Games to be paid to the AUSC;

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- (b) Receive and consider statements from the AUSC;
- (c) Consider the operational and programmes budgets of the AUSC;
- (d) Mobilize resources;
- (e) Carry out any other functions assigned to it by the Sport Advisory Board or the STC.

Article 18

Technical Committee for the African Games

1. The African Games Technical Committee shall be composed as follows:
 - (a) AUSC Executive Secretary;
 - (b) ANOCA representative;
 - (c) Representative of the Commission Department responsible for Sport;
 - (d) AASC representative;
 - (e) One (1) representative of each of the five (5) regions at expert level;
 - (f) Seven (7) experts recommended by the Executive Secretary of AUSC and appointed by the Sport Advisory Board.
2. The Sport Advisory Board may review the composition of this Technical Committee.
3. The Technical Committee for the African Games and Marketing shall elect from among its members a Chairperson who shall be a representative of one of the AU Sport Development Regions for a term of two (2) years on the basis of rotation and geographical distribution. The Chairperson shall be assisted by a Vice-Chairperson and a Rapporteur.
4. The functions of the Technical Committee for the African Games shall be to:
 - (a) Propose objective criteria for the evaluation of bidding files pertaining to the organization of the African Games;
 - (b) Establish a standing follow up/evaluation mechanism for the preparations of the Games;
 - (c) Update the Technical Regulations and ensure their consistency with the General Regulations of the African Games and consider and approve the Games manuals;
 - (d) Establish and implement effective systems to generate adequate revenue for the successful hosting of the African Games;
 - (e) Recommend guidelines for bidding and hosting of the African Games;
 - (f) Report on the preparation, organization and hosting of the African Games by the Local Organizing Committee (COJA);

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- (g) Review and consider the Memorandum of Understanding (MOU) between AUC, ANOCA and AASC on the organization and management of the African Games;
- (h) Approve the required technical, administrative and operational rules, policies, structures, plans, manuals and programmes as well as provide technical advice on their execution, for the successful hosting of the African Games in line with international standards;
- (i) Ensure that the African Games are organized and hosted in accordance with the African Games Protocols;
- (j) In collaboration with the Sports Confederations, approve equipment and materials, upon recommendation by competent Confederations;
- (k) Oversee coordination meetings during the African Games;
- (l) Provide strategic leadership on all aspects of the African Games and provide interface to ANOCA, AASC other sports confederations and agencies;
- (m) Work closely with ANOCA and AASC to ensure successful preparation and hosting of the African Games;
- (n) Promote the African Games as the pinnacle and the most visible African Sport event of African Sport Architecture (ASA) and motivation for Africa's elite athletes;
- (o) Ensure that the African Games brand is consistent with the expectations of stakeholders inclusive of continental and international federations, Africa Union Commission, Member States, sponsors, and members of the African Sport Movement;
- (p) Develop and implement strategies, policies and best practices for the African Games in line with international sporting standards;
- (q) Develop and implement a comprehensive Marketing plan to ensure growth of the African Games brand in the continent and beyond;
- (r) Define benchmarks of the African Games legacy and work together with the Local Organizing Committee (COJA), host cities, governments and the relevant authorities to identify appropriate legacy objectives and desired impacts;
- (s) Define athlete and officials' qualifying and performance standards for the African Games in line with International Federations trends and standards;
- (t) Ensure a professional coordinated and management process from the bidding phase, through planning and delivery of the African Games contributing to enhancing the profile of the Architecture for Sport in Africa;
- (u) Promote and encourage best practices, build on the success of the Games, creative solutions and facilitate knowledge transfer to future host countries of the African Games;
- (v) Manage and supervise broadcasting and media rights and ensure maximum coverage of the Games in Africa and beyond, execute international marketing of the Games, monitor and assist COJA in planning and executing its Games Marketing Programme;
- (w) Stipulate Games participating fees and all the stipends within the COJA system;
- (x) Ensure the Games trademarks and/or copyrights are registered and liaise with host government and host city authorities for adequate and legal protection of the trademarks and of the Games sites;

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- (y) Appoint the technical Disciplinary Committee per each sport code and be the final Board of Appeal;
- (z) Be the disciplinary committee of the Games with the Secretariat being the Ultimate Board of Appeal;
- (aa) Oversee Games Committees and provide proper guidance and assistance to ensure effective execution of the committees' duties;
- (bb) Ensure that the closure of the Games is properly done within the stipulated timeframe as provided for in the Protocol Agreement;
- (cc) Recommend deposit fee to be paid by the African Games host country;
- (dd) Carry out any other functions assigned to it by the Sport Advisory Board or the STC.

Article 19

Meetings of the Technical Committees

1. The Technical Committees shall meet in ordinary session once a year at the Headquarters of AUSC or in any other Member State, upon invitation of the Member State.
2. In the event the session is held outside the Headquarters of the AUSC, the Host Country shall be responsible for all extra expenses incurred by the AUSC as a result of holding the session outside the Headquarters.
3. At the request of two thirds of its members, the Chairperson of a Technical Committee shall convene an extraordinary session on a specific agenda communicated to all members at least fifteen (15) days in advance.
4. Each Member of the Technical Committees shall bear the cost of his/her participation in all meetings of the Committee.

Article 20

Quorum for the Technical Committees

A simple majority of members of technical committees shall be required to constitute a quorum for any ordinary or extraordinary session.

Article 21

Decisions of Technical Committees

1. Decisions of Technical Committees shall be taken by a simple majority of the members present.
2. Each member shall have one vote.
3. In the event of a tie, the Chairperson of a Technical Committee shall have the casting vote.

Article 22

Structure of the AUSC Secretariat

1. The Secretariat shall consist of an Executive Secretary who shall be assisted by the necessary administrative, professional and technical staff.
2. The Executive Secretary shall be appointed by the Chairperson of the Commission in accordance with the Staff Rules and Regulations of the African Union, upon recommendation of the Sport Advisory Board.

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3. The staff members of the Secretariat shall be appointed in accordance with the Staff Rules and Regulations of African Union.

4. The structure of the Secretariat shall be determined in accordance with the rules and procedures in the African Union.

Article 23

Functions of the Executive Secretary

1. The Executive Secretary shall:
 - (a) Oversee the management and administration of the AUSC Secretariat;
 - (b) Attend the meetings of the Sport Advisory Board and the STC;
 - (c) Prepare, circulate and keep the records of all meetings of the Sport Advisory Council;
 - (d) Submit a regular progress report and financial statements to the Sport Advisory Board and STC.
2. The Executive Secretary shall be answerable to the Department responsible for Sport.

Article 24

Composition of the African Union Sport Development Regions

1. The African Union Sport Development Regions shall be aligned to the geographical distribution of the African Union as approved by the Executive Council and endorsed by the Assembly of the Union.
2. There shall be five (5) African Union Sport Development Regions, namely, Northern, Western, Central, Eastern, and Southern, composed as follows:
 - (a) Region 1 (Northern Africa): Algeria, Egypt, Libya, Mauritania, Tunisia and Saharawi Arab Democratic Republic;
 - (b) Region 2 (West Africa): Benin, Burkina Faso, Capo Verde, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo;
 - (c) Region 3 (Central Africa): Burundi, Cameroon, Central African Republic, Chad, Congo, Democratic Republic of Congo, Equatorial Guinea, Gabon and Sao Tome & Principe;
 - (d) Region 4 (Eastern Africa): Comoros, Djibouti, Eritrea, Ethiopia, Kenya, Madagascar, Mauritius, Rwanda, Seychelles, Somalia, South Sudan, Sudan, Tanzania and Uganda;
 - (e) Region 5 (Southern Africa): Angola, Botswana, Lesotho, Malawi, Mozambique, Namibia, South Africa, Swaziland, Zambia and Zimbabwe.

Article 25

Organs of the African Union Sports Development Regions

1. Each African Union Sport Development Region shall have the following organs:
 - (a) The Conference of Ministers of Sport of the Region;

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(b) Executive Committee of Experts from Member States of the Region; and

(c) The Secretariat of the AU Sport Development Regions (Regional Secretariat).

2. Each region shall develop its own strategies, structures, programmes and resource mobilization mechanisms within the objectives and mandate of the AUSC.

3. The representatives of AUSC Secretariat, ANOCA, Sport Confederations and Associate Sports Bodies will attend the meetings and activities of the organs of the AU Sport Development Regions as members in an advisory capacity.

4. The Regional Secretariat shall be the administrative structure of the region responsible for carrying out the tasks inherent in the missions assigned to the regions and shall submit annual report to the AUSC. Each region will decide on the Host Country of the Permanent Regional Secretariat.

Article 26

The African Games

1. For purposes of promoting high performance in African sports and enhancing sporting and cultural exchanges between Member States, a multi-disciplinary sport competition known as the "African Games" is hereby established under the ownership and patronage of the African Union.

2. The African Games shall be organized under the patronage of the International Olympic Committee (IOC) which recognizes the said Games as Continental Games for the African continent.

3. The African Games shall be the exclusive property of the African Union which shall hold all rights relating to their organization, exploitation, broadcast and reproduction by any means whatsoever.

4. The African Games shall be celebrated once every four (4) years and one (1) year before the Olympic Games.

5. The maximum duration of the Games shall be fifteen (15) days.

6. The organization of the African Games shall be governed by rules and regulations adopted by the STC and in conformity with the Olympic Charter.

7. The AUSC may partner with ANOCA and AASC in the organization and management of the African Games.

8. The STC shall recommend for designation by the Assembly, a Member State to host the African Games.

9. An Agreement outlining the organizational modalities for each edition of the African Games shall be concluded between the Union and the Host Country.

Article 27

Cooperation

1. For purposes of enhancing the development of sports and Olympism in Africa and consolidating cohesion among the various structures of the African Sports Movement, the AUSC may recognize as a confederation or a continental association, organizations that either administer one or several sports disciplines in Africa or whose statute and activities are in conformity with either the AUSC Statute or the Olympic Charter. In such case, AUSC may establish cooperation relations with them.

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2. AUSC may grant ANOCA and African Sports Confederations political support and material assistance necessary for the development of their activities.

3. ANOCA, AASC and associations under their jurisdiction shall recognize the authority and primacy of AUSC over the entire African Sports and Olympic Movement.

Article 28

Budget

1. The operational budget of AUSC shall constitute an integral part of the regular budget of the Union.

2. AUSC may mobilize resources from extrabudgetary sources in accordance with the AU Financial Rules and Regulations.

3. For purposes of attaining its objectives, AUSC shall have a budget broken down as follows:

(a) Operational budget;

(b) Programme budget; and

(c) African Sports Development Funds (ASDF):

4. The budget of AUSC shall be submitted for approval to the policy organs of the Union in accordance with the relevant provisions of the AU Financial Rules and Regulations.

Article 29

African Sports Development Funds

The African Sports Development Funds (ASDF) is hereby established and it shall be funded through:

(a) Voluntary contributions from Member States;

(b) Sundry commissions and fees accruing from sports events;

(c) Grants in cash or kind from Governments, national or international institutions desirous to contribute toward sports development in Africa;

(d) Revenue from the African Games Deposit Fee and marketing and sponsorship of the Games.

Article 30

Expenditure and Accounting

1. Revenue of AUSC shall cover:

(a) Expenses incurred from all AUSC activities;

(b) Recurrent expenses of the Secretariat;

(c) Assistance that AUSC may grant under varied forms and more especially as subsidies to AU Sports Development Regions, ANOCA, African Sports Confederations and to any other organization that contribute toward the enhancement of sports in Africa;

(d) Training, study and research grants awarded to nationals of Member States.

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2. Revenue and expenditure shall be recorded in one or several accounts opened on behalf of the AUSC in one or several banks established in the Host Country of the Organization's Headquarters.
3. The Revenue and expenditure of the AUSC shall be governed by the Financial Rules and Regulations of the Union.

Article 31 Transitional Arrangements

Following the adoption of this Statute by the Assembly, the Chairperson of the Commission, in close collaboration and in consultation with the Host Country and the Members of the Bureau of the STC shall take the necessary measures to establish an interim structure and appoint the required staff in order to facilitate the speedy establishment of AUSC in accordance with the present Statute.

Article 32 Amendments

1. The present Statute may be amended by the Assembly. Any Member State proposing an amendment shall submit the proposed amendment, in writing to the Chairperson of the Commission who shall circulate the proposed amendments to all Member States three (3) months before the Assembly's session that will consider the proposed amendment.
2. The amendment shall enter into force upon adoption by the Assembly.

Article 33 Entry into Force

1. This Statute shall enter into force upon its adoption by the Assembly of the Union.
2. This Statute, of which the Arabic, French, English and Portuguese texts are equally authentic, shall be deposited with the Chairperson of the Commission.

7.

REVISED STATUTE OF THE PAN-AFRICAN UNIVERSITY

**Adopted in Addis Ababa, Ethiopia, on 31 January 2016.
The Statute entered into force upon adoption on 31 January 2016.**

Preamble

We, the Member States of the African Union,

Recalling Decision Assembly/AU/Dec.290 (XV) adopted by the Assembly of Heads of State and Government of the African Union during its Fifteenth Ordinary Session in July 2010 in Kampala, Uganda, creating the Pan-African University,

Aware of the central role that higher education and scientific and technological research play as a cornerstone of social integration, economic development and competitiveness,

Acknowledging that the establishment of the Pan-African University is a first step towards the creation of high quality continental institutions that promote quality training, research and innovation within Africa, ensure a

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steady nurturing of new ideas and also a continuous injection of highly skilled human resources to meet the developmental needs of the continent,

Inspired by the Plan of Action for the Second Decade of Education for Africa 2006-2015, and the Consolidated Plan of Action for Science and Technology 2006-2011,

Also inspired by the African Union Agenda 2063 -- The Africa We Want, the Science Technology and Innovation Strategy for Africa 2024 (STISA-2024) and the roles articulated therein for higher education, science, technology and innovation as drivers of the continent's rapid development,

Recognizing that, to meet its objectives, the Pan-African University must achieve financial sustainability by mobilizing adequate resources from the African Union Commission, African Union Member States and other potential partners,

Aware that sound financial management is key to the Pan-African University assuring allocation and timely disbursement of funds,

Have agreed as follows:

Article 1 Definitions

In this Statute:

"Academic staff" means staff of PAU engaged in teaching, lecturing and research;

"African diaspora" consists of people of African origin living outside the continent irrespective of their citizenship and nationality and who are willing to contribute to the development of the continent and the building of the African Union defined by the Executive Council in Decision EX.CL/Dec.221 (VII);

"Assembly" means the Assembly of Heads of State and Government of the African Union;

"AU" or "Union" means the African Union established by the Constitutive Act of the African Union;

"Board" means the Board of a PAU Institute;

"Centre" means a Centre of the PAU;

"Commission" means the African Union Commission;

"Executive Council" means the Executive Council of the African Union;

"Graduate Study" or "Graduate Studies" means any studies undertaken after the first university degree including all post-graduate studies;

"Host Country" means a State that has formally entered into an agreement with the African Union to host the Rectorate, an Institute, a Centre or other facilities and installations of the PAU within its geographical territory;

"Host University" means a university or consortium of universities located within the geographical territory of a Host Country formally offered by the Host Country to serve as the seat of a PAU Institute, Centre, facility or installation;

"Institute" or "PAU Institute" means an Institute of the PAU;

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"Institution Affiliated to the PAU" means an academic institution or a unit thereof not forming part of the PAU network of institutes and Centres but which the PAU Council nevertheless designates as an institution affiliated to the PAU on the basis of academic excellence;

"Key Partner" means a development partner supporting the PAU in a manner that is not limited to any one of the thematic Institutes or areas of the PAU. The description of a key partner may be qualified based on the nature of the support it provides to the PAU (e.g., Key Funding Partner or Key Technical Partner);

"PAU" means the Pan-African University established by the African Union;

"PAU Council" means the Council of the Pan-African University;

"PAU Senate" means the Senate of the Pan-African University;

"Programme Department" refers to a Department of a PAU Institute or to a Centre designated as such by the PAU Council;

"RECs" means the Regional Economic Communities of the African Union;

"Rector" means the Chief Executive of the PAU, also known as Vice Chancellor;

"Statute" means the present Statute of the Pan-African University;

"STC" means Specialized Technical Committee on Education, Science and Technology;

"Thematic Partner" means a development partner engaging in support of one or more of the thematic areas of the PAU.

Article 2 Principles

1. The PAU is a continental academic, research and innovation institution based on the following guiding principles:

- (a) Academic freedom, autonomy and accountability;
- (b) Quality assurance;
- (c) Strengthening existing African institutions at the graduate studies level to enable them to serve the whole continent;
- (d) Promotion of African integration through the mobility of students, academic and administrative staff, as well as the development of collaborative research linked to the challenges faced by African countries;
- (e) Excellence and international partnerships in academic and research activities;
- (f) Institution of an appropriate framework and a conducive environment to enable the African diaspora to contribute towards the development of higher education, research and innovation in Africa;
- (g) Promotion of inter-disciplinary and multidisciplinary research programmes integral to policy-making processes in Africa;

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- (h) Promotion and harnessing of productive linkages with the industrial sector for innovation and dissemination of new knowledge and technology;
- (i) Strengthening of research particularly in the thematic areas of the PAU;
- (j) Promotion of optimal use of Information and Communication Technologies for pedagogy, research and management;
- (k) Promotion of gender equity at all levels and in all university functions; and
- (l) Promotion of access to higher education for persons with disabilities.

2. The PAU shall take into account basic principles of the Constitutive Act of the AU, AU Instruments and Policies on Higher Education, Science, Technology and Innovation, Agenda 2063, the African Charter on Human and People's Rights as well as other regional and international human rights instruments.

Article 3 Objectives

The PAU shall undertake training, research and innovation focused on priority issues in order to attain the following objectives:

- (a) Develop continent-wide and world-class graduate study programmes in science, technology, innovation, humanities, social sciences and governance;
- (b) Stimulate collaborative, internationally competitive, cutting edge fundamental and applied research, in areas having a direct bearing on the scientific, technological, economic and social development of Africa;
- (c) Enhance the mobility of students and academic staff among African universities to improve on training, research and innovation;
- (d) Contribute to the capacity-building needs of present and future stakeholders of the African Union;
- (e) Improve on the attractiveness of African higher education and research institutions to attract and retain talented young professionals on the African continent;
- (f) Initiate and invigorate mutually beneficial partnerships with public and private sectors within Africa and the diaspora as well as internationally; and
- (g) Facilitate the emergence and strengthening of an African higher education and research platforms.

Article 4 Legal Capacity and Autonomy of the PAU

1. The PAU is an autonomous institution of the African Union and in conformity with the African Union rules and regulations, shall possess legal personality and capacity to:

- (a) Enter into agreements;
- (b) Acquire and dispose of moveable and immovable property;
- (c) Institute legal proceedings.

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2. The PAU shall enjoy the basic principles applicable to all institutions of higher education, which are required for the achievement of its objectives. The observance and respect of these principles, particularly academic freedom, autonomy and accountability shall enable the PAU to function under the best attainable conditions and standards within the framework of the common rules governing the institutions of the African Union.

