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Regional Instruments and Endogenous Democratic Governance and Conflict Prevention Mechanisms in West Africa

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Information: This document brings together instruments and mechanisms of three Organisations (African Union, ECOWAS, and the OIF) as well as a Charter from the African Cultural Heritage. Work has been carried out with regard to these instruments, mechanisms and Charter in order to facilitate their appropriation and dissemination at the local, national and regional levels in West Africa.

These documents are also available on the SWAC’s website:

http://www.oecd.org/document/60/0,3343,en_38233741_38247070_38857852_1_1_1_1,00.html
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I. ECOWAS INSTRUMENTS
A. PROTOCOL RELATING TO THE MECHANISM FOR CONFLICT PREVENTION, MANAGEMENT, RESOLUTION, PEACE-KEEPING AND SECURITY

ECOWAS Executive Secretary, Abuja,

December 1999

PREAMBLE

WE, THE HEADS OF STATE AND GOVERNMENT OF THE MEMBER STATES OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS)

MINDFUL OF the ECOWAS Revised Treaty signed in Cotonou on 23 July 1993 notably its Article 58;
MINDFUL OF the relevant provisions of the Charter of the Organisation of African Unity (OAU);
MINDFUL OF the United Nations Charter, with particular reference to its Chapters VI, VII and VIII;
MINDFUL OF the provisions of Protocols A/P1/5/79, A/SP2/7/85, A/SP1/7/86, A/SP1/6/88, A/SP2/5/90 relating to the free movement of persons, the right of residence and establishment;
RECALLING the Protocol on Non-Aggression signed in Lagos on 22 April 1978 and the Protocol on Mutual Assistance in Defense signed in Freetown on 29 May 1981, notably our resolve to give mutual aid and assistance for defense against any armed threat or aggression on a Member State;
CONSIDERING the Framework Agreement of the Protocol on Non-Aggression and Assistance in Defense (ANAD) signed in Abidjan on 9 June 1977;
CONSIDERING ALSO the Protocol on the enforcement of the above-mentioned Framework Agreement signed in Dakar on 14 December 1981, as well as the subsequent Protocols;
REAFFIRMING our commitment to the ECOWAS Declaration of Political Principles adopted in Abuja on 6 July 1991, on freedom, people’s rights and democratisation;
RECALLING the relevant provisions of the ECOWAS Conventions on Mutual Assistance in Criminal Matters and on Extradition, signed in Dakar on 29 July 1992 and in Abuja on 6 August 1994, respectively;
RECALLING ALSO the Cairo Declaration of 29 June 1993 on the establishment of a Mechanism for Conflict Prevention, Management and Resolution in Africa adopted by the 29th Session of the OAU Conference of Heads of State and Government;
CONCERNED about the proliferation of conflicts which constitute a threat to the peace and security in the African continent, and undermines our efforts to improve the living standards of our peoples;
CONVINCED OF the need to develop effective policies that will alleviate the suffering of the civil population, especially women and children, and, restore life to normalcy after conflicts or natural disasters, and desirous of making further efforts in the humanitarian sphere;
CONSCIOUS OF THE FACT that good governance, the rule of law and sustainable development are essential for peace and conflict prevention;
RECALLING the Declaration of the moratorium on the Importation, Exportation and Manufacture of Light Weapons, adopted by the 21st Session of the Authority of Heads of State and Government of ECOWAS, held in Abuja on 30 and 31 October, 1998;
RECALLING also the conclusions of the meeting of ECOWAS Ministers of Foreign Affairs on the effective implementation of PCASED, held in Bamako on 24 March, 1999;
CONVINCED that cross-border crimes, the proliferation of small arms and all illicit trafficking contribute to the development of insecurity and instability and jeopardise the economic and social development of the sub-region;  
AWARE that these phenomena constitute serious social and economic problems which can only be resolved within the framework of increased and well-coordinated multilateral cooperation;  
RECOGNISING the need to make the relevant treaties and protocols more adequate, effective and pragmatic;  
DESIRING to consolidate our achievements in the resolution of conflicts through the ECOWAS Cease-fire Monitoring Group (ECOMOG);  
DESIROUS to establish an operational structure for the implementation of the said Decision;  
HEREBY AGREE ON THE FOLLOWING:

DEFINITIONS
For the purposes of this Protocol;
"Treaty" means the revised Treaty of the Economic Community of West African States (ECOWAS) signed in Cotonou on 24 July 1993;  
"Community" means the Economic Community of West African States referred to under Article 2 of the Treaty;  
"Authority" means the Authority of Heads of State and Government of the Economic Community of West African States established by Article 7 of the Treaty;  
"Mediation and Security Council" means the Mediation and Security Council as defined by Article 8 of this Protocol;  
"Defense and Security Commission" means the Defense and Security Commission as defined in Article 18 of this Protocol;  
"Executive Secretary" means the ECOWAS Executive Secretary appointed in accordance with Article 18 of the Treaty;  
"Council of Elders" means the Council of Elders as defined in Article 20 of this Protocol;  
"Meeting of Ambassadors" means the meeting of Ambassadors as defined by Article 14 of this Protocol;  
"Special Representative" means the Special Representative as defined by Article 32 of this Protocol;  
"Deputy Executive Secretary" means the Deputy Executive Secretary in charge of Political Affairs, Defense and Security as referred to in Article 16 of this Protocol;  
"Institution" means any of the structures provided for under Article 4 of this Protocol;  
"Organ" means any of the structures provided for under Article 17 of this Protocol;  
"Observation and Monitoring Centre" means the Regional Peace and Security Monitoring Centre as provided for under Article 58 of the Treaty and referred to in Article 23 of this Protocol;  
"ECOMOG" means the ECOWAS Cease-fire Monitoring Group which constitutes the Community’s intervention force as defined in Article 21 of this Protocol;  
"Force Commander" means the Force Commander appointed in accordance with the provisions of Article 33 of this Protocol;  
"Trans-border crime" refers to all crimes organised or perpetrated by individuals, organisations or networks of local and/or foreign criminals operating beyond the national boundaries of a Member State, or acting in complicity with associates based in one or several States adjoining the country where the crimes are actually committed or having any connection with any Member State;  
"Member State in crisis" refers both to a Member State experiencing an armed conflict as well as a Member State facing serious and persisting problems or situations of extreme tension which, if left unchecked, could lead to serious humanitarian disaster or threaten peace and security in the sub-region or in any Member State affected by the overthrow or attempted overthrow of a democratically elected government.
CHAPTER I - ESTABLISHMENT, PRINCIPLES AND OBJECTIVES OF THE MECHANISM

Article 1: Establishment
There is hereby established within the Economic Community of West African States (ECOWAS), a mechanism for collective security and peace to be known as "Mechanism for Conflict Prevention, Management, Resolution, Peace-keeping and Security".

Article 2: Principles
Member States reaffirm their commitment to the principles contained in the Charters of the United Nations Organisation (UNO) and the Organisation of African Unity (OAU) and to the Universal Declaration of Human Rights, as well as to the African Charter on Human and People's Rights, particularly the following fundamental principles: that economic and social development and the security of peoples and States are inextricably linked; promotion and reinforcement of the free movement of persons, the right of residence and establishment which contribute to the reinforcement of good neighborliness; promotion and consolidation of a democratic government as well as democratic institutions in each Member State; protection of fundamental human rights and freedoms and the rules of international humanitarian laws; equality of sovereign States; territorial integrity and political independence of Member States;

Article 3: Objectives of the Mechanism
The objectives of the Mechanism shall be as follows: prevent, manage and resolve internal and inter-State conflicts under the conditions provided in Paragraph 46 of the Framework of the Mechanism ratified as per Decision A/DEC.11/10/98 of 31 October 1998;
- implement the relevant provisions of Article 58 of the Revised Treaty;
- implement the relevant provisions of the Protocols on Non-Aggression, Mutual Assistance in Defense, Free Movement of Persons, the Right of Residence and Establishment;
- strengthen cooperation in the areas of conflict prevention, early-warning, peace-keeping operations, the control of cross-border crime, international terrorism and proliferation of small arms and anti-personnel mines;
- maintain and consolidate peace, security and stability within the Community;
- establish institutions and formulate policies that would allow for the organisation and coordination of humanitarian relief missions;
- promote close cooperation between Member States in the areas of preventive diplomacy and peace-keeping;
- constitute and deploy a civilian and military force to maintain or restore peace within the sub-region, whenever the need arises;
- set up an appropriate framework for the rational and equitable management of natural resources shared by neighbouring Member States which may be causes of frequent inter-State conflicts;
- protect the environment and take steps to restore the degraded environment to its natural state;
- safeguard the cultural heritage of Member States;
- formulate and implement policies on anti-corruption, money-laundering and illegal circulation of small arms.

CHAPTER II - INSTITUTIONS OF THE MECHANISM

Article 4: Institutions
The institutions of the Mechanism shall be:
The Authority;
The Mediation and Security Council;
The Executive Secretariat;
Any other institution as may be established by the Authority.

Article 5: Composition and Meetings of the Authority
The Authority is composed of Heads of State and Government of Member States as stipulated in Paragraph 1, Article 7 of the Revised Treaty.
The Authority shall meet as often as necessary.

Article 6: Functions
The Authority shall be the Mechanism’s highest decision-making body. It shall have powers to act on all matters concerning conflict prevention, management and resolution, peace-keeping, security, humanitarian support, peace-building, control of cross-border crime, proliferation of small arms, as well as all other matters covered by the provisions of this Mechanism.

Article 7: Delegation of Powers
Without prejudice to its wide-ranging powers as provided under Article 9 of the Treaty and in Article 6 above, the Authority hereby mandates the Mediation and Security Council to take, on its behalf, appropriate decisions for the implementation of the provisions of this Mechanism.

Article 8: Composition of the Mediation and Security Council
The Mediation and Security Council shall comprise nine (9) Member States of which seven (7) shall be elected by the Authority. The other two (2) members shall be the current chairman and the immediate past chairman of the Authority, each of whom shall have an automatic right to membership of the Mediation and Security Council. The elected Members of the Mediation and Security Council shall serve for two (2) years renewable.

Article 9: Quorum and Decisions
The meeting of the Mediation and Security Council shall be properly constituted when at least two-thirds of its Members are present. Decisions of the Mediation and Security Council shall be taken by a two-thirds majority vote of Members present.

Article 10: Functions
The Mediation and Security Council shall take decisions on issues of peace and security in the sub-region on behalf of the Authority. It shall also implement all the provisions of this Protocol. Pursuant to the provisions of Article 7 of this Protocol and Paragraph 1 above, the Mediation and Security Council shall:

- decide on all matters relating to peace and security;
- decide and implement all policies for conflict prevention, management and resolution, peace-keeping and security;
- authorise all forms of intervention and decide particularly on the deployment of political and military missions;
- approve mandates and terms of reference for such missions;
- review the mandates and terms of reference periodically, on the basis of evolving situations;
- on the recommendation of the Executive Secretary, appoint the Special Representative of the Executive Secretary and the Force Commander.

Article 11: Meetings of the Mediation and Security Council
Deliberations of the Mediation and Security Council shall be held at three (3) levels: Heads of State and Government, Ministerial and Ambassadorial levels. All meetings of the Mediation and Security Council shall be presided over by the Member State elected as the current Chairman of the Authority.

Article 12: Meeting at the Level of Heads of State and Government
The Heads of State and Government of the Mediation and Security Council shall meet at least twice a year in ordinary sessions. Extraordinary Sessions may be convened by the Chairman when the need arises or at the request of a simple majority of the Members of the Council. The Heads of State and Government of the Mediation and Security Council shall take final decisions on all issues under their authority and competence, including field missions and approve the terms of reference, for such missions.
Article 13: Meeting at the Ministerial Level
The Ministers of Foreign Affairs, Defense, Internal Affairs and Security of the Mediation Security Council shall meet at least once every three (3) months to review the general political and security situation in the sub-region. They may also meet when the need arises. The recommendations emanating from the Ministerial meetings shall be submitted to the member Heads of State and Government of the Mediation and Security Council.

Article 14: Meeting at the Ambassadorial Level
ECOWAS Member States shall accredit Ambassadors as permanent representatives to the ECOWAS Executive Secretariat. These Ambassadors may also be those accredited to the Federal Republic of Nigeria. The Ambassadors of Member States of the Mediation and Security Council shall meet once a month to review issues relating to sub-regional peace and security. They may also meet when the need arises. All reports and recommendations of meetings of the Ambassadors shall be forwarded by the Executive Secretary to all Member States of the Mediation and Security Council and to the Member States concerned. The Reports shall also be submitted for consideration by the meeting of Ministers of the Mediation and Security Council.

Article 15: Role and Functions of the Executive Secretary
The Executive Secretary shall have the power to initiate actions for conflict prevention, management, resolution, peace-keeping and security in the sub-region. Such actions may include fact-finding, mediation, facilitation, negotiation and reconciliation of parties in conflict. The role of the Executive Secretary shall include the following:
• recommend the appointment of the Special Representative and the Force Commander for approval by the Mediation and Security Council;
• appoint members of the Council of Elders;
• have responsibility for political, administrative and operational activities and provide logistic support for the mission;
• prepare periodic reports on activities of the Mechanism for the Mediation and Security Council and Member States;
• deploy fact-finding and mediation missions, on the basis of his/her assessment of the existing situation;
• convene, in consultation with the Chairman of the Authority, all meetings of the Mediation and Security Council, the Council of Elders, and the Defense and Security Commission;


In implementing the provisions of this Mechanism, the Executive Secretary shall be assisted by the Deputy Executive Secretary in charge of Political Affairs, Defense and Security.

Article 16: The Deputy Executive Secretary
1. Under the direction of the Executive Secretary, the Deputy Executive Secretary in charge of Political Affairs, Defense and Security shall initiate and undertake all activities relating to the implementation of the Mechanism.
2. The office of the Deputy Executive Secretary for Political Affairs, Defense and Security, shall be headed by a statutory officer appointed in accordance with Paragraph 4 (a), Article 18 of the Treaty. He shall have under his supervision appropriate departments, divisions and sections, as may be necessary, including:
• the Department of Political Affairs;
• the Department of Humanitarian Affairs;
• the Department of Defense and Security;
• the Observation and Monitoring Centre; and
• such other departments as may be established by the Council of Ministers on the recommendation of the Mediation and Security Council.
CHAPTER III - SUPPORTING ORGANS OF THE INSTITUTIONS OF THE MECHANISM

In carrying out their missions, the Institutions stipulated in Article 4 shall be assisted by the organs enumerated in Article 17 of this Protocol.

Article 17: Organs

The following organs are hereby established to assist the Mediation and Security Council.

- The Defense and Security Commission;
- The Council of Elders;
- ECOWAS Cease-fire Monitoring Group (ECOMOG).

Article 18: Composition of the Defense and Security Commission

The following representatives from Member States shall constitute the Defense and Security Commission:

- Chiefs of Defense Staff or equivalent;
- Officers responsible for Internal Affairs and Security;
- Experts of the Ministry of Foreign Affairs;

Depending on the agenda, Heads of any of the following services may be invited: Immigration; Customs; Drug/Narcotic Agencies; Border Guards; and Civil Protection Force.

Article 19: Functions

The Defense and Security Commission shall examine all technical and administrative issues and assess logistical requirements for peace-keeping operations. It shall assist the Mediation and Security Council in:

- formulating the mandate of the Peace-keeping Force;
- defining the terms of reference for the Force;
- appointing the Force Commander;
- determining the composition of the Contingents.

The Defense and Security Commission shall meet once every quarter and when necessary. The Commission shall examine reports from the Observation and Monitoring Centres and make recommendations to the Mediation and Security Council.

Article 20: Composition and Mandate of the Council of Elders

The Executive Secretary shall compile annually, a list of eminent personalities who, on behalf of ECOWAS, can use their good offices and experience to play the role of mediators, conciliators and facilitators. The list shall comprise eminent persons from various segments of society, including women, political, traditional and religious leaders. The list shall be approved by the Mediation and Security Council at the level of the Heads of State and Government.

These Personalities shall be requested by the Executive Secretary or the Mediation and Security Council, whenever the need arises, to deal with a given conflict situation.

Whenever the circumstances require, the Executive Secretary shall assemble eminent personalities from the approved list who shall now constitute the Council of Elders.

The composition and mandate of the Council of Elders shall be defined by the Executive Secretary on the basis of the missions to be carried out.

Members of the Council of Elders selected to deal with a given situation shall report to the Executive Secretary.

The Executive Secretary shall report to the Mediation and Security Council on the initiatives taken in conformity with the provisions of Paragraphs 2 and 3 of this Article

Members of the Council of Elders shall be neutral, impartial and objective in carrying out their mission.

Article 21: Composition of ECOMOG

The ECOWAS Cease-fire Monitoring Group (ECOMOG) is a structure composed of several Stand-by multi-purpose modules (civilian and military) in their countries of origin and ready for immediate deployment.

Article 22: Role of ECOMOG

ECOMOG is charged, among others, with the following missions:

- Observation and Monitoring;
- Peace-keeping and restoration of peace;
- Humanitarian intervention in support of humanitarian disaster;
- Enforcement of sanctions, including embargo;
- Preventive deployment;
- Peace-building, disarmament and demobilisation;
- Policing activities, including the control of fraud and organised crime;
- Any other operations as may be mandated by the Mediation and Security Council.

CHAPTER IV- SUB-REGIONAL PEACE AND SECURITY OBSERVATION SYSTEM (EARLY WARNING)
A sub-regional peace and security observation system known as the Early Warning System or "The System" is hereby established for the purposes of conflict prevention and in accordance with Article 58 of the Revised Treaty. The System shall consist of:

b. Observation and Monitoring Zones within the sub-region.

Article 23: Observation and Monitoring Centre

The Observation and Monitoring Centre shall be responsible for data collection and analyses and preparation of reports for the use of the Executive Secretariat.

The Centre shall collaborate with the United Nations Organisation, the Organisation of African Unity, research centres and all other relevant international regional and sub-regional organisations.

Article 24: Observation and Monitoring Zones

Member States shall be divided into zones on the basis of proximity, ease of communication and efficiency. Each zone shall be identified by a number and each shall have a zonal headquarters. The following four (4) Observation and Monitoring Zones are hereby created:

<table>
<thead>
<tr>
<th>ZONE N°</th>
<th>COUNTRIES</th>
<th>ZONAL CAPITAL</th>
</tr>
</thead>
</table>
| 1.      | Cape Verde  
The Gambia  
Guinea-Bissau  
Mauritania  
Senegal     | Banjul        |
| 2.      | Burkina Faso  
Cote d’Ivoire  
Mali  
Niger     | Ouagadougou  |
| 3.      | Ghana  
Guinea  
Liberia  
Sierra Leone | Monrovia     |
| 4.      | Benin  
Nigeria  
Togo     | Cotonou      |

The zoning provided for in Paragraph 1 above may be altered, if necessary, by the Authority of Heads of State and Government.

Each zonal headquarters shall be provided with an office and placed under the authority of the Executive Secretary, through the office of the Deputy Executive Secretary.
Member States hereby undertake to guarantee the freedom of operations of the zonal headquarters in accordance with the privileges, immunities and security to property, assets and staff of the bureau as provided by the ECOWAS General Convention on Privileges and Immunities and the Headquarters Agreement. The Zonal Bureau shall maintain working relations with the host country and local and international institutions. The Zonal Bureau shall, on a state by state and day-to-day basis, collect data on indicators that impact on the peace and security of the zone and the sub-region. The Zonal Headquarters shall process the data collected and prepare a report which they shall send to the Observation and Monitoring Centre. Accordingly, each of the Zonal Headquarters shall be directly linked by appropriate communication means to the Observation and Monitoring Centre.

CHAPTER V- APPLICATION OF THE MECHANISM

Article 25: Conditions for Application
The Mechanism shall be applied in any of the following circumstances:
- In cases of aggression or conflict in any Member State or threat thereof;
- In case of conflict between two or several Member States;
- In case of internal conflict:
  - that threatens to trigger a humanitarian disaster, or
  - that poses a serious threat to peace and security in the sub-region;
- (d) In event of serious and massive violation of human rights and the rule of law.
- In the event of an overthrow or attempted overthrow of a democratically elected government;
- Any other situation as may be decided by the Mediation and Security Council.

Article 26: Authority to Initiate
The Mechanism shall be put into effect by any of the following:
- Upon the decision of the Authority;
- Upon the decision of the Mediation and Security Council;
- At the request of a Member State;
- On the initiative of the Executive Secretary;
- At request of the Organisation of African Unity or the United Nations.

Article 27: Procedure
The Mechanism shall be applied according to any of the following procedures:
The Executive Secretary shall inform Member States of the Mediation and Security Council and, in consultation with the Chairman, take all necessary and urgent measures;
The Mediation and Security Council shall consider several options and decide on the most appropriate course of action to take in terms of intervention. Such options may include recourse to the Council of Elders, the dispatch of fact-finding missions, political and mediation missions or intervention by ECOMOG;
The Mediation and Security Council shall issue a mandate authorising the Executive Secretary to set up a mission and define its terms of reference;
Where necessary, the Mediation and Security Council shall appoint the principal officers, such as the Special Representative of the Executive Secretary and the ECOMOG Force Commander.
The Chairman of the Mediation and Security Council shall submit a report on the situation to the Organisation of African Unity and the United Nations;
The Executive Secretariat shall mobilise all the resources required for the operations.

CHAPTER VI- CONFLICT MANAGEMENT

Article 28: Composite Stand-by Units
Member States hereby agree to make available to ECOMOG units adequate resources for the army, air force, navy, gendarmerie, police and all other military, paramilitary or civil formations necessary for the accomplishment of the mission.
Each Member State shall provide ECOMOG with a unit the size of which shall be determined after consultation with each Member State. The strengths of these units shall be reviewed according to the situation on the ground.

Article 29: Mandates of the Force and Missions of Deployed Units
Whenever the force is deployed, the strength mandates and missions of the units shall vary according to the evolving situation on the ground.

Article 30: Training and Preparation of the Composite Stand-by Units
The Executive Secretary, through the departments concerned and, in consultation with Member States, shall contribute to the in training of civilian and military personnel that shall be part of the stand-by units in various fields, particularly in international humanitarian law and human rights.

In this regard, he shall:
- support the development of common training programmes and instruction manuals for national schools and training centres;
- organise training and proficiency courses for personnel of the units in the regional centres in Côte d’Ivoire and Ghana;
- work towards the integration of these centres into sub-regional centres for the implementation of this Mechanism;
- take the necessary measures for the organisation of periodic staff and commanders’ exercises and joint operations.

Article 31: Observation Missions
Unarmed civilian and military personnel provided by Member States may be deployed alone or in conjunction with armed personnel. They shall, inter alia, supervise and monitor cease-fires, disarmament, de-mobilisation, elections, respect for human rights, humanitarian activities and investigate any complaints or claims brought to their notice. They shall undertake such other activities under the terms of reference as determined by the Mediation and Security Council.

The Observer Missions shall report on their activities and findings to the Executive Secretary.

Article 32: Appointment and Functions of the Special Representative
On the recommendation of the Executive Secretary the Mediation and Security Council shall appoint a Special Representative for each Operation undertaken by ECOMOG.

The principal role and functions of the Special Representative shall include the following:
- Serve as the Chief of the Mission and shall be responsible for the political orientation of the mission;
- Direct peace-keeping activities and initiate political and diplomatic negotiations with the parties, neighbouring States and other Governments involved in conflict resolution;
- Brief troop-contributing States and other States on the situation and operations of the mission as and when required;
- Coordinate activities of the sub-regional and international organisations, including NGOs involved in humanitarian relief and peace-building activities in the mission area. Where necessary, he shall be assisted by a Deputy responsible for humanitarian affairs;
- Maintain constant contact with and submit regular reports to the Executive Secretary.

Article 33: Appointment and Functions of the ECOMOG Force Commander
On the recommendation of the Executive Secretary an ECOMOG Force Commander shall be appointed by the Mediation and Security Council and in consultation with the Defense and Security Commission for each operation.

The role and functions of the ECOMOG Force Commander shall include the following:
He shall be responsible for the efficiency of operational, administrative and logistical plans of the mission;
He shall issue instructions to contingent commanders for all operational activities.
He shall ensure the security of personnel and materiel of humanitarian organisations’ in the mission area.
The ECOMOG Force Commander is accountable to the Executive Secretary, through the Special Representative.
**Article 34: The Chain of Command**
The Special Representative shall report directly to the Executive Secretary.
The Force Commander shall report to the Executive Secretary through his Special Representative.
All Contingent Commanders shall report directly to the Force Commander.
All Civil Units shall report directly to the Special Representative.

**Article 35: Role of Member States**
In addition to their responsibilities as stipulated by the Treaty and this Protocol:
Each Member State shall immediately, upon request, release Stand-by Units with the necessary equipment and materiel;
Member States hereby undertake to fully cooperate with ECOWAS in carrying out the mandates of this Protocol, including all forms of assistance and support required for the Mechanism, especially as regards the free movement of ECOMOG within their territories.