3. The PAU as well as its host countries and host universities shall grant full academic freedom and self-governance in teaching and research to all members of the academic and research staff of the university. Students of the PAU shall equally be entitled to full learning rights and privileges.

Article 5 Privileges and Immunities

1. The PAU and its staff shall enjoy within the territory of each Member State of the African Union, the status, privileges and immunities provided in the 1965 General Convention on the Privileges and Immunities of the Organization of African Unity and other international agreements and Assembly Decisions relating to the status, privileges and immunities of the African Union and its institutions.

2. PAU Council members and staff travelling on official business of the PAU shall, on request by the Rector, be issued with appropriate African Union travel documents in accordance with relevant AU policies and regulations on travel documents. Students of the PAU shall travel using their own national passports. Host countries shall facilitate access by PAU students to campuses and facilities of the PAU located within their geographical territory.

Article 6 Structure and Organization of the PAU

1. The PAU is a unitary academic, research and innovation institution comprising thematic Institutes hosted in different geographic regions by existing academic institutions operating at the graduate studies level.

2. The Institutes of the PAU shall be dedicated to the following thematic areas and shall be located in the corresponding geographic regions set out below:

- (a) Space sciences in Southern Africa;
- (b) Water and Energy Sciences (including climate change) in Northern Africa;
- (c) Life and Earth Sciences (including health and agriculture) in Western Africa;
- (d) Basic Sciences, Technology and Innovation in Eastern Africa; and
- (e) Governance, Humanities and Social Sciences in Central Africa.

3. The Assembly may establish additional thematic Institutes of the PAU in any geographic location.

4. Each Institute of the PAU shall have a network of Centres under it, working within the same thematic area as the Institute. Each Centre shall be regarded as forming a constituent part of its corresponding thematic Institute.

5. The Centres of the PAU Institutes shall be identified following a competitive process and they shall be located in a manner that ensures equitable geographical representation among the five regions of the continent.

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6. The PAU Council may, on the recommendation of the Board of an Institute create Programme Departments and any other substructures related to training, research, innovation and extension activities within the Institute and Centres of the PAU.

7. The Council may in consultation with the PAU Senate and the corresponding organ of the host university concerned designate, on grounds of academic excellence, other institutions or parts thereof not forming part of the PAU network as "Institutions Affiliated to the PAU", on such terms and conditions as may be determined by the PAU Council. Institutions affiliated to the PAU shall not form an integral part of the PAU.

Article 7

Governance and Management of the PAU

1. The Assembly has supreme overall responsibility of overseeing the PAU.
2. The management organs of the PAU shall be:
 - (a) The PAU Council;
 - (b) The Rectorate;
 - (c) The PAU Senate;
 - (d) Boards of Institutes; and
 - (e) Directorates of institutes.
3. The Chairperson of the Commission or his/her designated representative shall preside over all PAU graduation ceremonies.

Article 8

Functions of the PAU Council

1. The PAU Council shall be the highest governing body of the university and shall have oversight of the policy, finances and property of the PAU. Unless otherwise provided in this Statute, the PAU Council shall have authority to adopt regulations and to issue directives, policies and guidelines to govern all activities and operations of the PAU.
2. The PAU Council shall:
 - (a) Approve the recruitment, promotion and discipline of academic and research staff of the PAU;
 - (b) Approve staff regulations and rules for the PAU taking into account recommendations from the PAU Senate on the selection, and recruitment of academic staff. PAU staff regulations and rules approved by the PAU Council shall be presented to the Executive Council for approval;
 - (c) Approve Codes of Conduct for PAU staff and students following recommendations by the PAU Senate;
 - (d) Approve all other PAU regulations, rules, measures directives, policies and procedures which shall govern the activities and operations of the PAU;
 - (e) Promote sociocultural activities of the PAU;

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- (f) Designate new Centres of the PAU and Institutions Affiliated to the PAU as well as Programme Departments within the Institutes and Centres of the PAU in consultation with the PAU Senate and the corresponding organ of the host university concerned;
 - (g) Approve work plans and adopt the budget of the PAU on the basis of proposals submitted to it by the Rector;
 - (h) Consider the Rector's annual activity report covering the work of the PAU and the status of implementation of its work plans;
 - (i) Approve the multiannual strategic development plan and operational plans of the PAU;
 - (j) Approve any agreements, contracts and other arrangements of a legal nature to be signed by the Rector on behalf of the PAU;
 - (k) Consider and approve the appointment of members of the PAU Senate nominated by the Rector;
 - (l) Report annually on the work of the PAU to the Assembly; and
 - (m) Perform all other functions within its mandate as are necessary for the smooth operation and development of the PAU.
3. The Council may constitute committees or working groups and outline the membership and respective roles thereof as it deems necessary.

Article 9 Composition of the PAU Council

1. The PAU Council shall be constituted as follows:
 - (a) President;
 - (b) Vice-President;
 - (c) The Commissioner for Human Resources, Science and Technology or his/her representative;
 - (d) The Vice-Chancellors/Vice-Rectors of all host universities of PAU Institutes;
 - (e) The Chairperson of the STC in charge of education or his/her representative;
 - (f) The PAU Rector (ex-officio);
 - (g) The Directors of all PAU Institutes;
 - (h) A representative of the United Nations Educational, Scientific and Cultural Organization (UNESCO);
 - (i) A representative from each of the RECs;
 - (j) Two scholars from the African diaspora appointed by the Chairperson of the Commission;
 - (k) A representative of the Association of African Universities (AAU);
 - (l) A representative of the African Academy of Sciences (AAS);

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- (m) A representative of the Key and Thematic Partners on a rotational basis;
- (n) A representative of academic staff of the PAU;
- (o) A representative of administrative staff of the PAU;
- (p) Two representatives of students of the PAU.

2. The Executive Council shall elect the President and Vice-President of the PAU Council from a list of five candidates presented by the Bureau of the STC. The candidates presented shall be citizens of AU Member States.

3. The Chairperson of the Commission shall appoint all other members of the PAU Council following consultations with the Bureau of the STC and the respective organizations enumerated in paragraph 1 of this article. The Chairperson of the Commission shall ensure merit and competence with due consideration for gender equity and geographical representation in deciding on the appointment of the members of the PAU Council.

Article 10

Term of Office of the PAU Council

1. PAU Council members shall serve a three-year term renewable once.
2. Half of the members of the PAU Council shall be replaced at the end of their three-year term. This half shall be determined by lot at the time of their assumption of office as members of the PAU Council.

Article 11

Functions of the President of PAU Council

1. The President of the PAU Council shall:
 - (a) Set the agenda of the PAU Council sessions in consultation with the Rector;
 - (b) Summon the members of the PAU Council to attend PAU Council sessions;
 - (c) Preside over the meetings of the PAU Council;
 - (d) Monitor discussions;
 - (e) Represent the PAU Council;
 - (f) Receive all communications addressed to the PAU Council;
 - (g) Sign all official documents issued by the PAU Council; and
 - (h) Perform such other functions as may be specifically assigned by the PAU Council.
2. In the absence of the President, the Vice-President shall perform the functions of the President.

Article 12

Meetings of the PAU Council

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1. The PAU Council shall meet twice a year in ordinary session. It may meet in extraordinary session at the request of the President or at least simple majority of the total membership of the PAU Council, in consultation with the Rectorate.
2. The quorum for a meeting shall be a simple majority of the total membership of the PAU Council.
3. Decisions of the PAU Council shall be adopted by a two-thirds majority of the Members present and voting.
4. Except as otherwise determined by the PAU Council, all meetings of the PAU Council shall be held at the Rectorate.
5. Minutes of PAU Council sessions shall be sent to the Commission for information.
6. The Rector shall serve as Secretary to the PAU Council.

Article 13 The Rectorate

1. The Rectorate shall be responsible for the day-to-day management of the PAU and shall be headed by the Rector who is the Chief Executive Officer of the PAU.
2. In the performance of his/her functions, the Rector shall be directly responsible to the PAU Council for the discharge of her/his duties and shall be supported by:
 - (a) A Vice-Rector for Academic and Students Affairs;
 - (b) A Vice-Rector for Research, Development and Cooperation; and
 - (c) Such other staff members as are required for the efficient running of the Rectorate.
3. The Chairperson of the Commission shall appoint the Rector and Vice-Rectors upon recommendation of the PAU Council following a competitive recruitment process.
4. The Rector shall appoint all other staff of the Rectorate with the approval of the PAU Council.
5. The Rector and Vice-Rector shall be appointed for a term of five (5) years renewable once and shall be subject to annual performance evaluation by the PAU Council.

Article 14 Functions of the Rector

The Rector shall be responsible for implementing the general policy and multi-annual strategic development plan of the PAU. He/she shall also be responsible for the corporate and public image of the University, including its external relations. He/she shall specifically be in charge of the following:

- (a) Preparing and presenting the annual activity report of the PAU to the PAU Council;
- (b) Ensuring the implementation of the decisions and directives of the PAU Council;
- (c) Ensuring the required coordination between Directors of Institutes and Coordinators of Programme Departments and Centres;

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- (d) Ensuring the implementation and the periodic monitoring of the PAU's multi-annual strategic development plan as approved by the PAU Council;
- (e) Authorizing and managing the disbursement of budgetary allocations;
- (f) Managing the personnel of the PAU;
- (g) Concluding agreements, contracts or other arrangements between the PAU and other competent bodies for pedagogic research, management and funding purposes with the approval of the PAU Council;
- (h) Providing services necessary for the proper functioning of the PAU Council;
- (i) Reporting regularly to the PAU Council on the functioning of the PAU Senate;
- (j) Setting up specific consultative committees related to the formulation or the implementation of the multi-annual strategic development plan of the PAU; and
- (k) Performing all other functions as are necessary for the proper administration, smooth operation and development of the PAU.

Article 15 Functions of the PAU Senate

The PAU Senate shall be in charge of academic affairs, research and innovation activities of the PAU and shall be responsible for:

- (a) Organizing, promoting and monitoring all training research and innovation activities of the PAU;
- (b) Making recommendations to PAU Council on the recruitment and establishment of PAU academic staff;
- (c) Admission, assessment and examination of students, as well as the award and revocation of degrees;
- (d) Developing and recommending PAU administrative and academic rules and regulations for consideration and approval by the PAU Council;
- (e) Considering and approving annual academic performance reviews from Institute Boards on organization of studies, academic staff performance, and promotion;
- (f) Considering recommendations made by Institute Boards and host university Senates on assessment of written research work projects or similar presentations where there is unanimity among the members of the Board of Examiners, and deciding on final assessments;
- (g) Deciding on activity reports covering the work of the Institutes as submitted by the respective Directors;
- (h) Ensuring the well-being and discipline of students;
- (i) Making recommendations to the PAU Council on the designation of Institutions Affiliated to the PAU;
- (j) Making recommendations to the PAU Council on modalities for closer collaboration between Institutes, Centres and host universities to develop policies for the realization of PAU goals;
- (k) Deciding on the creation of Programme Departments, Research Laboratories and Teaching Programmes;

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- (l) Appointing committees to assist it in the conduct of its work including, but not limited to, the Standing Committee on Academic Staff responsible for:
- (i) Developing rules and regulations for PAU academic staff;
 - (ii) Deciding on the academic establishment list of approved academic positions for each Institute and Centre and launching recruitment processes upon the recommendation of the Institute Boards;
 - (iii) Approval of recommendations from Institute Boards for the appointment of academic staff:
 - a. The Committee of Directors of Institutes;
 - b. The Academic Policy, Standards and Quality Assurance Committee;
 - c. The Finance and Administrative Committee; and
 - d. The Committee on Research and Innovation;
 - (m) All other matters relevant to the academic affairs, research and innovation activities of the PAU.

Article 16 Composition of the PAU Senate

The PAU Senate shall be composed as follows:

- (a) The Rector;
- (b) A representative of the Department in charge of Education within the Commission;
- (c) Vice-Rector for Academic and Students Affairs;
- (d) Vice-Rector for Research, Development and Cooperation;
- (e) Director of Administration and Finance;
- (f) The Deputy Vice Chancellor/Deputy Rector responsible for academic affairs at all host universities of PAU Institutes;
- (g) The Directors of all PAU Institutes;
- (h) One representative of the academic and research staff of each PAU Institute appointed by the PAU Council on the recommendation of the Rector; and
- (i) One student representative from each PAU Institute appointed by the PAU Council on the recommendation of the Rector.

Article 17 Meetings of the PAU Senate

1. The PAU Senate shall meet twice a year in ordinary session. It may meet in extraordinary session at the request of the Rector or at least a simple majority of the total membership of the PAU Senate.
2. The quorum for a meeting shall be a simple majority of the total membership of the PAU Senate.

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3. Decisions of the PAU Senate shall be taken by a two-thirds majority of the Members present and voting.
4. Meetings of the PAU Senate shall be held at the Rectorate or at any other convenient place within the PAU institutes as the Rector shall determine.
5. The Rector shall serve as the chairperson of the PAU Senate. In the absence of the Rector, the Vice-Rector for Research, Development and Cooperation shall preside over the meetings of the PAU Senate.
6. The Vice-Rector for Academic and Student Affairs shall serve as secretary to the PAU Senate.

Article 18 Directorates of Institutes

1. Each Institute shall be headed by a Director who shall be accountable to the Rector in the discharge of her/his duties.
2. In the performance of her/his functions a Director shall be assisted by a Deputy Director and such other staff as may be required for the effective functioning of the Institute.
3. The Rector shall appoint all Directors, Deputy Directors and other staff of the Directorates of PAU institutes in consultation with the PAU Council and the respective host universities, following a competitive recruitment process.

Article 19 Functions of the Director of an Institute

1. The Director shall be responsible for the day-to-day management and administration of the Institute.
2. In particular, the Director shall perform the following functions:
 - (a) Ensure effective coordination between the Coordinators of all Programme Departments and Centres falling under his/her Institute;
 - (b) Preside over the Annual General Meeting of the Coordinators of Programme Departments and Centres of the Institute in order to draw up the report of the Institute, including an activity report covering the work of the Institute for consideration and decision by the PAU Senate;
 - (c) Liaise between the host university, host country and the PAU Rectorate;
 - (d) Prepare and submit to the Rectorate activity reports on the work of the Institute on semester basis;
 - (e) Ensure implementation of the decisions of the PAU Council at the level of the Institute;
 - (f) Ensure the implementation and periodic monitoring of the multi-annual strategic development plan of PAU at the level of the Institute, its Programme Departments and Centres;
 - (g) Ensure the commitment and release of funds for which provision has been made in the budget approved by the PAU Council and serve as the authorizing officer for the Institute;
 - (h) Effectively manage the personnel, property, equipment and facilities of the Institute;

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- (i) With the approval of the Rector, sign agreements pertaining to voluntary donations or contributions from governments, national or international organizations, or any other private or public donor organization for the benefit of the Institute;
- (j) Sign contracts and other agreements on behalf of the Institute;
- (k) Keep accurate records on the academic progress of each student, and in this connection, receive from Coordinators of Programme Departments and Centres recommendations for the de-registration or withdrawal of students whose academic performance is unsatisfactory, and forward such recommendations to the PAU Senate for appropriate action when there is sufficient cause;
- (l) Ensure the appointment of Boards of Examiners or juries for postgraduate theses, projects or other related academic or research work;
- (m) Send out invitations to examiners to participate in the evaluation of postgraduate research work on the recommendation of the relevant Programme Departments or Centres of the Institute;
- (n) Arrange for official delivery to examiners of written research work, projects or similar presentations duly submitted by PAU students;
- (o) Receive from the examiners, official assessments of such written research work, projects or similar presentations;
- (p) Convene Board of Examiners meetings in consultation with the Programme Departments or Centres concerned;
- (q) Forward recommendations of the Board of Examiners jointly to the Vice Chancellor of the host university and the PAU Rector for approval on behalf of the respective Senates where the verdict of such Board is unanimous; provided that in the absence of unanimity, the recommendations of the Board of Examiners shall be deliberated upon by the Board of the Institute and recommendations made thereon to the Senates of the host university and the PAU respectively;
- (r) Report annually to the Rector on the individual academic accomplishments of academic and research staff employed at the Institute and its Centres; and
- (s) Undertake any other work or responsibility as may be assigned to him/her by the Rector of the PAU or as may be necessary for the efficient functioning of the Institute.

Article 20 Boards of Institutes

1. Each PAU Institute shall have a Board whose mandate shall be to supervise, guide and support the Directorate in the management and administration of the Institute.
2. The membership of the Board shall consist of the following:
 - (a) A Vice-Rector of the PAU, appointed by the Rector in consultation with the PAU Senate, who will serve as chairperson of the Board;
 - (b) The Director of the Institute who will serve as the secretary of the Board;
 - (c) Two (2) Coordinators of Programme Departments within the Institute (on rotational basis);

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- (d) The Coordinators of all Centres of the Institute (on rotational basis);
- (e) All full-time academic staff of the Institute;
- (f) Two representatives of the Senate of the host university;
- (g) A representative of the Thematic Partner(s) of the Institute (on rotational basis); and
- (h) The Board shall have power to invite other scholars from the host university to attend its meetings in an advisory capacity only and without the right to vote at such meetings.

3. The Board shall be responsible for the supervision of the academic, administrative, and financial management of the Institute. In this regard, its functions shall include:

- (a) Making recommendations to PAU Senate with regard to the creation of Programme Departments, Research Laboratories and Teaching Programmes; organization of studies, and recruitment and promotion of research and teaching staff in accordance with rules, regulations and guidelines established by the PAU Senate;
- (b) Making recommendations to the Rector for the appointment of non-professorial academic staff;
- (c) Deliberating upon any unanimous assessments made by the Board of Examiners on written research work, projects or similar student presentations and make recommendations thereon to the Senates of the host university and the PAU respectively;
- (d) Supervising the Directorate in the areas of:
 - (i) Management of personnel, facilities, equipment and finance;
 - (ii) Planning and budgeting;
 - (iii) Curriculum development, regulations and teaching;
 - (iv) Research and cooperation;
 - (v) Postgraduate theses;
 - (vi) Research projects;
 - (vii) Nominations of supervisors for all Masters and PhD theses; and
 - (viii) Student affairs.

4. The Board of each Institute may constitute such committees or working groups, as it deems necessary to assist it in the performance of its duties. Notwithstanding the foregoing, the Board shall appoint a Standing Committee on Human Resources responsible for:

- (a) Considering and approving recommendations from Selection Committees for the appointment of non-professorial academic staff;
- (b) Making recommendation to the PAU Senate Standing Committee on Academic Staff on the academic establishment of the Institute;
- (c) Developing annual academic performance reviews for approval by the PAU Senate.

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Article 21 Meetings of the Board

1. All meetings of the Board shall require a quorum of simple majority of its membership.
2. Decisions of the Board shall be adopted by a simple majority of members present and voting. In the event of equality of votes, the chairperson shall have a casting vote on the matter.
3. The Board shall meet at least twice a year. The Chairperson of the Board shall convene meetings of the Board in consultation with the Director of the Institute.

Article 22 Programme Departments of Institutes

1. Each Programme Department shall be headed by a Coordinator, appointed by the Rector in consultation with the Director of the Institute and the host university.
2. In addition to her/his academic duties and responsibilities, the Coordinator of a Programme Department shall:
 - (a) Ensure effective coordination between the Programme Department and the Institute as well as the host university as the case may be;
 - (b) Liaise between the host university, the PAU Institute and the host country;
 - (c) Prepare and submit to the Institute Director monthly reports covering the activities of the Programme Department;
 - (d) Ensure implementation of the decisions of the PAU Council, PAU Senate and the Board at the level of the Programme Department;
 - (e) Ensure the implementation and monitoring of the multi-annual strategic development plan of the PAU at the level of the Programme Department;
 - (f) Ensure the commitment and release funds for which provision has been made in the budget approved by the PAU Council of which he/she shall be the authorizing officer for the Programme Department;
 - (g) Effectively manage the personnel, property, facilities and equipment of the Programme Department;
 - (h) Be in charge of executing the academic and research programmes of the Programme Department with the assistance of programme officers. He/she shall particularly follow up on: the recruitment and professional development of staff; admission, continuous assessment and graduation of students; promotion of good relationships between staff and students; and management of internships;
 - (i) Act as the representative of the Institute Director and administer the rules, regulations and policies of the PAU at the level of the Programme Department;
 - (j) Act as the academic and administrative head of the Programme Department;
 - (k) Hold regular Programme Department meetings and ensure that staff members attend such meetings where the Coordinator and the entire staff have the opportunity to exchange ideas on policy matters;

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- (l) Represent the Programme Department on relevant committees and other governing bodies of the host university as may be required;
 - (m) Ensure that proper and acceptable standards of teaching and research are maintained at the Programme Department;
 - (n) Prepare and submit to the Director of the Institute budgets, procurement plans and annual reports, covering the performance of the Programme Department; and
 - (o) Undertake any other tasks or responsibilities as may be assigned to him/her by the Institute Director.
3. The terms and conditions of service of Programme Department and Centre Coordinators, including the rights and privileges to which they shall be entitled, shall be determined in the PAU Staff Regulations and Rules, as may be applicable on the basis of recommendations made by the PAU Council.

Article 23 PAU Staff

1. The academic and administrative staff of the PAU shall be selected with a view to achieving its stated objectives. The basic criteria for selection shall be the highest standards of qualification, competence, efficiency and integrity.
2. The staff of the PAU shall comprise the following categories:
- (a) Full-time and part-time academic and administrative staff from host countries;
 - (b) Full-time and part-time academic and administrative staff from other Member States of the African Union;
 - (c) Full-time and part-time academic staff from the African diaspora and from countries that are not Member States of the African Union;
 - (d) Staff provided by host universities and partners on secondment to the PAU; and
 - (e) Visiting academic staff from host countries, Member States, non-member States of the African Union, the African diaspora and Partners.
3. The African Union Staff Regulations and Rules shall apply to the PAU staff except the provisions on age and quota as it relates to Academic staff and such other exceptions as may be identified taking into account the unique nature of the PAU as an academic institution. Such exceptions shall be submitted for the consideration and approval of the Executive Council.
4. The PAU Council shall recommend an appropriate retirement age for the Academic staff for the approval of the AU policy organs.
5. Part-time academic and administrative staff put at the disposal of the PAU by the host countries, host universities or partners of the PAU shall remain employees of the host government, Host University or partner. This includes:
- (a) Academic staff;
 - (b) Administrative personnel;

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- (c) Technical personnel; and
 - (d) Support personnel.
6. PAU Institute Directors shall request and obtain a mission order signed by the Rector of the PAU before recruiting or accepting visiting academic and research staff at their respective Institutes.

Article 24 PAU Students

1. Admission to PAU shall be open to candidates who demonstrate a capability to undertake, complete and benefit from graduate studies involving training, research and innovation in accordance with the academic standards set by the PAU Senate.
2. Notwithstanding the provision in paragraph 1 above, admission of women, persons of disability, and the maintenance of fair representation of citizens of all AU Member States shall be encouraged at all times.
3. Upon admission, continued studentship at the PAU shall be based on compliance with academic and disciplinary rules and regulations laid down by the PAU Senate.

Article 25 Intellectual Property Rights

1. All innovations emanating from the research/activities performed by students, academic and research staff at the PAU shall be registered in the host country in the joint names of the innovator(s), host university and the PAU. The PAU shall, in consultation and concurrence with the host university/country, develop a policy document on the registration of such intellectual property rights, and the sharing of proceeds realized from their subsequent commercialization.
2. The policy document referred to in paragraph 1 above shall be reviewed in line with relevant international treaties and conventions on intellectual property rights.
3. The host country's laws and regulations on intellectual property shall have supremacy over other policies in the event of ambiguity.

Article 26 PAU Research Policy

1. The PAU shall develop its own research policy, which may vary from one institute to another depending on the nature of their activities and programmes.
2. The research policy shall take into consideration priority research areas identified by the African Union.

Article 27 Budgeting and Financing of the PAU

1. All African Union Member States pledge to support and finance the PAU.
2. Capital costs, recurrent and operational costs of the PAU shall be met from:
 - (a) Annual budget appropriations made by the Assembly;

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(b) Cash and in-kind contributions, grants and subventions for the PAU made by governments of host countries of the PAU, other Member States of the AU and foreign countries, directly to the PAU or through the Commission;

(c) Cash and in-kind contributions, grants and subventions made by non-governmental entities, including key and thematic partners, intergovernmental organizations, foundations, corporate entities, universities and individuals, directly to the PAU or through the Commission; and

(d) Tuition fees and related charges paid by or on behalf of students of the PAU.

3. The Rector shall seek additional funding opportunities for the PAU and may, with the prior approval of the PAU Council, conclude and sign agreements and contracts for the purpose of securing additional funding or support for the activities and programmes of the PAU in accordance with AU Financial Rules and Regulations.

4. The AU Financial Rules and Regulations shall govern all financial operations of the PAU, except such other exceptions as may be identified taking into account the unique nature of the PAU. Such exceptions shall be submitted for the consideration and approval of the Executive Council.

5. Prior to the commencement of each fiscal year, the Rector shall prepare and submit to the PAU Council for approval a consolidated annual budget for the PAU in accordance with the AU Financial Rules and Regulations. The consolidated annual budget of the PAU shall incorporate budget estimates for all activities of:

(a) The PAU Council;

(b) The PAU Senate;

(c) The Rectorate;

(d) All PAU Institutes and Centres including activities of their respective Directorates and Boards; and

(e) The PAU Project Management or Coordinating Unit located within the Commission.

6. Following the approval of the consolidated annual budget by the PAU Council the Rector shall proceed to execute the budget in conformity with the provisions of the Financial Rules and Regulations of the African Union.

Article 28 The Endowment Fund

1. An Endowment Fund shall be created for the PAU based on voluntary contributions.

2. The following may be contributors to the Endowment Fund:

(a) Member States of the African Union;

(b) Regional Economic Communities (RECs);

(c) Development Partners and relevant Donors;

(d) Public and private sources; and

(e) Other sources as the PAU Council may determine.

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3. The management of the Endowment Fund shall be in conformity with the Financial Rules and Regulations of the African Union.

4. Each host country of a PAU an Institute, the Rectorate of the PAU shall commit additional resources to support the university.

Article 29

Seat

1. Unless otherwise decided by the Assembly, the headquarters of the Rectorate shall be located in Yaoundé, Cameroon.

2. Host agreements shall be signed between the African Union and host countries and Universities for the Rectorate, Institutes and Centres of the PAU.

Article 30

Disciplinary Committees

1. The PAU Senate shall, acting on the recommendations of the Board, set up a Staff Disciplinary Committee in each PAU Institute and Centre comprising not less than seven (7) members, provided that the total membership of the committee must always be an odd number.

2. The PAU Senate shall, acting on the recommendations of the Board, set up a Student Disciplinary Committee in each PAU Institute and Centre comprising not less than seven (7) members, provided that the total membership of the committee must always be an odd number.

3. The Disciplinary Committees shall conduct hearings and make decisions on acts of indiscipline committed by staff and students in contravention of the relevant rules and regulations applicable to staff and students of the PAU.

4. Students may appeal to the Rector against decisions of the Student Disciplinary Committee. Staff may appeal to the PAU Council against decisions of the Staff Disciplinary Committee. Appeals shall be brought in accordance with procedures and timelines set out in the relevant rules and regulations.

Article 31

Award of Scholarships, Degrees and Examination Regulations

1. The regulations and criteria for the award of Pan-African University Scholarships to PAU students shall be determined by the PAU Senate and approved by the PAU Council.

2. Degrees shall be jointly awarded by the PAU and the host universities. The PAU Senate shall, in consultation with the host universities, issue examination regulations and the modalities for the award of joint degrees subject to the approval of the Councils of the respective institutions.

Article 32

Amendments

1. This Statute may be amended by the Assembly upon recommendation of the PAU Council through the relevant STC.

2. The amendments shall come into force upon their adoption by the Assembly.

Article 33

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Working Languages

The working languages of the PAU shall be those of African Union, where applicable.

Article 34 Entry into Force

This Statute shall enter into force upon its adoption by the Assembly.

8.

STATUTE OF THE AFRICA CENTRES FOR DISEASE CONTROL AND PREVENTION (AFRICA CDC)

**Adopted in Addis Ababa, Ethiopia, on 30 January 2016.
The Statute entered into force upon adoption on 30 January 2016.**

Preamble

We, the Member States of the African Union,

Whereas our Declaration at the African Union Special Summit on HIV, TB and Malaria (ATM) in Abuja, Nigeria, in July 2013, in which we took cognizance of the need for an Africa Centre for Disease Control and Prevention (Africa CDC) to conduct life-saving research on priority health problems in Africa and to serve as a platform to share knowledge and build capacity in responding to public health emergencies and threats,

Recalling Decision Assembly/AU/Dec.499 (XXII) adopted at the Twenty-second Ordinary Session of the Assembly held in Addis Ababa, Ethiopia, in January 2014 that stressed the urgency of establishing the Africa Centre for Disease Control and Prevention and requested the Commission to submit a report to the Assembly in January 2015 that will include the legal, structural and financial implications of the establishment of the Centre,

Noting the decision of the First African Ministers of Health Meeting jointly convened by the African Union Commission (the Commission) and World Health Organization (WHO) held in Luanda, Angola, from 16 to 17 April 2014, in which the Ministers committed themselves to the implementation of Decision Assembly/AU/Dec.499 (XXII) and requested the Commission and WHO, in collaboration with relevant stakeholders, to provide technical support towards the establishment of the Africa CDC,

Cognizant of the Decision of the Executive Council at its Sixteenth Extraordinary Session devoted to the Ebola Virus Disease (EVD) outbreak held on 8 September 2014, in which the Council decided, inter alia, to request the Commission to "Take all the necessary steps for the rapid establishment of an Africa Centre for Disease Control and Prevention (Africa CDC) pursuant to Assembly Decision AU/Dec.499 (XXII) on the establishment of the Centre, and ensure the functioning of the Africa CDC, together with the establishment of regional centres by mid-2015, including the enhancement of the early warning systems to address in a timely and effective manner all the health emergencies and the coordination and harmonization of health domestic regulations and interventions as well as the exchange of information on good experiences and best practices",

Whereas in Decision Assembly/AU/Dec.554 (XXIV) adopted at the Twenty-fourth Ordinary Session of the Assembly held in Addis Ababa, Ethiopia, in January 2015 in which the Assembly endorsed the establishment of the Africa CDC and approved that the Coordination Office should initially be located at the Headquarters of the African Union in Addis Ababa, Ethiopia,

Have agreed as follows:

Section One

XVII. EDUCATION, HEALTH, CULTURE AND SPORTS

General Provisions

Article 1 Definitions

In this Statute, unless the context requires otherwise:

"Advisory and Technical Council" or "Council" means a body that provides technical advice to the Africa CDC;

"African CDC" means the Africa Centers for Disease Control and Prevention;

"Assembly" means the Assembly of the African Union;

"AU" or "Union" means the African Union as established by the Constitutive Act;

"Board" means the Governing Board of the Africa CDC;

"Commission" means the African Union Commission;

"Constitutive Act" means the Constitutive Act of African Union;

"Development/External Partners" means the institutions and organizations including Africa Private Sector that promote public health and share the strategic objectives of Africa CDC;

"DSA" means the Department of Social Affairs of the Commission;

"Executive Council" means the Executive Council of the African Union;

"IHR" means the International Health Regulations;

"Member States" means the Member States of the Union;

"PHEIC" means Public Health Emergency of International Concern;

"Policy organs" means the Assembly and Executive Council of the African Union;

"PRC" mean Permanent Representative Committees of the African Union;

"RECs" means the Regional Economic Communities;

"Regional Centers" means the Regional Collaborating Centers in Africa supporting the Africa CDC in the day-to-day execution of its strategic work plan;

"RHO" means the Region Health Organizations;

"Secretariat" means the Africa CDC's Secretariat;

"Specialized institutions and agencies of the African Union" means specialized institutions and agencies created or recognized as such by the African Union;

"Statute" means the present Statute of the Africa Centers for Disease Control and Prevention;

"STC" means the Specialized Technical Committee on Health, Population and Drug Control;

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"WHO" means the World Health Organization.

Article 2

Establishment and Status of the Africa Centres for Disease Control

1. The Africa CDC is hereby established as a specialized technical institution of the Union charged with the responsibility to promote the prevention and control of diseases in Africa.
2. The Africa CDC derives its juridical personality from and through the African Union and shall:
 - (a) Enter into agreements within the applicable Rules and Regulations of the Union; and
 - (b) Acquire and dispose of immovable and movable property in accordance with the said Rules and Regulations.
3. In the discharge of its functions, the Africa CDC shall be guided by the Framework of Operations annexed to the present Statute as may be amended from time to time.

Article 3

Objectives and Functions

In carrying out its functions the African CDC shall pursue the following strategic objectives which shall include:

- (a) The establishment of early warning and response surveillance platform to address in a timely and effective manner all health emergencies;
- (b) Supporting public health emergency preparedness and response;
- (c) Assisting Member States in collaboration with WHO and others stakeholders to address gaps in International Health Regulations compliance;
- (d) Supporting and/or conducting regional and country-level hazard mapping and risk assessments for Member States;
- (e) Supporting Member States in health emergencies response particularly those which have been declared PHEIC emergencies as well as the promotion and prevention of diseases through the strengthening of health systems, by addressing communicable and non-communicable diseases, environmental health and Neglected Tropical Diseases (NTDs);
- (f) Promoting partnership and collaboration among Member States to address emerging and endemic diseases and public health emergencies;
- (g) Harmonizing disease control and prevention policies and the surveillance systems in Member States; and
- (h) Supporting Member States in capacity-building in public health through, medium and long term field epidemiological and laboratory training programmes.

Article 4

Guiding Principles

The guiding principles of the Africa CDC shall be:

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1. Leadership: The Africa CDC is an institution that provides strategic direction and promotes public health practice within Member States through capacity-building, promotion of continuous quality improvement in the delivery of public health services as well in the prevention of public health emergencies and threats;
2. Credibility: The Africa CDCs strongest asset is the trust it cultivates with its beneficiaries and stakeholders as a respected, evidence-based institution. It plays an important role in championing effective communication and information sharing across the continent;
3. Ownership: The Africa CDC is an Africa-owned institution. Member States will maintain national-level ownership of the Africa CDC simultaneously through an advisory role in the shaping of Africa CDC priorities and through direct programmatic engagement;
4. Delegated authority: In the event of public health emergency on the continent with cross border or regional implications, the Africa CDC is mandated to deploy responders, in consultation with affected Member States to confirm and/or contain the emergency. Thereafter, the Africa CDC will take the appropriate steps to notify the Commission of its action;
5. Timely dissemination of Information: The Africa CDC leadership will regularly update Member States on ongoing actions based on Article 3, subparagraph (d), above and seek their support and collaboration. It should leverage collaboration and engage Member States in strong partnerships and networking;
6. Transparency: Open interaction and unimpeded information exchange between the Africa CDC and, Member States is inherent in the mission of the Africa CDC;
7. Accountability: The Africa CDC is accountable to Member States in its approach to governance and financial administration;
8. Value-addition: In every strategic aim, objective, or activity, the Africa CDC should demonstrate how its initiative adds value to the public health activities of Member States and other partners.

Article 5 Framework

The Africa CDC is an Africa-owned institution that adds value and is highly credible and shall operate in collaboration with Regional Centers in the pursuit of its strategic objectives. The Africa CDC shall therefore operate within the following framework:

1. Development of a shared perception on the continent that national public health threats have an impact on regional security and economic viability;
2. Work with the WHO, other multi-sectoral partners such as African Union specialized institutions and agencies, external partners as well as Africa CDC Collaborating Regional centres to pursue the strategic objectives of the Centre;
3. Facilitate easy access to critical information by:
 - (a) Establishing a continental framework for data sharing;
 - (b) Improving data quality;
 - (c) Developing interchangeable data elements that prepare countries to respond to emergencies;
 - (d) Timely disseminating critical information to Member States;

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4. Establish an emergency operation center (EOC) whose operation shall be guided by the Africa CDC Framework of Operations.

Article 6 Seat of the Africa CDC

1. The seat of the Africa CDC shall be at the Headquarters of the African Union in Addis Ababa, Ethiopia until the Assembly decides otherwise.
2. The Secretariat of the Africa CDC shall be located at the above Seat of the CDC.

Article 7 Meeting

1. The meetings of the Africa CDC shall be held at its Seat, unless a Member State or cooperating partner offers to host any such session.
2. In the event that a meeting of the Africa CDC is held outside its seat; the host Member State or cooperating partner shall be responsible for all extra expenses incurred by the Secretariat as a result of holding the meeting outside the seat of Africa CDC.

Section Two Governance and Management of the Africa CDC

Article 8 Structure of the Africa CDC

The structure of the Africa CDC shall consist of:

- (a) Governing Board;
- (b) Advisory and Technical Council; and
- (c) Secretariat.

Article 9 The Governing Board

1. The Board shall be the deliberative organ of the Africa CDC.
2. The Board shall meet at least once a year in ordinary session. It may meet in extraordinary sessions, subject to availability of funds and at the request of:
 - (a) The policy organs of the Union;
 - (b) The STC;
 - (c) Any Member State, upon approval of a two-thirds majority of Member States; or
 - (d) The Secretariat, in the event of outbreak of an epidemic or a health emergency, or such other emergency situations that necessitate the holding of a Board Meeting.

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Article 10 Composition of the Board

1. The Board, which is answerable to the STC shall be composed of fifteen (15) members, as follows:
 - (a) Ten (10) Ministers of Health representing the five Regions of the African Union, two per region nominated by their Region;
 - (b) Two (2) representatives of the Commission (Social Affairs and Political Affairs of the African Union);
 - (c) Two (2) nominees of the Chairperson of the Commission representing the private sector and the Civil society in consultation with the Chairperson of the Board;
 - (d) One (1) representative of Regional Health Organizations on rotational basis.
2. The Legal Counsel or his/her representative shall attend the Board meetings to provide legal advice as may be required.
3. The Director of the Africa CDC shall serve as the Secretary of the Board.
4. The Board may invite such expertise as may be necessary.