**CHAPTER VII- FINANCING OF THE MECHANISM**

**Article 36: Funding**
The Executive Secretariat shall make provision in its annual budget, for funds to finance activities of the Mechanism. As soon as the Protocol governing conditions for application of the Community Levy enters into force, a percentage of the said Levy shall be earmarked for these activities.
Special requests for funds shall be made to the United Nations and other international agencies.
Funds for operations may also be raised from the OAU, voluntary contributions and grants from bilateral and multilateral sources.

**Article 37: Pre-Financing**
The States contributing contingents may be invited to bear the cost of operations during the first three (3) months.
ECOWAS shall refund the expenditure incurred by the States within a maximum period of six (6) months and then proceed to finance the operations.

**Article 38: Logistical Support**
The organisation of logistics, including troop transport, shall be determined by the Executive Secretariat in consultation with the host country and the States contributing troops.

**Article 39: Remuneration and Service Conditions**
The remuneration and conditions of service of the personnel shall be determined by the Council of Ministers on the recommendation of the Mediation and Security Council.

**CHAPTER VIII- HUMANITARIAN ASSISTANCE**
ECOWAS shall take active part in coordinating and conducting humanitarian assistance.

**Article 40: Responsibilities of ECOWAS**
ECOWAS shall intervene to alleviate the suffering of the populations and restore life to normalcy in the event of crises, conflict and disaster.
In this regard, ECOWAS shall develop own capacity to efficiently undertake humanitarian actions for the purposes of conflict prevention and management.
Where the environment of a Member State is gravely devastated, appropriate steps shall be taken to rehabilitate it.
ECOWAS shall recognise, encourage and support the role of women in its initiatives for conflict prevention, management, resolution, peace-keeping and security.

**Article 41: Cooperation with Other Organisations**
ECOWAS shall cooperate with the following institutions and organisations:
- national, regional NGOs and religious organisations;
- Organisation of African Unity, the United Nations and its agencies;
- other international organisations intervening in the humanitarian sector.
The ECOMOG unit shall be adequately equipped to undertake humanitarian activities in their mission area under the control of the Special Representative of the Executive Secretary. ECOMOG shall provide assistance to all national, regional and international agencies, particularly on security issues. When necessary, ECOMOG shall coordinate the activities of humanitarian agencies in the field.

CHAPTER IX - PEACE-BUILDING
The Community hereby adopts a graduated strategy for building peace which shall be implemented as a continuum.

Article 42: ECOWAS Institutional Capacity for Peace-Building
To stem social and political upheavals, ECOWAS shall be involved in the preparation, organisation and supervision of elections in Member States. ECOWAS shall also monitor and actively support the development of democratic institutions of Member States. ECOWAS shall endeavour to assist Member States emerging from conflicts to increase their capacity for national, social, economic and cultural reconstruction. In this regard, all ECOWAS financial institutions shall develop policies to facilitate funding for reintegration and reconstruction programmes.

Article 43: Peace-Building during Hostilities
In zones of relative peace, priority shall be accorded to implementation of policies designed to reduce degradation of social and economic conditions arising from conflicts.

Article 44: Peace-building at the End of Hostilities
To assist Member States that have been adversely affected by violent conflicts, ECOWAS shall undertake the following activities:
- Consolidation of the peace that has been negotiated;
- Establishment of conditions for the political, social and economic reconstruction of the society and governmental institutions;
- Implementation of disarmament, demobilisation and reintegration programmes including those for child soldiers;
- Resettlement and reintegration of refugees and internally displaced persons;
- Assistance to vulnerable persons, including children, the elderly, women and other traumatised groups in the society.

Article 45: Restoration of Political Authority
In situations where the authority of government is absent or has been seriously eroded, ECOWAS shall support processes towards the restoration of political authority. Such support may include the preparation, organisation, monitoring and management of the electoral process, with the cooperation of relevant regional and international organisations. The restoration of political authority shall be undertaken at the same time as the development of respect for human rights, enhancement of the rule of law and the judiciary.

CHAPTER X - SUB-REGIONAL SECURITY
Article 46: Control of Trans-Border Crime
In order to facilitate the control of trans-border crime, ECOWAS shall promote close cooperation among the security services of Member States. The security services of Member States shall assist one another and ensure proper coordination for the apprehension of criminals. Member States shall establish specialised departments within their ministries of Justice, Defense and Security with trained personnel and communication equipment for coordination and centralisation of cooperation matters in particular, mutual assistance in criminal matters, and extradition requests.
Member States shall supply the Executive Secretariat with documents setting out the details of criminal procedures in their countries. The information provided by Member States shall include a summary of the criminal process, from beginning to end, and shall outline what is needed for each State to grant a request for mutual assistance, extradition or the restraint or forfeiture of proceeds of crime. Member States shall also provide all the contract particulars for their national units and exchange information concerning any other relevant authorities and provide updated lists of the said units. The information shall be translated and circulated by the ECOWAS Secretariat to all the specialised units (Central authorities) established to handle requests and other related matters that may arise in the course of implementation.

With a view to strengthening national legal instruments on mutual legal assistance and extradition and making them more functional and efficient, all Member States shall harmonize their domestic law in accordance with the relevant ECOWAS Conventions on Mutual Assistance in Criminal Matters and Extradition. Member States undertake to adopt a convention to incriminate and make punishable the most commonly committed crimes in the sub-region.

Member States shall keep statistics, in particular, on the number of mutual legal assistance and extradition requests received and sent, as well as results obtained. There shall also be periodic meetings of the specialised departments of the Ministries of Justice, Defense and Security and the Interpol National Central Bureau for the purpose of exchanging information on past or on-going cases and on measures aimed at improving cooperation.

Member States shall develop simplified restitution procedures for vehicles and other stolen objects seized by the requested State.

The judicial and police authorities of ECOWAS Member States shall consider the red notices published by the ICP-Interpol at the request of an ECOWAS Member State as valid requests for provisional arrest for the purpose of Article 22 of the ECOWAS Convention on Extradition.

Member States shall establish a special fund for detected proceeds of crime. This fund can be used for preventive and criminal justice response to, inter alia, trans-border crime and drug trafficking. Member States shall also give consideration to the establishment of confiscated asset management offices, where required.

Legislation on forfeiture of proceeds of crime in Member State shall be applicable to all crimes.

ECOWAS shall establish a Crime Prevention and Criminal Justice Centre (ECPCJS) to serve as focal point for mutual legal assistance. The Centre shall be part of the Legal Department within ECOWAS. This ECPCJC shall assist in linking up ECOWAS Member States to non-ECOWAS Member States in Mutual Assistance Matters. It shall also serve as a supervisory power to ensure that countries implement conventions they sign.

Article 47: Coordination of Policies
The Executive Secretary shall be responsible for the coordination and implementation of all decisions relating to sub-regional security.

Article 48: Anti-Corruption Measures
To eradicate corruption within their territories and in the sub-region, ECOWAS and its Member States shall promote transparency, accountability and good governance.

Article 49: Measures against Money Laundering
The ECOWAS Secretariat and Member States shall adopt strategies for combating the problem of money laundering, by extending the scope of offences, enabling the confiscation of laundered proceeds and illicit funds and easing bank secrecy laws within and outside the sub-region.

Article 50: Control of the Proliferation of Small Arms
While taking into account the legitimate national defense and security needs, and those of international peace-keeping operations, ECOWAS shall establish effective measures to:

- control the importation, exportation, manufacture and eradicate the flow of small arms.
- register and control the movement and use of legitimate arms stock;
- detect, collect and destroy all illicit weapons;
- encourage Member States to collect and destroy all surplus weapons.
Article 51: Preventive Measures against the Illegal Circulation of Small Arms

ECOWAS shall take all the necessary measures to combat illicit trafficking and circulation of small arms. These measures shall include:

- developing a culture of peace;
- training for military, security and police forces;
- enhancing weapons control at border posts;
- establishment of a database and regional arms register;
- collection and destruction of surplus and illegal weapons;
- facilitating dialogue with producers and suppliers;
- reviewing and harmonising national legislation and administrative procedures;
- mobilising resources.

ECOWAS shall strengthen its institutional and operational capabilities and those of its Member States for the effective implementation of the measures mentioned in Paragraph 1 above.

The Executive Secretariat’s Department of Political Affairs, Defense and Security shall coordinate and monitor implementation of all programmes and activities and shall analyse information from the zonal headquarters.

In order to promote and ensure coordination of concrete measures at national level, Member States shall, in accordance with guidelines adopted by ECOWAS, establish national commissions made up of representatives of the relevant authorities and the civil society.

At the beginning of any ECOMOG peacekeeping operations, all dedicated light weapons and ammunition shall be declared to the Executive Secretariat so as to ensure their effective control as well as removal upon completion of the operations.

All weapons collected during any disarmament exercise shall be destroyed.

CHAPTER XI - COOPERATION WITH THE ORGANISATION OF AFRICAN UNITY, UNITED NATIONS AND OTHER INTERNATIONAL ORGANISATIONS

Article 52: Cooperation

In pursuit of its objectives, ECOWAS shall cooperate with the Organisation of African Unity (OAU), the United Nations Organisation (UNO) and other relevant international organisations.

In the implementation of this Mechanism, ECOWAS shall fully cooperate with the OAU Mechanism for Conflict Prevention, Management and Resolution.

In accordance with Chapters VII and VIII of the United Nations Charter, ECOWAS shall inform the United Nations of any military intervention undertaken in pursuit of the objectives of this Mechanism.

CHAPTER XII - SPECIAL PROVISIONS

Article 53: Abrogation

The provisions of this Protocol shall replace all the provisions of the ECOWAS Protocol relating to Mutual Assistance in Defense signed on 29 May 1981, which are in conflict with the spirit of this Protocol.

The provisions of the Protocol on Non-Aggression signed on 22 April, 1978, which are incompatible with those of the present Protocol are hereby declared null and void.

Undertakings devolving from the provisions of this Protocol shall not be interpreted as being against the spirit of Conventions or Agreements between one Member State and a third State; provided such Conventions and Agreements are consistent with the spirit of this Protocol, otherwise, such provisions are null and void.

Article 54: Rationalisation of Subregional Institutions

ECOWAS shall take necessary measures to rationalise all mechanisms, institutions and organs of the sub-region, having similar aims and objectives with this Mechanism.

To this end, ANAD may be transformed into a specialised agency of ECOWAS.
CHAPTER XIII - GENERAL AND FINAL PROVISIONS

Article 55: Amendments
Any Member State may submit proposals for the amendment or revision of this Protocol. Any such proposals shall be submitted to the Executive Secretary who shall notify other Member States not later than thirty days after the receipt of such proposals. Amendments or revisions shall not be considered by the Authority unless Member States shall have been given at least one month’s notice thereof. Amendments or revisions shall be adopted by the Authority.

Article 56: Withdrawal
Any Member State wishing to withdraw from this Protocol shall give a one-year written notice to the Executive Secretary who shall inform Member States thereof. At the end of this period of one year, if such notice is not withdrawn, such a State shall cease to be a party to the Protocol. During the period of one year referred to in the preceding paragraph, such a Member State shall nevertheless continue to observe the provisions of this Protocol and discharge its obligations thereunder.

Article 57: Entry into Force
This Protocol shall enter into force provisionally upon signature by Heads of State and Government. Accordingly, signatory Member States and the Executive Secretariat hereby undertake to start implementing all provisions of this Mechanism upon signature. This Protocol shall definitely enter into force upon ratification by at least nine (9) signatory States in accordance with the constitutional procedures of each Member State.

Article 58: Depository Authority
This Protocol and all instruments of ratification shall be deposited with the Executive Secretariat which shall transmit certified true copies to all Member States and notify them of the dates of deposit of instruments of ratification by the Member States and shall register it with the Organisation of African Unity (OAU), as well as the United Nations (UN) and any other Organisation as may be decided by the Council.
IN FAITH THEREOF,
WE, THE HEADS OF STATE AND GOVERNMENT OF THE MEMBER STATES OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS) HAVE SIGNED THIS PROTOCOL. IN SINGLE ORIGINAL IN THE ENGLISH, FRENCH AND PORTUGUESE LANGUAGES, ALL TEXTS, BEING EQUALLY AUTHENTIC.
DONE AT LOME, THIS 10TH DAY OF DECEMBER, 1999

<table>
<thead>
<tr>
<th>Name</th>
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<tr>
<td>H.E. Mathieu KEREKOU</td>
<td>President of the Republic of Benin</td>
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<tr>
<td>H. E Blaise COMPAORE</td>
<td>President of Faso, Chairman, Council of Ministers of Burkina Faso</td>
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<tr>
<td>Hon. Alexandre Dias MONTEIRO</td>
<td>Minister of Commerce, Industry and Energy For and on behalf of the President of Cabo Verde</td>
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<td>H.E. Henri Konan BEDIE</td>
<td>President of Republic of Côte d’Ivoire</td>
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<tr>
<td>H.E. Mrs Isatou NJIE-SAIDY</td>
<td>Vice-President, Secretary of State for Health, Labour, Social Welfare and Women’s Affairs, For and on behalf of the President of the Republic of The Gambia</td>
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<tr>
<td>H.E. Fit.-Lt. Jerry John RAWLINGS</td>
<td>President of the Republic of Ghana</td>
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<tr>
<td>Hon. Zaïnoul Abidine SANOUSSI</td>
<td>Minister of Foreign Affairs in the President’s Office For and on behalf of the President of the Republic of Guinea</td>
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<td>Hon. José Pereira BATISTA</td>
<td>Minister of Foreign Affairs and International Cooperation For and on behalf of the President of the Republic of Guinea-Bissau</td>
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<tr>
<td>Hon. Enoch DOGOLEAH</td>
<td>Vice-President For and on behalf of the President of Liberia</td>
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<tr>
<td>H.E. Alpha Oumar KONARE</td>
<td>President of the Republic of Mali</td>
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<td>Hon. Sidi Mohamed Ould BOUBACAR</td>
<td>President of the Council for National Reconciliation, Head of State of the Islamic Republic of Mauritania</td>
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<td>H.E. Squadron Leader Daouda Malam WANKE</td>
<td>Minister, Secretary-General at the Presidency For and on behalf of the President of the Republic of Niger</td>
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<tr>
<td>H.E. Olusegun OBASANJO</td>
<td>President, Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria</td>
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<td>H.E. Abdou DIOUF</td>
<td>President of the Republic of Senegal</td>
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<td>H.E. Ahmad Tejan KABBAH</td>
<td>President of the Republic of Sierra Leone</td>
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<td>H.E. Gnassingbé EYADEMA</td>
<td>President of the Togolese Republic</td>
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B. Protocol A/SP/ 12/ 01 on Democracy and Good Governance supplementary to the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security

Executive Secretary
Dakar, December 2001

PREAMBLE

We, the Heads of State and Government of the Member States of the Economic Community of West African States (ECOWAS),
MINDFUL of the ECOWAS Treaty signed in Cotonou on 24th July 1993, notably its Article 58;
MINDFUL of the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security signed in Lomé on 10th December 1999;
CONSIDERING all the issues enumerated or reaffirmed in the preamble to the Protocol of 10th December 1999 referred to above;
CONSIDERING the Harare Declaration adopted by the Commonwealth on 20 December 1991 and the Bamako Declaration adopted by the member countries of the Francophonie on 3 November 2000;
CONSIDERING also the Cotonou Declaration adopted on 6 December 2000 at the end of the 4th international conference on new or restored democracies;
RECALLING that women’s rights have been recognized and guaranteed in all international human rights instruments, notably the Universal Declaration of Human Rights, the African Charter on Human and Peoples Rights and the Convention on the Elimination of all forms of Discrimination Against Women;
MINDFUL of the ratification of the African Charter on Human and Peoples Rights and other international human rights instruments by the majority of the Member States and their solemn commitment to eliminate all forms of discrimination and harmful practices against women;
CONCERNED about the increasing wave of international terrorism;
CONCERNED also about the increasing incidence of conflicts caused by religious intolerance, political marginalisation and non-transparent elections;
HAVING OBSERVED that to become really effective, the Protocol of 10 December 1999 needs to be complemented through the incorporation of provisions concerning issues such as prevention of internal crises, democracy and good governance, the rule of law, and human rights;
HAVING DECIDED to enhance the ECOWAS Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security;

HAVE AGREED AS FOLLOWS:

DEFINITIONS:
The terms and expressions used in the present Supplementary Protocol have the same meanings as those used in the Protocol of 10th December 1999.
The list of definitions is completed as follows:
“Treaty” means the Revised Treaty of the Economic Community of West African States (ECOWAS) signed in Cotonou on 24th July 1993;
Chapter 1 - PRINCIPLES

The provisions of this chapter complement and clarify the principles set out in Article 2 of the Protocol of 10th December 1999.

SECTION 1: CONSTITUTIONAL CONVERGENCE PRINCIPLES

Article 1

The following shall be declared as constitutional principles shared by all Member States:

a) Separation of powers – the Executive, Legislative and Judiciary.

b) Empowerment and strengthening of parliaments and guarantee of parliamentary immunity.

c) Independence of the Judiciary: Judges shall be independent in the discharge of their duties.

d) The freedom of the members of the Bar shall be guaranteed; without prejudice to their penal or disciplinary responsibility in the event of contempt of court or breaches of the common law.

e) Every accession to power must be made through free, fair and transparent elections.

c) Zero tolerance for power obtained or maintained by unconstitutional means.

d) Popular participation in decision-making, strict adherence to democratic principles and decentralization of power at all levels of governance.

e) The armed forces must be apolitical and must be under the command of a legally constituted political authority; no serving member of the armed forces may seek to run for elective political office.

“Protocol” means the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security, signed in Lome on 10th December 1999;

“Supplementary Protocol” means the Protocol on Democracy and Good Governance Supplementary to the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security;

“Community” means the Economic Community of West African States of the Community as defined in paragraph 2 of Article 2 of the Treaty;

“Member State” or “Member States” means a Member State or Member States of the Community as defined in paragraph 2 of Article 2 of the Treaty;

“Community citizen or citizens” means any national(s) of Member States who satisfy the conditions stipulated in the Protocol defining Community citizenship;

“Court of Justice” means the Court of Justice of the Community established under Article 15 of the Treaty;

“Authority” means the Authority of Heads of State and Government of the Economic Community of West African States established by Article 7 of the Treaty;

“Mediation and Security Council” means the Mediation and Security Council as defined by Article 8 of the Protocol;

“Defense and Security Commission” means the Defense and Security Commission as defined in Article 18 of the Protocol;

“Executive Secretary” means the ECOWAS Executive Secretary appointed in accordance with Article 18 of the Treaty;

“Executive Secretariat” means the Executive Secretariat established under Article 17 of the Treaty;

“Deputy Executive Secretary” means the Deputy Executive Secretary in charge of Political Affairs, Defense and Security as referred to in Article 16 of the Protocol;

“ECOMOG” means the ECOWAS Cease-fire Monitoring Group, which constitutes the Community’s intervention force as defined in Article 21 of the Protocol relating to the Mechanism etc;

“Armed Forces” includes the army, Airforce, Navy, and Gendarmerie; “Security Forces” the Police, Gendarmerie, National Guards and other Forces assigned with Security.
f) Secularism and neutrality of the State in all matters relating to religion; freedom for each individual to practise, within the limits of existing laws, the religion of his/her choice everywhere on the national territory. The secularism shall extend to all parts of the State, but shall not deprive the State of the right to regulate, with due respect to human rights, the different religions practiced on the national territory or to intervene when law and order break down as a result of any religious activity.

g) The State and all its institutions belong to all the citizens; therefore none of their decisions and actions shall involve any form of discrimination, be it on an ethnic, racial, religion or regional basis.

h) The rights set out in the African Charter on Human and Peoples’ Rights and other international instruments shall be guaranteed in each of the ECOWAS Member States; each individual or organization shall be free to have recourse to the common or civil law courts, a court of special jurisdiction, or any other national institution established within the framework of an international instrument on Human Rights, to ensure the protection of his/her rights. In the absence of a court of special jurisdiction, the present Supplementary Protocol shall be regarded as giving the necessary powers to common or civil law judicial bodies.

i) Political parties shall be formed and shall have the right to carry out their activities freely, within the limits of the law. Their formation and activities shall not be based on ethnic, religious, regional or racial considerations. They shall participate freely and without hindrance or discrimination in any electoral process. The freedom of the opposition shall be guaranteed. Each Member State may adopt a system for financing political parties, in accordance with criteria set under the law.

j) The freedom of association and the right to meet and organize peaceful demonstrations shall also be guaranteed.

k) The freedom of the press shall be guaranteed.

l) All former Heads of State shall enjoy a special status including freedom of movement. They shall enjoy special benefits compatible to their status as former Heads of State.

SECTION II: ELECTIONS:

Article 2
1. No substantial modification shall be made to the electoral laws in the last six (6) months before the elections, except with the consent of a majority of Political actors.
2. All the elections shall be organized on the dates or at periods fixed by the Constitution or the electoral laws.
3. Member States shall take all appropriate measures to ensure that women have equal rights with men to vote and be voted for in elections, to participate in the formulation of government policies and the implementation thereof and to hold public offices and perform public functions at all levels of governance.

Article 3
The bodies responsible for organizing the elections shall be independent or neutral and shall have the confidence of all the political actors. Where necessary, appropriate national consultations shall be organized to determine the nature and the structure of the bodies.

Article 4
1. Each ECOWAS Member State shall ensure the establishment of a reliable registry of births and deaths. A central registry shall be established in each Member State.
2. Member States shall cooperate in this area with a view to exchanging experiences and where necessary providing technical assistance to each other in the production of reliable voters’ lists.

Article 5
The voters’ lists shall be prepared in a transparent and reliable manner, with the collaboration of the political parties and voters who may have access to them whenever the need arises.

Article 6
The preparation and conduct of elections and the announcement of results shall be done in a transparent manner.

**Article 7**
Adequate arrangements shall be made to hear and dispose of all petitions relating to the conduct of elections and announcement of results.

**Article 8**
Member States shall use the services of civil society organizations involved in electoral matters to educate and enlighten the public on the need for peaceful elections devoid of all acts of violence.

**Article 9**
The party and/or candidate who loses the elections shall concede defeat to the political party and/or candidate finally declared the winner, following the guidelines and within the deadline stipulated by the law.

**Article 10**
All holders of power at all levels shall refrain from acts of intimidation or harassment against defeated candidates or their supporters.

**SECTION II: ELECTION MONITORING AND ECOWAS ASSISTANCE**

**Article 11**
The provisions of Article 42 of the Protocol of 10th December 1999 hereby complemented by the provisions under this section.

**Article 12**
1. At the request of any Member State, ECOWAS may provide assistance in the conduct of any election.
2. Such assistance may take any form.
3. Also, ECOWAS may dispatch a monitoring team to the country concerned for the purpose of monitoring the elections.
4. The decision in this respect shall be taken by the Executive Secretary.

**Article 13**
1. As elections in a Member State approach, the Executive Secretary shall dispatch a fact-finding Mission to the Member State conducting an election.
2. This mission may be followed by an exploratory Mission aimed at:
   ▪ Collecting all texts governing the elections concerned;
   ▪ Gathering all information on the conditions under which the elections shall be conducted;
   ▪ Collecting all pertinent information relating to the contesting candidates or political parties;
   ▪ Meeting all candidates, political party leaders, government authorities and other competent bodies;
   ▪ Assessing the status of preparations for the elections;
   ▪ Gathering any other useful information that may provide a clear picture of the situation.

**Article 14**
1. The Executive Secretary shall appoint the leader and the members of the Observer/Supervisory Mission, who shall be independent persons and Nationals of Member States other than the Member State conducting the Elections.
2. The Members of the Mission shall include women.
3. Staff of the Executive Secretariat shall be designated to assist the Mission.
**Article 15**

1. The Observer/Supervisory Mission, with the documents collected by the exploratory Mission and the report prepared by the Mission, shall arrive in the Member State concerned at least forty-eight hours prior to the conduct of the elections.
2. The Observer/Supervisory Mission may be preceded by ECOWAS Staff, who shall prepare the meetings to be held between the Mission and the national authorities.
3. The Mission shall be expected to hold consultations with the relevant authorities of the host government for an exchange of views and in order to determine the mode of deployment in the host Member State.
4. It may establish cooperation links with NGO or any other observer team while maintaining its autonomy.
5. The members of the Mission shall show restraint and refrain from making any individual statement. Any statement shall be made collectively and on behalf of the Mission by the team leader or a spokesperson appointed for this purpose.

**Article 16**

1. The Mission shall remain in the country throughout the election period and until the election results are announced.
2. The Mission shall also submit a report to the Executive Secretary.
3. The Report shall comprise:
   - The Mission’s own observations;
   - Statements by witnesses;
   - Its assessment of the conduct of the elections from the point of view of the national laws governing the elections and the universal principles in electoral matters;
   - Its recommendations for the improvement of the conduct of future elections and monitoring Missions.