Article 11 Election and Term of Office

1. The ten members of the Board representing Member States shall be selected by their regions failing which they shall be elected by the Working Group on Health.
2. Where applicable, the term of office of members of this Board shall be a nonrenewable period of three (3) years for five Member States representatives of each AU region and a non-renewable period of two (2) years for the other five representatives of each AU region.
3. The term of office of the two members nominated by the Chairperson of the AU Commission and the one (1) member representing Regional Health organizations shall be two (2) years on rotational basis and nonrenewable.
4. The Board shall elect by a simple majority for a three (3) year non-renewable term a Chairperson of the Board from among the regional representatives of Member States, taking into account the Union's principle of regional rotation and gender equity.
5. The Board shall also elect, by a simple majority, for a nonrenewable two (2) year term, a Vice Chairperson of the Board also from among the regional representatives of Member States, taking into account the African Union's principle of regional rotation and gender equity.
6. The term of office of the ten (10) representatives of Member States of the Board shall be guided by the principle of succession based on equitable regional and gender representation.

Article 12 Functions of the Board

The functions of the Board shall be to:

1. Provide strategic guidance to the Secretariat, in accordance with AU policies and procedures;

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2. Examine decisions and/or proposals submitted by the Secretariat, and submit its recommendations to the STC;
3. Propose amendments to this Statute based on recommendations by the Secretariat;
4. Ensure that the Africa CDC strategic agenda of disease surveillance, detection and response are integrated into continental development strategy;
5. Approve the designation and re-designation of the Regional Collaborating Centres based on the recommendation of the Regions and on the criteria stipulated in Article 24 of this Statute; and submit the same to the STC for noting;
6. Assist the Secretariat in resource mobilization;
7. Submit annual reports to the STC on the activities and achievements of the Africa CDC; and
8. Examine the Africa CDC Action plan, budgets, activity and reports, and recommend the same for approval.

Article 13

Quorum and Decision-Making Procedures of the Board

1. The quorum for Board meetings and its decisions-making procedures shall be adopted in the Rules of Procedure of the Board and that of Council.
2. The Board shall adopt its own Rules of Procedure and that of the Council.

Article 14

Advisory and Technical Council

The Council shall serve as an advisory and technical body to the Africa CDC.

Article 15

Composition of the Council

1. The Council shall be composed of twenty-three (23) members as follows:
 - (a) Five (5) representatives of the Regional Collaborating Centres;
 - (b) Five (5) representatives of National Public Health Institutes or laboratories or related Institutions on rotational basis taking into account the AU Regions;
 - (c) Five (5) representatives of National Focal Persons of the Ministry in charge of Health in Member States on rotational basis taking into account the AU Regions;
 - (d) Two (2) representatives of African Health Networks on rotational basis;
 - (e) Two (2) representatives of the Union with specialized expertise (Medical Services Directorate and African Union Inter-African Bureau for Animal Resources);
 - (f) One (1) representative of Regional Health Organizations on rotational basis;
 - (g) Two (2) representatives of WHO; and

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- (h) One (1) representative of the World Organization for Animal Health.
- 2. Director of the Africa CDC shall serve as the Secretary of the Council.
- 3. The Advisory Council may invite such expertise from relevant stakeholders as necessary.

Article 16 Term of Office of the Council

- 1. Members of the Advisory and Technical Council shall serve for a non-renewable term of three years, where applicable.
- 2. The Council shall elect its Chairperson and Vice-Chairperson by a simple majority and they shall serve for a non-renewable term of two (2) years.

Article 17 Functions of the Advisory and Technical Council

The Advisory and Technical Council shall advise the Africa CDC on:

- 1. Emerging issues and other related matters of disease control and prevention;
- 2. The strategic plans and activities of the Africa CDC;
- 3. Opinions on advocacy and resources mobilization;
- 4. Different aspects of disease surveillance, detection and response on the African continent;
- 5. Research and study areas and merits of the scientific work of the Africa CDC.

Article 18 Meetings, Quorum, and Decision-Making Procedures of the Advisory Council

- 1. The sessions of the Council, its quorum, and decision-making procedures shall be provided in its Rules of Procedure.
- 2. The Board shall adopt the Rules of Procedure of the Council.

Article 19 Secretariat

- 1. The Secretariat shall be responsible for ensuring the implementation of the decisions of the policy organs of the Union, the STC, and the Board of the Africa CDC.
- 2. The Secretariat shall convene the meetings of the Governing Board, Advisory Council Meeting, or other meetings of the Africa CDC in consultation with the Board and the Council.
- 3. The Secretariat shall be headed by a Director and shall report to the Commission through the DSA.
- 4. The Director shall be the Chief Executive Officer of the Africa CDC.

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5. The Director shall be appointed by the Commission on the approval of the Board, and shall serve for a period of four (4) years and renewable only once.
6. The Secretariat shall consist of administrative, professional and technical and support staff with competence in the various areas of the Africa CDC.
7. The EOC referred to in Article 5, paragraph 4, shall be part of the Secretariat.
8. The recruitment of secretariat staff members shall be conducted in conformity with relevant AU rules and procedure except for the appointment of the Director as stipulated in Article 19, paragraph 5.
9. AU rules, procedures, regulations and directives shall apply in the operation of the Africa CDC.

Article 20 Functions of the Secretariat

The functions of the Secretariat shall include but not be limited to the following:

- (a) Assisting and supporting the Member States to develop appropriate disease surveillance, detection and response policies, programmes, systems and structures;
- (b) Providing technical support and capacity-building to the Member States for disease control and prevention;
- (c) Developing and Implementing strategic advocacy programme and stakeholder communication plans;
- (d) Networking with Member States, WHO, Regional Health Organizations, RECs, private sector organizations, Regional Health Networks, Partners CDCs, and other relevant stakeholders to attain the objectives of the Africa CDC;
- (e) Serving as the focal point in all matters of the Africa CDC;
- (f) Establishing information centers that guide Member States and other stakeholders and serving as the main source of information on disease control and prevention on the continent;
- (g) Undertaking research and studies in all the relevant areas of competence of the Africa CDC;
- (h) Promoting activities undertaken by the Africa CDC and disseminating the findings of the studies to Member States and other stakeholders: and
- (i) Preparing health map of Africa for communicable and non-communicable diseases.

Article 21 Functions of the Director

1. The Director shall:
 - (a) As the Chief Executive Officer be responsible for the overall management of the Africa CDC;
 - (b) Implement directives from the Board and the Commission as may be applicable;
 - (c) Prepare the program, financial and operational report of the Africa CDC;

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- (d) Draft and submit Africa CDC's budget, report on activities, rules of procedure and Plan of Action of the Africa CDC to the Board and the Commission for approval;
 - (e) Attend meetings of the Board and the Council and act as Secretary to the Board and Council;
 - (f) Collect and disseminate findings on disease control and prevention related research;
 - (g) Ensure the production and publication of the periodical bulletin of the Africa CDC;
 - (h) Perform any other functions as may be assigned in line with the objectives of the Africa CDC.
2. AU rules procedures, regulations, directives shall apply in the operation of the Africa CDC.

Section Three Operations of the Africa CDC

Article 22 Transitional Provisions

The Chairperson of the Commission shall take necessary measures to establish an interim structure subject to the endorsement of the relevant PRC Subcommittee and appoint the required staff in order to facilitate the speedy establishment of the Africa CDC in accordance with the present Statute.

Article 23 Role of Department of Social Affairs

The Department of Social Affairs as the policy Department on the subject matter shall ensure synergy between the Africa CDC and the Commission.

Article 24 Africa CDC Regional Collaborating Centres

1. In the execution of its strategic work plan, Regional Collaborating Centres (RCC) shall support the Africa CDC. The collaboration and support of the Regional Collaborating Centres is to ultimately bring into reality an "Africa CDC without walls" that supports the continent at the point of need, rather than from a centralized, distant location.
2. At the time of the take-off of the Africa CDC, there shall be a minimum of five (5) RCC in order to ensure that each region within the continent is represented.
3. Each Regional Centre represents an existing entity that has met Africa CDC criteria in accordance with Article 24 for selection as a Regional Centre. The leadership of the RCC shall be designated as an Africa CDC Regional Coordinator within the Africa CDC organizational structure.
4. Each region shall be responsible for selecting their RCC in accordance with the criteria laid down in Article 25. The RCC shall be a government-owned institution.
5. The Africa CDC shall establish clear procedures for cooperation and collaboration with the RCCs.
6. A Regional Collaborating centre may also be a regional CDC where such Regional CDC exists.

Article 25 Selection of Regional Collaborating Centres

8. AFRICAN CENTRES FOR DISEASE CONTROL AND PREVENTION

1. Each region shall select one Regional Collaborating Centre based on the following guiding principles and criteria:

(a) Guiding Principles:

- (i) Synergy between Regional Center's internal goals and Africa CDC aims;
- (ii) Good governance and respected leadership;
- (iii) Sustainable funding and fiscal accountability;
- (iv) History of collaboration between health sectors.

(b) Criteria:

- (i) Technical proficiency and clear evidence of expertise in the Essential Public Health Operations (EPHO) that are directly relevant to the strategic objectives of the Africa CDC;
- (ii) Clear synergy between the Regional Collaborating Centre's programme objectives and the Africa CDC strategic objectives, which results in greater collective impact and capacity-building;
- (iii) Track record in mobilizing health workforce;
- (iv) Laboratory capacity;
- (v) Ability to represent regional constituency;
- (vi) Track record of expertise in region-specific health hazards;
- (vii) Willing and able to provide surge capacity to other countries if country capacity is lacking, particularly during public health emergencies; and
- (viii) A Collaborating Regional Center shall either be:
 - a. An existing government institution; or
 - b. An institution which provide substantive support to government health institutions.

2. The Governing Board shall at periodic intervals of not more than five (5) years evaluate the performance of RCC. Pursuant to the evaluation, the Governing Board may replace a non-performing or underperforming RCC with a more suitable Regional Center.

Article 26

Cooperation with Member States

1. In carrying out its functions, the Africa CDC shall dedicate necessary resources to building partnerships aimed at improving the effectiveness of its operations.

2. The Africa CDC shall develop partnerships with Ministries of Member States responsible for health and agencies that deal with disease control and prevention which shall serve as national contact points.

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3. The Africa CDC may be requested by the Member States, the RECs, the Commission, other organs of the Union, and international organizations to provide scientific or technical assistance in any field within its competence.

Article 27 Cooperation with WHO

The Commission shall pursue closer collaboration with the WHO on the operationalization of the Africa CDC. The Africa CDC shall establish clear procedures for cooperation with the WHO in accordance with established procedures of the Commission. The Africa CDC and WHO shall develop a clear framework for collaboration to avoid overlap in their support to Member States to fulfill the objectives on disease control and prevention as well as the implementation of the Africa CDC's objectives and strategies.

Article 28 Cooperation with Other Stakeholders

The Africa CDC shall maintain working ties with Development partners and stakeholders, particularly with the Regional Health Organizations, RECs, private sector, civil society organizations, other organs of the Union and the non-African CDCs in pursuit of its strategic objectives.

Article 29 Privileges and Immunities of the Africa CDC

1. The privileges and immunities of the Africa CDC shall be governed by Host agreements negotiated with Host Country and applicable international law.
2. The Africa CDC and its staff shall enjoy the privileges and immunities stipulated in the General Convention on the Privileges and Immunities of the Organization of African Unity and the Vienna Convention on Diplomatic Relations.

Section Four Financial Arrangements

Article 30 Budget and Contribution

1. The budget of the Africa CDC shall be borne by the African Union and shall be within the Union Budget.
2. Other Sources of funding the Africa CDC may include:
 - (a) Voluntary contributions from Member States;
 - (b) Contributions from Development Partners of the Union and the Commission;
 - (c) Contributions from the Private Sector; and
 - (d) Any other source of funding in accordance with AU Rules.
3. The budget calendar of the Africa CDC shall be that of the Union.
4. The Africa CDC shall prepare and submit its budget to the relevant policy organ of the African Union for approval.

9. AFRICAN MEDICINES AGENCY (AMA)

Section Five Final Provisions

Article 31 Working Languages

The working languages of the Africa CDC shall be the same as those of the African Union.

Article 32 Amendment

1. The present Statute may be amended upon the recommendation of:
 - (a) The Executive Council;
 - (b) The STC; or
 - (c) The Board or the AUC.
2. Any amendment to the Statute shall enter into force upon its adoption by the Assembly.

Article 33 Entry into Force

The present Statute shall enter into force upon its adoption by the Assembly.

9.

TREATY FOR THE ESTABLISHMENT OF THE AFRICAN MEDICINES AGENCY (AMA)

Adopted in Addis Ababa, Ethiopia, on 11 February 2019.

Entered into force on 5 November 2021.

We, Member States of the African Union,

Affirming that quality-assured, safe and efficacious medical products are fundamental to the health and safety of the population of Africa,

Aware that weak regulatory systems have resulted in the circulation of substandard and falsified (SF) medical products in many of the African Union Member States,

Cognizant that the existence of SF products poses a risk to public health, harms patients and undermines confidence in healthcare delivery systems,

Recalling the 55th Decision of the African Union (AU) Assembly/AU/Dec.55 (IV) taken during the Abuja Summit in January 2005, which requested the AU Commission to develop a Pharmaceutical Manufacturing Plan for Africa (PMPA) within the framework of the New Partnership for Africa's Development (NEPAD), aimed to improve access to good quality, safe and efficacious medical products and health technologies for the African population,

Further recalling the Eighteenth Ordinary Session of the Heads of State and Government Orientation Committee, 29 to 30 January 2012, Decision Assembly/AU/Dec.413 (XVIII), paragraph 6, which endorsed the African Medicines Regulatory Harmonization (AMRH) Programme implemented through the Regional Economic Communities (RECs),

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Recognizing the aspirations of the AU Roadmap on Shared Responsibility and Global Solidarity for the AIDS, tuberculosis and malaria response in Africa (Assembly AU/Dec.442 (XIX)), Pillar II on access to medicines which aims to accelerate and strengthen regional medicines regulatory harmonization initiatives and lay the foundation for a single African regulatory agency,

Being cognizant of the challenges posed by the lack of availability of medicines and vaccines during public health emergencies of international concern and, in particular, during the recent outbreak of the Ebola virus disease (EVD) in Africa and the attendant dearth of medical product candidates for clinical trials,

Recognizing the contribution of the African Vaccines Regulatory Forum (AVAREF) in facilitating approval of EVD candidate therapies and vaccines and efforts undertaken by the African Union (AU), Regional Economic Communities (RECs) and regional health organizations (RHOs) to mobilize human, financial and material resources and continental expertise to deal with the outbreak of EVD, and the subsequent establishment of regional expert working groups (EWGs) on clinical trials oversight in the East African Community (EAC) and the Economic Community of West African States (ECOWAS) as part of the implementation of the decision of the Assembly of the Union, Assembly/AU/Dec.553 (XXIV) on Ebola Virus Disease (EVD) Outbreak, of January 2015,

Desiring the use of continental institutional, scientific and regulatory resources to improve access to safe, efficacious and quality medicines, and aware of the establishment of the African Medicines Regulatory Harmonization (AMRH) in 2009, under the management and guidance of the NEPAD Agency working with RECs and RHOs, to facilitate harmonization of regulatory requirements and practice among the national medicines regulatory authorities (NMRAs) of the AU Member States to meet internationally acceptable standards, and provide a favourable regulatory environment for pharmaceutical research and development, local production and trade across countries on the African continent,

Appreciating the launch and subsequent implementation of Medicines Regulatory Harmonization (MRH) Programmes and collaborative efforts in and between the East African Community (EAC), the Economic Community of West African States (ECOWAS), the West African Economic and Monetary Union (WAEMU), and the Southern African Development Community (SADC),

Recognizing other ongoing efforts on cooperation between the Economic Community of Central African States (ECCAS) and the Organization for Coordination in the Fight against Endemic Diseases in Central Africa (OCEAC) on implementation of the AMRH Programme in the Central African region, and the North-Eastern Africa regional collaboration and harmonization under the leadership of the Intergovernmental Authority on Development (IGAD),

Noting the commitment made by the African Ministers of Health during their first meeting held on 17 April 2014 in Luanda, Angola, jointly organized by the African Union Commission and the World Health Organization (WHO) to prioritize investment in regulatory capacity development, to pursue efforts towards convergence and harmonization of medical products regulation in RECs, to allocate adequate resources for the establishment of the African Medicines Agency (AMA), and the subsequent endorsement of the establishment of the AMA Task Team to spearhead the process,

Recalling the July 2012 AU Assembly Declaration, Assembly/AU/Decl.2 (XIX) on the report of AIDS Watch Africa (AWA) Action Committee of Heads of State and Government in which the Council decided that the African Medicine Regulatory Harmonization (AMRH) Initiative shall serve as a foundation for the establishment of the AMA,

Further recalling the AU Assembly Decision, Assembly/AU/Dec.589 (XXVI) of January 2016 on the first STC on Legal and Justice Affairs, Doc. EX.CL/935 (XXVIII), in which the Assembly adopted the AU Model Law on Medical Products Regulation as an instrument to guide AU Member States in the enactment or review of national medicines laws, and a call to Member States to sign and ratify the said legal instrument, where applicable, as expeditiously as possible to enable its entry into force,

9. AFRICAN MEDICINES AGENCY (AMA)

Convinced that the efforts to coordinate the regulatory systems strengthening and harmonization initiative under the leadership of African Medicines Agency will provide improved sovereign control and regulation of medical products that will allow African Union Member States to provide for efficient and effective protection of public health against risks associated with use of SF, and will facilitate expeditious approval of products that address the health needs of the African populace, especially for diseases that disproportionately affect Africa,

Have agreed as follows:

Part One The African Medicines Agency and its Objectives

Article 1 Acronyms

“AU” refers to the African Union;

“Africa CDC” refers to the Africa Centres for Disease Control and Prevention;

“AMA” refers to the African Medicines Agency;

“AMRC” refers to the African Medicines Regulators Conference;

“AMRH” refers to the African Medicines Regulatory Harmonization Initiative of the African Union;

“AP” refers to active pharmaceutical ingredient;

“GMP” refers to good manufacturing practices;

“NEPAD” refers to the New Partnership for Africa’s Development;

“NMRA” refers to the National Medicines Regulatory Authority;

“OAU” refers to the Organization of African Unity;

“PMPA” refers to refers to the Pharmaceutical Manufacturing Plan for Africa;

“RCOREs” refers to the Regional Centres of Regulatory Excellence;

“RECs” refers to the Regional Economic Communities recognized by the African Union;

“RHOs” refers to the regional health organizations;

“TCs” refers to technical committees;

“TWG” refers to the technical working group comprised of experts constituted under this Treaty;

“WHO” refers to the World Health Organization.

Article 2 Definitions

In this Statute, unless the context requires otherwise:

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“Agency” means the Agency established under Article 3;

“Assembly” means the Assembly of Heads of State and Government of the African Union;

“Blood products” means any therapeutic substance prepared from human blood for use in the treatment of diseases or other medical conditions;

“Board” means the Governing Board of the AMA;

“Bureau” means the Bureau of the Conference of States Parties;

“Commission” means the African Union Commission;

“Complementary medicines” means any of a range of health therapies that fall beyond the scope of conventional medicine but may be used alongside it in the treatment of diseases and other medical conditions;

“Conference of States Parties” means the Conference of States Parties to this Treaty;

“Constitutive Act” means the Constitutive Act of the African Union;

“Diagnostic” means a medicine or medical device or substance used for the analysis or detection of diseases or other medical conditions;

“Director General” means the Director General of the AMA;

“Food supplement” means a product intended for ingestion that contains a dietary ingredient intended to add further nutritional value to (supplement) the diet;

“Medical device” means any instrument, apparatus, implement, machine, appliance, implant, in vitro reagent or calibrator, software, material or other similar or related article:

- (a) Intended by the manufacturer to be used, alone or in combination, for humans or animals for:
 - (i) Diagnosis, prevention, monitoring, treatment or alleviation of disease;
 - (ii) Diagnosis, monitoring, treatment, alleviation of or compensation for an injury;
 - (iii) Investigation, replacement, modification or support of the anatomy or of a physiological process;
 - (iv) Supporting or sustaining life;
 - (v) Control of conception;
 - (vi) Disinfection of medical devices; or
 - (vii) Providing information for medical or diagnostic purposes by means of in vitro examination of specimens derived from the human body; and
- (b) Which does not achieve its primary intended action in or on the human or animal body by pharmacological, immunological or metabolic means, but which may be assisted in its intended function by such means;

“Medical products” means medicines, vaccines, blood and blood products, diagnostics and medical devices;

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“Medicine” means any substance or mixture of substances used or purporting to be suitable for use or manufactured or sold for use in:

- (a) The diagnosis, treatment, mitigation, modification or prevention of disease, abnormal physical or mental state or the symptoms thereof in humans; or
- (b) Restoring, correcting or modifying any somatic or psychic or organic function in humans, and includes any veterinary medicine;

“Member States” means the Member States of the African Union;

“Other regulated products” means complementary medicines, traditional medical products, cosmetics, food supplements and related products;

“Secretariat” means the Secretariat of the AMA;

“State Party” means an AU Member State that has ratified or acceded to this Treaty;

“Traditional medical product” means an object or substance used in traditional health practice for:

- (a) The diagnosis, treatment or prevention of a physical or mental illness; or
- (b) Any curative or therapeutic purpose, including the maintenance or restoration of physical or mental health or well-being in human beings, but does not include a dependence-producing or dangerous substance or drug;

“Treaty” means the Treaty for the Establishment of the African Medicines Agency.

Article 3 Establishment of the AMA

The African Medicines Agency is hereby established as a Specialized Agency of the AU.

Article 4 Objectives of the AMA

The main objective of the AMA is to enhance capacity of States Parties and RECs, to regulate medical products in order to improve access to quality, safe and efficacious medical products on the continent.

Article 5 Guiding principles

The guiding principles of the AMA shall be as follows:

1. Leadership: The AMA is an institution that provides strategic direction and promotes good public health practice in States Parties through capacity building, and the promotion of continuous quality improvement in the delivery of medical products regulation;
2. Credibility: The AMA’s strongest asset is the trust it cultivates with its beneficiaries and stakeholders as a respected, evidence-based institution. It will play an important role in championing effective communication and information sharing across the continent;

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3. Ownership: the AMA is an Africa-owned institution. Parties will have primary ownership of the AMA to ensure that the financial, human, infrastructural and other resources are adequate for performing its functions;
4. Transparency and accountability: The AMA shall operate in accordance with generally accepted international standards of good governance, transparency and accountability:
 - (a) Timely dissemination of information, an open interaction and unimpeded information exchange between the AMA, on the one hand, and RECs and Member States, on the other;
 - (b) Accountability to States Parties in all its operations;
 - (c) Independent decisions, based on current scientific evidence, professional ethics and integrity. The detailed evidence of its decision-making process and the justification for its decisions shall be fully respected;
5. Value-addition: In every strategic aim, objective or activity, the AMA will demonstrate how its initiative adds value to the medical products regulatory activities of States Parties and other partners;
6. Confidentiality: The AMA shall adhere to the principles of confidentiality in all its operations;
7. Commitment to sound quality management: In all its functions the AMA shall adhere to international standards of quality management and create the conditions for continuous improvement of its regulatory practices and those of NMRAs of Member States of the African Union.

Article 6 Functions

The AMA shall perform the following functions:

- (a) Coordinate and strengthen ongoing initiatives to harmonize medical products regulation and enhance the competence of GMP inspectors to do so;
- (b) Coordinate the collection, management, storage and sharing of information on all medical products including SF medical products, with all its States Parties and globally;
- (c) Coordinate joint reviews of applications for the conducting of clinical trials and provide technical support in quality control of drugs at the request of Member States which do not have the structures to carry out these examination/controls/checks;
- (d) Promote the adoption and harmonization of medical products regulatory policies and standards, as well as scientific guidelines, and coordinate existing regulatory harmonization efforts in the RECs and RHOs;
- (e) Designate, promote, strengthen, coordinate and monitor RCOREs with a view to developing the capacity of medical products regulatory professionals;
- (f) Coordinate and collaborate, where required and on a regular basis, the inspection of drug manufacturing sites, including the regulatory oversight and safety monitoring of medical products, as determined by States Parties and/or the AMA, and make reports available to States Parties;
- (g) Promote cooperation, partnership and recognition of regulatory decisions, in support of regional structures and NMRAs, that takes into account mobilization of financial and technical resources to ensure sustainability of the AMA;

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- (h) Convene, in collaboration with the WHO, the AMRC and other bodies, meetings related to medical products regulation in Africa;
- (i) Provide regulatory guidance, scientific opinions and a common framework for regulatory actions on medical products, as well as priority and emerging issues and pandemics in the event of a public health emergency on the continent with cross-border or regional implications where new medical products are to be deployed for investigation and clinical trials;
- (j) Examine, discuss and/or express regulatory guidance on any regulatory matter within its mandate, either on its own initiative or at the request of the African Union, RECs, or States Parties;
- (k) Provide guidance on regulation of traditional medical products;
- (l) Provide advice on the marketing authorization application process for the priority drugs described by the States Parties or on the products proposed by the pharmaceutical laboratories;
- (m) Monitor the medicines market through the collection of samples in every State Party to ensure the quality of selected drugs, have them analyzed and provide the results to States Parties and other interested parties, who will thus have reliable information on the quality of the drugs circulating in their countries and, where necessary, will take appropriate measures;
- (n) Develop systems to monitor, evaluate and assess the comprehensiveness of national medical products regulatory systems with the view to recommend measures that will improve efficiency and effectiveness;
- (o) Evaluate and decide on selected medical products, including complex molecules, for treatment of priority diseases/conditions as determined by the African Union, and WHO;
- (p) Provide technical assistance and resources, where possible, on regulatory matters to States Parties that seek assistance and pool expertise and capacities to strengthen networking for optimal use of the limited resources available;
- (q) Coordinate access to and network the services available in quality control laboratory services within national and regional regulatory authorities; and
- (r) Promote and advocate for the adoption of the AU Model Law on Medical Products Regulation in States Parties and RECs to facilitate regulatory and legal reforms at continental, regional and national levels.

Part Two

Status of the African Medicines Agency and Its Staff

Article 7

Legal Personality

1. The AMA shall have the legal personality that is necessary for the fulfilment of its objectives and the exercise of its functions in accordance with this Treaty.
2. For the smooth fulfilment of its objectives, the AMA shall, in particular, have the legal capacity to:
 - (a) Enter into agreements;
 - (b) Acquire and dispose of movable and immovable property; and
 - (c) Institute and defend legal proceedings.

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Article 8 Privileges and Immunities

The General Convention on the Privileges and Immunities of the OAU and the Additional Protocol to the OAU General Convention on Privileges and Immunities shall apply to the AMA, its members, its international personnel, premises, property and assets.

Article 9 Headquarters of the AMA

1. The headquarters of the AMA shall be determined by the Assembly of the Union.
2. The AUC shall enter into a host agreement with the government of the host country in which the AMA headquarters will be situated with regard to the provision of the premises, facilities, services, privileges and immunities for the purposes of the efficient operation of the AMA.

Part Three Administration and Institutional Framework

Article 10 Organs of the AMA

The AMA shall have the following organs:

- (a) The Conference of States Parties;
- (b) The Governing Board;
- (c) The Secretariat; and
- (d) The technical committees.

Article 11 Establishment of the Conference of States Parties

The Conference of States Parties is hereby established as the highest policy-making organ of the AMA. It shall have the power to undertake such functions as are provided for in this Treaty and as may otherwise be necessary to achieve the objectives of this Treaty.

Article 12 Composition of the Conference of States Parties

1. The Conference of States Parties shall be composed of all Member States of the African Union who ratify or accede to this Treaty.
2. The States Parties shall be represented by ministers responsible for health or their duly authorized representatives.
3. The Conference of States Parties shall, after due consultation and on the basis of rotation and geographical distribution, elect a Chairperson and other members of the Bureau, namely, three (3) Vice-Chairpersons and a Rapporteur.

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4. The Members of the Bureau shall hold office for a period of two (2) years.
5. The Bureau will meet at least once every year.
6. In the absence of the Chairperson or in case of a vacancy, the Vice-Chairpersons or the Rapporteur in order of their election shall act as the Chairperson.
7. The Conference of States Parties shall have the right to invite observers to attend its meetings, and such observers shall not have the right to vote.

Article 13

Session of the Conference of States Parties

1. The Conference of States Parties shall meet at least once every two years in ordinary session, and in an extraordinary session at the request of the Chairperson, the Bureau, the Governing Board or two thirds of the States Parties.
2. The quorum of the Conference of States Parties shall be a simple majority of the States Parties to the AMA.
3. Decisions of the Conference of States Parties shall be taken by consensus, failing which by a two-thirds majority of the States Parties.

Article 14

Functions of the Conference of States Parties

The Conference of States Parties shall be responsible for the following functions:

- (a) Set the amount of the annual contribution and special contribution by States Parties to the budget of the AMA;
- (b) Appoint and dissolve, on good cause, the Governing Board;
- (c) Adopt regulations setting out the powers, duties and conditions of service of the Director General;
- (d) Approve the structure and administrative guidelines of the Secretariat, as well as adopt its governing rules and regulations;
- (e) Provide policy direction to the AMA;
- (f) Recommend the location for the headquarters of the AMA in accordance with the AU criteria adopted by in 2005;
- (g) Approve Regional Centres of Regulatory Excellence (RCOREs), on the recommendation of the Governing Board which makes such recommendation after consultation with the Bureau;
- (h) Adopt a scheme to alternate the terms of members of the Board, to ensure that the Board at all times comprises a mix of new and old members;
- (i) Adopt its rules of procedure and for any subsidiary organs;
- (j) Recommend any amendments to this Treaty to the Assembly for consideration.

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Article 15 Establishment of the Governing Board

The Governing Board of the AMA is hereby established by this Treaty. It shall be appointed by and answerable to the Conference of States Parties.

Article 16 Composition of the Governing Board

1. The Board shall consist of nine (9) members, composed as follows:
 - (a) Five (5) heads of NMRAs, one (1) drawn from each of the AU-recognized regions;
 - (b) One (1) representative of RECs responsible for regulatory affairs, to be appointed by the RECs on a rotational basis;
 - (c) One (1) representative of regional health organizations responsible for regulatory affairs, on a rotational basis appointed by the RHOs;
 - (d) One (1) representative of national committees responsible for bioethics, on a rotational basis and appointed by the RECs;
 - (e) The Commissioner for Social Affairs, AUC.
2. The Board shall elect its own Chairperson and Vice-Chairperson from among the heads of NMRAs.
3. The Legal Counsel of the AMA or his/her representative shall be an ex-officio member of the Board and shall attend meetings to provide legal advice.
4. Remuneration for members of the Board shall be determined by the Conference of States Parties.
5. The Director General of the AMA shall serve as the Secretary of the Board.

Article 17 Sessions of the Governing Board

1. The Board shall meet:
 - (a) In regular session at least once a year;
 - (b) In extraordinary session at the request of the Chairperson of the Board, the Bureau of the Conference of States Parties or a simple majority of the members of the Board.
2. The quorum for meetings of the Board shall be two thirds of the membership of the Board.
3. The decision of the Board shall be taken by consensus and, failing which, by a simple majority vote of the members present.
4. In the event the members are not in a position to attend personally, duly accredited representatives shall represent them in accordance with the rules of the Governing Board.
5. The Board shall consider and recommend its rules of procedure and those of the technical committees to the Conference of States Parties for adoption.

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6. All members of the Board shall be subject to the rules of confidentiality, declaration of interest and conflict of interest.

7. The Board may invite such experts as may be required to its meetings.

Article 18

Functions of the Governing Board

1. The Board is responsible for providing strategic direction, technical decision-making, guidance and monitoring the performance of the AMA.

2. The functions of the Board shall be to:

(a) Approve the strategic plan, programme of work, budgets, activity and reports submitted by the Director General;

(b) Recommend for endorsement by the Conference of States Parties, the appointment and dismissal of the Director General of the AMA;

(c) Appoint and dismiss, if necessary, the independent auditor of the AMA;

(d) Recommend regulations setting out the conditions of service of the staff of the Secretariat;

(e) Assist the Secretariat with resource mobilization;

(f) Establish technical committees (TCs) to provide technical guidance on the functions of the AMA;

(g) Establish rules governing the issuance of scientific opinions and guidance to States Parties, including expedited approval of products during health outbreaks;

(h) Approve recommendations submitted by the TCs;

(i) Establish such subsidiary or affiliated entities for purposes of carrying out the functions of the AMA as it considers necessary;

(j) Carry out any other functions referred to it by the Conference of States Parties or the Bureau as mandated by the Conference of States Parties.

Article 19

Term of Office of the Governing Board

1. The term of office of the members of the Board, unless otherwise specified below, shall be a non-renewable period of three (3) years.

2. The term of office of Board members representing the RECs and RHOs shall be a non-renewable period of two (2) years.

3. The Commissioner of Social Affairs (which will become Commissioner for Health, Humanitarian Affairs and Social Development) shall hold a permanent seat.

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4. The Board shall elect, by a simple majority and for a three (3) year non-renewable term, a Chairperson and Vice-Chairperson of the Board from among the heads of NMRAs, taking into account the Union's principle of regional rotation and gender equity.

Article 20

Establishment of Technical Committees of the AMA

1. The Board shall establish permanent or ad hoc technical committees to provide technical guidance on specific areas of regulatory expertise.

2. The areas to be considered may include but not be limited to: dossier assessment for advanced therapies, biologicals (including biosimilar and vaccines), medicines for emergencies, orphan medicinal products, clinical trials of medicines and vaccines, manufacturing site inspections of active pharmaceutical ingredients (API) and finished pharmaceutical products, quality control laboratories, bioavailability and bioequivalence studies, pharmacovigilance risk assessment, and African traditional medicines.

Article 21

Functions of the Technical Committees

1. The technical committees shall be responsible for carrying out scientific assessments and conducting scientific reviews of dossiers, including quality aspects, and clinical trial applications, inspection of manufacturing facilities, and providing scientific opinion to facilitate the proper functioning of the AMA.

2. The technical committees shall carry out any other functions as may be assigned to it by the Board.

Article 22

Composition of the Technical Committees (TCs)

1. The TCs shall be composed of not more than nine (9) experts representing a wide range of competencies and experiences.

2. Members of the TCs shall be drawn from State Party NMRAs as appointed by the Board and shall reflect geographic representation.

3. Other technical experts in relevant fields may be drawn from across and outside the continent, when necessary.

4. Each TC shall be headed by a Chair and Vice-Chair as specified in its terms of reference adopted by the Board.

5. All members of the TCs shall be subject to the rules of confidentiality, declaration of interest and conflict of interest.

Article 23

The Secretariat of the AMA

1. The Secretariat of the AMA, located at the headquarters, shall be responsible for coordinating the implementation of the decisions of the Conference of States Parties, the policy organs of the African Union, and the Board of the AMA.

2. The Secretariat shall:

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- (a) Coordinate implementation of activities and ensure effective performance of the AMA in fulfilment of its objectives and functions;
- (b) Ensure effective implementation of the decisions of the Board and the Conference of States Parties;
- (c) Coordinate the programmes and work of all technical committees and the Board;
- (d) Establish and maintain capacity-building and regulatory systems strengthening programmes for the benefit of Member States;
- (e) Prepare the strategic plan, work programmes, budget, financial statement and annual report on the activities of the AMA, for consideration and approval by the Board and the Conference of States Parties;
- (f) Perform any other duties as may be assigned by the Board and the Conference of States Parties and other relevant structures of the African Union.

Article 24

The Director General of the AMA

1. The Director General shall be the head of the Secretariat and shall be responsible for the day-to-day management of the AMA.
2. The Director-General shall be appointed by the Conference of States Parties upon the recommendation of the Governing Board.
3. The Director General shall serve as the Chief Executive Officer, shall represent the AMA in all matters, and shall report to the Board, the Conference of States Parties and the African Union, as appropriate.
4. The Director General shall be appointed for a term of four (4) years, renewable once, in accordance with regional rotations.
5. The Director General shall recruit staff of the Secretariat in line with the structure and procedure approved by the Conference of States Parties.
6. The Director General shall be a person of demonstrated competence, leadership ability and integrity, expertise and experience in the subject matter of this Treaty or related issues.
7. The Director General shall be a national of a State Party.
8. The Director General shall be responsible for monitoring the code of conduct of the AMA staff and experts.
9. In the discharge of his/her duties, the Director General shall not seek or accept instructions from any State, authority or individual external to the AMA.

Article 25

Objections to Scientific Opinions

1. In the event that a person or entity duly objects to a scientific opinion, advice or decisions issued by the AMA, he/she may lodge their objection with the Board.
2. The Board shall set up an independent panel to consider the objection in line with the agreed procedures.

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3. The Board shall develop procedures for objection.

Part Four Financial Provisions

Article 26 Financial Resources

1. The Conference of States Parties shall:
 - (a) Set the annual assessed contribution to be paid by the States Parties;
 - (b) Adopt the annual the budget of the AMA;
 - (c) Determine the appropriate sanctions to be imposed on any State Party that defaults in the payment of its contributions to the budget of the AMA in line with the sanctions regime as adopted by the Assembly.
2. The AMA shall devise ways of resource mobilization.
3. The AMA may also receive grants, donations and proceeds for its activities from international organizations, governments, private sector, foundations and other entities in accordance with guidelines set by the Board and approved by the Conference of States Parties, provided there is no conflict of interest.
4. Pending the adoption of the AMA financial rules by the Conference of States Parties, it shall abide by the AU Financial Rules and Regulations where appropriate.

Article 27 Expenses

1. The Secretariat expenses for administrative, operational and investment purposes shall be in accordance with the approved programme of work, budget and financial rules and regulations of the AMA as approved by the Governing Board and adopted by the Conference of States Parties.
2. The finances and accounts of the AMA shall be audited by an independent auditor appointed by the Board.