**Article 17**

1. The Observer/Supervisory Mission’s report shall be signed by all Members of the Mission and submitted to the Executive Secretary by the Mission’s leader within fifteen (15) days with effect from the date of accomplishment of the Mission.
2. Before leaving the host country, the Mission shall convene a consultative meeting for the preparation of the report.
3. Any member of the Mission, who is unable to attend the meeting, shall submit a report in writing to the Mission’s leader before leaving the country.
4. ECOWAS Staff shall assist the Mission in the preparation of the report.

**Article 18**

The report shall be forwarded by the Executive Secretary, together with his own observations, if necessary, to the Mediation and Security Council for recommendations to be made to the country concerned and/or to all Member States, and for measures to be taken, where necessary.


**Article 19**

1. The armed forces and police shall be non-partisan and shall remain loyal to the nation. The role of the armed forces shall be to defend the independence and the territorial integrity of the State and its democratic institutions.
2. The police and other security agencies shall be responsible for the maintenance of law and order and the protection of persons and their properties.
3. The armed forces, the police and other security agencies shall participate in ECOMOG missions as provided for in Article 28 of the Protocol.
4. They may also, on the decision of the constitutionally constituted authorities, participate in peacekeeping missions under the auspices of the African Union or the United Nations.
5. Members of the armed forces may be drafted to participate in national development projects.

Article 20
1. The armed forces, the police and other security agencies shall be under the authority of legally constituted civilian authorities.
2. The civilian authorities shall respect the apolitical nature of the armed forces and police. All political or trade union activities and propaganda shall be forbidden in the barracks and within the armed forces.

Article 21
The armed and security forces personnel as citizens shall be entitled to all the rights set out in the constitution, except as may be stated otherwise in their special regulations.

Article 22
1. The use of arms to disperse non-violent meetings or demonstrations shall be forbidden. Whenever a demonstration becomes violent, only the use of minimal and/or proportionate force shall be authorized.
2. All cruel, inhuman and degrading treatment shall be forbidden.
3. The security forces, while carrying out investigations, shall not disturb or arrest family members or relations of the person presumed guilty or suspected of having committed an offence.

Article 23
1. The armed forces, the police and other security agencies shall during their training receive instructions on the Constitution of their country, ECOWAS principles and regulations, human rights, humanitarian law and democratic principles. In this regard, seminars and meetings bringing together members of the armed forces, Police and other Security agencies and other sectors of society shall be organized from time to time.
2. Joint training sessions shall also be arranged for members of the armed forces from different ECOWAS countries, the police, other security forces, university dons and members of the civil society.

Article 24
1. The Member States undertake to strengthen their national agencies responsible for preventing and combating terrorism.
2. In accordance with Articles 3(d) and 16(1) of the Protocol, the Department of Political Affairs, Defence and Security of the Executive Secretariat shall initiate joint activities for the national agencies of Member States in charge of preventing and combating terrorism.

SECTION V: POVERTY ALLEVIATION AND PROMOTION OF SOCIAL DIALOGUE
Article 25
Member States agree that poverty alleviation and promotion of social dialogue are important factors for peace.

Article 26
Member States undertake to provide the basic human needs of their populations.

Article 27
Member States undertake to fight poverty effectively in their respective countries and within the Community, especially by:
- Creating an environment conducive to private investment and the development of a dynamic and competitive private sector;
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(SWAC/OECD-16 to 19 October 2007)

ECOWAS Instruments

- Providing the instruments necessary for the enhancement of job creation and for the development of the social sector as a matter of priority;
- Ensuring equitable distribution of resources and income in order to consolidate national unity and solidarity;
- Enhancing the integration of economic, financial and banking activities through harmonization of commercial and financial laws and establishment of Community multi-national corporations.

Article 28
1. Employers associations and trade unions shall be organized and/or strengthened in each Member State and at the regional level of ECOWAS.
2. Member States shall promote social dialogue. In this regard, employers associations and workers unions shall meet regularly among themselves and with political and administrative authorities with a view to preventing social conflict.
3. There shall be associations of farmers, artisans and artists in each Member State and at the sub-regional level of ECOWAS.

SECTION VI: EDUCATION, CULTURE AND RELIGION

Article 29
Education, culture and religion are essential factors for peace, stability and development in each Member State.

Article 30
1. There shall be regular exchanges of students and academics between Member States.
2. Community institutions shall be established to provide training for students from the sub-region.
3. In accordance with Article 36 of the Protocol, the Executive Secretariat shall, from now on, provide budgetary allocations for immediate funding of the programmes as contained in this Article.
   - Each Member State shall in the shortest possible time also make a contribution for the take-off and implementation of the programmes contained in this Article.
   - A percentage of the Community levy shall be allocated for the establishment of a fund for the implementation of the activities outlined in this Article.
4. A policy to promote women’s education at all levels and in all fields of training shall be adopted and implemented in each Member State and at the level of ECOWAS.
5. Member States shall guarantee women equal rights with men in the field of education and in particular, shall ensure the same conditions for career and vocational guidance, access to the same curricula, access to opportunities to benefit from scholarships and other study grants. They shall also ensure the elimination of stereotyped concepts of roles of men and women at all levels and in all forms of education.

Article 31
1. The culture of every group of people in each Member State shall be respected and developed.
2. The Executive Secretary shall take the necessary measures to organize, within the sub-region, periodic inter-state cultural events: festivals of arts and culture, symposia, various cultural events on literature, music, arts, and sports.
3. Member States undertake to take measures to eliminate or prevent religious conflicts and to promote religious tolerance and harmony. To this end, permanent structures for consultations among the different religions on the one hand and between the different religions and the State on the other hand, shall be established at national levels.
4. The Executive Secretary shall take the necessary measures to promote, through periodic meetings, consultations among the religious organizations of Member States.
SECTION VII: RULE OF LAW, HUMAN RIGHTS AND GOOD GOVERNANCE

Article 32
Member States agree that good governance and press freedom are essential for preserving social justice, preventing conflict, guaranteeing political stability and peace and for strengthening democracy.

Article 33
1. Member States recognize that the rule of law involves not only the promulgation of good laws that are in conformity with the provisions on human rights, but also a good judicial system, a good system of administration, and good management of the State apparatus.
2. They are also convinced that a system that guarantees smooth running of the State and its administrative and judicial services, contributes to the Consolidation of the rule of law.

Article 34
1. Member States and the Executive Secretariat shall endeavour to adopt at national and regional levels, practical modalities for the enforcement of the rule of law, human rights, justice and good governance.
2. Member States shall ensure accountability, professionalism, transparency, and expertise in the public and private sectors.

Article 35
1. Member States shall establish independent national institutions to promote and protect human rights.
2. The Executive Secretariat shall take measures to strengthen their capacities. The institutions shall be organized into a regional network.
   Within the framework of this network, each national institution shall systematically submit to the Executive Secretariat, any report on human rights violations observed on its territory.
   Such reports and reactions of governments shall be widely disseminated through the most appropriate means.

Article 36
Member States shall institutionalize a national mediation system.

Article 37
1. Each Member State shall work towards ensuring pluralism of the information sector and the development of the media.
2. Each Member State may give financial assistance to privately-owned media. The distribution and allocation of such assistance shall be done by an Independent national body or by a body freely instituted by the journalists themselves.

Article 38
1. Member States undertake to fight corruption and manage their national resources in a transparent manner, ensuring that they are equitably distributed.
2. In this regard, Member States and the Executive Secretariat undertake to establish appropriate mechanisms to address issues of corruption within the Member States and at the Community level.

Article 39
Protocol A/P1/7/91 adopted in Abuja on 6 July 1991 relating to the Community Court of Justice, shall be reviewed so as to give the Court the power to hear, inter-alia, cases relating to violations of human rights, after all attempts to resolve the matter at the national level have failed.
SECTION VIII: WOMEN, CHILDREN AND THE YOUTH

Article 40
Member States agree that the development and promotion of the welfare of women are essential factors for development, progress and peace in the society. Consequently, they undertake to eliminate all forms of discrimination and harmful and degrading practices against women.

Article 41
1. Member States shall guarantee children’s rights and give them access to basic education.
2. Special laws shall be enacted in each Member State and at the level of the Community against child trafficking and child prostitution.
3. The Community shall adopt laws and regulations on Child Labour in line with the provisions of the International Labour Organizations (ILO).

Article 42
1. Member States shall agree on rules to be adopted on the training and development of the youth.
2. Uniform laws shall be adopted within the Community to prevent and handle cases of juvenile delinquency.

Article 43
The Executive Secretariat shall put in place all necessary structures within its establishment to ensure the effective implementation of common policies and programmes relating to the education and the promotion of the welfare of women and youth.

Chapter II- MODALITIES FOR IMPLEMENTATION AND SANCTIONS

Article 44
1. This Article complements the provisions of Chapter V of the Protocol of 10th December 1999.
2. In order to give full force to the provision of Article 28 of this Supplementary Protocol and in accordance with Article 57 of the Treaty, a legal convention Incorporating, if need be, Convention A/P1/7/91 relating to mutual assistance in criminal matters, and the Convention A/P1/8/94 on Extradition shall be Elaborated and adopted not later than twelve months after the entry into force of this Supplementary Protocol.

Article 45
1. In the event that democracy is abruptly brought to an end by any means or where there is massive violation of Human Rights in a Member State, ECOWAS may impose sanctions on the State concerned.
2. The sanctions which shall be decided by the Authority, may take the following forms, in increasing order of severity:
   • Refusal to support the candidates presented by the Member State concerned for elective posts in international organizations;
   • Refusal to organize ECOWAS meetings in the Member State concerned;
   • Suspension of the Member State concerned from all ECOWAS decisionmaking bodies. During the period of the suspension the Member State shall be obliged to pay its dues for the period.
3. During the period of suspension, ECOWAS shall continue to monitor, encourage and support the efforts being made by the suspended Member State to return to normalcy and constitutional order.
4. On the recommendation of the Mediation and Security Council, a decision may be taken at the appropriate time to proceed as stipulated in Article 45 of the Protocol of 10th December 1999.

Chapter III- GENERAL AND FINAL PROVISIONS

Article 46
This Supplementary Protocol shall form an integral part of the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security, signed in Lome on 10th December 1999.
**Article 47: AMENDMENTS**
1. Any Member State may submit proposals for the amendment or revision of this Supplementary Protocol.
2. Any such proposals shall be submitted to the Executive Secretary who shall notify other Member States not later than thirty days after the receipt of such proposals. Amendments or revisions shall not be considered by the Authority, unless Member States shall have been given at least one month’s Notice thereof.
3. Amendments or revisions shall be adopted by the Authority.

**Article 48: WITHDRAWAL**
1. Any Member State wishing to withdraw from this Supplementary Protocol shall give a one-year written notice to the Executive Secretary who shall inform Member States thereof. At the end of this period of one year, if such notice is not withdrawn, such a State shall cease to be a party to this Supplementary Protocol.
2. During the period of one year referred to in the preceding paragraph, such a Member State shall nevertheless continue to observe the provisions of this Supplementary Protocol and discharge its obligations thereunder.

**Article 49: ENTRY INTO FORCE**
This Supplementary Protocol shall enter into force upon ratification by at least nine (9) signatory States in accordance with the constitutional procedures of each Member State.

**Article 50: DEPOSITORY AUTHORITY**
This Supplementary Protocol and all instruments of ratification shall be deposited with the Executive Secretariat which shall transmit certified true copies to all Member States and notify them of the dates of deposit of instruments of ratification by the Member States and shall register it with the Organization of African Unity (OAU)/African Union (AU), as well as the United Nations (UN) and any other organization as may be decided by the Council.

IN FAITH WHEREOF, WE, THE HEADS OF STATE AND GOVERNMENT OF THE MEMBER STATES OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS) HAVE SIGNED THIS SUPPLEMENTARY PROTOCOL, IN SINGLE ORIGINAL IN THE ENGLISH, FRENCH AND PORTUGUESE LANGUAGES, ALL TEXTS BEING EQUALLY AUTHENTIC.
**DONE IN DAKAR ON THIS 21ST DAY OF DECEMBER 2001**

<table>
<thead>
<tr>
<th>Name and Position</th>
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<tr>
<td>H.E. Mathieu KEREKOU, President of the Republic of BENIN</td>
<td>H.E. Blaise COMPAORE, President of FASO, Chairman of the Council of Ministers</td>
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<tr>
<td>H.E. Jose Maria Pereira NEVES, Prime Minister and Head of Government of the Republic of CAPE VERDE</td>
<td>H.E. Abou Drahamane SANGARE, Minister of Foreign Affairs, for and on behalf of the President of the Republic of COTE D’IVOIRE</td>
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<td>H.E. Yahya A.J.J. JAMMEH, President of the Republic of the GAMBIA</td>
<td>H.E. John Agyekum KUFUOR, President of the Republic of GHANA</td>
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<tr>
<td>H.E. Lamine SIDIME, Prime Minister of the Republic of GUINEA</td>
<td>H.E. Koumba Yala Kobde NHANCA, President of the Republic of GUINEA BISSAU</td>
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<tr>
<td>H.E. Monie R. CAPTAN, Minister of Foreign Affairs, for and on behalf of the President of the Republic of LIBERIA</td>
<td>H.E. Alpha Oumar KONARE, President of the Republic of MALI</td>
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<tr>
<td>H.E. Mindaoudou Aichatou (Mrs), Minister of Foreign Affairs, for and on behalf of the President of the Republic of NIGER</td>
<td>H.E. Olusegun OBASANJO, President and Commander-in-chief of Armed Forces of the Federal Republic of NIGER</td>
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<td>H.E. Abdoulaye WADE, President of the Republic of SENEGAL</td>
<td>H.E. Alhaji Dr. Ahmad Tejan KABBAH, President of the Republic of SIERRA LEONE</td>
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<td>H.E. Gnassingbe EYADEMA, President of the TOGOLESE Republic</td>
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C. ECOWAS Convention on Small Arms and Light Weapons, their Ammunition and other Related Materials

PREAMBLE

We, the Heads of State and Government of the Member States of the Economic Community of West African States (ECOWAS);

Mindful of Articles 7, 8, and 9 of ECOWAS Revised Treaty relating to the creation, composition and function of the Conference of Heads of State and Government;

MINDFUL of Article 58 of the revised ECOWAS Treaty relating to Regional Security which stipulates that Member States undertake to work to safeguard and consolidate relations conducive to the maintenance of peace, stability and security within the region and to establish and strengthen appropriate mechanisms for the timely prevention and resolution of conflicts;

MINDFUL of Article 77 of the Treaty relating to sanctions applicable in cases where a Member State fails to fulfil its obligations to the Community;

MINDFUL of the relevant provisions of the Protocol on the Community Court of Justice adopted on 16 July 1991, the ECOWAS conventions on mutual legal assistance and extradition, signed respectively in Dakar on 29 July 1992 and Abuja on 6 August 1994;

MINDFUL of the Protocol on Non-aggression signed in Lagos on 22 April 1978 and the Protocol on Mutual Assistance in Defense Matters signed in Freetown on 29 May 1981, and more particularly our determination to provide mutual assistance in defense matters in the event of armed aggression or threat of aggression against a Member State;

RECALLING the principles of the Charter of the United Nations, particularly the principle that States shall have the right to defend themselves both individually and collectively, the principle of non-intervention and non-interference in internal affairs of another State, and the principle that each Member shall avoid recourse to the threat or use of force;

RECALLING also the relevant provisions of the Constitutive Act of the African Union, including the decision by the Executive Council of the African Union requesting the African Union Commission to take necessary measures to establish a legal instrument to prevent, combat and eradicate illicit trade in small arms and light weapons in Africa;

RECALLING equally the ECOWAS Protocol relating to the Conflict Prevention, Management and Resolution, Peace-keeping and Security signed in Lome on 10 December 1999, particularly Articles 3, 50 and 51 relating to the control of the proliferation of small arms and light weapons and illegal circulation of such arms;

TAKING INTO ACCOUNT resolutions of the United Nations Security Council imposing arms embargos on countries in the West African sub-region;

ALSO TAKING INTO ACCOUNT the Bamako Declaration of 1st December 2000 on the common African position on the proliferation, circulation and illicit trade in small arms and light weapons;

EQUALLY TAKING INTO ACCOUNT other international, regional and sub-regional initiatives aimed at curtailing the proliferation of small arms and light weapons, and the decision relating to the common African position on the review of the United Nations programme of action on small arms and light weapons adopted in Khartoum in January 2006;

CONSIDERING that the proliferation of small arms and light weapons constitutes a major destabilising factor in ECOWAS Member States and poses a serious threat to the peace and stability of our peoples;

DEEPLY CONCERNED about the uncontrolled flow of small arms and light weapons into Africa in general and West Africa in particular, and aware of the need to effectively control the transfer of arms by suppliers and arms brokers;
AWERE of the need to build peace and prevent conflicts in West Africa, and the disastrous consequences the proliferation of small arms and light weapons has on the prolongation of armed conflicts and illegal exploitation of natural resources;

AWERE OF THE NEED to prevent, combat and eradicate the illicit manufacture and excessive accumulation of small arms and light weapons, trafficking, detention and use of such arms, which have been seen to have negative effects on the security of each country in the sub-region, human security, international humanitarian law, sustainable development, and human rights;

DETERMINED to achieve the objectives outlined in the Declaration on the Moratorium on the Importation, Exportation and Manufacture of Light Weapons in ECOWAS Member States signed in Abuja on 31 October 1998 and in the Code of Conduct for the implementation of the Moratorium adopted in Lome on 10 December 1999;

DETERMINED ALSO to consolidate the gains of the Moratorium on the Importation, Exportation and Manufacture of Light Weapons and its Code of Conduct, and to take into account the shortcomings observed, with a view to taking corrective measures;

RECOGNISING in this regard the progress achieved in the implementation of the Moratorium, thanks to contributions by the Plan of Action of the Programme for Coordination and Assistance for Security and Development (PCASED);

CONSCIOUS of the need to strengthen the institutional and operational capacity of the ECOWAS Executive Secretariat in order to enable fight more effectively against the proliferation of small arms and light weapons, with a view to obtaining the desired results;

CONSIDERING the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects adopted in 2001;

CONSIDERING the United Nations international instrument adopted in 2005 which seeks to enable States to identify and rapidly trace small arms and light weapons, and the UN Protocol on the manufacture and illicit trade in fire arms, spare parts, components and ammunition adopted in 2001;

TAKING INTO ACCOUNT Security Council Resolution 1325 (2002) on women, peace and security which recognises the specific role of women in peace building;

DEEPLY CONCERNED by the use of children in armed conflicts, and taking account of the United Nations Security Council resolutions on children and armed conflicts;

RECOGNISING the important contribution of civil society organisations in the fight against the proliferation of small arms and light weapons;

BEARING IN MIND the Final Communiqué issued at the end of the Summit of ECOWAS Heads of State and Government held in Dakar on 30 January 2003 which directed the ECOWAS Executive Secretariat to examine the possibility of transforming the Moratorium into a Convention;

HEREBY AGREE AS FOLLOW

CHAPTER I- DEFINITIONS ET OBJECTIFS

Article 1 : Définitions
For the purpose of this Convention:
1. LIGHT WEAPONS: Portable arms designed to be used by several persons working together in a team and which include notably:
   - heavy machine guns;
   - portable grenade launchers, mobile or mounted;
   - portable anti-aircraft cannons;
   - portable anti-tank cannons, non-recoil guns;
   - portable anti-tank missile launchers or rocket launchers;
   - portable anti-aircraft missile launchers;
   - mortars with a calibre of less than 100 millimetres;
2. **SMALL ARMS**: Arms used by one person and which include notably:
   - firearms and other destructive arms or devices such as an exploding bomb, an incendiary bomb or a gas bomb, a grenade, a rocket launcher, a missile, a missile system or landmine;
   - revolvers and pistols with automatic loading;
   - rifles and carbines;
   - machine guns;
   - assault rifles;
   - light machine guns.

3. **AMMUNITION**: Devices destined to be shot or projected through the means of firearms including among others:
   - cartridges;
   - projectiles and missiles for light weapons;
   - mobile containers with missiles or projectiles for anti-aircraft or anti-tank single action systems;

4. **OTHER RELATED MATERIALS**: All components, parts or spare parts for small arms or light weapons or ammunition necessary for its functioning; or any chemical substance serving as active material used as propelling or explosive agent;

5. **ILLCIT**: Covers all that is carried out in violation of this Convention;

6. **MARKING**: Inscriptions permitting the identification of arms covered by this Convention;

7. **TRACING**: Indicates the systematic monitoring of the movements of small arms and light weapons and their ammunition and other related materials, from the manufacturer until the end user, with a view to helping member States competent authorities to detect illicit manufacture and trading;

8. **BROKERING**: Work carried out as an intermediary between any manufacturer, supplier or distributor of small arms and light weapons and any buyer or user; this includes the provision of financial support and the transportation of small arms and light weapons;

9. **TRANSFER**: Includes import, export, transit, transhipment and transport or any other movement whatsoever of small arms and light weapons, ammunition and other related materials from or through the territory of a State;

10. **NON-STATE ACTORS**: Such as any actor other than State Actors, mercenaries, armed militias, armed rebel groups and private security companies.

11. **SMALL ARMS AND LIGHT WEAPONS**
    In this Convention this shall be deemed to include ammunition and other related materials.

**Article 2: Objectives**

The objectives of this Convention are:

1. To prevent and combat the excessive and destabilising accumulation of small arms and light weapons within ECOWAS;
2. To continue the efforts for the control of small arms and light weapons within ECOWAS;
3. To consolidate the gains of the Declaration of the Moratorium on the importation, exportation and manufacture of small arms and its Code of Conduct.
4. To promote trust between the Member States through concerted and transparent action on the control of small arms and light weapons within ECOWAS;
5. To build institutional and operational capacities of the ECOWAS Executive Secretariat and the Member States in the efforts to curb the proliferation of small arms and light weapons, their ammunitions and other related materials;
6. To promote the exchange of information and cooperation among the Member States.
CHAPTER II - TRANSFER OF SMALL ARMS AND LIGHT WEAPONS

Article 3: Prohibition of transfer of small arms and light weapons
1. Member States shall ban the transfer of small arms and light weapons and their manufacturing materials into their national territory or through their national territory.
2. Member State shall ban, without exception, transfers of small arms and light weapons to Non–State Actors that are not explicitly authorised by the importing Member.
3. Small arms and light weapons as defined in this Convention shall not be deemed to be goods for the purpose of Article 45 of ECOWAS Revised Treaty of 1993

Article 4: Conditions of Exemption
1. A Member State can request exemption from the provisions of Article 3 (b) in order to meet legitimate national defense and security needs, or to participate in peace support or other operations in accordance with the decisions of the United Nations, African Union, ECOWAS, or other regional or sub-regional body of which it is a member.
2. For the purpose of paragraph 1 of this article, Member States shall establish and maintain an effective system of export and import licensing or authorisation, as well as of measures on international transit, for the transfer of small arms and light weapons.
3. Each Member State shall take such measures as may be necessary to ensure that licensing or authorisation procedures are secure and that the authenticity of licensing or authorisation of the documents can be verified and validated.