Part Five Relations with the AU, Member States and Other Partner Institutions

Article 28 Relationship with the African Union

1. The AMA shall maintain a close working relationship with the AU.
2. The AMA shall present a written annual report on its activities to the AU Assembly through the relevant STC and Executive Council.

Article 29 Relationship with States

1. The AMA may establish and maintain active cooperation with AU Member States and non-AU Member States.
2. The States Parties shall appoint focal points to coordinate country level activities of the AMA.

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Article 30 Relationship with Other Organizations and Institutions

1. The AMA shall establish and maintain a close working relationship and collaboration with the following:
 - (a) The World Health Organization (WHO);
 - (b) The Africa Centres for Disease Control and Prevention (Africa CDC);
 - (c) The Regional Economic Communities (RECs);
 - (d) Any other United Nations agencies, intergovernmental organizations and non-governmental organizations or other institutions, including specialized agencies other than those specifically provided for in this Treaty, that the AMA considers necessary to assist in achieving its objectives.

Part Six Final Provisions

Article 31 Working Languages

The working languages of the AMA shall be those of the AU, namely Arabic, English, French and Portuguese.

Article 32 Settlement of Disputes

1. Any dispute that may arise between States Parties with regard to the interpretation, application and implementation of this Statute shall be settled by mutual consent between the States concerned, including through negotiations, mediation, conciliation or other peaceful means.
2. In the event of failure to settle the dispute, the parties may, by mutual consent, refer the dispute to:
 - (a) An arbitration panel of three (3) arbitrators whose appointment shall be as follows:
 - (i) Each party to the dispute shall appoint one (1) arbitrator;
 - (ii) The third arbitrator, who shall be the Chairperson of the Arbitration Tribunal, shall be chosen by common agreement between the arbitrators appointed by the parties to the dispute; and
 - (iii) The decision of the panel of arbitrators shall be binding; or
 - (b) The African Court of Justice and Human Rights.

Article 33 Reservations

1. A State Party may, when ratifying or acceding to this statute, submit in writing a reservation with respect to any of the provisions of this Treaty.
2. Reservations shall not be incompatible with the objects and purpose of this Treaty.
3. Unless otherwise provided, a reservation may be withdrawn at any time.

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4. The withdrawal of a reservation must be submitted in writing to the Chairperson of the Commission who shall notify other States Parties of the withdrawal accordingly.

Article 34 Withdrawal

1. At any time after three years from the date of entry into force of this Treaty, a State Party may withdraw by giving written notification to the depositary.

2. Withdrawal shall be effective one year after receipt of notification by the depositary, or on such a later date as may be specified in the notification.

3. Withdrawal shall not affect any obligations of the withdrawing State Party prior to the withdrawal.

Article 35 Dissolution

1. The AMA may be dissolved by the agreement of two thirds of the States Parties to this Treaty at a meeting of the Conference of States Parties and upon endorsement by the AU Assembly.

2. At least six (6) months' notice shall be given of any meeting of the Conference of States Parties at which the dissolution of the AMA is to be discussed.

3. Once agreement has been reached on the dissolution of the AMA, the Conference of States Parties shall establish the modalities for the liquidation of the assets of the AMA.

Article 36 Amendment and Revision

1. Any State Party may submit proposals for the amendment or revision of this Treaty. Such proposal shall be adopted at a meeting of the Conference of States Parties.

2. Proposals for amendment or revision shall be submitted to the Chairperson of the Commission who shall transmit the amendment or revision to the Chairperson of the Governing Board within thirty days (30) of receipt thereof.

3. The Conference of States Parties, upon the advice of the Governing Board, shall examine these proposals within a period of one year from the date of receipt of such proposals.

4. Amendment or revision shall be adopted by the Conference of States Parties by consensus or, failing which, by two-thirds majority.

5. The amendment or revision shall enter into force in accordance with the procedures outlined in Article 38 of this Treaty.

Article 37 Signature, Ratification and Accession

1. This Treaty shall be open to Member States of the Union for signature and ratification or accession.

10. AFRICAN AUDIOVISUAL AND CINEMA COMMISSION

2. The instrument of ratification or accession to the present Treaty shall be deposited with the Chairperson of the Commission who shall notify Member States of the Union of the deposit of the instrument of ratification or accession.

Article 38 Entry into Force

1. This Treaty shall enter into force thirty days (30) after the deposit of the fifteenth (15) instrument of ratification and accession.

2. The Chairperson of the Commission shall inform all Member States of the Union of the entry into force of the present Treaty.

3. For any Member State of the Union acceding to the present Treaty, the Treaty shall come into force in respect of that State on the date of the deposit of its instrument of accession.

Article 39 Depositary

This Treaty shall be deposited with the Chairperson of the AU Commission, who shall transmit a certified true copy of the Statute to the Government of each signatory State.

Article 40 Registration

The Chairperson of the Commission, upon the entry into force of this Treaty, shall register this Treaty with the Secretariat of the United Nations in conformity with Article 102 of the Charter of the United Nations.

Article 41 Authentic Texts

This Treaty is drawn up in four (4) original texts in the Arabic, English, French and Portuguese languages, all of which are equally authentic.

10.

STATUTE OF THE AFRICAN AUDIOVISUAL AND CINEMA COMMISSION (AACC)

Adopted in Addis Ababa, Ethiopia, on 11 February 2019.

This Statute shall enter into force thirty days after the deposit of the fifteenth instrument of ratification.

Preamble

We, Member States of the African Union,

Recalling the objectives and principles enshrined in the Constitutive Act of the African Union,

Further recalling Decision EX/CL/Dec.69 (III) of the Executive Council of the African Union adopted at its Third Ordinary Session, held from 10 to 12 July 2003, in Maputo, Mozambique, requesting the establishment of an African Commission on the Audiovisual and Cinema as well as a fund to promote the cinema industry and television programmes in Africa,

Further recalling the Dakar Plan of Action on Cultural industries for Development in Africa of 1992,

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Reaffirming the Charter for African Cultural Renaissance (2006), the Algiers Plan of Action on the Cultural and Creative Industries in Africa (CAMC/MIN/2 (II)) (2008) and the Tshwane Declaration on Audiovisual and Cinema (2006),

Recognizing that culture contributes to bringing Africa and Africans together, underpins the resurgent African economy and cannot be separated from the socio-economic reality,

Noting the need to adopt legal, institutional and practical measures in favour of the free circulation of African cultural products,

Acknowledging that the African Charter on Broadcasting adopted in Windhoek in 2001 underscored the promotion and development of African content, including the introduction of minimum local content quotas,

Acknowledging that creative and cultural industries in Africa hold great promise in the development of the continent,

Aware that audiovisual and cinematic expressions contribute to the economic, social and cultural development of peoples,

Recognizing the efforts already deployed by various relevant institutions and organizations in the promotion of African audiovisual works and cinema, and the need for their coordination,

Aware of the role that audiovisual and cinematic expressions play in the African integration process as a factor of peace, understanding and conflict prevention as well as socio-economic growth,

Hereby agree as follows:

Article 1 Definitions

For the purpose of the present Statute:

“AACC” means the African Audiovisual and Cinema Commission, a Pan-African institution for the promotion of audiovisual works and cinema;

“African Audiovisual and Cinema Forum” means the Forum of practitioners in the audiovisual and cinema sector;

“African content” means artistic, cinematic and television programmes, including advertisements produced by Africans about Africa for the African and global audience;

“African language” means a mother tongue, including vehicular cross-border languages of an African State;

“Assembly” means the Assembly of the Heads of State and Government of the African Union;

“Audiovisual works” means any record of a sequence of related images with or without accompanied sound, irrespective of length, which is intended to be made visible as a moving image through the use of devices, regardless of the medium of initial or subsequent fixation and for which there is an expectation for public exhibition and includes films and video recordings, animation, and documentary productions, for exploitation on any form of distribution currently existing or future invented;

“Board” means the Governing Board of the AACC;

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“Bureau” means the Bureau of the Council of Ministers;

“Committee” means the Technical Advisory Committee;

“Council” means the Council of Ministers in charge of culture, audiovisual and creative industries of States Parties;

“Creative economy” means the interface between creativity, culture, economics and technology as expressed in the ability to create and circulate intellectual capital, with the potential to generate income, jobs and export earnings while at the same time promoting social inclusion, cultural diversity and human development;

“Executive Secretary” means the Executive Secretary of the Secretariat of the AACC;

“Filmmaker” means professionals involved in creating scripts and generating story lines through audiovisual, cinematography and other platforms;

“Independent film and audiovisual practitioner” means an individual who works in the film and audiovisual value chain;

“Local content” means cultural, artistic audiovisual, cinematic and television programmes, including advertisements, inspired, created and produced by Africans;

“Member State” means a Member State of the African Union;

“Pan-African Federation of Filmmakers” or “FEPACI” is the body corporate that represents audiovisual and cinema practitioners in Africa;

“Pan-Africanism” is an ideology asserting that the fate of all African peoples, both on the continent and in the diaspora, and African countries are intertwined, sharing a common history and destiny to be forged through united action;

“RECs” means Regional Economic Communities;

“State Party” means a Member State that has ratified or acceded to this Statute;

“STC” means a Specialized Technical Committee established under Article 14 of the Constitutive Act of the African Union;

“Union” or “AU” means the African Union established by the Constitutive Act.

Article 2 Establishment

The African Audiovisual and Cinema Commission is hereby established as a Specialized Agency of the African Union.

Article 3 Mandate

The AACC shall:

1. Develop and strengthen the African audiovisual and cinema industry;

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2. Encourage the establishment of appropriate structures at the national, regional and continental levels to strengthen cooperation between African States in the area of audiovisual and cinema; and
3. Through the use of audiovisual and cinematic expressions, promote creativity/innovation, integration, solidarity, respect of values, mutual understanding, foster peace and promote a positive image of Africa.

Article 4 Functions of AACC

The AACC shall:

1. Promote research on the African audiovisual and cinema industry in close collaboration with various research institutions;
2. Collate, disseminate and archive the results of audiovisual cinematic research;
3. Promote and encourage States Parties to take all necessary measures for protecting and archiving programmes for national film and audiovisual materials, and retrieving those held in foreign lands;
4. Facilitate the establishment and where appropriate the exchange of information relating to African audiovisual and cinematographic works held in data banks, archives, directories of national and international audiovisual products, films and filmmakers, film training institutions and financiers subject to national legislation on copyright;
5. Promote the collection, archiving and dissemination of documentation of oral African literature and knowledge using audiovisual and cinematic expressions, television and moving images;
6. Fast track the establishment of the African Audiovisual and Cinema Fund for sustainable financing of the audiovisual and cinema value chain;
7. Recommend such agreements as necessary to enhance the capacity of AU Member States to collaborate in developing, streamlining and promoting audiovisual and cinema industry policies;
8. Encourage the signing of cooperation treaties that would enhance the movement of filmmakers across African borders and exchange of programmes;
9. Strengthen regional African structures to appreciate the role of film in economic and social development;
10. Enhance African centredness in film, promote the positive image of the continent, redefine relations between African audiovisual and cinema and other expression from the rest of the world;
11. Elaborate a cinematic atlas of Africa, exposing, reawakening and repositioning the different milieu of African film;
12. Contribute to the popularization of the cinema culture, particularly among African youth;
13. Facilitate harmonization of training curricula to reflect high quality film production and seek its adaptation by training institutions across Africa; and encourage establishment of regional film schools;
14. Promote the use of African audiovisual and cinema as a medium of instruction and as a subject of study in educational institutions;

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15. Foster capacity and talent development, training and certification in the African film industry in order to ensure higher quality of film productions;
16. Assist and offer advisory services to Member States on auditing national film support structures, including ensuring that national licensed broadcasters carry African content;
17. Provide technical support and advisory services to Member States for the formulation and implementation of audiovisual and cinema policy, particularly in the establishment and/or development of national structures for the promotion of African audiovisual and cinematic expressions;
18. Encourage Member States to capture and store social and economic data on film and audiovisual industry showing jobs created, capital formation, and contribution to sustainable and inclusive economic growth;
19. Encourage the creation of Pan-African television, digital, and other networks to promote African perspectives;
20. Promote distribution of African films throughout the continent and internationally;
21. Support national institutions responsible for broadcasting and content distribution to ensure that African broadcasters (public and private) and other content distributors invest resources into researching African stories and commissioning film makers to produce films and ensure effective and profitable distribution of the films;
22. Encourage all Member States' broadcasters, cinema and movie theatres, and all other content delivery channels including mobile phones, video on demand and online streaming services to carry a minimum of 70 percent (70%) African content in all their programming with special emphasis on prime time;
23. Promote the protection of indigenous knowledge and of existing African oral and written folklore both at the national and continental levels; promote the protection of the rights of authors;
24. Support the protection of intellectual property rights with due regard to existing frameworks on the harmonization of standards and legislation;
25. Perform such other functions consistent with the promotion of African cinematic expressions and products;
26. Create partnerships with public and private sector organizations in furtherance of its objectives and functions;
27. Monitor and audit African content carried by all content carriers in States Parties and table a monitoring and audit report to the regular meeting of the Council of Ministers;
28. Facilitate the development, monitoring and evaluation of training curricula for film schools across Africa;
29. Create an accreditation and certification system for film training institutions in Africa; and
30. Establish, strengthen and/or promote African film archives that hold key audiovisual and film material from various parts of Africa for posterity.

Article 5 Membership

1. Membership shall be open to African Union Member States.

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2. Each State Party shall enjoy equal rights in terms of participation and representation at AACC meetings.

Article 6 Legal Capacity

1. The AACC shall have the legal personality that is necessary for the fulfilment of its objectives and the exercise of its functions in accordance with this Statute.
2. For the smooth fulfilment of its objectives, the AACC shall, in particular, have the legal capacity to:
 - (a) Enter into agreements;
 - (b) Acquire and dispose of movable and immovable property; and
 - (c) Institute and defend legal proceedings.

Article 7 Privileges and Immunities

The States Parties undertake to accord to the AACC, and all its personnel, premises, property and assets, and experts on mission providing advice or assistance to the AACC, the privileges and immunities as stipulated in the General Convention on the Privileges and Immunities of the OAU and the Additional Protocol to the OAU General Convention on Privileges and Immunities.

Article 8 Headquarters of the AACC

1. The headquarters of AACC shall be determined by the Assembly of the Union.
2. The African Union Commission shall enter into a host agreement with the government of the host country in which the AACC Headquarters will be situated with regard to the provision of the premises, facilities, services, privileges and immunities for the purposes of the efficient operation of the AACC.
3. The following evaluative criteria specific to the audiovisual and cinema industry shall be taken into consideration by the Assembly of the Union in determining the headquarters of the AACC:
 - (a) History of success;
 - (b) Infrastructure;
 - (c) Policy environment; and
 - (d) Financial support to the headquarters.

Article 9 Organs of the AACC

The AACC shall be composed of the following organs:

1. The Council of Ministers;
2. The Governing Board;

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3. The Technical Advisory Committee;
4. The African Audiovisual and Cinema Forum;
5. The Secretariat.

Article 10

Composition of the Council of Ministers

1. The Council of Ministers shall be the supreme organ of the AACC.
2. The Council of Ministers shall consist of ministers in charge of culture, audiovisual and cinema, creative industry or any other ministers duly designated by the States Parties.
3. The Council shall adopt its rules of procedure as well as the rules of procedure of other organs, Committees, working groups or subsidiary bodies of the AACC.
4. There shall be a Bureau composed of five (5) members elected by the States Parties on the basis of rotation and equitable geographical distribution from the five (5) AU geographical regions, which shall operate in accordance with their rules of procedure.
5. The Council may establish committees, working groups and/or subsidiary bodies as it deems fit.
6. The Council shall meet annually to discuss and approve the AACC's strategic plan, policies and programmes, reports and audited accounts.

Article 11

The Functions of the Council of Ministers

The Council shall:

1. Determine the scale and criteria for assessment of annual and special contributions to be paid by States Parties to the budget of the AACC in accordance with the criteria adopted by the Assembly;
2. Appoint and dismiss for cause members of the Governing Board, who shall be persons with sufficient audiovisual and cinema industry experience;
3. Report and make recommendations to the Executive Council of the Union;
4. Adopt financial and staff rules and regulations of the AACC;
5. Amend this statute in accordance with Article 39.

Article 12

Composition and Term of Office of the Governing Board

1. The Board shall be composed as follows:
 - (a) Representatives of five (5) States Parties from each of the AU regions;

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- (b) Five (5) independent film and audiovisual practitioners, one drawn from each of the African Union regions;
 - (c) Secretary-General of the Pan-African Federation of Filmmakers;
 - (d) One (1) representative from the RECs drawn from national cinema structures on a rotational basis;
 - (e) One (1) representative from the African Union Commission Department of Social Affairs.
2. The Board shall elect its Chairperson from among the Member States representatives.
 3. The Executive Secretary of the AACC shall serve as the Secretary of the Board.
 4. The members of the Governing Board shall serve for a period of four (4) years, renewable once.

Article 13 Functions of the Governing Board

The Board shall be responsible for oversight of the operational activities of the AACC in accordance with the overall policy guidance of the Council of Ministers. The functions of the Board shall be to:

1. Appoint the Executive Secretary, who shall serve for four (4) years, renewable once;
2. Elaborate programmes, policies and plans of action to implement the strategic policies defined by the Council of Ministers;
3. Develop its rules of procedure for consideration and adoption by the Council of Ministers;
4. Appoint and dismiss for cause external auditors;
5. Support the AACC Secretariat to mobilize resources;
6. Consider and submit for adoption by the Council of Ministers, financial and progress reports from the AACC;
7. Receive technical reports and advice from the Technical Advisory Committee on matters referred to them for appropriate action;
8. Direct the policies of the AACC;
9. Prepare regulations setting out the powers, duties and conditions of service of the Executive Secretary and the Secretariat.

Article 14 Meetings, Quorums and Decisions of the Board

1. The Board shall meet:
 - (a) In regular session at least once a year;
 - (b) In extraordinary session at the request of the Chairperson of the Board or two thirds of its members, on a specific agenda communicated to all members at least one (1) month in advance.

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2. A simple majority of members of the Board shall be required to constitute a quorum for any ordinary or extraordinary session.
3. Decisions of the Board shall be taken by a simple majority of members present.
4. Each member shall have one vote; in the event of a tied vote, the Chairperson of the Board shall have the casting vote.
5. In the event the members are not in a position to attend personally, duly accredited representatives shall represent them in accordance with the rules of the governing board.
6. The Board shall consider and recommend its rules of procedure and those of the other organs of the AACC to the Council of Ministers for adoption.
7. All members of the Board shall be subject to the rules of confidentiality, declaration of interest and conflict of interest.
8. The Board may invite such experts as may be required, to its meetings.

Article 15

Composition of the Technical Advisory Committee

1. The Board shall upon recommendations of the AACC Forum, appoint a Technical Advisory Committee composed of nine (9) members, one from each of the following disciplines on the basis of equitable geographical representation:
 - (a) Training, skills development and academia;
 - (b) Production;
 - (c) Archiving;
 - (d) Editing;
 - (e) Cinematography;
 - (f) Distribution;
 - (g) Law;
 - (h) Sound and audio; and
 - (i) Finance.
2. The members of the Committee shall serve for two (2) years, renewable once.
3. The Executive Secretary shall be an ex-officio member of the Committee and shall attend in person or through his/her designated representative and shall have no right to vote.
4. The members of the Committee will elect from among themselves the Chairperson, whose functions shall be defined in the rules of procedure of the Committee.

Article 16

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Functions of the Committee

The functions of the Technical Advisory Committee shall be to:

1. Advise on the technical implementation of the activities of the AACC;
2. Provide such technical advice as may be requested by the Board or by the Executive Secretary from time to time;
3. Develop its own rules of procedure for consideration and adoption by the Council of Ministers.

Article 17

Meetings, Quorum and Decisions of the Committee

1. The meetings of the Committee shall be convened by the Chairperson of the Committee at least once a year or as often as the Board may deem necessary.
2. For any session, a simple majority of the members shall be required to constitute a quorum.
3. Decisions of the Technical Advisory Committee shall be made by consensus and, failing which, by a simple majority vote of the members present.
4. The members of the Committee shall serve in their personal capacities on a part-time basis.
5. The members of the Committee shall not be remunerated but costs incurred in attending the Committee meetings shall be reimbursed.

Article 18

Composition and Membership of the Forum

1. There shall be a forum comprised of accredited audiovisual and cinema practitioners, production equipment and technology providers convened by the AACC Secretariat.
2. The membership of the forum shall be three (3) accredited representatives from each State Party who shall serve for two (2) years, renewable once.

Article 19

Functions of the Forum

The functions of the African Audiovisual and Cinema Forum shall be to:

1. Consider the state of the audiovisual and cinema sector and prepare a report to the Council of Ministers through the Governing Board;
2. Make recommendations on individuals to serve on the Board and Technical Advisory Committee;
3. Submit to the Board a biannual independent report on the state of the audiovisual and cinema sector in all Member States;
4. Recommend appropriate measures to improve the audiovisual and cinema sector;
5. Develop its own rules of procedure for consideration and approval of the Council of Ministers.

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Article 20 Conditions for Eligibility

The following criteria shall apply for participation to the Forum:

1. A member of the forum, as contemplated in Article 18, shall be invited either as an association or an individual;
2. Forum members must be a registered association, society, company or foundation in Africa or an individual nominated by a State Party;
3. The Forum members must have demonstrated experience and/or working knowledge of the African audiovisual and cinema industry or a demonstrated commitment to supporting the industry.

Article 21 Composition of the AACC Secretariat

1. The Secretariat shall consist of an Executive Secretary who shall be assisted by the necessary administrative, professional and technical officials.
2. The structure of the Secretariat, terms and conditions of service, shall be approved by the Board in accordance with the staff rules and regulations adopted by the Council of Ministers.

Article 22 Appointment of the Executive Secretary

1. The Executive Secretary shall be appointed by the Board in accordance with regional rotations.
2. The Executive Secretary shall be the Head of the AACC.
3. If the position falls vacant or the Executive Secretary is prevented from discharging the above duties, he/she shall be temporarily replaced by the most senior official within the Secretariat until the appointment of the new Executive Secretary.

Article 23 Functions of the Executive Secretary

1. Subject to the directives of the Board, the Executive Secretary shall:
 - (a) Recruit, supervise and manage staff of the AACC Secretariat;
 - (b) Implement the approved programmes and policies of the AACC Secretariat;
 - (c) Coordinate the activities of AACC Secretariat as the chief administrative and accounting officer;
 - (d) Prepare for Board consideration and approval mid and long-term plans of the AACC;
 - (e) Prepare the annual budget of the AACC for consideration by the Governing Board;
 - (f) Prepare the plans of action of the AACC for consideration and approval;
 - (g) Attend all meetings of the Board and act as its Secretary; and

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(h) Perform any other functions in line with the objectives of the AACC.

2. In the discharge of his or her duties, the Executive Secretary shall not seek or accept instructions from any State, authority or individual external to the AACC.

Article 24

Observers

The Council of Ministers may invite any State, REC, international, regional or subregional organization or institution, which is not a member to attend its meetings as an observer.

Article 25

Relationship with other Institutions, Cooperating States and Organizations

1. The AACC may:

(a) Establish and maintain working relationships with any intergovernmental, international, regional or national institutions that may assist the AACC to achieve its objectives and mandate;

(b) Design, resource or facilitate implementation or strengthening by stakeholders of an integrated Pan-African centre on the following:

(i) The African Audiovisual and Cinema Fund;

(ii) The African Film Library;

(iii) The African Convention on Audiovisual and Cinematographic Collaboration;

(iv) The Inter-African Centre for Production;

(v) The Inter-African Distribution Consortium;

(vi) The Inter-African Film Production Consortium;

(vii) The Pan-African Film School initiative.

2. States Parties shall designate focal point institutions to coordinate their respective working relationships with the AACC.

Article 26

Finances

1. The AACC shall be funded by:

(a) Annual statutory and special contributions to be paid by States Parties as shall be determined by the Council of Ministers;

(b) Income from services rendered by the AACC;

(c) Income from property owned by or other investments made by the AACC.

2. The AACC may receive donations and voluntary contributions from:

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- (a) States Parties;
 - (b) Other States and institutions that are not members of the AACC;
 - (c) Any other sources approved by the Governing Board.
3. The AACC budget shall be drawn up by the Secretariat and approved by the Council of Ministers through the Board.
4. The Council of Ministers and the Board shall be regularly apprised of the funding status of the AACC.

Article 27 Expenses

1. The expenses of the AACC shall be in accordance with the approved budget, programme of work and financial rules and regulations of the AACC.
2. The finances and accounts of the AACC shall be audited by an independent auditor appointed by the Governing Board.

Article 28 Working Languages

The working languages of the AACC shall be those of the AU.

Article 29 Settlement of Disputes

1. Any dispute that may arise between States Parties with regard to the interpretation, application and implementation of this Statute shall be settled by mutual consent between the States concerned, including through negotiations, mediation, conciliation or other peaceful means.
2. In the event of failure to settle the dispute, the parties may, by mutual consent, refer the dispute to:
- (a) An arbitration panel of three (3) arbitrators whose appointment shall be as follows:
 - (i) Each party to the dispute shall appoint one (1) arbitrator;
 - (ii) The third arbitrator, who shall be the Chairperson of the Arbitration Tribunal, shall be chosen by common agreement between the arbitrators appointed by the parties to the dispute; and
 - (iii) The decision of the panel of arbitrators shall be binding; or
 - (b) The African Court of Justice and Human Rights.

Article 30 Dissolution of the AACC

1. The AACC may be dissolved by a resolution of the Council of Ministers taken by two-thirds majority.
2. At least six (6) months' notice shall be given of any meeting of the Council of Ministers at which the dissolution of the AACC is to be discussed.

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3. Where a decision has been made on the dissolution of the AACC, the Council of Ministers shall establish the modalities for the liquidation of the assets of the AACC.

Article 31 Popularization of the Statute

States Parties shall take all appropriate measures to ensure the widest possible dissemination of this Statute in accordance with the relevant provisions and procedures of their respective constitutions.

Article 32 Safeguard Clause

1. A provision in this present Statute shall not be interpreted as derogating from the principles and values contained in other relevant instruments for the promotion of audiovisual and cinema development in Africa.

2. Nothing in this Statute shall be construed as preventing a Party from taking such action, compatible with the provisions of the Constitutive Act of the African Union or the United Nations Charter and limited to the exigencies of the situation, as it considers necessary to its external or internal security.

Article 33 Signature, Ratification and Accession

1. This Statute shall be open to Member States of the African Union for signature and ratification or accession.

2. The instrument of ratification or accession to the present Statute shall be deposited with the Chairperson of the African Union Commission.

Article 34 Entry into force

1. This Statute shall enter into force thirty (30) days after the deposit of the 15th instrument of ratification.

2. The Chairperson of the African Union Commission shall inform all Member States of the African Union of the entry into force of the present Statute.

3. For any Member State of the African Union acceding to the present Statute, the Statute shall come into force in respect of that State on the date of the deposit of its instrument of accession.

Article 35 Reservations

1. A State Party, when signing, ratifying or acceding to this Statute, may enter a reservation with respect to any of the provisions of this Statute, unless such a reservation is incompatible with the object and purpose of this Statute.

2. The withdrawal of a reservation must be formulated in writing to the Chairperson of the African Union Commission who shall notify other States Parties of the withdrawal accordingly.

Article 36 Depositary

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This Statute shall be deposited with the Chairperson of the African Union Commission, who shall transmit a certified true copy of the Statute to the Government of each State Party and notify them of the dates of the deposit of the instruments of ratification or accession.

Article 37 Registration

The Chairperson of the African Union Commission upon the entry into force of this Statute shall register this Statute with the United Nations Secretariat in conformity with Article 102 of the Charter of the United Nations.

Article 38 Withdrawal

1. At any time after three years from the date on which this Statute has entered into force, a State Party may withdraw from this Statute by giving written notification to the depositary.
2. Withdrawal shall be effective one (1) year after receipt of notification by the depositary, or on such later date as may be specified in the notification.
3. Withdrawal shall not exempt the withdrawing State Party from fulfilling any obligations it might have incurred under this Statute during its membership.

Article 39 Amendment and Revision

1. Any State Party may submit proposals for the amendment or revision of this Statute.
2. Proposals for amendment or revision shall be submitted to the Chairperson of the African Union Commission who shall transmit such proposal(s) to States Parties within thirty (30) days of receipt thereof.
3. The Council of Ministers, upon the advice of the Bureau, shall examine these proposals within a period of one (1) year from the date of receipt of such proposals.
4. Amendments or revisions shall be adopted by the Council of Ministers by consensus or, failing which, by a two-thirds majority.
5. The amendment or revision shall come into force upon adoption by the Council of Ministers.

Article 40 Authentic Texts

This Statute is drawn up in four (4) original texts, in Arabic, English, French and Portuguese languages, and all four (4) texts being equally authentic.

11.

STATUTE OF THE AFRICAN UNION INTERNATIONAL CENTRE FOR GIRLS' AND WOMEN'S EDUCATION IN AFRICA (AU/CIEFFA)

**Adopted in Addis Ababa, Ethiopia, on 11 February 2019.
Entered into force upon adoption.**

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We, Member States of the African Union,

Recalling the Decision Assembly/AU/Dec.44 (III) adopted by the Assembly of Heads of State and Government in July 2004 in Addis Ababa, Ethiopia, which agreed to make the International Centre for Girls' and Women's Education in Africa (CIEFFA) an African institution under the aegis of the African Union,

Further recalling that the Assembly, in the aforementioned Decision, welcomed the establishment and operationalization of the African Union International Centre for Girls' and Women's Education in Africa (AU/CIEFFA) under the aegis of the United Nations Educational, Scientific and Cultural Organization (UNESCO) as an institution for the promotion of education of girls and women in Africa,

Considering that at the Thirtieth Session of its General Conference in 1999, UNESCO included the creation of CIEFFA in the global Programme I, Action Plan 2, as part of the special project of "promotion of girl's and women's education in Africa",

Also considering the agreements between UNESCO and the Government of Burkina Faso on the collaborations regarding the CIEFFA,

Reaffirming the Headquarters Agreement of 5 March 2008 between the Government of Burkina Faso and the African Union on the establishment of the Headquarters of the CIEFFA,

Acknowledging the efforts made by the Government of Burkina Faso and other partners, including UNESCO, to make the centre operational,

Mindful of the Continental Education Strategy for Africa (2016-2025) adopted by the Twenty-sixth Ordinary Session of the AU Executive Council and considering the role of CIEFFA in the implementation of this Strategy,

Emphasizing that the mission of CIEFFA is in line with the vision of Agenda 2063, which outlines that the African woman will be fully empowered in all spheres, with equal social, political, and economic rights and opportunities and enabled to fight against all forms of violence and discrimination against her,

Determined to provide CIEFFA with a statutory and regulatory framework for its organization and functioning under the aegis of the African Union,

Hereby agree as follows:

Article 1 Definitions

In this Statute:

"Assembly" means the Assembly of Heads of States and Government of the African Union;

"AU" or "Union" means the African Union established by the Constitutive Act;

"CIEFFA" means the African Union International Centre for Girls' and Women's Education in Africa;

"Commission" means the African Union Commission;

"Executive Director" means the Head of the Secretariat;

"General Conference", means the UNESCO General Conference;

11. AU INTERNATIONAL CENTRE FOR GIRLS' AND WOMEN'S EDUCATION (AU/CIEFFA)

"Member States" means Member States of the African Union;

"RECs" means the Regional Economic Communities;

"Secretariat" means the Secretariat of the AU/CIEFFA;

"Statute" means this Statute of the African Union International Centre for Girls' and Women's Education in Africa;

"STC" means the Specialized Technical Committee on Education, Science and Technology;

"Steering Committee" means the Steering Committee established by this Statute; and

"UNESCO" means the United Nations Educational, Scientific and Cultural Organization.

Article 2

Legal Status and Capacity of the CIEFFA

1. The CIEFFA shall be a Specialized Technical Institution of the Union and shall be governed in accordance with the provisions of this Statute.
2. The CIEFFA shall enjoy, in the territory of the Host Country the legal capacity necessary for the fulfilment of its objectives and the exercise of its functions in accordance with this Statute, including capacity to enter into agreements, acquire and dispose of movable and immovable property, and to institute and defend legal proceedings.

Article 3

Headquarters

The Headquarters of the CIEFFA shall be in Ouagadougou, Burkina Faso.

Article 4

Objectives of CIEFFA

1. CIEFFA aims to provide necessary policies, lines of actions, strategies and guidance to all relevant stakeholders to address gender equality, equity, leadership and advocacy in a learning environment in order to create gender sensitive schools, to increase girls' access and retention in education systems on the African continent towards sustaining Africa's development.
2. CIEFFA shall:
 - (a) Promote girls' and women's education at both formal and non-formal levels;
 - (b) Promote gender mainstreaming in education policies and development programmes;
 - (c) Build the operational capacities of Member States on girls' and women's education issues;
 - (d) Establish networks for information and experience sharing on girls' and women's education;
 - (e) Develop strategies and innovative approaches for advocacy and a fruitful partnership to promote and consolidate girls' and women's education;
 - (f) Promote research on girls' and women's education issues;

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- (g) Conduct observatory activities on the status of education and training for girls and women in Africa;
- (h) Organize training on information and data collection, management and programmatic use; and
- (i) Monitor and report on decisions and programmes implementation at national, regional and continental levels.

Article 5

Framework for Implementing Programmes

1. CIEFFA shall implement its programme as part of the Commission in collaboration with national, regional and international institutions.
2. CIEFFA shall establish and maintain a network with the institutions referred to in paragraph 1, to promote the education and training of girls and women in line with the AU's Agenda.

Article 6

Administration and Institutional Framework

CIEFFA shall be governed by the following bodies:

1. The STC;
2. The Steering Committee; and
3. The Secretariat.

Article 7

Establishment of the Steering Committee

The Steering Committee is hereby established as an advisory body of the CIEFFA.

Article 8

The Composition of the Steering Committee

1. The Steering Committee shall be composed of:
 - (a) A representative of the Commission;
 - (b) Five representatives from Member States composed of one (1) representative from each AU region;
 - (c) A representative of an international organization other than UNESCO;
 - (d) A representative of an African civil society organization duly accredited to the AU working on issues of girls' and women's education nominated by the Chairperson of the Commission;
 - (e) A representative of UNESCO as a permanent member; and
 - (f) The Executive Director of CIEFFA shall serve as Secretary of the Steering Committee.
2. The Steering Committee may invite a representative from the Host Country to attend its meetings as an observer and such representative shall have no right to vote.

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3. The Steering Committee shall elect from among its members, a President and a Vice- President to facilitate its meetings and activities.
4. In the absence of the President, the Vice-President or any member elected from among the members shall act as the President.
5. For any session, a simple majority of the members shall be required to constitute a quorum.
6. Decisions of the Steering Committee shall be made by consensus and, failing which, by a simple majority vote of the members present.
7. The Members of the Steering Committee shall hold office for a period of two (2) years.
8. The Steering Committee shall meet once a year in ordinary session upon the invitation of the Executive Director of the CIEFFA and may, subject to availability of resources, meet in extraordinary sessions as required.

Article 9

The Functions of the Steering Committee

The Steering Committee shall:

1. Consider the Centre's action plan and budget and allocated resources for the functioning of the Centre in accordance with the provisions of this Statute. The budget ceiling must not exceed the total amount of available resources for the fiscal year concerned, including the contributions and subsidies paid to the Centre;
2. Facilitate mobilization of the resources required to enable AU/CIEFFA to fulfil its tasks under this Statute as appropriate;
3. Consider the Centre's work plan and ensure the implementation of its programme; and
4. Consider the Centre's annual activities report.

Article 10

The Secretariat

1. The Executive Director shall be the Head of the Secretariat and shall be responsible for the day-to-day management of CIEFFA.
2. The Executive Director shall serve as the Chief Executive Officer, shall represent the CIEFFA in all matters, and shall report to the Steering Committee and the African Union, as appropriate.
3. The functions and appointment of the Executive Director and other staff of the Secretariat shall be in accordance with the structure and procedures of the AUC.
4. The structure of the Secretariat shall be defined by the African Union Commission in collaboration with the Steering Committee.

Article 11

Functions of the Secretariat

The Secretariat shall perform the following functions:

- (a) Prepare the budget and financial reports of CIEFFA;

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- (b) Work closely with Member States and RECs to advocate for girls' and women's education on the continent;
- (c) Mobilize resources in the framework of the AU policy in this area;
- (d) Establish strategic partnerships in areas of competence of CIEFFA; and
- (e) Perform any other functions that are deemed necessary in line with the objectives of CIEFFA.

Article 12 Budget

1. The budget of the CIEFFA shall be within the budget of the Union.
2. In addition to the regular budget of the Union, other sources of funding the CIEFFA may include:
 - (a) Voluntary contributions from AU Member States and partners;
 - (b) Contributions from development partners of the Union and the Commission;
 - (c) Contributions from the private sector;
 - (d) National and regional financial institutions and other financing mechanisms;
 - (e) Any other source of funding in accordance with AU Rules.
3. The budget calendar of the CIEFFA shall be that of the Union.
4. Funds of CIEFFA shall be managed and administered in accordance with the financial regulations and rules of the AU.

Article 13 Privileges and Immunities

The CIEFFA, and all its personnel, premises, property and assets, and experts on mission providing advice or assistance to the CIEFFA shall enjoy in the territory of the Host Country, the privileges and immunities as stipulated in the General Convention on the Privileges and Immunities of the OAU and its Additional Protocol.

Article 14 Amendments

The present Statute may be amended by the Assembly upon the recommendation of the STC.

Article 15 Languages

The working languages of the CIEFFA shall be those of the Union.

Article 16 Entry into force

The present Statute shall enter into force upon its adoption by the Assembly.

PART XVIII
INTELLECTUAL PROPERTY

1. PAN-AFRICAN INTELLECTUAL PROPERTY ORGANIZATION

1.