Article 5: Procedures for Exemption
1. The request for exemption for an arms transfer is transmitted for examination to the ECOWAS Executive Secretariat and must contain information on:
   a) Details of the arms to be transferred - the quantity, exact type and kind of arms using ECOWAS classification system, including all serial numbers and other marks;
   b) Details of the supplier – full details (name of company and representative, address, and full contact details) of all companies and individuals involved, including brokers where relevant;
   c) Details of the supply process – the number and period of shipments, the routes including transit locations, the type of transport to be used, all companies involved in importing, freight forwarding and handling, details of the storage and management of the weapons whilst being transferred, the time period covered by the activity for which the exemption is requested;
   d) Details of the final end user – name of individual/company/institution and representative responsible, confirmation from relevant national authority that the end user is authorised to import weapons;
   e) Details of the end use.
2. The ECOWAS Executive Secretary shall apply the criteria for Article 6 of this Convention for exemption requests as well as those of paragraph (a) of this Article. Reasoned opinion of the ECOWAS Executive Secretary shall be sent confidentially to the Member State in order to confirm or refuse the opinion given.
   The final decision of Member States shall be taken by consensus. In the absence of a consensus, the exemption request as well as the reasoned opinion of the Executive Secretary shall be submitted for a final decision to the ECOWAS Mediation and Security Council.
3. The granting of an exemption shall be transmitted to the Member State concerned by the ECOWAS Executive Secretary through the issuing of an exemption certificate. The exemption certificate once issued must accompany the request for an export licence as well as the End-User-Certificate.
4. The ECOWAS Executive Secretary shall forward to the Member States information on exemptions and refusals granted within 90 days. The Executive Secretary shall also compile and publish a comprehensive annual report detailing all international arms transfers granted exemptions, and a list of refusals.
Article 6: Cases for Refusal of Exemptions for Transfers
1. A transfer shall not be authorised if:
   a) Authorisation on export, import, transit, transhipment or brokering considered as donation has not been provided by all States directly concerned with the transfer;
   b) All the required information has not been supplied to the ECOWAS Executive Secretary;
   c) The arms have not been marked according to requirements under this Convention.
2. A transfer shall not be authorised if its authorisation violates obligations of the requesting States as well as those of Member States, under international law including:
   a) Obligations under the Charter of the United Nations — including:
      i. Binding resolutions of the United Nations Security Council such as those imposing arms embargoes;
      ii. The prohibition on the use or threat of use of force;
      iii. The prohibition on intervention in the internal affairs of another State.
   b) Universally accepted principles of international humanitarian law.
   c) Any other treaty or decision by which the Member States are bound, including:
      i. binding decisions, including embargoes, adopted by relevant international, multilateral, regional and sub-regional bodies, such as the African Union Peace and Security Council, to which a State is party;
      ii) Prohibitions of arms transfers that arise in particular treaties which a State is party to, such as OTTAWA Convention on Antipersonnel Mines, the 1980 Convention on Certain Conventional Weapons and its Protocols.
3. A transfer shall not be authorised if the arms are destined to be used:
   a) for the violation of international humanitarian law or infringement of human and peoples’ rights and freedoms, or for the purpose of oppression;
   b) for the commission of serious violations of international humanitarian law, genocide or crimes against humanity;
   c) to worsen the internal situation in the country of final destination, in terms of provoking or prolonging armed conflicts, or aggravating existing tensions;
   d) to carry out terrorist acts or support or encourage terrorism;
   e) other than for the legitimate defense and security needs of the beneficiary country;
4. A transfer shall not be authorised if it is destined to:
   a) be used for or to facilitate the commission of violent or organized crime;
   b) adversely affect regional security; endanger peace, contribute to destabilising or uncontrolled accumulations of arms or military capabilities into a region, or otherwise contribute to regional instability;
   c) hinder or obstruct sustainable development and unduly divert human and economic resources to armaments of the states involved in the transfer;
   d) involve corrupt practices at any stage — from the supplier, through any middlemen or brokers, to the recipient;
5. A transfer shall not be authorised if it is likely to be diverted, within the transit or importing country or be re-exported, to unauthorized uses or users or into the illicit trade;
6. The Executive Secretary and all Member States shall provide elements of proof to apply the criteria enunciated in paragraphs a, b, c, d and e of the present article and to indicate the refusal of exemption request made by a Member State.

Chapter 3

ARTICLE 7: Control of the Manufacture of Small Arms and Light Weapons
1. Member States shall undertake to control the manufacture of small arms and light weapons within their national territories;
2. Each Member State shall regulate the activities of local small arms and light weapons manufacturers and shall undertake to adopt strategies and policies to the reduction and/or limitation of the manufacture of small arms and light weapons so as to control the local manufacture as well as their marketing in ECOWAS region.
3. Member States shall undertake to draft an exhaustive list of local manufacturers of small arms and light weapons and the registration of each of them into the national arms registers;
4. Where production and/or assembly capacities of small arms and light weapons exist within the ECOWAS region, Member States shall submit to the Executive Secretary. This data shall include the type of the arms and their quantity on their annual production.

ARTICLE 8: Measures of Control for Small Arms and Light Weapons Manufacture
Without prejudice to the other measures that Member States will undertake to ensure the effective control of the manufacturing of small arms and light weapons on their national territory, a request for the manufacture of small arms and light weapons will not be granted if the requesting person has not given information relating to:

a) Details of the arms to be manufactured – the quantity, exact type and kind of arms using ECOWAS classification system, including all serial numbers and other markings;
b) The procedure for marking; the procedure for entering details of each small arm and light weapon into the national small arms and light weapons register; information on the storage and management of the weapons after manufacture.

CHAPTER IV. TRANSPARENCY AND EXCHANGE OF INFORMATION

Article 9: National Database and Registers of Small Arms and Light Weapons
1. Member States shall establish where they do not exist already, national computerised registers and database of small arms and light weapons.
2. The following information shall be recorded in the national registry:
   a) Description of the product (type or model, calibre) and quantity (if it concerns a batch);
   b) the content of the marking;
   c) the names and addresses of the former and current owners and, when possible, successive owners;
   d) the date of registration;
   e) information concerning each transaction including:
      i. the name and address of the shipper, the intermediary (where applicable), the consignee and the user indicated on the end-user certificate;
      ii. the point of departure, transit and destination, as well as the customs references and the dates of departure, transit and delivery to the end-user.
      iii. the export, transit and import licence (quantities and batches corresponding to the same licence as well as the validity of the license);
      iv. full details concerning the method of transport and transporter(s);
      v. the controlling agency or agencies (at point of departure, transit and entry);
      vi. the nature of the transaction (commercial, non-commercial, private or public, conversion, repair);
      vii. where applicable, the insurer and/or the financial institution intervening in the transaction.
3. Records shall be permanently kept in the register.

Article 10: ECOWAS Small Arms and Light Weapons Database and Registers
1. Member States undertake to establish a sub-regional database and register of small arms and light weapons under the ECOWAS Executive Secretary as a way of promoting confidence.
2. The ECOWAS Executive Secretariat shall develop in collaboration with the Member States the procedures for the setting up and management of the database and register as well as the issues to be covered.
3. The Member States shall provide the ECOWAS Executive Secretariat with all the necessary information for the operation of the sub-regional database and register of small arms and light weapons. Member States also undertake to transmit an annual report to the ECOWAS Executive Secretary detailing their orders or purchase of small arms and light weapons.
4. The ECOWAS Executive Secretary shall present an annual report on the workings of the sub-regional database and register of small arms and light weapons at the Summit of Heads of State and Government.

5. Records shall be kept in the register permanently.

**Article 11: Register of Arms for Peace Operations**

1. Member States undertake to:
   a) Establish a register of small arms and light weapons, their ammunition and other related material destined for use in peacekeeping operations both inside and outside the ECOWAS territory under the ECOWAS Executive Secretary as a way of ensuring the control of movements of small arms and light weapons and their effective withdrawal at the end of peace operations in which Member States are participating.
   b) Declare in this regard to the ECOWAS Executive Secretariat all small arms and light weapons used in peace operations.
   c) Declare to the ECOWAS Executive Secretary all the small arms and light weapons seized, collected and/or destroyed during peace operations on their territory and in the ECOWAS region.

2. The ECOWAS Executive Secretary shall take the necessary measures to ensure the adequate recording of the information transmitted by the Member States participating to peace operations.

3. Records shall be permanently kept in the register.

**Article 12: Dialogue with Manufacturers and Suppliers**

1. The ECOWAS Executive Secretary and each Member State shall strengthen cooperation and dialogue with national and international manufacturers and suppliers of arms as well as with the competent international and regional organisations in order to ensure their support, respect for and compliance with the spirit and the letter of this Convention.

2. The ECOWAS Executive Secretary shall take the necessary measures to take advantage of the information available from Member States of the Wassenaar Arrangement, the European Union and other manufacturers and suppliers of arms, in order to strengthen the effective implementation of this Convention.

**Article 13: Prevention of and the Fight against Corruption**

Member States shall institute appropriate and effective measures for cooperation between administrative departments concerned and law enforcement agencies to curb corruption associated with the illicit manufacturing of, trafficking in, illicit possession and use of small arms and light weapons.

**CHAPTER V- OPERATIONAL MECHANISM**

**Article 14: Control of Possession of Small Arms and Light Weapons by Civilians**

1. Member States shall prohibit the possession, use and sale of light weapons by civilians.

2. Member States shall regulate the possession, use and sale of small arms by civilians.

3. Authorisations may be granted to permit individual possession of one or more small arms and their ammunition in line with the legislation of each Member State. Applications for such authorisations shall be processed by relevant national authorities. All applicants must the relevant national authority in person. The Executive Secretary shall develop and communicate authorisation procedures to the relevant national authority.

4. Member States undertake to implement a strict control regime for civilian possession of the small arms. The authorisation procedure will involve issuing a license from the relevant national authority for each small arm used by a civilian.

Member States shall not grant an authorisation if the applicant does not meet the following criteria:

a) The required minimum age;

b) Applicant does not have criminal record and has not been subject to morality investigation;

c) Proof of a legitimate reason to possess, carry or use for each small arms;

d) Proof that the prospective owner has undergone safety training and competency training including training in the relevant laws regarding small arms;
e) Proof that the weapon will be stored in a safe place and separately from its ammunition.

5. Member States shall impose a limit on the number of weapons a licence may cover and require a ‘cooling off’ period of at least 21 days before an authorisation is granted for the possession of each weapon. Member States shall include an expiration date on each licence and authorisations shall be subject to periodic review. Contravention of regulations concerning possession of small arms in private hands will allow the small arms to be seized by the authorities, the licence/authorisation revoked, and adequate sanctions including penalties applied.

6. Member States shall include information regarding the civilian possession of small arms within the national small arm database and register established under Article 9 of the present Convention;

7. Member States undertake to introduce minimum penal sanctions for the illicit possession and use of small arms and light weapons and the carrying of unlicensed small arms.

**Article 15: Visitors’ Certificates**

1. Each Member State shall take the appropriate measures demanding that visitors wanting to import temporarily small arms covered by this Convention for the duration of their temporary stay in the ECOWAS region, prepare in advance an application including information about the purpose, type and marking of small arms to be imported into one of the ECOWAS territories and to declare the arms on their arrival. Such application shall be addressed to the relevant authorities of the Member State concerned for decision.

2. ECOWAS Executive Secretary shall issue guidelines on the procedures to be followed and communicate them to the relevant authority.

3. If the request is agreed, the competent national authorities shall issue to the visitors an entry certificate and an exit declaration at the visitors’ arrival and departure.

4. All certificates shall be recorded by the Member States concerned in the national small arms register referred to in compliance with the above mentioned Article 9.

**Article 16: Management and Security of Stockpiles**

1. Member States shall take the necessary measures to ensure the safe and effective management, storage and security of their national stocks of small arms and light weapons;

2. To this effect, Member States shall establish effective standards and procedures for stockpile management, storage and security. These standards and procedures shall include:
   a) appropriate site;
   b) physical security measures of storage facilities;
   c) inventory management and record keeping;
   d) staff training;
   e) security during manufacture and transportation;
   f) sanctions in case of theft or loss.

3. Member States shall ensure that stockpiles of small arms and light weapons by manufacturers, dealers as well as individuals are securely stored in accordance with the appropriate standards and procedures;

4. Member States shall undertake to regularly review, in accordance with national laws and standards, the storage facilities and conditions of small arms and light weapons held by their armed and security forces and other authorized bodies in order to identify, for disposal, surplus and obsolete stocks;

5. The Executive Secretary shall ensure, in collaboration with Member States, that effective standards and procedures for stockpile management of weapons collected in the context of peace operations are duly observed.

**Article 17: Collection and Destruction of Small Arms and Light Weapons**

1. Member States shall undertake to collect and/ or destroy:
   a) the arms which are surplus to the national needs or have become obsolete;
b) seized weapons;
c) unmarked weapons;
d) illicitly held weapons;
e) arms collected in the implementation of peace accords or programmes for the voluntary handing in of weapons.

2. All weapons so collected must be registered and securely stored and or destroyed.
3. Member States undertake to promote and/ or carry out programme of voluntary handing in of weapons.

**Article 18: Marking**

1. For identification purposes, all small arms and light weapons, their ammunition and other materials, considered as essential by the supplier, shall be assigned a unique and specific marking upon manufacture; this marking shall include the following elements:

2. For small arms and light weapons covered under this Convention,
   a) “Classic marking” shall include a unique serial number, the manufacturer’s identity, as well as the identification of the country and year of manufacture. Information concerning the purchaser’s identity and the country of destination should also be included if known at the time of manufacture. The markings shall be expressed alphanumerically. They must be legible and should be featured on a maximum number of main parts of the weapon, and at the very least on the part designated by the manufacturer as essential as well as on one other important part of the arm;
   b) A “Security marking” shall be applied to all weapons produced after the entry into force of this Convention. This will permit the identification of the weapons in the event that classic markings have been destroyed or falsified. Security markings must be undertaken on component parts that are not easily manipulated after the weapon’s manufacture, and the falsification of which would render the weapon unusable;
   c) Member States that import a small arm that is not marked in accordance with the provisions outlined under paragraph a) and b) above shall:
      i Apply a classic marking if the weapons were manufactured before the entry into force of this Convention;
      ii Apply a classic marking and a security marking if the weapons were manufactured after the entry into force of this Convention; failing this, the weapons cannot be imported or must be destroyed.
      iii. If the importing country and the year of import are not known at the time of manufacture, the acronym of the importing State and the year of importation are marked by a competent institution in the importing country.

3. For ammunition:
   a) The markings shall include a unique lot number, the manufacturer’s identity, as well as the country and year of manufacture. Information concerning the purchaser’s identity and the country of destination should also be included if known at the time of manufacture. These details must feature at least once on the jacket (i.e. cartridge) containing the powder or liquid used in the ammunition or explosive. The markings shall be expressed alphanumerically.
   b) The smallest ammunition packaging shall include information outlined under 2(a).

**Article 19: Tracing**

1. Member States shall exchange information on illicit small arms and light weapons and on seized small arms and light weapons, as well as trafficking in weapons that contravene international law or the internal laws of the States in which the operations take place (condemnation of the person or institution implicated, sanctions, disposal, destruction methods, neutralisation).

2. In the case of other small arms and light weapons, Member States shall exchange the following data on a regular basis:
   a) on manufacture (the marking system and techniques used, and authorized manufacturers);
   b) on transfers (exports to and/or imports from all other States, transits, information available concerning national legislation, existing practices and controls, authorised dealers and brokers);
   c) on existing stockpiles (management, inventory, security, surplus, losses, theft, destruction).
3. The Executive Secretary shall receive request for exemption and shall act in accordance with Article 5 of this Convention.
4. A Member State may initiate a tracing request through the ECOWAS Executive Secretary in relation to small arms and light weapons found within its territorial jurisdiction that it considers to be illicit.
5. To ensure smooth and effective cooperation in tracing, requests for assistance in tracing illicit small arms or light weapons will contain sufficient information including, inter alia:
   a) Information describing the illicit nature of the small arm and light weapon, including the legal justification thereof and circumstances under which the small arm and light weapon was found;
   b) Markings, type, caliber and other relevant information;
   c) Intended use of the information being sought.
6. Member States receiving a tracing request shall acknowledge receipt within a reasonable time frame.
7. Member States shall provide reliable responses to tracing requests made by other Member States within one month from the date of receipt of the said request.
8. In responding to a tracing request, the requested Member States shall provide all available information sought by the requesting Member States that is relevant for the purpose of tracing illicit small arms and light weapons.
9. The requested Member States may seek additional information from the requesting Member States where a tracing request does not contain the information required in Paragraph 3 (b) above.

**Article 20: Brokering**
1. Member States shall register all citizens and all companies incorporated in their territory that are brokering small arms and light weapons, including financial agents and transportation agents on armament and shall make such registration a requirement for their licit operation.
2. Member States shall ensure that all registered small arms and light weapons brokering agents obtain an explicit authorization for each individual transaction in which they are involved irrespective of where the arrangements take place.
3. Member States shall require that all small arms and light weapons brokering license applications for authorisation provide full disclosure of relevant import and export licences or authorisations and associated relevant documents, the names and locations of all brokering and shipping agents involved in the transaction and the transit routes and points of the small arms and light weapons shipments.
4. Member States shall adopt such legislative and other measures to punish and establish as a criminal offence the illicit brokering of small arms and light weapons.
5. Brokering activities may be assessed under Article 1 and 6 of the present Convention.

**Article 21: Harmonization of Legislative Provisions**
1. Member States shall undertake to revise and update national legislation to ensure that the provisions in this Convention are minimum standards for small arms and light weapons control and their ammunition as well as other related materials.
2. Each Member State shall adopt legislative and other necessary measures to establish as a criminal offence in the following cases:
   a) any activity carried out in violation of the provisions of this Convention;
   b) any activity carried out in violation of an arms embargo imposed by the United Nations, the African Union or ECOWAS;
3. The Executive Secretary shall elaborate and propose to Member States guidelines for harmonization of legislative provisions.

**Article 22: Strengthening of Border Controls**
Member States, in collaboration with the ECOWAS Executive Secretary, shall:
1. Strengthen sub-regional cooperation among defense and security forces, intelligence services, customs and border control officials in combating the illicit circulation of small arms and light weapons.
b) Enhancing the capacity of national defense and security forces, law enforcement and security agencies, including appropriate training in investigative procedures, border control and law enforcement techniques, and upgrading of equipment and resources;

**Article 23: Public Education and Awareness Programmes**
1. In the interest of promoting a culture of peace, Member States shall design public/community education and awareness programmes at local, national and regional levels in order to involve the population in the efforts to curb the proliferation of small arms and light weapons.
2. Member States in this regard shall undertake to develop and/or strengthen their partnership with civil society organisations at local, national and regional level including women, youth and others, for better information and raise public awareness on the dangers of the proliferation of small arms and light weapons.
3. Member States shall encourage civil society organisations to play a leading role in creating awareness and education of the population.

**CHAPTER VI - INSTITUTIONAL AND IMPLEMENTATION ARRANGEMENTS**

**Article 24: Member States**
1. Within the framework of the implementation of this Convention, the States Parties which have not yet done so, shall establish through regulation or legislation a National Commission in accordance with Article 51 of the Protocol on mechanisms for prevention, management, resolution of conflict and keeping peace and security and with the enforcement of the decision of the Conference of Heads of State and Government on December 10th, 1999 on the establishment of National Commissions for the fight against the illicit proliferation and circulation of light weapons.
2. The National Commissions shall be established according to the existing ECOWAS guidelines contained in the National Manual prepared by ECOWAS.
3. Member States shall allocate a budget line to ensure effective functioning of National Commissions.
4. The Member States shall elaborate their National Action Plans on Small Arms and Light Weapons.
5. Such action plans shall be developed through a national information gathering process involving all relevant national stakeholders including civil society, and the convening of a national forum of all stakeholders to deliberate on the elements to be included in the National Action Plan.

**Article 25: The ECOWAS Executive Secretary**
1. The ECOWAS Executive Secretary is responsible for supporting and supervising the application of the provisions of this Convention. To this end the ECOWAS Executive Secretary shall:
   a) define and carry out the policy for mobilising the necessary resources for the implementation of this Convention;
   b) provide the Member States with the necessary financial and technical support for the realisation of their activities;
   c) ensure the monitoring and implementation of this Convention;
   d) present an annual Report to the Summit of Heads of State and Government on the status of implementation of the Convention.
   e) if ECOWAS Executive Secretary deems it necessary, refer a specific urgent and/or serious question regarding the application of this Convention to the ECOWAS Mediation and Security Council.
2. The Executive Secretary shall develop a Plan of action for the implementation of this Convention and submit it to the appreciation of the Member States for adoption. Such a plan shall outline key activities that need to be implemented (such as Capacity Building, harmonization of national legislation, border control, public awareness raising, information exchange among National Commissions, strengthening the capacity of civil society, organisations, etc).
3. Member States shall take the necessary measures to endow the ECOWAS Executive Secretariat with the institutional and operational capacities appropriate to the responsibilities given to the Executive Secretary by this Convention.

**Article 26: Cooperation Within and Among States**

1. Member States undertake to promote intra- and inter-state cooperation in the implementation of this Convention. To this effect:
   a) The ECOWAS Executive Secretary shall prepare procedures for interstate cooperation between security forces, the services in charge of border controls and all other services concerned, in the spirit of this Convention.
   b) The ECOWAS Executive Secretary shall facilitate and seek assistance for the training of officials in intra- and interstate cooperation.

**Article 27: Complaint Procedure Concerning Violation of this Convention**

1. All concerns relating to the violation of this Convention shall be brought to the attention of the ECOWAS Executive Secretary who would then submit such a complaint to the ECOWAS Mediation and Security Council;
2. If the ECOWAS Mediation and Security Council considers that there is a breach of the obligations under this convention, it shall decide on the appropriate measures to be taken such as sanctions, inquiry, study or refer the matter to the ECOWAS Court of Justice;
3. This review procedure of complaints shall not mean the impossibility for a State or an individual to refer to the ECOWAS Court of Justice if it notes a failure in the application of this Convention.

**Article 28: Monitoring the Implementation of this Convention**

1. In order to ensure the monitoring of and compliance with the provisions of this Convention, the Executive Secretary shall appoint a Group of Independent Experts who supports him. The Group of Independent Experts shall submit a report to the Executive Secretary.
2. Member States, upon the request of the Executive Secretary, shall provide the Group of Independent Experts with all information at their disposal on exemption request.
3. The Group of Independent Experts may seek any other information it shall deem useful for its work in relation with Member States and through cooperation with Member States of the Wassenaar Arrangements, the European Union and suppliers of arms.
4. Each Member State shall submit an annual report to the ECOWAS Executive Secretary on its activities related to small arms and light weapons as well as other matters in relation with this Convention, in accordance with the format of report developed by the Executive Secretary.
5. A Conference of all Parties to the Convention shall be convened by the Depositary as soon as possible after the entry into force of this Convention. The Conference of Heads of State and Government of member States shall review the implementation of this Convention and shall have further mandates as decided by Member States. Other Conferences of Member States shall be held as needed.

**CHAPTER VII- GENERAL AND FINAL PROVISIONS**

**Article 29: Interpretation and Dispute Settlement**

1. Any dispute arising out of the interpretation and/or the implementation of the Convention shall be settled by way of negotiation or by recourse to the ECOWAS Mediation and Security Council.
2. In the absence of a negotiated settlement, the dispute shall be brought before the ECOWAS Court of Justice.
Article 30: Special Provisions
The undertakings ensuing from the provisions of this Convention shall not be interpreted as being in contradiction to the spirit and letter of the Conventions or Accords linking a Member State with a Third State as long as these Conventions and Accords are not in contradiction with the spirit and letter of this Convention.

Article 31: Sanctions
Sanctions mentioned in Article 77 of the ECOWAS Revised Treaty are applicable to all Member States whom the ECOWAS Court of Justice would have found to be in violation of this Convention.

Article 32: Final Provisions
(a) Signature, Ratification, Accession and Entry into Force
1. This Convention shall be open for signature to ECOWAS Member States. It shall be subject to ratification.
2. It shall enter into force on the date of deposit of the ninth instrument of ratification.
3. For a signatory that ratifies this Convention after the date of the deposit of the ninth instrument of ratification, it shall enter into force for that signatory on the date of deposit of its instrument of ratification.
4. Any ECOWAS Member State that has not signed this Convention shall be able to accede to it. In this case, this Convention shall enter into force for that State upon the date of the deposit of the instrument of accession.

(b) Amendments
1. Any amendment to this Convention proposed by a Member State shall be submitted to the ECOWAS Executive Secretary who shall notify the Member States.
2. Decision on the adoption of such an amendment shall be taken by the Conference of Heads of State and Government by a two-thirds majority of the Member States.
3. An amendment so adopted shall enter into force for all Member States who are party to this Convention after receipt by the Depositary of the instrument of ratification by the majority of Member States.

(c) Withdrawal
1. Each Member State shall, in exercising its national sovereignty, have the right to withdraw from this Convention if it decides that extraordinary events related to the subject-matter of this Convention, have jeopardised its supreme interests.
2. Withdrawal shall be effected by a Member State giving notice, which includes a statement of the extraordinary events it regards as having jeopardized its supreme interest, twelve months in advance to the Depositary. The Depositary shall circulate such notice to all other Member States.
3. During the period of twelve months referred to in the preceding paragraph, such Member State shall nevertheless continue to observe the provisions of this Convention.

(d) Depositary Authority
1. This Convention shall be deposited with the Executive Secretary of ECOWAS, who is hereby designated as the Depositary of the Convention.
2. The Depositary shall:
   a) Receive instruments of ratification;
   b) Register this Convention with the African Union, the United Nations, as well as any other organisation as may be decided by the ECOWAS Mediation and Security Council;
   c) Transmit authentic copies of this Convention to all States in the ECOWAS region, and shall notify them of signatures and ratifications and accession of this Convention.

IN FAITH WHEREOF, WE, THE HEADS OF STATE AND GOVERNMENT OF THE MEMBER STATES OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS) HAVE SIGNED THIS CONVENTION. DONE AT ABUJA, ON THE 14TH JUNE 2006, IN THREE ORIGINALS IN THE ENGLISH, FRENCH AND PORTUGUESE LANGUAGES, ALL TEXTS, BEING
II. AFRICAN UNION INSTRUMENTS
A. The African Charter on Democracy, Elections and Governance

PREAMBLE
We, the Member States of the African Union (AU);
Inspired by the objectives and principles enshrined in the Constitutive Act of the African Union, particularly Articles 3 and 4, which emphasise the significance of good governance, popular participation, the rule of law and human rights;
Recognising the contributions of the African Union and Regional Economic Communities to the promotion, nurturing, strengthening and consolidation of democracy and governance;
Reaffirming our collective will to work relentlessly to deepen and consolidate the rule of law, peace, security and development in our countries;
Guided by our common mission to strengthen and consolidate institutions for good governance, continental unity and solidarity;
Committed to promote the universal values and principles of democracy, good governance, human rights and the right to development;
Cognizant of the historical and cultural conditions in Africa;
Seeking to entrench in the Continent a political culture of change of power based on the holding of regular, free, fair and transparent elections conducted by competent, independent and impartial national electoral bodies;
Concerned about the unconstitutional changes of governments that are one of the essential causes of insecurity, instability and violent conflict in Africa;
Determined to promote and strengthen good governance through the institutionalization of transparency, accountability and participatory democracy;
Convinced of the need to enhance the election observation missions in the role they play, particularly as they are an important contributory factor to ensuring the regularity, transparency and credibility of elections;
Desirous to enhance the relevant Declarations and Decisions of the OAU/AU (including the 1990 Declaration on the political and socio-economic situation in Africa and the fundamental changes taking place in the world, the 1995 Cairo Agenda for the Re-launch of Africa’s Economic and Social Development, the 1999 Algiers Declaration on Unconstitutional Changes of Government, the 2000 Lomé Declaration for an OAU Response to Unconstitutional Changes of Government, the 2002 OAU/AU Declaration on Principles Governing Democratic Elections in Africa, the 2003 Protocol Relating to the Establishment of the Peace and Security Council of the African Union);
Committed to implementing Decision EX.CL/Dec.31(III) adopted in Maputo, Mozambique, in July 2003 and Decision EX.CL/124(V) adopted in Addis Ababa, Ethiopia, in May 2004 respectively, by the adoption of an African Charter on Democracy, Elections and Governance;

HAVE AGREED AS FOLLOWS:

Chapter 1: Definitions
Article 1
In this Charter, unless otherwise stated, the following expressions shall have the following meaning: “AU” means the African Union; “African Human Rights Commission” means the African Commission on Human and Peoples’ Rights; “African Peer Review Mechanism” APRM means the African Peer Review Mechanism; “Assembly” means the Assembly of Heads of State and Government of the African Union; “Commission” means the Commission of the Union; “Constitutive Act” means the Constitutive Act of the Union; “Charter” means the African Charter on Democracy, Elections and Governance; “Member States” means the Member States of the African Union; “National Electoral Body” means a competent authority, established by the relevant legal instruments of a State Party, responsible for organizing and supervising elections; “NEPAD” means the New Partnership for Africa’s Development; “Peace and Security Council” means the Peace and Security Council of the
African Union; “Regional Economic Communities” means the regional integration blocs of the African Union; “State Party” means any Member State of the African Union which has ratified or acceded to this Charter and deposited the instruments for ratification or accession with the Chairperson of the African Union Commission; “Union” means the African Union.

Chapter 2 - Objectives

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

Chapter 3: Principles

Article 3
State Parties shall implement this Charter in accordance with the following principles:
1. Respect for human rights and democratic principles;
2. Access to and exercise of state power in accordance with the constitution of the State Party and the principle of the rule of law;
3. Promotion of a system of government that is representative;
4. Holding of regular, transparent, free and fair elections;
5. Separation of powers;
6. Promotion of gender equality in public and private institutions;
7. Effective participation of citizens in democratic and development processes and in governance of public affairs;
8. Transparency and fairness in the management of public affairs;
9. Condemnation and rejection of acts of corruption, related offenses and impunity;
10. Condemnation and total rejection of unconstitutional changes of government;
11. Strengthening political pluralism and recognising the role, rights and responsibilities of legally constituted political parties, including opposition political parties, which should be given a status under national law.
Chapter 4 - Democracy, Rule of Law and Human Rights

Article 4
1. State Parties shall commit themselves to promote democracy, the principle of the rule of law and human rights.
2. State Parties shall recognize popular participation through universal suffrage as the inalienable right of the people.

Article 5
State Parties shall take all appropriate measures to ensure constitutional rule, particularly constitutional transfer of power.

Article 6
State Parties shall ensure that citizens enjoy fundamental freedoms and human rights taking into account their universality, interdependence and indivisibility.

Article 7
State Parties shall take all necessary measures to strengthen the Organs of the Union that are mandated to promote and protect human rights and to fight impunity and endow them with the necessary resources.

Article 8
1. State Parties shall eliminate all forms of discrimination, especially those based on political opinion, gender, ethnic, religious and racial grounds as well as any other form of intolerance.
2. State Parties shall adopt legislative and administrative measures to guarantee the rights of women, ethnic minorities, migrants, people with disabilities, refugees and displaced persons and other marginalized and vulnerable social groups.
3. State Parties shall respect ethnic, cultural and religious diversity, which contributes to strengthening democracy and citizen participation.

Article 9
State Parties undertake to design and implement social and economic policies and programmes that promote sustainable development and human security.

Article 10
1. State Parties shall entrench the principle of the supremacy of the constitution in the political organization of the State.
2. State Parties shall ensure that the process of amendment or revision of their constitution reposes on national consensus, obtained if need be, through referendum.
3. State Parties shall protect the right to equality before the law and equal protection by the law as a fundamental precondition for a just and democratic society.

Chapter 5 - The Culture of Democracy and Peace

Article 11
The State Parties undertake to develop the necessary legislative and policy frameworks to establish and strengthen a culture of democracy and peace.

Article 12
State Parties undertake to implement programmes and carry out activities designed to promote democratic principles and practices as well as consolidate a culture of democracy and peace. To this end, State Parties shall:
1. Promote good governance by ensuring transparent and accountable administration.
2. Strengthen political institutions to entrench a culture of democracy and peace.
3. Create conducive conditions for civil society organizations to exist and operate within the law.
4. Integrate civic education in their educational curricula and develop appropriate programmes and activities.

Article 13
State Parties shall take measures to ensure and maintain political and social dialogue, as well as public trust and transparency between political leaders and the people, in order to consolidate democracy and peace.
Chapter 6 - Democratic Institutions

Article 14
1. State Parties shall strengthen and institutionalize constitutional civilian control over the armed and security forces to ensure the consolidation of democracy and constitutional order.
2. State Parties shall take legislative and regulatory measures to ensure that those who attempt to remove an elected government through unconstitutional means are dealt with in accordance with the law.
3. State Parties shall cooperate with each other to ensure that those who attempt to remove an elected government through unconstitutional means are dealt with in accordance with the law.

Article 15
1. State Parties shall establish public institutions that promote and support democracy and constitutional order.
2. State Parties shall ensure that the independence or autonomy of the said institutions is guaranteed by the constitution.
3. State Parties shall ensure that these institutions are accountable to competent national organs.
4. State Parties shall provide the above-mentioned institutions with resources to perform their assigned missions efficiently and effectively.

Article 16
State Parties shall cooperate at regional and continental levels in building and consolidating democracy through exchange of experiences.

Chapter 7 - Democratic Elections

Article 17
State Parties reaffirm their commitment to regularly holding transparent, free and fair elections in accordance with the Union’s Declaration on the Principles Governing Democratic Elections in Africa. To this end, State Parties shall:
1. Establish and strengthen independent and impartial national electoral bodies responsible for the management of elections.
2. Establish and strengthen national mechanisms that redress election related disputes in a timely manner.
3. Ensure fair and equitable access by contesting parties and candidates to state controlled media during elections.
4. Ensure that there is a binding code of conduct governing legally recognized political stakeholders, government and other political actors prior, during and after elections. The code shall include a commitment by political stakeholders to accept the results of the election or challenge them in through exclusively legal channels.

Article 18
1. State Parties may request the Commission, through the Democracy and Electoral Assistance Unit and the Democracy and Electoral Assistance Fund, to provide advisory services or assistance for strengthening and developing their electoral institutions and processes.
2. The Commission may at any time, in consultation with the State Party concerned, send special advisory missions to provide assistance to that State Party for strengthening its electoral institutions and processes.

Article 19
1. Each State Party shall inform the Commission of scheduled elections and invite it to send an electoral observer mission.
2. Each State Party shall guarantee conditions of security, free access to information, non-interference, freedom of movement and full cooperation with the electoral observer mission.

Article 20
The Chairperson of the Commission shall first send an exploratory mission during the period prior to elections. This mission shall obtain any useful information and documentation, and brief the Chairperson, stating whether the necessary conditions have been established and if the environment is conducive to the holding of transparent, free and fair elections in conformity with the principles of the Union governing democratic elections.
Article 21
1. The Commission shall ensure that these missions are independent and shall provide them with the necessary resources for that purpose.
2. Electoral observer missions shall be conducted by appropriate and competent experts in the area of election monitoring, drawn from continental and national institutions such as, but not limited to, the Pan-African Parliament, national electoral bodies, national legislatures and eminent persons taking due cognizance of the principles of regional representation and gender equality.
3. Electoral observer missions shall be conducted in an objective, impartial and transparent manner.
4. All electoral observer missions shall present the report of their activities to the Chairperson of the Commission within a reasonable time.
5. A copy of the report shall be submitted to the State Party concerned within a reasonable time.

Article 22
State Parties shall create a conducive environment for independent and impartial national monitoring or observation mechanisms.

Chapter 8- Sanctions in Cases of Unconstitutional Changes of Government
Article 23
State Parties agree that the use of, *inter alia*, the following illegal means of accessing or maintaining power constitute an unconstitutional change of government and shall draw appropriate sanctions by the Union:
1. Any putsch or coup d'Etat against a democratically elected government.
2. Any intervention by mercenaries to replace a democratically elected government.
3. Any replacement of a democratically elected government by armed dissidents or rebels.
4. Any refusal by an incumbent government to relinquish power to the winning party or candidate after free, fair and regular elections; or
5. Any amendment or revision of the constitution or legal instruments, which is an infringement on the principles of democratic change of government.

Article 24
When a situation arises in a State Party that may affect its democratic political institutional arrangements or the legitimate exercise of power, the Peace and Security Council shall exercise its responsibilities in order to maintain the constitutional order in accordance with relevant provisions of the Protocol Relating to the Establishment of the Peace and Security Council of the African Union, hereinafter referred to as the Protocol.

Article 25
1. When the Peace and Security Council observes that there has been an unconstitutional change of government in a State Party, and that diplomatic initiatives have failed, it shall suspend the said State Party from the exercise of its right to participate in the activities of the Union in accordance with the provisions of articles 30 of the Constitutive Act and 7 (g) of the Protocol. The suspension shall take effect immediately.
2. However, the suspended State Party shall continue to fulfill its obligations to the Union, in particular with regard to those relating to respect of human rights.
3. Notwithstanding the suspension of the State Party, the Union shall maintain diplomatic contacts and take any initiatives to restore democracy in that State Party.
4. The perpetrators of unconstitutional change of government shall not be allowed to participate in elections held to restore the democratic order or hold any position of responsibility in political institutions of their State.
5. Perpetrators of unconstitutional change of government may also be tried before the competent court of the Union.
6. The Assembly shall impose sanctions on any Member State that is proved to have instigated or supported unconstitutional change of government in another state in conformity with Article 23 of the Constitutive Act.
7. The Assembly may decide to apply other forms of sanctions on perpetrators of unconstitutional change of government including punitive economic measures.
8. State Parties shall not harbour or give sanctuary to perpetrators of unconstitutional changes of government.
9. State Parties shall bring to justice the perpetrators of unconstitutional changes of government or take necessary steps to effect their extradition.
10. State Parties shall encourage conclusion of bilateral extradition agreements as well as the adoption of legal instruments on extradition and mutual legal assistance.

Article 26
The Peace and Security Council shall lift sanctions once the situation that led to the suspension is resolved.

Chapter 9- Political, Economic and Social Governance

Article 27
In order to advance political, economic and social governance, State Parties shall commit themselves to:
1. Strengthening the capacity of parliaments and legally recognized political parties to perform their core functions;
2. Fostering popular participation and partnership with civil society organizations;
3. Undertaking regular reforms of the legal and justice systems;
4. Improving public sector management;
5. Improving efficiency and effectiveness of public services and combating corruption;
6. Promoting the development of the private sector through, inter alia, enabling legislative and regulatory framework;
7. Development and utilisation of information and communication technologies;
8. Promoting freedom of expression, in particular freedom of the press and fostering a professional media;
9. Harnessing the democratic values of the traditional institutions; and
10. Preventing the spread and combating the impact of diseases such as Malaria, Tuberculosis, HIV/AIDS, Ebola fever, and Avian Flu.

Article 28
State Parties shall ensure and promote strong partnerships and dialogue between government, civil society and private sector.

Article 29
1. State Parties shall recognize the crucial role of women in development and strengthening of democracy.
2. State Parties shall create the necessary conditions for full and active participation of women in the decision-making processes and structures at all levels as a fundamental element in the promotion and exercise of a democratic culture.
3. State Parties shall take all possible measures to encourage the full and active participation of women in the electoral process and ensure gender parity in representation at all levels, including legislatures.

Article 30
State Parties shall promote citizen participation in the development process through appropriate structures.

Article 31
1. State Parties shall promote participation of social groups with special needs, including the Youth and people with disabilities, in the governance process.
2. State Parties shall ensure systematic and comprehensive civic education in order to encourage full participation of social groups with special needs in democracy and development processes.

Article 32
State Parties shall strive to institutionalize good political governance through:
1. Accountable, efficient and effective public administration;
2. Strengthening the functioning and effectiveness of parliaments;
3. An independent judiciary;
4. Relevant reforms of public institutions including the security sector;
5. Harmonious relationships in society including civil-military relations;
6. Consolidating sustainable multiparty political systems;
7. Organising regular, free and fair elections; and
8. Entrenching and respecting the principle of the rule of law.

**Article 33**

State Parties shall institutionalize good economic and corporate governance through, inter alia:

1. Effective and efficient public sector management;
2. Promoting transparency in public finance management;
3. Preventing and combating corruption and related offences;
4. Efficient management of public debt;
5. Prudent and sustainable utilization of public resources;
6. Equitable allocation of the nation’s wealth and natural resources;
7. Poverty alleviation;
8. Enabling legislative and regulatory framework for private sector development;
9. Providing a conducive environment for foreign capital inflows;
10. Developing tax policies that encourage investment;
11. Preventing and combating crime;
12. Elaborating and implementing economic development strategies including private-public sector partnerships;
13. An efficient and effective tax system premised upon transparency and accountability.

**Article 34**

State Parties shall decentralize power to democratically elected local authorities as provided in national laws.

**Article 35**

Given the enduring and vital role of traditional authorities, particularly in rural communities, the State Parties shall strive to find appropriate ways and means to increase their integration and effectiveness within the larger democratic system.

**Article 36**

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

**Article 37**

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

**Article 38**

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

**Article 39**

State Parties shall promote a culture of respect, compromise, consensus and tolerance as a means to mitigate conflicts, promote political stability and security, and to harness the creative energies of the African peoples.

**Article 40**

State Parties shall adopt and implement policies, strategies and programmes required to generate productive employment, mitigate the impact of diseases and alleviate poverty and eradicate extreme poverty and illiteracy.

**Article 41**

State Parties shall undertake to provide and enable access to basic social services to the people.

**Article 42**

State Parties shall implement policies and strategies to protect the environment to achieve sustainable development for the benefit of the present and future generations. In this regard, State Parties are encouraged to accede to the relevant treaties and other international legal instruments.

**Article 43**
1. State Parties shall endeavour to provide free and compulsory basic education to all, especially girls, rural inhabitants, minorities, people with disabilities and other marginalized social groups.

2. In addition, State Parties shall ensure the literacy of citizens above compulsory school age, particularly women, rural inhabitants, minorities, people with disabilities, and other marginalized social groups.

Chapter 10 - Mechanisms for Application

Article 44

To give effect to the commitments contained in this Charter:

1. Individual State Party Level

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

(a) State Parties shall initiate appropriate measures including legislative, executive and administrative actions to bring State Parties’ national laws and regulations into conformity with this Charter;

(b) State Parties shall take all necessary measures in accordance with constitutional provisions and procedures to ensure the wider dissemination of the Charter and all relevant legislation as may be necessary for the implementation of its fundamental principles;

(c) State Parties shall promote political will as a necessary condition for the attainment of the goals set forth in this Charter;

(d) State Parties shall incorporate the commitments and principles of the Charter in their national policies and strategies.

2. Commission Level

A. At Continental Level

(a) The Commission shall develop benchmarks for implementation of the commitments and principles of this Charter and evaluate compliance by State Parties;

(b) The Commission shall promote the creation of favourable conditions for democratic governance in the African Continent, in particular by facilitating the harmonization of policies and laws of State Parties;

(c) The Commission shall take the necessary measures to ensure that the Democracy and Electoral Assistance Unit and the Democracy and Electoral Assistance Fund provide the needed assistance and resources to State Parties in support of electoral processes;

(d) The Commission shall ensure that effect is given to the decisions of the Union in regard to unconstitutional change of government on the Continent.

B. At Regional Level

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

a) Encourage Member States to ratify or adhere to this Charter.

b) Designate focal points for coordination, evaluation and monitoring of the implementation of the commitments and principles enshrined in this Charter in order to ensure massive participation of stakeholders, particularly civil society organizations, in the process.

Article 45

The Commission shall:

(a) Act as the central coordinating structure for the implementation of this Charter;

(b) Assist State Parties in implementing the Charter;

(c) Coordinate evaluation on implementation of the Charter with other key organs of the Union including the Pan-African Parliament, the Peace and Security Council, the African Human Rights Commission, the African Court of Justice and Human Rights, the Economic, Social and Cultural Council, the Regional Economic Communities and appropriate national-level structures.
Chapter 11- Final Clauses

Article 46
In conformity with applicable provisions of the Constitutive Act and the Protocol Relating to the Establishment of the Peace and Security Council of the African Union, the Assembly and the Peace and Security Council shall determine the appropriate measures to be imposed on any State Party that violates this Charter.

Article 47
1. This Charter shall be open for signature, ratification and accession by 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 48
This Charter shall enter into force thirty (30) days after the deposit of fifteen (15) Instruments of Ratification.

Article 49
1. State Parties shall submit every two years, from the date the Charter comes into force, a report to the Commission on the legislative or other relevant measures taken with a view to giving effect to the principles and commitments of the Charter;
2. A copy of the report shall be submitted to the relevant organs of the Union for appropriate action within their respective mandates;
3. The Commission shall prepare and submit to the Assembly, through the Executive Council, a synthesized report on the implementation of the Charter;
4. The Assembly shall take appropriate measures aimed at addressing issues raised in the report.

Article 50
1. Any State Party may submit proposals for the amendment or revision of this Charter;
2. Proposals for amendment or revision shall be submitted to the Chairperson of the Commission who shall transmit same to State Parties within thirty (30) days of receipt thereof;
3. The Assembly, upon the advice of the Executive Council, shall examine these proposals at its session following notification, provided all State Parties have been notified at least three (3) months before the beginning of the session;
4. The Assembly shall adopt amendments or revisions by consensus or failing which, by two-thirds majority;
5. The amendments or revisions shall enter into force when approved by two-thirds majority of State Parties.

Article 51
1. The Chairperson of the Commission shall be the depository of this Charter;
2. The Chairperson of the Commission shall inform all Member States of the signature, ratification, accession, entry into force, reservations, requests for amendments and approvals thereof;
3. Upon entry into force of this Charter, the Chairperson of the Commission shall register it with the Secretary General of the United Nations in accordance with Article 102 of the Charter of the United Nations.

Article 52
None of the provisions of the present Charter shall affect more favourable provisions relating to democracy, elections and governance contained in the national legislation of State Parties or in any other regional, continental or international conventions or agreements applicable in these State Parties.

Article 53
This Charter, drawn up in four (4) original texts, in Arabic, English, French and Portuguese languages, all four (4) being equally authentic, shall be deposited with the Chairperson of the Commission who shall transmit certified copies of same to all Member States and the United Nations General Secretariat.

ADOPTED BY THE EIGHTH ORDINARY SESSION OF THE ASSEMBLY, HELD IN ADDIS ABABA, ETHIOPIA,
30 JANUARY 2007

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B. Protocol to the African Charter on Human and People’s on the Rights of Women in Africa

The States Parties to this Protocol,
CONSIDERING that Article 2 of the African Charter on Human and Peoples’ Rights enshrines the principle of non-discrimination on the grounds of race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status;
FURTHER CONSIDERING that Article 18 of the African Charter on Human and Peoples’ Rights calls on all States Parties to eliminate every discrimination against women and to ensure the protection of the rights of women as stipulated in international declarations and conventions;
NOTING that Articles 60 and 61 of the African Charter on Human and Peoples' Rights recognise regional and international human rights instruments and African practices consistent with international norms on human and peoples' rights as being important reference points for the application and interpretation of the African Charter;
RECALLING that women's rights have been recognised and guaranteed in all international human rights instruments, notably the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination Against Women and its Optional Protocol, the African Charter on the Rights and Welfare of the Child, and all other international and regional conventions and covenants relating to the rights of women as being inalienable, interdependent and indivisible human rights;
RECOGNIZING the crucial role of women in the preservation of African values based on the principles of equality, peace, freedom, dignity, justice, solidarity and democracy;
BEARING IN MIND related Resolutions, Declarations, Recommendations, Decisions, Conventions and other Regional and Sub-Regional Instruments aimed at eliminating all forms of discrimination and at promoting equality between women and men;
CONCERNED that despite the ratification of the African Charter on Human and Peoples' Rights and other international human rights instruments by the majority of States Parties, and their solemn commitment to
eliminate all forms of discrimination and harmful practices against women, women in Africa still continue to be victims of discrimination and harmful practices;

FIRMLY CONVINCED that any practice that hinders or endangers the normal growth and affects the physical and psychological development of women and girls should be condemned and eliminated;

DETERMINED to ensure that the rights of women are promoted, realised and protected in order to enable them to enjoy fully all their human rights;

HAVE AGREED AS FOLLOWS:

Article 1: Definitions
For the purpose of the present Protocol:

a) "African Charter" means the African Charter on Human and Peoples' Rights;
b) "African Commission" means the African Commission on Human and Peoples' Rights;
c) "Assembly" means the Assembly of Heads of State and Government of the African Union;
d) “AU” means the African Union;
e) “Constitutive Act” means the Constitutive Act of the African Union;
f) "Discrimination against women" means any distinction, exclusion or restriction or any differential treatment based on sex and whose objectives or effects compromise or destroy the recognition, enjoyment or the exercise by women, regardless of their marital status, of human rights and fundamental freedoms in all spheres of life;
g) "Harmful Practices" means all behaviour, attitudes and/or practices which negatively affect the fundamental rights of women and girls, such as their right to life, health, dignity, education and physical integrity;
h) “NEPAD” means the New Partnership for Africa’s Development established by the Assembly;
i) "States Parties" means the States Parties to this Protocol;
j) "Violence against women" means all acts perpetrated against women which cause or could cause them physical, sexual, psychological, and economic harm, including the threat to take such acts; or to undertake the imposition of arbitrary restrictions on or deprivation of fundamental freedoms in private or public life in peace time and during situations of armed conflicts or of war;
k) “Women” means persons of female gender, including girls.

Article 2: Elimination of Discrimination against Women
1. States Parties shall combat all forms of discrimination against women through appropriate legislative, institutional and other measures. In this regard they shall:

a) include in their national constitutions and other legislative instruments, if not already done, the principle of equality between women and men and ensure its effective application;
b) enact and effectively implement appropriate legislative or regulatory measures, including those prohibiting and curbing all forms of discrimination particularly those harmful practices which endanger the health and general well-being of women;
c) integrate a gender perspective in their policy decisions, legislation, development plans, programmes and activities and in all other spheres of life;
d) take corrective and positive action in those areas where discrimination against women in law and in fact continues to exist;
e) support the local, national, regional and continental initiatives directed at eradicating all forms of discrimination against women.

2. States Parties shall commit themselves to modify the social and cultural patterns of conduct of women and men through public education, information, education and communication strategies, with a view to achieving the elimination of harmful cultural and traditional practices and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes, or on stereotyped roles for women and men.

Article 3: Right to Dignity
1. Every woman shall have the right to dignity inherent in a human being and to the recognition and protection of her human and legal rights.
2. Every woman shall have the right to respect as a person and to the free development of her personality.
3. States Parties shall adopt and implement appropriate measures to prohibit any exploitation or degradation of women.
4. States Parties shall adopt and implement appropriate measures to ensure the protection of every woman’s right to respect for her dignity and protection of women from all forms of violence, particularly sexual and verbal violence.