STATUTE OF THE PAN-AFRICAN INTELLECTUAL PROPERTY ORGANIZATION (PAIPO)

Adopted in Addis Ababa, Ethiopia, on 31 January 2016.

The Statute shall enter into force thirty days after the deposit of the fifteenth instrument of ratification.

Preamble

We, the Member States of the African Union,

Determined to promote a development-oriented intellectual property system, in order to achieve the objectives of the African Union,

Recalling Decision Assembly/AU/Dec.138 (VIII) adopted by the Assembly of the Union in Addis Ababa, Ethiopia, in January 2007 requesting the Chairperson of the Commission, in collaboration with the Regional Economic Communities (RECs), World Intellectual Property Organization (WIPO) and in coordination with the Organization Africaine de la Propriete Intellectuelle (OAPI) and the African Regional Intellectual Property Organization (ARIPO) to submit to it the texts relevant to the establishment of a single Pan-African Intellectual Property Organization (PAIPO),

Further recalling Decision Assembly/AU/Dec.453 (XX) adopted by the Assembly in Addis Ababa, Ethiopia, in January 2013 on the creation of the Pan-African Intellectual Property Organization (PAIPO),

Recognizing that intellectual property can serve as a tool for development, including through achieving economic growth and development,

Being fully aware of the need to provide a broad-based intellectual property platform that would provide a forum for policy-based discussions and formulation of a common African position on global and emerging intellectual property issues,

Being cognizant of the valuable benefits that the Member States would derive from an effective, continuous and well-coordinated stock of specialized intellectual property information, knowledge and services that would be instrumental in promoting and protecting creativity, invention, innovation, facilitating technology transfer, techno-industrial competitiveness and economic growth in Africa,

Recognizing the need to promote creativity and utilization of the intellectual property system among Member States,

Further recognizing the need for positive efforts designed to raise effective awareness of intellectual property issues in Africa, and the need to encourage the creation of a knowledge-based and innovative society and to promote the creation, use and exploitation of intellectual property assets in Africa for development purposes,

Desirous of encouraging creativity as well as promoting the strategic use of, protection and exploitation of intellectual property rights for development throughout Africa,

Realizing the role that an efficient continental intellectual property organization can play in promoting the cultural and socio-economic development of Africa and in dealing more effectively with the challenges posed by globalization,

Appreciating the crucial role played by national intellectual property offices of Member States, and taking note of the autonomy of ARIPO and OAPI, in recognizing the need to modernize and harmonize intellectual property legislation throughout Africa and to render more efficient the administration of intellectual property rights,

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Recognizing ARIPO and OAPI as building blocks for the creation of a Pan-African intellectual property organization as well as welcoming their support in the implementation of the Heads of State and Government decision on PAIPO, Assembly/AU/Dec.522 (XXIII),

Being desirous of supporting the role played by national intellectual property offices of Member States,

Realizing the need to strengthen the capacity of national intellectual property institutions and boosting manpower development in intellectual property management as well as affirming the 45 recommendations of the WIPO Development Agenda adopted in 2007,

Noting that indigenous knowledge on the continent has become a vital source of wealth while at the same time local communities have become increasingly marginalized in the use, appropriation, and commercialization of their knowledge, genetic and cultural resources,

Recognizing international human rights laws and international agreements on sustainable development and the protection of indigenous knowledge, that provide legitimate rights of indigenous and local communities,

Recalling the United Nations resolution 70/1 entitled Transforming Our World: the 2030 Agenda for Sustainable Development adopted on 25 September 2015 and the African Union Agenda 2063,

Further recognizing the cross-cutting nature of intellectual property and the need to have cooperation in the field of intellectual property systems within the African Union,

Have agreed as follows:

Article 1 Definitions

For purposes of this Statute:

"Assembly" means the Assembly of Heads of State and Government of the African Union;

"ARIPO" means the African Regional Intellectual Property Organization as established by the Lusaka Agreement of 1976, as amended from time to time;

"CBD" means the Convention on Biological Diversity, which entered into force on 29 December 1993;

"Commission" means the African Union Commission;

"Conference of States Parties" means the highest political decision-making body of the parties to the PAIPO;

"Council of Ministers" means the Ministers in charge of intellectual property in Member States of the AU;

"Member States" means Member States of the PAIPO;

"OAPI" means the African Intellectual Property Organization established under the Bangui Agreement of March 2, 1977, as amended from time to time;

"PAIPO" means the Pan-African Intellectual Property Organization;

"RECs" means Regional Economic Communities recognized by the African Union;

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"Secretariat" means the Secretariat of the Pan-African Intellectual Property Organization;

"States Parties" means States that are party to the PAIPO statute;

"Statute" means the present statute of the Pan-African Intellectual Property Organization;

"Union" or "AU" means the African Union;

"WIPO" means the World Intellectual Property Organization;

"Intellectual property" shall refer and include the rights relating to:

- (a) Creations of the mind, inventions, literary and artistic works, and symbols, names, images and designs used in commerce;
- (b) Indigenous knowledge systems, genetic resources and associated traditional knowledge, geographical indications, expressions of folklore among others;
- (c) Authors, performers, producers and broadcasters, who contribute to the cultural and economic development of nations;
- (d) Intangible assets of brands, designs and other intangible fruits of a company's creative and innovative capacity; and
- (e) All other rights resulting from intellectual activity in the industrial, scientific, literary or artistic fields;

"IP Systems" means tools and other legal and administrative measures that assist in the use of intellectual property and the application of intellectual property rights for the socio-economic development of Africa.

Article 2 Establishment of the PAIPO

PAIPO is hereby established as a specialized agency of the Union.

Article 3 Mandate of the PAIPO

The PAIPO shall be responsible for intellectual property and other emerging issues related to intellectual property in Africa and shall promote effective use of the intellectual property system as a tool for economic, cultural, social and technological development of the continent as well as set intellectual property standards that reflect the needs of the African Union its Member States and RECs, ARIPO and OAPI.

Article 4 Functions of the PAIPO

The PAIPO shall:

- (a) Harmonize intellectual property standards that reflect the needs of the AU, its Member States and RECs, ARIPO and OAPI;
- (b) Facilitate the realization and harmonization of national legislation and regional treaties with continental intellectual property standards;

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- (c) Facilitate the use of intellectual property to promote creativity and innovativeness on the continent;
- (d) Assist its Member States upon request in formulating policies and addressing current and emerging intellectual property issues;
- (e) Initiate and facilitate strategies that shall promote and develop the intellectual property system;
- (f) Strengthen existing regional organizations or such other organizations as may be necessary;
- (g) Strengthen existing collective management organizations and facilitate their establishment in the Member States, which have no collective management organization in the field of copyright and related rights;
- (h) Take deliberate measures to promote the protection and exploitation of intellectual property rights within the Member States, including conclusion of bilateral and multilateral agreements;
- (i) Collect, process and disseminate relevant information on intellectual property to Member States and support the establishment of continental databases on genetic resources, traditional knowledge and traditional cultural expressions and folklore in order for Member States to derive regular and maximum benefit;
- (j) Develop policy guidelines using best practices and training modules to support Member States to achieve world-class intellectual property systems;
- (k) Contribute to the accelerated achievement of the objectives of the African Union as stated in the Constitutive Act of the African Union;
- (l) Promote the harmonization of intellectual property systems of its Member States, with particular regard to protection, exploitation, commercialization and enforcement of intellectual property rights;
- (m) Perform administrative tasks provided in intellectual property treaties adopted by the Conference of States Parties;
- (n) Provide a forum for policy discussions and formulation, addressing political issues and developing African Common positions relating to intellectual property matters, particular regard being given to genetic resources, traditional knowledge, geographic indications, expressions of folklore, matters pertaining and arising from the CBD and emerging topics in the field of intellectual property;
- (o) Initiate and facilitate activities that strengthen the human, financial and technical capacity of Member States to maximize the benefits of the intellectual property system;
- (p) Promote and facilitate positive efforts designed to raise awareness of intellectual property in Africa and to encourage the creation of a knowledge-based economy, innovative society as well as emphasizing the importance of creative and cultural industries;
- (q) Lead the African negotiation in the international IP issues and to ensure the attainment of African common positions; and
- (r) Undertake other intellectual property activities as may be necessary for the achievement of the objectives of the PAIPO.

Article 5 Membership

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Membership shall be open to AU Member States. Each Member State shall enjoy equal rights in terms of participation and representation at PAIPO meetings.

Article 6 Legal Capacity

1. The PAIPO shall enjoy, in the territory of each Member State, legal capacity and full juridical capacity necessary for the fulfillment of its objectives and the exercise of its functions in accordance with this Statute.
2. For the fulfillment of its objectives, the PAIPO shall, in particular, have legal capacity to include:
 - (a) Enter into agreements;
 - (b) Acquire and dispose of movable and immovable property;
 - (c) Institute legal proceedings.

Article 7 Privileges and Immunities

The PAIPO, its representatives and staff shall enjoy in the territory of each Member State, the privileges and immunities stipulated in the 1965 General Convention on Privileges and Immunities of the Organization of African Unity and other relevant international instruments.

Article 8 Headquarters of the PAIPO

The headquarters of the PAIPO shall be situated in Tunisia in accordance with the decision of the Assembly.

Article 9 Organs of the PAIPO

The PAIPO shall be composed of the following organs:

- (a) Conference of States Parties;
- (b) Council of Ministers;
- (c) Secretariat; and
- (d) The Board of Appeal.

Article 10 The Conference of States Parties

1. The Conference of States Parties is hereby established as the supreme policymaking organ of PAIPO.
2. The Conference of States Parties shall adopt its rules of procedures and those of any subsidiary body it may establish, as well as financial rules to determine in particular the financial participation of the Parties to PAIPO.
3. The Conference of States Parties shall:

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- (a) Provide strategic leadership and ensure oversight for the implementation of the PAIPO Statute and take all measures it deems necessary for the promotion of the objectives of PAIPO;
 - (b) Consider and adopt, as appropriate, recommendations of the Council of Ministers;
 - (c) Consider the reports and activities of the Bureau and take appropriate action in regard thereto; and
 - (d) Perform any other function consistent with PAIPO's Statute or the Rules of Procedure of the Conference of States Parties.
4. The Conference of States Parties shall have a Bureau consisting of a President, three Vice-Presidents, and a Rapporteur elected by the Conference of States Parties for a one three-year term. The members of the Bureau shall reflect equitable geographical representation.
5. The Conference of States Parties shall meet every three (3) years.

Article 11 Council of Ministers

1. The Council of Ministers is the highest decision-making organ and shall constitute the General Assembly of PAIPO. The Council of Ministers shall adopt its rules of procedures as well as the rules of procedure of any of its committees, working groups and/or subsidiary bodies.
2. The Council of Ministers shall consist of Ministers in charge of intellectual property in the Member States.
3. The Council of Ministers shall meet once every two years.
4. The Council shall have a Committee of Experts composed of senior officials representing the ministries in charge of intellectual property of States Parties.
5. The Council of Ministers may establish such other working groups and/or subsidiary bodies as it deems fit.
6. The Council of Ministers shall have the following functions:
- (a) Give policy direction to the PAIPO and address policy matters relating to the Organization;
 - (b) Set the amount of annual contributions and special contributions to be paid by Member States to the budget of the PAIPO;
 - (c) Elect the Director General of the PAIPO upon the recommendation of its Bureau and in accordance with rules of procedure of the Council of Ministers;
 - (d) Approve the PAIPO strategic plan, budget, policies and programmes;
 - (e) Decide and prioritize the activities of the PAIPO relating to intellectual property;
 - (f) Elect a Bureau of five (5) members consisting of a President, three Vice-Presidents, and a Rapporteur drawn from the five (5) AU geographical regions, where applicable. The AUC Commissioner in charge of intellectual property shall serve as an observer member of the Bureau;
 - (g) Develop the structure and the administrative guidelines of the Secretariat including the staff and financial rules and regulations, the terms of reference of the Board of Appeal as well as adopt the governing rules and regulations of the Board of Appeal;

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- (h) Report and submit recommendations to the Executive Council of the African Union; and
 - (i) May delegate any of its functions to any organ of the PAIPO.
7. The Bureau of the Council of Ministers shall meet once (1) a year in ordinary session and may hold an extraordinary session subject to availability of resources and when it deems necessary.

Article 12 The Director General

1. The Council of Ministers shall elect the Director General for a term of three (3) years based on geographical rotation, renewable once.
2. The powers, duties and conditions of service of the Director General shall be as set out in staff rules and regulations of PAIPO.
3. The Director General shall be the Head of the Secretariat.
4. The Director General shall appoint staff members of the Secretariat in accordance with the staff rules and regulations of PAIPO.
5. In the discharge of his/her duties, the Director General shall not seek or accept instructions from any State, authority or individual external to the PAIPO.

Article 13 The Secretariat of the PAIPO

1. There shall be a Secretariat of the PAIPO.
2. The Secretariat shall:
 - (a) Ensure the implementation of the decisions of the PAIPO in accordance with its objectives;
 - (b) Draft policies and strategies aimed at the fulfillment of the PAIPO's objectives for adoption by the Council of Ministers;
 - (c) Develop and implement capacity-building programmes for the benefit of Member States in the areas of intellectual property;
 - (d) Take necessary actions to ensure the protection of intellectual property and rights in Africa, including indigenous knowledge systems, genetic resources and associated traditional knowledge, geographical indications, expressions of folklore among others;
 - (e) Develop advocacy policies and strategies to create community awareness in the intellectual property sector;
 - (f) Draft the policy and strategy on international cooperation in matters of intellectual property for adoption by the Council of Ministers;
 - (g) Prepare strategic plan, work programmes, the budget, financial statements and annual reports on the activities of the PAIPO;

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- (h) Be responsible for the day-to-day management of the PAIPO; and
- (i) Perform any other duties as may be assigned by the Council of Ministers.

Article 14 The Board of Appeal

1. A Board of Appeal shall be established by the Council of Ministers.
2. The Board shall hear disputes and litigations arising from the activities of the PAIPO.

Article 15 Observers

The Council of Ministers may invite any State, REC, international, regional or subregional organization or institution, which is not a member to attend any meetings of any organ of the PAIPO, as an Observer.

Article 16 Relationship with Other Institutions, Cooperating States and Organizations

The PAIPO shall establish and maintain working relationships with any intergovernmental, international, regional or national institutions that may assist PAIPO to achieve its objectives.

Article 17 Finances

1. The PAIPO shall be funded by:
 - (a) Annual statutory contributions and special contributions to be paid by Member States as may be set by the Council of Ministers;
 - (b) Income from services rendered by the PAIPO; and
 - (c) Income from property owned by or other investments made by the PAIPO.
2. The PAIPO may receive donations and voluntary contributions from:
 - (a) Member States;
 - (b) Other States and institutions that are not members of the PAIPO; and
 - (c) Any other sources approved by the Council of Ministers.
3. The Union shall consider a contribution of seed funding to PAIPO for a period of five years. The Assembly shall be regularly informed of the status of the funding of the PAIPO.

Article 18 Official Languages

The official languages of the PAIPO shall be those of the AU.

Article 19 Settlement of Disputes

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1. Any dispute or difference arising between States Parties with regard to the interpretation, application and implementation of this Statute shall be settled by mutual consent between the States concerned, including through negotiations, mediation, conciliation or other peaceful means.
2. In the event of failure by the disputing parties to settle the dispute or difference, the disputing parties may, by mutual consent, refer the dispute to:
 - (a) The African Court of Justice Human and Peoples' Rights, where applicable; or
 - (b) To an Arbitration Panel of three (3) Arbitrators whose appointment shall be as follows:
 - (i) The Parties to the dispute shall appoint two of the Arbitrators; and
 - (ii) The Chairperson of the Commission shall appoint the third Arbitrator who shall be the President of the Panel.
3. The decision of the Panel of Arbitrators shall be binding.

Article 20 Dissolution of the PAIPO

1. The PAIPO may be dissolved by a decision of the Conference of States Parties.
2. The notice period for any meeting of the Conference of States Parties that the dissolution of the PAIPO is to be considered shall not be less than six months.
3. Where a decision has been made on the dissolution of the PAIPO, the Conference of States Parties shall establish the modalities for the liquidation of the assets of the PAIPO.

Article 21 Popularization of the Statute

States Parties shall take all appropriate measures to ensure the widest possible dissemination of this Statute.

Article 22 Safeguard Clause

1. No provision in the present Statute shall be interpreted as derogating from the principles and values contained in other relevant instruments for the promotion of intellectual property development in Africa.
2. Nothing in this Statute shall be construed as preventing a Party from taking any action compatible with the provisions of the United Nations Charter or any other international instrument and that is limited to the exigencies of the situation, as it considers necessary to its external or internal security.

Article 23 Signature, Ratification and Accession

1. This Statute shall be open to Member States of the Union for signature and ratification or accession.
2. The instrument of ratification or accession to the present Statute shall be deposited with the Chairperson of the Commission who shall notify Member States of the Union of the deposit of the instruments of ratification or accession.

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Article 24 Entry into Force

1. This Statute shall enter into force thirty (30) days after the deposit of the fifteenth (15th) instrument of ratification.
2. The Chairperson of the Commission shall inform all Member States of the Union of the entry into force of the present Statute.
3. For any Member State of the Union acceding to the present Statute, the Statute shall come into force in respect of that State on the date of the deposit of its instrument of accession.

Article 25 Reservations

1. A State Party may, when ratifying or acceding to this Statute, submit in writing, a reservation with respect to any of the provisions of this Statute. Reservations shall not be incompatible with the object and purpose of this Statute.
2. The withdrawal of a reservation must be submitted in writing to the Chairperson of the Commission who shall notify other States Parties of the withdrawal accordingly.

Article 26 Depositary

This Statute shall be deposited with the Chairperson of the Commission, who shall transmit a certified true copy of the Statute to the Government of each signatory State.

Article 27 Registration

The Chairperson of the Commission upon the entry into force of this Statute shall register this Statute with the Secretariat of the United Nations in conformity with Article 102 of the Charter of the United Nations.

Article 28 Withdrawal

1. At any time after three years from the date of entry into force of this Statute, a State Party may withdraw by giving written notification to the depositary.
2. Withdrawal shall be effective one year after receipt of notification by the depositary, or on such later date as may be specified in the notification.
3. Withdrawal shall not affect any obligation of the withdrawing State Party prior to withdrawal.

Article 29 Amendment and Revision

1. Any State Party may submit proposals for the amendment or revision of this Statute. Such proposals shall be adopted at a meeting of the Conference of States Parties.

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2. Proposals for amendment or revision shall be submitted to the Chairperson of the Commission who shall transmit the amendment or revision to the President of the Bureau of the Council of Ministers within thirty (30) days of receipt thereof.
3. The Conference of States Parties, upon the advice of the Council of Ministers, shall examine these proposals within a period of one year from the date of receipt of such proposals.
4. Amendments or revisions shall be adopted by the Conference of States Parties by consensus or, failing which, by a two-thirds majority.
5. The amendment or revision shall enter into force in accordance with the procedures outlined in Article 24 of this Statute.

Article 30 Authentic Texts

This Statute is drawn up in four (4) original texts, in Arabic, English, French and Portuguese languages, all four (4) texts being equally authentic.