Article 4: The Rights to Life, Integrity and Security of the Person
1. Every woman shall be entitled to respect for her life and the integrity and security of her person. All forms of exploitation, cruel, inhuman or degrading punishment and treatment shall be prohibited.
2. States Parties shall take appropriate and effective measures to:
   a) enact and enforce laws to prohibit all forms of violence against women including unwanted or forced sex whether the violence takes place in private or public;
   b) adopt such other legislative, administrative, social and economic measures as may be necessary to ensure the prevention, punishment and eradication of all forms of violence against women;
   c) identify the causes and consequences of violence against women and take appropriate measures to prevent and eliminate such violence;
   d) actively promote peace education through curricula and social communication in order to eradicate elements in traditional and cultural beliefs, practices and stereotypes which legitimise and exacerbate the persistence and tolerance of violence against women;
   e) punish the perpetrators of violence against women and implement programmes for the rehabilitation of women victims;
   f) establish mechanisms and accessible services for effective information, rehabilitation and reparation for victims of violence against women;
   g) prevent and condemn trafficking in women, prosecute the perpetrators of such trafficking and protect those women most at risk;
   h) prohibit all medical or scientific experiments on women without their informed consent;
   i) provide adequate budgetary and other resources for the implementation and monitoring of actions aimed at preventing and eradicating violence against women;
   j) ensure that, in those countries where the death penalty still exists, not to carry out death sentences on pregnant or nursing women;
   k) ensure that women and men enjoy equal rights in terms of access to refugee status determination procedures and that women refugees are accorded the full protection and benefits guaranteed under international refugee law, including their own identity and other documents.

Article 5: Elimination of Harmful Practices
States Parties shall prohibit and condemn all forms of harmful practices which negatively affect the human rights of women and which are contrary to recognised international standards. States Parties shall take all necessary legislative and other measures to eliminate such practices, including:
   a) creation of public awareness in all sectors of society regarding harmful practices through information, formal and informal education and outreach programmes;
   b) prohibition, through legislative measures backed by sanctions, of all forms of female genital mutilation, scarification, medicalisation and para-medicalisation of female genital mutilation and all other practices in order to eradicate them;
   c) provision of necessary support to victims of harmful practices through basic services such as health services, legal and judicial support, emotional and psychological counseling as well as vocational training to make them self-supporting;
d) protection of women who are at risk of being subjected to harmful practices or all other forms of violence, abuse and intolerance.

**Article 6: Marriage**
States Parties shall ensure that women and men enjoy equal rights and are regarded as equal partners in marriage. They shall enact appropriate national legislative measures to guarantee that:

a) no marriage shall take place without the free and full consent of both parties;
b) the minimum age of marriage for women shall be 18 years;
c) monogamy is encouraged as the preferred form of marriage and that the rights of women in marriage and family, including in polygamous marital relationships are promoted and protected;
d) every marriage shall be recorded in writing and registered in accordance with national laws, in order to be legally recognised;
e) the husband and wife shall, by mutual agreement, choose their matrimonial regime and place of residence;
f) a married woman shall have the right to retain her maiden name, to use it as she pleases, jointly or separately with her husband's surname;
g) a woman shall have the right to retain her nationality or to acquire the nationality of her husband;
h) a woman and a man shall have equal rights, with respect to the nationality of their children except where this is contrary to a provision in national legislation or is contrary to national security interests;
i) a woman and a man shall jointly contribute to safeguarding the interests of the family, protecting and educating their children;
j) during her marriage, a woman shall have the right to acquire her own property and to administer and manage it freely.

**Article 7: Separation, Divorce and Annulment of Marriage**
States Parties shall enact appropriate legislation to ensure that women and men enjoy the same rights in case of separation, divorce or annulment of marriage. In this regard, they shall ensure that:

a) separation, divorce or annulment of a marriage shall be effected by judicial order;
b) women and men shall have the same rights to seek separation, divorce or annulment of a marriage;
c) in case of separation, divorce or annulment of marriage, women and men shall have reciprocal rights and responsibilities towards their children. In any case, the interests of the children shall be given paramount importance;
d) in case of separation, divorce or annulment of marriage, women and men shall have the right to an equitable sharing of the joint property deriving from the marriage.

**Article 8: Access to Justice and Equal Protection before the Law**
Women and men are equal before the law and shall have the right to equal protection and benefit of the law. States Parties shall take all appropriate measures to ensure:

a) effective access by women to judicial and legal services, including legal aid;
b) support to local, national, regional and continental initiatives directed at providing women access to legal services, including legal aid;
c) the establishment of adequate educational and other appropriate structures with particular attention to women and to sensitize everyone to the rights of women;
d) that law enforcement organs at all levels are equipped to effectively interpret and enforce gender equality rights;
e) that women are represented equally in the judiciary and law enforcement organs;
f) reform of existing discriminatory laws and practices in order to promote and protect the rights of women.
**Article 9: Right to Participation in the Political and Decision-Making Process**

1. States Parties shall take specific positive action to promote participative governance and the equal participation of women in the political life of their countries through affirmative action, enabling national legislation and other measures to ensure that:
   a) women participate without any discrimination in all elections;
   b) women are represented equally at all levels with men in all electoral processes;
   c) women are equal partners with men at all levels of development and implementation of State policies and development programmes.

2. States Parties shall ensure increased and effective representation and participation of women at all levels of decision-making.

**Article 10: Right to Peace**

1. Women have the right to a peaceful existence and the right to participate in the promotion and maintenance of peace.

2. States Parties shall take all appropriate measures to ensure the increased participation of women:
   a) in programmes of education for peace and a culture of peace;
   b) in the structures and processes for conflict prevention, management and resolution at local, national, regional, continental and international levels;
   c) in the local, national, regional, continental and international decision making structures to ensure physical, psychological, social and legal protection of asylum seekers, refugees, returnees and displaced persons, in particular women;
   d) in all levels of the structures established for the management of camps and settlements for asylum seekers, refugees, returnees and displaced persons, in particular, women;
   e) in all aspects of planning, formulation and implementation of post-conflict reconstruction and rehabilitation.

3. States Parties shall take the necessary measures to reduce military expenditure significantly in favour of spending on social development in general, and the promotion of women in particular.

**Article 11: Protection of Women in Armed Conflicts**

1. States Parties undertake to respect and ensure respect for the rules of international humanitarian law applicable in armed conflict situations, which affect the population, particularly women.

2. States Parties shall, in accordance with the obligations incumbent upon them under international humanitarian law, protect civilians including women, irrespective of the population to which they belong, in the event of armed conflict.

3. States Parties undertake to protect asylum seeking women, refugees, returnees and internally displaced persons, against all forms of violence, rape and other forms of sexual exploitation, and to ensure that such acts are considered war crimes, genocide and/or crimes against humanity and that their perpetrators are brought to justice before a competent criminal jurisdiction.

4. States Parties shall take all necessary measures to ensure that no child, especially girls under 18 years of age, take a direct part in hostilities and that no child is recruited as a soldier.

**Article 12: Right to Education and Training**

1. States Parties shall take all appropriate measures to:
   a) eliminate all forms of discrimination against women and guarantee equal opportunity and access in the sphere of education and training;
   b) eliminate all stereotypes in textbooks, syllabuses and the media, that perpetuate such discrimination;
   c) protect women, especially the girl-child from all forms of abuse, including sexual harassment in schools and other educational institutions and provide for sanctions against the perpetrators of such practices;
   d) provide access to counseling and rehabilitation services to women who suffer abuses and sexual harassment;
e) integrate gender sensitisation and human rights education at all levels of education curricula including teacher
training.

2. States Parties shall take specific positive action to:
   a) promote literacy among women;
   b) promote education and training for women at all levels and in all disciplines, particularly in the fields of
   science and technology;
   c) promote the enrolment and retention of girls in schools and other training institutions and the organisation of
   programmes for women who leave school prematurely.

**Article 13: Economic and Social Welfare Rights**
States Parties shall adopt and enforce legislative and other measures to guarantee women equal opportunities
in work and career advancement and other economic opportunities. In this respect, they shall:
   a) promote equality of access to employment;
   b) promote the right to equal remuneration for jobs of equal value for women and men;
   c) ensure transparency in recruitment, promotion and dismissal of women and combat and punish sexual
   harassment in the workplace;
   d) guarantee women the freedom to choose their occupation, and protect them from exploitation by their
   employers violating and exploiting their fundamental rights as recognised and guaranteed by conventions, laws
   and regulations in force;
   e) create conditions to promote and support the occupations and economic activities of women, in particular,
   within the informal sector;
   f) establish a system of protection and social insurance for women working in the informal sector and sensitisie
   them to adhere to it;
   g) introduce a minimum age for work and prohibit the employment of children below that age, and prohibit, combat
   and punish all forms of exploitation of children, especially the girl-child;
   h) take the necessary measures to recognise the economic value of the work of women in the home;
   i) guarantee adequate and paid pre- and post-natal maternity leave in both the private and public sectors;
   j) ensure the equal application of taxation laws to women and men;
   k) recognise and enforce the right of salaried women to the same allowances and entitlements as those granted
to salaried men for their spouses and children;
   l) recognise that both parents bear the primary responsibility for the upbringing and development of children
   and that this is a social function for which the State and the private sector have secondary responsibility;
   m) take effective legislative and administrative measures to prevent the exploitation and abuse of women in
   advertising and pornography.

**Article 14: Health and Reproductive Rights**
1. States Parties shall ensure that the right to health of women, including sexual and reproductive health is
   respected and promoted.
   This includes:
   a) the right to control their fertility;
   b) the right to decide whether to have children, the number of children and the spacing of children;
   c) the right to choose any method of contraception;
   d) the right to self-protection and to be protected against sexually transmitted infections, including HIV/AIDS;
   e) the right to be informed on one's health status and on the health status of one's partner, particularly if
   affected with sexually transmitted infections, including HIV/AIDS, in accordance with internationally recognised
   standards and best practices;
   g) the right to have family planning education.
2. States Parties shall take all appropriate measures to:
a) provide adequate, affordable and accessible health services, including information, education and communication programmes to women especially those in rural areas;
b) establish and strengthen existing pre-natal, delivery and post-natal health and nutritional services for women during pregnancy and while they are breast-feeding;
c) protect the reproductive rights of women by authorizing medical abortion in cases of sexual assault, rape, incest, and where the continued pregnancy endangers the mental and physical health of the mother or the life of the mother or the foetus.

Article 15: Right to Food Security
States Parties shall ensure that women have the right to nutritious and adequate food. In this regard, they shall take appropriate measures to:
a) provide women with access to clean drinking water, sources of domestic fuel, land, and the means of producing nutritious food;
b) establish adequate systems of supply and storage to ensure food security.

Article 16: Right to Adequate Housing
Women shall have the right to equal access to housing and to acceptable living conditions in a healthy environment. To ensure this right, States Parties shall grant to women, whatever their marital status, access to adequate housing.

Article 17: Right to Positive Cultural Context
1. Women shall have the right to live in a positive cultural context and to participate at all levels in the determination of cultural policies.
2. States Parties shall take all appropriate measures to enhance the participation of women in the formulation of cultural policies at all levels.

Article 18: Right to a Healthy and Sustainable Environment
1. Women shall have the right to live in a healthy and sustainable environment.
2. States Parties shall take all appropriate measures to:
a) ensure greater participation of women in the planning, management and preservation of the environment and the sustainable use of natural resources at all levels;
b) promote research and investment in new and renewable energy sources and appropriate technologies, including information technologies and facilitate women's access to, and participation in their control;
c) protect and enable the development of women's indigenous knowledge systems;
c) regulate the management, processing, storage and disposal of domestic waste;
d) ensure that proper standards are followed for the storage, transportation and disposal of toxic waste.

Article 19: Right to Sustainable Development
Women shall have the right to fully enjoy their right to sustainable development. In this connection, the States Parties shall take all appropriate measures to:
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a) introduce the gender perspective in the national development planning procedures;
b) ensure participation of women at all levels in the conceptualisation, decision-making, implementation and evaluation of development policies and programmes;
c) promote women's access to and control over productive resources such as land and guarantee their right to property;
d) promote women’s access to credit, training, skills development and extension services at rural and urban levels in order to provide women with a higher quality of life and reduce the level of poverty among women;
e) take into account indicators of human development specifically relating to women in the elaboration of development policies and programmes; and
f) ensure that the negative effects of globalisation and any adverse effects of the implementation of trade and economic policies and programmes are reduced to the minimum for women.

**Article 20: Widows’ Rights**
States Parties shall take appropriate legal measures to ensure that widows enjoy all human rights through the implementation of the following provisions:

- a) that widows are not subjected to inhuman, humiliating or degrading treatment;
- b) that a widow shall automatically become the guardian and custodian of her children, after the death of her husband, unless this is contrary to the interests and the welfare of the children;
- c) that a widow shall have the right to remarry, and in that event, to marry the person of her choice.

**Article 21: Right to Inheritance**
1. A widow shall have the right to an equitable share in the inheritance of the property of her husband. A widow shall have the right to continue to live in the matrimonial house. In case of remarriage, she shall retain this right if the house belongs to her or she has inherited it.
2. Women and men shall have the right to inherit, in equitable shares, their parents' properties.

**Article 22: Special Protection of Elderly Women**
The States Parties undertake to:

- a) provide protection to elderly women and take specific measures commensurate with their physical, economic and social needs as well as their access to employment and professional training;
- b) ensure the right of elderly women to freedom from violence, including sexual abuse, discrimination based on age and the right to be treated with dignity.

**Article 23: Special Protection of Women with Disabilities**
The States Parties undertake to:

- a) ensure the protection of women with disabilities and take specific measures commensurate with their physical, economic and social needs to facilitate their access to employment, professional and vocational training as well as their participation in decision-making;
- b) ensure the right of women with disabilities to freedom from violence, including sexual abuse, discrimination based on disability and the right to be treated with dignity.

**Article 24: Special Protection of Women in Distress**
The States Parties undertake to:

- a) ensure the protection of poor women and women heads of families including women from marginalized population groups and provide an environment suitable to their condition and their special physical, economic and social needs;
- b) ensure the right of pregnant or nursing women or women in detention by providing them with an environment which is suitable to their condition and the right to be treated with dignity.

**Article 25: Remedies**
States Parties shall undertake to:

- a) provide for appropriate remedies to any woman whose rights or freedoms, as herein recognised, have been violated;
- b) ensure that such remedies are determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by law.
Article 26: Implementation and Monitoring
1. States Parties shall ensure the implementation of this Protocol at national level, and in their periodic reports submitted in accordance with Article 62 of the African Charter, indicate the legislative and other measures undertaken for the full realisation of the rights herein recognised.
2. States Parties undertake to adopt all necessary measures and in particular shall provide budgetary and other resources for the full and effective implementation of the rights herein recognised.

Article 27: Interpretation
The African Court on Human and Peoples’ Rights shall be seized with matters of interpretation arising from the application or implementation of this Protocol.

Article 28: Signature, Ratification and Accession
1. This Protocol shall be open for signature, ratification and accession by the States Parties, in accordance with their respective constitutional procedures.
2. The instruments of ratification or accession shall be deposited with the Chairperson of the Commission of the AU.

Article 29: Entry into Force
1. This Protocol shall enter into force thirty (30) days after the deposit of the fifteenth (15) instrument of ratification.
2. For each State Party that accedes to this Protocol after its coming into force, the Protocol shall come into force on the date of deposit of the instrument of accession.
3. The Chairperson of the Commission of the AU shall notify all Member States of the coming into force of this Protocol.

Article 30: Amendment and Revision
1. Any State Party may submit proposals for the amendment or revision of this Protocol.
2. Proposals for amendment or revision shall be submitted, in writing, to the Chairperson of the Commission of the AU who shall transmit the same to the States Parties within thirty (30) days of receipt thereof.
3. The Assembly, upon advice of the African Commission, 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.
4. Amendments or revision shall be adopted by the Assembly by a simple majority.
5. The amendment shall come into force for each State Party, which has accepted it thirty (30) days after the Chairperson of the Commission of the AU has received notice of the acceptance.

Article 31: Status of the Present Protocol
None of the provisions of the present Protocol shall affect more favourable provisions for the realisation of the rights of women contained in the national legislation of States Parties or in any other regional, continental or international conventions, treaties or agreements applicable in these States Parties.

Article 32: Transitional Provisions
Pending the establishment of the African Court on Human and Peoples’ Rights, the African Commission on Human and Peoples’ Rights shall be seized with matters of interpretation arising from the application and implementation of this Protocol.

Adopted by the 2nd Ordinary Session of the Assembly of the Union Maputo, 11 July 2003
C. The African Youth Charter

PREAMBLE

GUIDED by the Constitutive Act of the African Union, the States Parties to the present “African Youth Charter”,
GUIDED by the vision, hopes and aspirations of the African Union, inclusive of Africa’s integration, the inherent
dignity and inalienable rights afforded to all members of the human family as set out in the United Nations
Universal Declaration of Human Rights (1948), the International Covenant of Civil and
Political Rights (1976) and the International Covenant on Economic, Social and Cultural Rights (1976), and
articulated for the African peoples through the African Charter on Human and People’s Rights (1986);
RECALLING the resolution of the Heads of State and government during the 1999 Algiers Summit for the
development of the Pan-African Charter;
FULLY ATTACHED to the virtues and values of African historical tradition and civilization which form the
foundation for our concept of people’s rights;
RECALLING the historic injustices imposed on Africa such as slavery, colonization, depletion of natural resources
and taking into account the firm will of African peoples for self-determination and the economic integration of
Africa;
CONVINCED that Africa’s greatest resource is its youthful population and that through their active and full
participation, Africans can surmount the difficulties that lie ahead;
BEARING IN MIND the international Convention on the Elimination of All Forms of Discrimination Against
Women (1979) and the Protocol to the African Charter on Human and Peoples’ Rights relating to the Rights of
Women in Africa (2003) and the progress achieved in eliminating gender discrimination, but ever cognisant of
the obstacles that still prevent girls and women from fully participating in African society;
REAFFIRMING the need to take appropriate measures to promote and protect the rights and welfare of children
as outlined in the Convention of the Rights of the Child (1989) and through the African Charter on the Rights and
Welfare of the Child (1999),
ACKNOWLEDGING the commitments already made towards the United Nations Millennium Development Goals
(MDGs) and inviting the partners to reaffirm their support to advance the well-being of youth;
RECOGNISING the efforts made by States Parties and civil societies to address the economic, social, educational,
cultural and spiritual needs of youth;
NOTING with concern the situation of African youth, many of whom are marginalized from mainstream society
through inequalities in income, wealth and power, unemployment and underemployment, infected and affected
by the HIV/AIDS pandemic, living in situations of poverty and hunger, experiencing illiteracy and poor quality
educational systems, restricted access to health services and to information, exposure to violence including
gender violence, engaging in armed conflicts and experiencing various forms of discrimination;
RECALLING the United Nations World Programme of Action for Youth to the Year 2000 and beyond and the ten
priority areas identified for youth (education, employment, hunger and poverty, health, environment, drug
abuse, juvenile delinquency, leisure-time activities, girls and young women and youth participating in decision-
making), and the five additional areas (HIV/AIDS, ICT, Intergenerational dialogue,..) adopted at the 2005 UN
General assembly;
RECOGNISING that youth are partners, assets and a prerequisite for sustainable development and for the peace
and prosperity of Africa with a unique contribution to make to the present and to future development;
CONSIDERING the role that youth have played in the process of decolonisation, the struggle against apartheid
and more recently in its efforts to encourage the development and to promote the democratic processes on the
African Continent;
REAFFIRMING that the continuous cultural development of Africa rests with its youth and therefore requires
their active and enlightened participation as espoused in the Cultural Charter for Africa ;
GUIDED by the New Partnership for Africa’s Development Strategic Framework for Youth Programme of 2004
that is working towards youth empowerment and development;

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ACKNOWLEDGING the increasing calls and the enthusiasm of youth to actively participate at local, national, regional and international levels to determine their own development and the advancement of society at large; ACKNOWLEDGING ALSO the call in Bamako (2005) by the youth organizations across Africa to empower youth by building their capacity, leadership, responsibilities and provide access to information such that they can take up their rightful place as active agents in decision-making and governance; TAKING INTO CONSIDERATION the inter-relatedness of the challenges facing youth and the need for cross-sectoral policies and programmes that attend to the needs of youth in a holistic manner; CONSIDERING that the promotion and protection of the rights of youth also implies the performance of duties by youth as by all other actors in society; TAKING INTO CONSIDERATION the needs and aspirations of young displaced persons, refugees and youth with special needs; HAVE AGREED AS FOLLOWS:

DEFINITIONS
“Chairperson” shall mean the Chairperson of the African Union Commission;
“Charter” shall mean the African Youth Charter;
“Commission” shall mean the Commission of African Union
“Diaspora” shall mean peoples of African descent and heritage living outside the continent, irrespective of their citizenship and who remain committed to contribute to the development of the continent and the building of the African Union (DOC.EX.CL/164(VII))
“Member States” shall mean Member States of the African Union
“Minors” shall mean young people aged 15 to 17 years subject to each country’s laws
“States Parties” shall mean Member States, which have ratified or acceded to the present Charter;
“Union” shall mean the African Union
“Youth” For the purposes of this Charter, youth or young people shall refer to every person between the ages of 15 and 35 years.

PART 1: RIGHTS AND DUTIES
Article 1: Obligation of State Parties
1. States Parties of the African Union to the present Charter shall recognize the rights, freedoms and duties enshrined in this Charter.
2. State Parties shall undertake the necessary steps, in accordance with their Constitutional processes and with the provisions of the present Charter, to adopt such legislative or other measures that may be necessary to give effect to the provisions of the Charter.
Article 2: Non-discrimination
1. Every young person shall be entitled to the enjoyments of the rights and freedoms recognized and guaranteed in this Charter irrespective of their race, ethnic group, colour, sex, language, religion, political or other opinion, national and social origin, fortune, birth or other status.
2. States Parties shall take appropriate measures to ensure that youth are protected against all forms of discrimination on the basis of status, activities, expressed opinions or beliefs.
3. State Parties shall recognize the rights of Young people from ethnic, religious and linguistic marginalized groups or youth of indigenous origin, to enjoy their own culture, freely practice their own religion or to use their own language in community with other members of their group.
Article 3: Freedom of Movement
1. Every young person has the right to leave any country, including his/her own, and to return to his/her country.
Article 4: Freedom of Expression
1. Every young person shall be assured the right to express his or her ideas and opinions freely in all matters and to disseminate his or her ideas and opinions subject to the restrictions as are prescribed by laws.
2. Every young person shall have the freedom to seek, receive and disseminate information and ideas of all kinds, either orally, in writing, in print, in the form of art or through any media of the young person’s choice subject to the restrictions as are prescribed by laws.

**Article 5: Freedom of Association**
1. Every young person shall have the right to free association and freedom of peaceful assembly in conformity with the law.
2. Young people shall not be compelled to belong to an association.

**Article 6: Freedom of Thought, Conscience and Religion**
Every young person shall have the right to freedom of thought, conscience and religion.

**Article 7: Protection of Private Life**
No young person shall be subject to the arbitrary or unlawful interference with his/her privacy, residence or correspondence, or to attacks upon his/her honour or reputation.

**Article 8: Protection of the Family**
1. The family, as the most basic social institution, shall enjoy the full protection and support of States Parties for its establishment and development noting that the structure and form of families varies in different social and cultural contexts.
2. Young men and women of full age who enter into marriage shall do so based on their free consent and shall enjoy equal rights and responsibilities.

**Article 9: Property**
1. Every young person shall have the right to own and to inherit property.
2. States Parties shall ensure that young men and young women enjoy equal rights to own property.
3. States Parties shall ensure that youth are not arbitrarily deprived of their property including inherited property.

**Article 10: Development**
1. Every young person shall have the right to social, economic, political and cultural development with due regard to their freedom and identity and in equal enjoyment of the common heritage of mankind.
2. States Parties shall encourage youth organizations to lead youth programmes and to ensure the exercise of the right to development.
3. States Parties shall:
   a) Encourage the media to disseminate information that will be of economic, political, social and cultural benefit to youth;
   b) Promote the development of youth media for the dissemination of information to young people;
   c) Encourage international co-operation in the production, exchange and dissemination of information from both national and international sources that are of economic, social and cultural value to youth;
   d) Provide access to information and education and training for young people to learn their rights and responsibilities, to be schooled in democratic processes, citizenship, decision-making, governance and leadership such that they develop the technical skills and confidence to participate in these processes;

**Article 11: Youth Participation**
1. Every young person shall have the right to participate in all spheres of society.
2. States Parties shall take the following measures to promote active youth participation in society: They shall:
   a) Guarantee the participation of youth in parliament and other decision making bodies in accordance with the prescribed laws;
   b) Facilitate the creation or strengthening of platforms for youth participation in decision-making at local, national, regional, and continental levels of governance;
   c) Ensure equal access to young men and young women to participate in decision-making and in fulfilling civic duties;
   d) Give priority to policies and programmes including youth advocacy and peer-to-peer programmes for marginalised youth, such as out-of-school and out-of-work youth, to offer them the opportunity and motivation to re-integrate into mainstream society;
e) Provide access to information such that young people become aware of their rights and of opportunities to participate in decision-making and civic life;

f) Institute measures to professionalize youth work and introduce relevant training programmes in higher education and other such training institutions;

g) Provide technical and financial support to build the institutional capacity of youth organisations;

h) Institute policy and programmes of youth voluntarism at local, national, regional and international levels as an important form of youth participation and as a means of peer-to-peer training.

i) Provide access to information and services that will empower youth to become aware of their rights and responsibilities,

j) Include youth representatives as part of delegations to ordinary sessions and other relevant meetings to broaden channels of communication and enhance the discussion of youth related issues.

Article 12: National Youth Policy

1. Every State Parties shall develop a comprehensive and coherent national youth policy.

a) The policy shall be cross-sectoral in nature considering the interrelatedness of the challenges facing young people;

b) The development of a national youth policy shall be informed by extensive consultation with young people and cater for their active participation in decision-making at all levels of governance in issues concerning youth and society as a whole;

c) A youth perspective shall be integrated and mainstreamed into all planning and decision-making as well as programme development. The appointment of youth focal points in government structures shall enable this process;

d) Mechanisms to address these youth challenges shall be framed within the national development framework of the country;

e) The policy shall provide guidelines on the definition of youth adopted and specify subgroups that shall be targeted for development;

f) The policy shall advocate equal opportunities for young men and for young women;

g) A baseline evaluation or situation analysis shall inform the policy on the priority issues for youth development;

h) The policy shall be adopted by parliament and enacted into law;

i) A national youth coordinating mechanism shall be set up and shall provide a platform as well as serve as a linking agent for youth organisations to participate in youth policy development as well as the implementation, monitoring and evaluation of related programmes;

j) National programmes of action shall be developed that are time bound and that are connected to an implementation and evaluation strategy for which indicators shall be outlined;

k) Such a programme of action shall be accompanied by adequate and sustained budgetary allocation.

Article 13: Education and Skills Development

1. Every young person shall have the right to education of good quality.

2. The value of multiple forms of education, including formal, non-formal, informal, distance learning and lifelong learning, to meet the diverse needs of young people shall be embraced.

3. The education of young people shall be directed to:

a) The promotion and holistic development of the young person’s cognitive and creative and emotional abilities to their full potential;

b) Fostering respect for human rights and fundamental freedoms as set out in the provisions of the various African human and people’s rights and international human rights declarations and conventions;

c) Preparing young people for responsible lives in free societies that promote peace, understanding, tolerance, dialogue, mutual respect and friendship among all nations and across all groupings of people;

d) The preservation and strengthening of positive African morals, traditional values and cultures and the development of national and African identity and pride;

e) The development of respect for the environment and natural resources;
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f) The development of life skills to function effectively in society and include issues such as HIV/AIDS, reproductive health, substance abuse prevention and cultural practices that are harmful to the health of young girls and women as part of the education curricula;

4. States Parties shall take all appropriate measures with a view to achieving full realisation of this right and shall, in particular:

a) Provide free and compulsory basic education and take steps to minimise the indirect costs of education;

b) Make all forms of secondary education more readily available and accessible by all possible means including progressively free;

c) Take steps to encourage regular school attendance and reduce drop-out rates;

d) Strengthen participation in and the quality of training in science and technology;

e) Revitalise vocational education and training relevant to current and prospective employment opportunities and expand access by developing centres in rural and remote areas;

f) Make higher education equally accessible to all including establishing distance learning centres of excellence;

g) Avail multiple access points for education and skills development including opportunities outside of mainstream educational institutions e.g., workplace skills development, distance learning, adult literacy and national youth service programmes;

h) Ensure, where applicable, that girls and young women who become pregnant or married before completing their education shall have the opportunity to continue their education;

i) Allocate resources to upgrade the quality of education delivered and ensure that it is relevant to the needs of contemporary society and engenders critical thinking rather than rote learning;

j) Adopt pedagogy that incorporates the benefits of and trains young people in the use of modern information and communication technology such that youth are better prepared for the world of work;

k) Encourage youth participation in community work as part of education to build a sense of civic duty;

l) Introduce scholarship and bursary programmes to encourage entry into post-primary school education and into higher education outstanding youth from disadvantaged communities, especially young girls;

m) Establish and encourage participation of all young men and young women in sport, cultural and recreational activities as part of holistic development;

n) Promote culturally appropriate, age specific sexuality and responsible parenthood education;

o) Promote the equivalence of degrees between African educational institutions to enable the youth to study and work in State Parties;

p) Adopt preferential recruitment policies for African youth with specialised skills amongst States Parties.

5. Youth are determined to transform the continent in the fields of science and technology. Therefore they are committed to:

a) Promoting and using science and technology in Africa;

b) Conducting research towards science and technology.

6. State Parties should encourage youth to conduct research. In this regard, an African discoveries day should be established along with mechanism of awarding prizes at the continental level.

7. Enterprises that are located in Africa should establish partnerships with training institutions to contribute to technology transfer for the benefit of African students and researchers.

**Article 14: Poverty Eradication and Socio-economic Integration of Youth**

1. States Parties shall: Recognise the right of young people to a standard of living adequate for their holistic development.

2. Recognise the right of young people to be free from hunger and shall take individual or collective measures to:

a) Enhance the attractiveness of rural areas to young people by improving access to services and facilities such as educational and cultural services;

b) Train young people to take up agricultural, mineral, commercial and industrial production using contemporary systems and promote the benefits of modern information and communication technology to gain access to existing and new markets;

c) Provide grants of land to youth and youth organisations for socioeconomic development purposes;
d) Facilitate access to credit to promote youth participation in agricultural and other sustainable livelihood projects;
e) Facilitate the participation of young people in the design, implementation, monitoring and evaluation of national development plans, policies and poverty reduction strategies.

3. Recognise the right of every young person to benefit from social security, including social insurance. In this regard, States Parties shall take the necessary measures to achieve the full realisation of these rights in accordance with their national law especially when the security of food tenure, clothing, housing and other basic needs are compromised.

**Article 15: Sustainable Livelihoods and Youth Employment**

1. Every young person shall have the right to gainful employment.
2. Every young person shall have the right to be protected from economic exploitation and from performing work that is likely to be hazardous to or interfere with the young person’s education, or to be harmful to the young person’s health or holistic development.
3. States Parties shall address and ensure the availability of accurate data on youth employment, unemployment and underemployment so as to facilitate the prioritisation of the issue in National development programmes complemented by clear programmes to address unemployment;
4. States Parties shall take all appropriate measures with a view to achieving full realisation of this right to gainful employment and shall in particular:
   a) Ensure equal access to employment and equal pay for equal work or equal value of work and offer protection against discrimination regardless of ethnicity, race, gender, disability, religion, political, social, cultural or economic background;
   b) Develop macroeconomic policies that focus on job creation particularly for youth and for young women;
   c) Develop measures to regulate the informal economy to prevent unfair labour practices where the majority of youth work;
   d) Foster greater linkages between the labour market and the education and training system to ensure that curricula are aligned to the needs of the labour market and that youth are being trained in fields where employment opportunities are available or are growing;
   e) Implement appropriately-timed career guidance for youth as part of the schooling and post-schooling education system;
   f) Promote youth entrepreneurship by including entrepreneurship training in the school curricula, providing access to credit, business development skills training, mentorship opportunities and better information on market opportunities;
   g) Institute incentive schemes for employers to invest in the skills development of employed and unemployed youth;
   h) Institute national youth service programmes to engender community participation and skills development for entry into the labour market.

**Article 16: Health**

1. Every young person shall have the right to enjoy the best attainable state of physical, mental and spiritual health.
2. States Parties shall undertake to pursue the full implementation of this right and in particular shall take measures to:
   a) Make available equitable and ready access to medical assistance and health care especially in rural and poor urban areas with an emphasis on the development of primary health care;
   b) Secure the full involvement of youth in identifying their reproductive and health needs and designing programmes that respond to these needs with special attention to vulnerable and disadvantaged youth;
   c) Provide access to youth friendly reproductive health services including contraceptives, antenatal and postnatal services;
   d) Institute programmes to address health pandemics in Africa such as HIV/AIDS, tuberculosis and malaria;
e) Institute comprehensive programmes to prevent the transmission of sexually transmitted infections and HIV/AIDS by providing education, information, communication and awareness creation as well as making protective measures and reproductive health services available;

f) Expand the availability and encourage the uptake of voluntary counseling and confidential testing for HIV/AIDS;

g) Provide timely access to treatment for young people infected with HIV/AIDS including prevention of mother to child transmission, post rape prophylaxis, and anti-retroviral therapy and creation of health services specific for young people;

h) Provide food security for people living with HIV/AIDS;

i) Institute comprehensive programmes including legislative steps to prevent unsafe abortions;

j) Take legislative steps such as banning advertising and increasing price in addition to instituting comprehensive preventative and curative programmes to control the consumption of tobacco, exposure to environmental tobacco smoke and alcohol abuse;

k) Raise awareness amongst youth on the dangers of drug abuse through partnerships with youth, youth organisations and the community;

l) Strengthen local, national, regional and international partnerships to eradicate the demand, supply and trafficking of drugs including using youth to traffic drugs;

m) Provide rehabilitation for young people abusing drugs such that they can be re-integrated into social and economic life;

n) Provide technical and financial support to build the institutional capacity of youth organisations to address public health concerns including issues concerning youth with disabilities and young people married at an early age.

Article 17: Peace and Security

In view of the important role of youth in promoting peace and non-violence and the lasting physical and psychological scars that result from involvement in violence, armed conflict and war, States Parties shall:

a) Strengthen the capacity of young people and youth organisations in peace building, conflict prevention and conflict resolution through the promotion of intercultural learning, civic education, tolerance, human rights education and democracy, mutual respect for cultural, ethnic and religious diversity, the importance of dialogue and cooperation, responsibility, solidarity and international cooperation;

b) Institute mechanisms to promote a culture of peace and tolerance amongst young people that discourages their participation in acts of violence, terrorism, xenophobia, racial discrimination, gender-based discrimination, foreign occupation and trafficking in arms and drugs;

c) Institute education to promote a culture of peace and dialogue in all schools and training centres at all levels;

d) Condemn armed conflict and prevent the participation, involvement, recruitment and sexual slavery of young people in armed conflict;

e) Take all feasible measures to protect the civilian population, including youth, who are affected and displaced by armed conflict;

f) Mobilise youth for the reconstruction of areas devastated by war, bringing help to refugees and war victims and promoting peace, reconciliation and rehabilitation activities;

g) Take appropriate measures to promote physical and psychological recovery and social reintegration of young victims of armed conflict and war by providing access to education and skills development such as vocational training to resume social and economic life.

Article 18: Law Enforcement

1. Every young person accused or found guilty of having infringed the penal law shall have the right to be treated with humanity and with respect for the inherent dignity of the human person.

2. States Parties shall in particular:

a) Ensure that youth who are detained or imprisoned or in rehabilitation centres are not subjected to torture, inhumane or degrading treatment or punishment;

b) Ensure that accused minors shall be segregated from convicted persons and shall be subject to separate treatment appropriate to their status;
c) Build rehabilitation facilities for accused and imprisoned youth who are still minors and house them separately from adults;
d) Provide induction programmes for imprisoned youth that are based on reformation, social rehabilitation and re-integration into family life;
e) Make provisions for the continued education and skills development of imprisoned young people as part of the restorative justice process.
f) Ensure that accused and convicted young people are entitled to a lawyer.

**Article 19: Sustainable Development and Protection of the Environment**

1. States Parties shall ensure the use of sustainable methods to improve the lives of young people such that measures instituted do not jeopardize opportunities for future generations.
2. States Parties shall recognise the vested interest of young people in protecting the natural environment as the inheritors of the environment. In this regard, they shall:
   a) Encourage the media, youth organisations, in partnership with national and international organisations, to produce, exchange and disseminate information on environmental preservation and best practices to protect the environment;
   b) Train youth in the use of technologies that protect and conserve the environment;
   c) Support youth organisations in instituting programmes that encourage environmental preservation such as waste reduction, recycling and tree planting programmes;
   d) Facilitate youth participation in the design, implementation and evaluation of environmental policies including the conservation of African natural resources at local, national, regional and international levels;
   e) Develop realistic and flexible strategies for the regeneration of forests;
   f) Initiate intensive actions to prevent the expansion of deserts.

**Article 20: Youth and Culture**

1. States Parties shall take the following steps to promote and protect the morals and traditional values recognised by the community:
   a) Eliminate all traditional practices that undermine the physical integrity and dignity of women;
   b) Recognise and value beliefs and traditional practices that contribute to development;
   c) Establish institutions and programmes for the development, documentation, preservation and dissemination of culture;
   d) Work with educational institutions, youth organisations, the media and other partners to raise awareness of and teach and inform young people about African culture, values and indigenous knowledge;
   e) Harness the creativity of youth to promote local cultural values and traditions by representing them in a format acceptable to youth and in a language and in forms to which youth are able to relate;
   f) Introduce and intensify teaching in African languages in all forms of education as a means to accelerate economic, social, political and cultural development;
   g) Promote inter-cultural awareness by organising exchange programmes between young people and youth organisations within and across States Parties.
2. States Parties recognise that the shift towards a knowledge-based economy is dependent on information and communication technology which in turn has contributed towards a dynamic youth culture and global consciousness. In this regard, they shall:
   a) Promote widespread access to information and communication technology as a means for education, employment creation, interacting effectively with the world and building understanding, tolerance and appreciation of other youth cultures;
   b) Encourage the local production of and access to information and communication technology content;
   c) Engage young people and youth organisations to understand the nexus between contemporary youth culture and traditional African culture, and enable them to express this fusion through drama, art, writing, music and other cultural and artistic forms;
   d) Help young people to use positive elements of globalisation such as science and technology and information and communication technology to promote new cultural forms that link the past to the future;
Article 21: Youth in the Diaspora
States Parties shall recognise the right of young people to live anywhere in the world. In this regard, they shall:
a) Promote the equivalence of degrees between African educational institutions to enable the youth to study and work in State Parties;
b) Promote the recruitment of African youth with specialized skills, in the spirit of African solutions for African problems, according to national policies and priorities;
c) Facilitate youth organisations to liaise and collaborate with the African youth Diaspora;
d) Establish structures that encourage and assist the youth in the diaspora to return to and fully re-integrate into the social and economic life in Africa;
e) Promote and protect the rights of young people living in the diaspora;
f) Encourage young people in the diaspora to engage themselves in development activities in their country of origin.

Article 22: Leisure, Recreation, Sportive and Cultural Activities
1. Young people shall have the right to rest and leisure and to engage in play and recreational activities that are part of a healthy lifestyle as well as to participate freely in sport, physical education, drama, the arts, music and other forms of cultural life. In this regard, States Parties shall:
a) Make provision for equal access for young men and young women to sport, physical education, cultural, artistic, recreational and leisure activities;
b) Put in place adequate infrastructure and services in rural and urban areas for youth to participate in sport, physical education, cultural, artistic, recreational and leisure activities.

Article 23: Girls and Young Women
1. States Parties acknowledge the need to eliminate discrimination against girls and young women according to obligations stipulated in various international, regional and national human rights conventions and instruments designed to protect and promote women’s rights. In this regard, they shall:
a) Introduce legislative measures that eliminate all forms of discrimination against girls and young women and ensure their human rights and fundamental freedoms;
b) Ensure that girls and young women are able to participate actively, equally and effectively with boys at all levels of social, educational, economic, political, cultural, civic life and leadership as well as scientific endeavours;
c) Institute programmes to make girls and young women aware of their rights and of opportunities to participate as equal members of society;
d) Guarantee universal and equal access to and completion of a minimum of nine years of formal education;
e) Guarantee equal access to and completion of vocational, secondary and higher education in order to effectively address the existing imbalance between young men and women in certain professions;
f) Ensure that education material and teaching practices are gender sensitive and encourage girls and young women to undertake studies in the sciences;
g) Provide educational systems that do not impede girls and young women, including married and/or pregnant young women, from attending;
h) Take steps to provide equal access to health care services and nutrition for girls and young women;
i) Protect girls and young women from economic exploitation and from performing work that is hazardous, takes them away from education or that is harmful to their mental or physical health;
j) Offer equal access to young women to employment and promote their participation in all sectors of employment;
k) Introduce special legislation and programmes of action that make available opportunities to girls and young women including access to education as a prerequisite and a priority for rapid social and economic development;
l) Enact and enforce legislation that protect girls and young women from all forms of violence, genital mutilation, incest, rape, sexual abuse, sexual exploitation, trafficking, prostitution and pornography;
Works hop on Regional Instruments of Democratic Governance and Conflict Prevention in West Africa (SWAC/OECD - 16 to 19 October 2007)

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m) Develop programmes of action that provide legal, physical and psychological support to girls and young women who have been subjected to violence and abuse such that they can fully re-integrate into social and economic life;
n) Secure the right for young women to maternity leave.

**Article 24: Mentally and Physically Challenged Youth**

1. States Parties recognise the right of mentally and physically challenged youth to special care and shall ensure that they have equal and effective access to education, training, health care services, employment, sport, physical education and cultural and recreational activities.
2. State Parties shall work towards eliminating any obstacles that may have negative implications for the full integration of mentally and physically challenged youth into society including the provision of appropriate infrastructure and services to facilitate easy mobility.

**Article 25: Elimination of Harmful Social and Cultural Practices**

State Parties shall take all appropriate steps to eliminate harmful social and cultural practices that affect the welfare and dignity of youth, in particular;

a) Customs and practices that harm the health, life or dignity of the youth;
b) Customs and practices discriminatory to youth on the basis of gender, age or other status.

**Article 26: Responsibilities of Youth**

Every young person shall have responsibilities towards his family and society, the State, and the international community. Youth shall have the duty to:
a) Become the custodians of their own development;
b) Protect and work for family life and cohesion;
c) Have full respect for parents and elders and assist them anytime in cases of need in the context of positive African values;
d) Partake fully in citizenship duties including voting, decision making and governance;
e) Engage in peer-to-peer education to promote youth development in areas such as literacy, use of information and communication technology, HIV/AIDS prevention, violence prevention and peace building;
f) Contribute to the promotion of the economic development of States Parties and Africa by placing their physical and intellectual abilities at its service;
g) Espouse an honest work ethic and reject and expose corruption;
h) Work towards a society free from substance abuse, violence, coercion, crime, degradation, exploitation and intimidation;
i) Promote tolerance, understanding, dialogue, consultation and respect for others regardless of age, race, ethnicity, colour, gender, ability, religion, status or political affiliation;
j) Defend democracy, the rule of law and all human rights and fundamental freedoms;
k) Encourage a culture of voluntarism and human rights protection as well as participation in civil society activities;
l) Promote patriotism towards and unity and cohesion of Africa;
m) Promote, preserve and respect African traditions and cultural heritage and pass on this legacy to future generations;
n) Become the vanguard of re-presenting cultural heritage in languages and in forms to which youth are able to relate;
o) Protect the environment and conserve nature.

**Article 27: Popularization of the Charter**

States Parties shall have the duty to promote and ensure through teaching, education and publication, the respect of rights, responsibilities and freedoms contained in the present Charter and to see to it that these freedoms, rights and responsibilities as well as corresponding obligations and duties are understood.

**Article 28: Duties of the African Union Commission**

The African Union Commission shall ensure that States Parties respect the commitments made and fulfill the duties outlined in the present Charter by;
a) Collaborating with governmental, non-governmental institutions and developmental partners to identify best practices on youth policy formulation and implementation and encouraging the adaptation of principles and experiences among States Parties;

b) Inviting States Parties to include youth representatives as part of their delegations to the ordinary sessions of the African Union and other relevant meetings of the policy organs to broaden the channels of communication and enhance the discussion of youth-related issues;

c) Instituting measures to create awareness of its activities and make information on its activities more readily available and accessible to youth;

d) Facilitating exchange and co-operation between youth organizations across national borders in order to develop regional youth solidarity, political consciousness and democratic participation in collaboration with development partners.

PART 2: Final Provisions

Article 29: Savings clause
Nothing in this Charter shall be taken as minimising higher standards and values contained in other relevant human rights instruments ratified by States concerned or rational law or policies.

Article 30: Signature, Ratification or Adherence
1. The present Charter shall be open to signature by all the Member States. The present Charter shall be subject to ratification or accession by Member States. The instrument of ratification or accession to the present Charter shall be deposited with the Chairperson of the Commission.
2. The present Charter shall come into force thirty (30) days after the deposit with the Chairperson of the Commission of the instruments of ratification of fifteen (15) Member States.

Article 31: Amendment and Revision of the Charter
1. The present Charter may be amended or revised if any Member State makes a written request to that effect to the Chairperson of the Commission, provided that the proposed amendment is not submitted to the Assembly of the Union for consideration until all Member States have been duly notified of it.
2. An amendment shall be approved by a simple majority of the Member States. Such amendment shall come into force for each Member States that has ratified or acceded to it on the date of the deposit of its instrument of ratification.

ADOPTED BY THE SEVENTH ORDINARY SESSION OF THE ASSEMBLY, HELD IN BANJUL, THE GAMBIA ON 2ND JULY 2006

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III. DECLARATIONS OF FRENCH-SPEAKING COUNTRIES ORGANISATION
A. Prévention des conflits et Sécurité humaine : 
Déclaration de Saint-Boniface¹

adoptée le 14 mai 2006

Nous, Ministres et Chefs de délégation des États et gouvernements ayant le français en partage, réunis à Saint-Boniface les 13 et 14 mai 2006, dans le cadre de la Conférence ministérielle de la Francophonie sur la prévention des conflits et la sécurité humaine;

Nous fondant sur les dispositions de la Charte de la Francophonie adoptée à Antananarivo en novembre 2005 ainsi que sur les orientations définies par nos Chefs d'État et de gouvernement dans le Cadre stratégique décennal de la Francophonie, adopté lors du Sommet de Ouagadougou, en novembre 2004, et Rappelant en particulier les objectifs stratégiques arrêtés dans ce dernier, portant sur la consolidation de la démocratie, des droits de l'Homme et de l'État de droit, ainsi que sur la prévention des conflits et l'accompagnement des processus de sortie de crises, de transition démocratique et de consolidation de la paix ;

Convaincus que, dans un monde plus que jamais interdépendant, confronté à des dangers communs et à des menaces transnationales, le multilatéralisme demeure le cadre privilégié de la coopération internationale ; que la construction de la paix, le renforcement de la sécurité collective et le développement durable à l'échelle mondiale sont une tâche commune qui doit se réaliser dans le respect de la souveraineté des États, de l'égalité des droits des peuples et de leur droit à disposer d'eux-mêmes, et que le recours à la force est du ressort ultime du Conseil de sécurité, qui l'exerce dans le respect de la Charte des Nations Unies et des règles du droit international ;

Persuadés que l'instauration du dialogue des cultures et des civilisations, comme l'affermissement de la solidarité entre les nations, sont de nature à réduire les tensions, à prévenir les conflits et à renforcer la lutte contre le terrorisme ;

Convaincus également que la prévention des crises et des conflits repose aussi sur la sécurité de l'individu, la satisfaction de ses besoins vitaux, notamment celui de vivre en paix, le respect de tous ses droits, y compris le droit au développement, toutes exigences conditionnées par l’existence d’un Etat de droit démocratique ;

Convaincus enfin que la sécurité, la paix, le respect de tous les droits de l'Homme - assortis de mécanismes de garantie -, la démocratie et le développement, composantes essentielles de la sécurité humaine, sont indissociables et constituent des objectifs liés et interdépendants ;

Conscients de l’étape majeure que représente l’adoption de la Déclaration de Bamako de novembre 2000, pour l’affirmation de la Francophonie politique et l’approfondissement du dialogue et de la coopération entre nos États et gouvernements autour de l’État de droit, de la démocratie et des droits de l’Homme, et ;

Reconnaissant la contribution significative de la mise en œuvre du dispositif de Bamako aux progrès accomplis dans la promotion de la paix au sein de l’espace francophone, dans une démarche tant de prévention structurelle que d’accompagnement des sorties de crises et des transitions ;

Faisant nôtres les conclusions du Symposium international sur les pratiques de la démocratie, des droits et des libertés dans l’espace francophone (Bamako +5) de novembre 2005, telles qu’exprimées dans l’Acte final qui a confirmé l’adhésion unanime aux engagements et au mécanisme de suivi consignés dans la Déclaration de

¹Document available in French only
Bamako, ainsi que la portée de celle-ci comme instrument normatif et d’action au service de la paix, sous l’impulsion du Secrétaire général, et qui a invité l’Organisation internationale de la Francophonie à accroître ses efforts en faveur de la prévention des conflits, grâce à l’alerte précoce et à la diplomatie préventive, ainsi qu’à renforcer son interaction avec les Etats et gouvernements membres ;

Rappelant les engagements souscrits par nos chefs d’Etat et de gouvernement lors de leurs Conférences au Sommet, notamment dans les Déclarations de Moncton (1999) et de Beyrouth (2002), en lien avec la prévention des conflits, la paix et la sécurité internationales;

Rappelant en particulier le rôle précurseur joué par la Francophonie dans la Déclaration de Ouagadougou (2004) sur la responsabilité de protéger et notamment en ce qui concerne celle des Etats de protéger les populations sur leurs territoires et la responsabilité de la communauté internationale, lorsqu’un Etat n’est pas en mesure ou n’est pas disposé à exercer cette responsabilité, de réagir, dans le cadre d’un mandat du Conseil de sécurité des Nations Unies et sous son égide, pour protéger les populations victimes de violations massives des droits de l’Homme et du droit international humanitaire;


Prenant acte, à cet égard, de la Résolution 1674 du Conseil de sécurité concernant le renforcement des efforts de protection des civils, en période de conflit armé, particulièrement les femmes et les enfants, ainsi que la responsabilité et le rôle d’accompagnement de la communauté internationale ;

Prenant acte également des conclusions du même Sommet, appelant à l’instauration d’un ordre international plus juste, fondé sur le caractère universel, indivisible et interdépendant des droits de l’Homme, de la sécurité et du développement, et sur les droits de tout être humain de vivre à l’abri du besoin, de la peur et dans la dignité ;

Déterminés à concrétiser l’ambition d’une Francophonie qui, au cours de la décennie 2005-2014, entend valoriser son approche et ses acquis au service de la prévention et du règlement des conflits, tout en accompagnant résolument les efforts de la communauté internationale visant à construire un système international plus efficace, rénové dans ses structures, ses mécanismes et ses normes ;

1. Réitérons notre attachement à un système multilatéral actif, efficace et imprégné des valeurs démocratiques, fondé sur le respect de l’intégrité territoriale, l’indépendance politique, la souveraineté des Etats et le principe de non ingérence dans les affaires intérieures, et favorisant le règlement pacifique des différends et la renonciation au recours à la menace ou à l’emploi de la force dans les relations internationales, conformément au droit international ; Soutenons avec intérêt, dans ce contexte, les réflexions à venir aux Nations Unies visant l’établissement de principes directeurs du recours à la force ;

2. Soulignons la responsabilité qui incombe à chaque État de protéger les civils sur son territoire ou sur un territoire qu’il contrôle ; Réaffirmons que cette responsabilité exige la protection des populations contre le génocide, les crimes de guerre, l’épuration ethnique, et les crimes contre l’humanité, ainsi que la poursuite en justice des auteurs de tels actes ; Confirmons la coopération pleine et entière de la Francophonie à l’égard de ses membres qui le souhaitent, pour qu’ils s’acquittent de cette responsabilité;

3. Soulignons la responsabilité de la communauté internationale de réagir d’une façon opportune et décisive, et en conformité avec la légalité internationale, les principes de la Charte des Nations Unies et les prérogatives dévolues au Conseil de sécurité pour protéger les civils contre le génocide, les crimes de guerre, l’épuration ethnique et les crimes contre l’humanité, au cas où les moyens pacifiques s’avéreraient insuffisants et où il serait manifeste que les autorités nationales ne protègent pas leurs populations contre de tels actes ;

4. Réaffirmons notre volonté de conforter l’action préventive de l’Organisation internationale de la Francophonie, telle que prévue par la Déclaration de Bamako et dans le Programme d’action annexé à celle-ci, par une utilisation optimale de ses capacités, afin de lui permettre de jouer pleinement son rôle spécifique dans
l’observation, l’alerte précoce, la diplomatie préventive, la gestion des crises, l’accompagnement des transitions et la consolidation de la paix, et ce, dans le cadre d’une coopération systématique et rationalisée avec les Organisations internationales et régionales ;

5. **Confirmons** notre volonté politique d’agir et d’exercer pleinement notre responsabilité de prévenir l’éclatement des crises et des conflits dans l’espace francophone, limiter leur propagation, faciliter leur règlement pacifique et hâter le retour à une situation de paix durable par la mise en œuvre des dispositions librement consenties au titre de la Déclaration de Bamako et des instruments internationaux auxquels nos États sont parties ;

6. **Soutenons** les efforts que déploie le Secrétaire général de la Francophonie dans l’exercice de son mandat politique et dans la mise en œuvre du dispositif francophone d’alerte précoce, de prévention et de règlement des conflits, fondé sur la consolidation de l’État de droit, la tenue d’élections libres, fiables et transparentes, la promotion d’une vie politique apaisée, d’une culture démocratique intérieursée et du plein respect des droits de l’Homme ; **Confirmons,** à cet égard, notre disponibilité à appuyer pleinement ses initiatives destinées à engager, aux fins de prévention, le dialogue avec nos États et gouvernements, par des actions politiques ou de coopération adaptées, allant de pair ; **Nous engageons,** dans ce sens, à fournir régulièrement des informations sur l’état de mise en œuvre des engagements que nous avons pris à Bamako ;

7. **Invitons** le Secrétaire général, dans cette perspective, à rendre pleinement opérationnel le mécanisme d’observation et d’évaluation permanentes des pratiques de la démocratie, des droits et des libertés dans l’espace francophone ;

8. **Invitons** l’Organisation internationale de la Francophonie à consolider ses capacités d’analyse, en collaboration avec ses États et gouvernements membres et les Organisations internationales et régionales, en s’appuyant sur le Réseau d’information et de concertation, ainsi que sur les réseaux de l’Agence universitaire de la Francophonie ; il s’agira notamment de poursuivre, comme elle l’a fait lors des Rencontres de Cotonou de septembre 2005, organisées conjointement avec l’Union africaine, la réflexion sur les causes et les facteurs de conflictualité, les indicateurs sous-tendant la fonction d’observation et de veille, et les faits considérés comme déclencheurs des mécanismes de sauvegarde et de réaction ;

9. **Encourageons** aussi le Secrétaire général à recourir, aux fins de concertation et de consultation, à tous les instruments dont il dispose, tels les Comités *ad hoc* consultatifs restreints ou les sessions extraordinaires du Conseil permanent de la Francophonie, ainsi qu’à l’envoi, en liaison avec l’Assemblée parlementaire de la Francophonie, de missions d’information, de facilitation et d’observation électorale ; de même que la désignation d’Envoyés ou de Représentants spéciaux ;

10. **Entendons** mettre à profit l’expérience acquise et le savoir-faire développé par l’Organisation internationale de la Francophonie en matière d’accompagnement des processus de sortie de crises et de transition, notamment dans les domaines de l’identification et de la mise en place de mécanismes favorisant le consensus et d’institutions de contrôle, de régulation et de médiation ; **L’appelons** à systématiser sa démarche, caractérisée par l’échange des expériences et par le souci de ne pas imposer de l’extérieur des processus inadaptés ;

11. **Soulignons** l’importance de renforcer les capacités et l’expertise francophones en matière de facilitation et de médiation, notamment par l’identification et la mobilisation des compétences et des acteurs engagés, ainsi que par l’échange d’expériences et la mise en œuvre de programmes de formation ;

12. **Réaffirmons** que le développement économique et social est un élément clé de la prévention structurelle des crises et des conflits, et **Soulignons** à cet égard l’importance d’une coopération internationale solidaire, concertée et agissante ;

13. **Sommes résolus** à participer de façon active et concertée à la mise en place et aux travaux des nouveaux organes institués dans le cadre des Nations Unies, à savoir le Conseil des droits de l’Homme et la Commission de consolidation de la paix, qui seront appelés à jouer, chacun dans leurs domaines, un rôle de premier plan dans la promotion et la protection des droits de l’homme, la prévention des conflits et la sauvegarde de la sécurité humaine ; **Demandons** à l’Organisation internationale de la Francophonie de développer, dans ce cadre, ses actions d’appui à la présence et aux concertations de nos délégués ;
14. Nous engageons à promouvoir et à défendre, au sein du Conseil des droits de l’Homme, le respect intégral des droits de l’Homme, conformément aux engagements pris notamment à Bamako et aux instruments régionaux et internationaux que nous avons ratifiés; Appuyons, à cet égard, les travaux en cours portant sur un projet de Protocole facultatif se rapportant au Pacte international relatif aux droits économiques, sociaux et culturels; Veillerons à ce que le Conseil remplisse son mandat de manière efficace afin de lui permettre de traiter de toutes les questions et situations qui méritent son attention;

15. Encourageons l’Organisation internationale de la Francophonie à établir des liens utiles avec la Commission de consolidation de la paix; Sommes résolus à poursuivre notre plaidoyer, notamment au sein de cet organe, en faveur des pays en situation de sortie de crises pour conforter leurs processus de réconciliation nationale et leurs efforts visant à assurer la gouvernance démocratique, en favorisant par exemple l’accès de ces pays aux financements internationaux;

16. Entendons mettre en oeuvre notre décision d’Antananarivo visant à assurer une plus forte participation de nos pays aux Opérations de maintien de la paix, en étroite coopération avec l’Organisation des Nations Unies et les Organisations régionales compétentes; Entendons également intensifier, à cette fin, les coopérations entre États membres afin de renforcer les capacités des États dont les moyens sont insuffisants;

17. Demandons à l’Organisation internationale de la Francophonie de soutenir cet effort des États membres, en développant, en partenariat avec les coopérations bilatérales et multilatérales, des programmes de formation et en favorisant les échanges d’expériences et de bonnes pratiques;

18. Demandons également au Secrétaire général d’examiner les possibilités pour l’Organisation internationale de la Francophonie d’être associée aux différents programmes de renforcement de capacités en maintien de la paix, tels RECAMP, programme de renforcement des capacités africaines de maintien de la paix, POSPM, programme des opérations de soutien de la paix dans le monde, et PAIM, programme d’aide à l’instruction militaire du Canada, notamment en ce qui concerne la sensibilisation et la formation ainsi que l’assistance technique dans les domaines des droits de l’Homme, des institutions, des textes fondamentaux et des élections;

19. Nous engageons à renforcer nos actions de sensibilisation sur la nécessité d’une maîtrise de la langue de communication en usage dans le pays de déploiement, par les personnels civils et militaires engagés dans les Opérations de maintien de la paix, et encourager les Nations Unies à prendre pleinement en compte cette dimension dans leurs politiques de recrutement et de formation;

20. Nous engageons également à renforcer ces actions pour une meilleure formation des personnels civils et militaires, dans les Opérations de maintien de la paix, à la protection des civils, tout particulièrement en ce qui concerne les abus sexuels, incluant ceux commis par les personnels de ces opérations, et la formation sur l’égalité entre les hommes et les femmes;

21. Appelons l’Organisation internationale de la Francophonie à examiner la possibilité de participer activement, en qualité d’observateur, aux travaux du Comité spécial sur les Opérations de maintien de la paix des Nations Unies, et Décisions de nous concerter au sein de ce Comité et d’organiser à l’avenir, dans le cadre de la Commission politique du Conseil permanent de la Francophonie, une séance d’information à l’issue des sessions de ce Comité;

22. Réaffirmons notre appui au Programme d’action pour prévenir, combattre et éradiquer le commerce illicite des armes légères et de petit calibre dans tous ses aspects; Nous engageons à renforcer la coopération entre nos Etats et gouvernements pour sa mise en œuvre complète et pour l’harmonisation de nos législations nationales en la matière; Confirmons la coopération pleine et entière de nos Etats et gouvernements à l’application des dispositions du droit international relatives à l’exportation ou au transfert d’armes légères et de petit calibre et d’autre matériel militaire, et Entendons participer activement à la Conférence d’examen du Programme d’action des Nations Unies sur le commerce illicite des armes légères et de petit calibre dans tous ses aspects, qui se tiendra en juin 2006 à New York;

23. Nous engageons à collaborer à la réalisation des initiatives prises notamment par les Nations Unies pour surveiller et empêcher l’exploitation et le transfert international ilégal de ressources naturelles, ainsi qu’à appuyer les mesures de contrôle volontaires, comme le Processus de Kimberley et les Principes directeurs pour les entreprises multinationales de l’Organisation de coopération et de développement économiques, et à
encourager l’adoption volontaire des principes de responsabilité sociale des entreprises par ceux qui participent à l’exploitation des ressources naturelles ; **Incitons en outre** à plus de responsabilité et de transparence ceux qui participent à l’importation ou à l’exportation de ressources naturelles provenant de zones de conflit ;

**24. Nous engageons également** à poursuivre notre mobilisation et à renforcer la coopération entre nos États et gouvernements pour l’élimination des mines antipersonnel ; **Encourageons**, à cette fin, les États qui ne l’ont pas encore fait à adhérer à la Convention d’Ottawa sur l’interdiction de l’emploi, du stockage, de la production et des transferts des mines antipersonnel et sur leur destruction ;

**Soutenons** la mise en œuvre par les pays signataires du Plan d’action de Nairobi 2005-2009, afin de respecter les délais impartis par la Convention d’Ottawa pour la destruction des stocks et le nettoyage des zones minées ;

**25. Encourageons également** tous les États qui ne l’ont pas encore fait à adhérer à la Convention de 1980 sur certaines armes classiques « qui peuvent être considérées comme ayant des effets traumatisques excessifs ou comme frappant sans discrimination » et à l’ensemble de ses Protocoles, dont en particulier le Protocole V relatif aux restes explosifs de guerre ; **Nous engageons**, dès l’entrée en vigueur du Protocole V, à renforcer notre mobilisation, ainsi que la coopération entre nos États et gouvernements, contre les restes explosifs de guerre ;

**26. Soulignons**, dans cette perspective, l’importance qui s’attache à une participation active des États membres directement affectés par des problèmes tels que l’enrôlement des enfants dans les conflits armés, les mines antipersonnel ou la prolifération des armes légères et de petit calibre aux débats consacrés à ces questions au sein des instances multilatérales ; **Appelons l’Organisation internationale de la Francophonie à explorer les moyens de favoriser une participation active de ces États** ;

**27. Réitérons** notre engagement à respecter et à faire respecter le droit international humanitaire, notamment dans les situations de conflits armés, et à appliquer les résolutions 1265, 1296, 1325, 1612, 1674 du Conseil de sécurité ; **Recommandons** que la nécessité de protéger les civils en cas de menace imminente de danger physique soit pleinement prise en compte dans les mandats des Opérations de maintien de la paix dotées d’une composante militaire et que celles-ci disposent de ressources nécessaires à cet effet ; **Soulignons**, dans ce contexte, la nécessité d’assurer la sûreté, la sécurité et la liberté de circulation du personnel humanitaire, du personnel des Nations Unies et autres Organisations internationales dûment mandatées, ainsi que du personnel associé, qui doivent avoir un accès sans entrave aux populations civiles, comme le prescrit le droit international humanitaire ;

**28. Réaffirmons** notre obligation de protéger les réfugiés, notamment par le respect du principe de non refoulement et la mise en œuvre des dispositions du droit international en leur faveur, et en soutenant toute action visant les causes de déplacements forcés, pour faire en sorte que ces populations regagnent leurs lieux d’origine en toute sécurité ; **Nous engageons** à trouver des solutions durables au problème des réfugiés, à commencer par l’accès aux trois solutions durables – rapatriement, intégration sur place ou réinstallation dans un pays tiers – ainsi qu’en soutenant toute action visant la prévention des conflits et favorisant le partage des charges, afin d’empêcher que des mouvements de réfugiés ne suscitent des tensions accrues entre États ;

**Soulignons** l’importance de l’enregistrement et du recensement des réfugiés ;

**29. Réaffirmons également** la responsabilité de nos États de protéger et d’assister les personnes déplacées à l’intérieur de leur propre pays et de faciliter les efforts des Organisations et Agences internationales, régionales et humanitaires à cet égard, notamment afin de faciliter l’accès aux personnes déplacées ;

**30. Soulignons** que les Principes directeurs relatifs au déplacement de personnes à l’intérieur de leur propre pays, approuvés par l’Assemblée générale des Nations Unies, constituent un cadre international important pour la protection des personnes déplacées, et **Sommes résolus** à prendre des mesures concrètes pour renforcer cette protection ;

**31. Soulignons** l’importance de promouvoir le respect de tous les droits de l’Homme et du droit international humanitaire, de prévenir et de sanctionner les violations graves ou massives de ces droits, et de traduire en justice les auteurs de telles violations ; **Nous engageons** à promouvoir l’action des Défenseurs des droits de l’Homme et à garantir leur protection ; dans ce contexte, **Appelons solennellement** à la ratification de tous les instruments internationaux et régionaux de lutte contre l’impunité, tels ceux relatifs à la Cour pénale internationale ou à la Cour africaine des droits de l’Homme et des peuples, et **Invitons** l’Organisation...
internationale de la Francophonie à renforcer, en tant que de besoin, son assistance aux Etats pour leur permettre d’assumer les engagements prévus par le Statut de Rome ;

32. **Condamnons** l’enrôlement des enfants dans les combats et leur implication dans les conflits armés et **Appelons** les Etats qui ne l’auraient pas encore fait à ratifier et à mettre en oeuvre les principaux instruments internationaux et régionaux relatifs à la protection des enfants dans les conflits armés, incluant la Convention relative aux droits de l’enfant et son Protocole facultatif concernant l’implication d’enfants dans les conflits armés ;

33. **Appuyons** la création d’un mécanisme de suivi pour assurer la protection des enfants dans les conflits armés, tel que spécifié dans la résolution 1612 du Conseil de sécurité, et **Confirmons** le soutien plein et entier de la Francophonie dans ce domaine ;

34. **Nous engageons**, dans le souci d’une paix durable, à faciliter, dans les pays sortant de crises et de conflits, le désarmement, la démobilisation et la réinsertion (DDR) de tous les combattants et particulièrement des enfants soldats ;

35. **Renouvelons** notre volonté de mettre en oeuvre les engagements pris lors de la Conférence des femmes de la Francophonie qui s’est tenue au Luxembourg en 2000, ainsi que les recommandations formulées par le Conseil de sécurité dans sa résolution 1325 sur le rôle et la participation des femmes dans les mécanismes de prévention, de gestion et de règlement des conflits, et les Opérations de maintien de la paix ; **Appelons** à la ratification universelle de la Convention sur l’élimination de toutes les formes de discrimination à l’égard des femmes et à la pleine réalisation des engagements souscrits lors des Conférences du Caire, de Pékin et Pékin +5 ;

36. **Condamnons**, à cet égard, les violences, les exploitations et les abus sexuels perpétrés contre les femmes et les enfants, notamment pendant les conflits armés, et ; **Nous engageons** à agir pour les prévenir et les réprimer en mettant fin à l’impunité ;

37. **Sommes déterminés** à promouvoir le rôle des femmes et des jeunes dans la prévention des conflits, de manière à conforter, par des formations spécialement conçues à leur intention, leur apport essentiel à toute culture de paix ; mus par le même souci et prenant note des recommandations du Séminaire d’échanges sur la prévention des conflits et la sécurité humaine, organisé à Paris en mars 2006, avec les Instituts et Centres de recherche sur la paix, la démocratie et les droits de l’Homme, les Organisations de la société civile et les réseaux institutionnels de la Francophonie ; **Nous engageons** à renforcer aussi les capacités de la société civile, de ses associations, de ses syndicats et de ses partis ;

38. **Souignons aussi** le rôle fondamental des médias dans la diffusion des valeurs de liberté, de tolérance et de paix propres à pacifier la vie politique et à enraciner la culture démocratique ; **Reconnaissions** la nécessité de garantir la liberté d’expression et la liberté de la presse, et **Affirmons** le droit à la protection des journalistes, y compris en temps de guerre ; **Condamnons** la désinformation et toute forme d’incitation, par les médias, à la haine et à la violence ; **Appelons** en conséquence à une plus grande participation des médias à la prévention des conflits, notamment aux processus d’observation, d’évaluation et d’alerte précoce, ainsi qu’à la réconciliation ;

39. **Sommes déterminés**, dans l’esprit de la Déclaration de Bamako, à donner leur pleine efficacité à toutes les institutions et à tous les mécanismes propres à faciliter, au plan national, la prévention, la médiation, le règlement des crises et la réconciliation, en nous attachant notamment à développer des politiques éducatives, judiciaires, institutionnelles et d’intégration des minorités ;

40. **Invitons** l’Organisation internationale de la Francophonie, conformément au Programme d’action de Bamako, à porter une attention soutenue à l’éducation, la formation et la sensibilisation aux droits de l’Homme, à la démocratie et à la paix, et notamment aux formations en droit international humanitaire à l’intention de l’ensemble des acteurs et protagonistes concernés ;

41. **Prenons la résolution** d’amplifier nos concertations, dans le cadre du Conseil permanent de la Francophonie et de sa Commission politique, de la Conférence ministérielle de la Francophonie, ou encore de Conférences ministérielles thématiques, et de participer activement aux débats en cours dans les enceintes internationales et régionales sur la prévention des conflits, le maintien et la consolidation de la paix, ainsi que sur la sécurité humaine, et d’y défendre les principes et dispositions énoncés dans la présente Déclaration ;
42. **Soulignons de même** le rôle que jouent, dans le développement de nos concertations, les Représentations permanentes de la Francophonie et les Groupes des Ambassadeurs francophones auprès des Organisations internationales, et **Rappelons** la place qu’occupent ces Représentations dans la mise en œuvre du processus d’observation, d’évaluation et d’alerte précoce ; **Invitons** le Secrétaire général à proposer des modalités propres à conforter ce dispositif ;

43. **Soulignons encore** l’intérêt de notions et normes relatives à la sécurité humaine et à la responsabilité de protéger, et **Convenons** d’approfondir notre dialogue sur ces questions, au sein de la Francophonie, en ayant à l’esprit les principes de la Charte des Nations Unies et du droit international, afin de favoriser une compréhension commune et une contribution concertée des francophones dans le cadre des travaux de l’Assemblée générale des Nations Unies ;

44. **Entendons également** développer nos échanges et notre concertation aux niveaux régional et international sur d’autres problématiques liées à la sécurité humaine – comme celle très importante des flux migratoires – et aux questions de développement de portée internationale ;

45. **Invitons** le Secrétaire général de la Francophonie à favoriser la pleine utilisation des potentialités du dispositif de Bamako en matière de prévention des conflits et de promotion de la paix, en s’assurant, notamment par des évaluations adéquates, de l’efficacité des actions entreprises, et à coopérer avec les Etats et gouvernements dans la mise en œuvre et le suivi des engagements consignés dans la présente Déclaration ;

46. **Transmettons** la présente Déclaration aux Chefs d’État et de gouvernement en vue du Xle Sommet.
B. Déclaration de Bamako

Bamako, le 3 novembre 2000

Nous, Ministres et Chefs de délégation des Etats et gouvernements des pays ayant le français en partage, réunis à Bamako pour le Symposium International sur le bilan des pratiques de la démocratie, des droits et des libertés dans l’espace francophone ;

Nous fondant sur les dispositions de la Charte de la Francophonie, qui consacrent comme objectifs prioritaires l’aide à l’instauration et au développement de la démocratie, la prévention des conflits et le soutien à l’Etat de droit et aux droits de l’Homme ;
Considérant l’action d’accompagnement des processus démocratiques menée par la Francophonie ces dix dernières années ;
Soucieux de progresser vers la démocratie par le développement économique et social et une juste répartition des ressources nationales pour un accès égal à l’éducation, à la formation, à la santé et à l’emploi ;
Souhaitant répondre à l’objectif fixé au Sommet de Moncton, de tenir un Symposium International sur le bilan des pratiques de la démocratie, des droits et des libertés dans l’espace francophone, pour approfondir la concertation et la coopération en faveur de l’Etat de droit et de la culture démocratique, et d’engager ainsi une étape nouvelle dans le dialogue des Etats et gouvernements des pays ayant le français en partage, pour mieux faire ressortir les axes principaux tant de leur expérience récente que de leur spécificité ;

1- Constatons
• que le bilan des pratiques de la démocratie, des droits et des libertés dans l’espace francophone, au cours de ces dix dernières années, comporte des acquis indéniables : consécration constitutionnelle des droits de l’Homme, mise en place des Institutions de la démocratie et de l’Etat de droit, existence de contre-pouvoirs, progrès dans l’instauration du multipartisme dans nombre de pays francophones et dans la tenue d’élections libres, fiables et transparentes, contribution de l’opposition au fonctionnement de la démocratie, promotion de la démocratie locale par la décentralisation ;
• que ce bilan présente, aussi, des insuffisances et des échecs : récurrence de conflits, interruption de processus démocratiques, génocide et massacres, violations graves des droits de l’Homme, persistance de comportements freinant le développement d’une culture démocratique, manque d’indépendance de certaines institutions et contraintes de nature économique, financière et sociale, suscitant la désaffection du citoyen à l’égard du fait démocratique ;

2- Confirmons notre adhésion aux principes fondamentaux suivants :

2 Document available in French only.
1. La démocratie, système de valeurs universelles, est fondée sur la reconnaissance du caractère inaliénable de la dignité et de l'égale valeur de tous les êtres humains ; chacun a le droit d'influer sur la vie sociale, professionnelle et politique et de bénéficier du droit au développement ;

2. L'État de droit qui implique la soumission de l'ensemble des institutions à la loi, la séparation des pouvoirs, le libre exercice des droits de l'Homme et des libertés fondamentales, ainsi que l'égalité devant la loi des citoyens, femmes et hommes, représentent autant d'éléments constitutifs du régime démocratique ;

3. La démocratie exige, en particulier, la tenue, à intervalles réguliers, d'élections libres, fiables et transparentes, fondées sur le respect et l'exercice, sans aucun empêchement ni aucune discrimination, du droit à la liberté et à l'intégrité physique de tout électeur et de tout candidat, du droit à la liberté d'opinion et d'expression, notamment par voie de presse et autre moyen de communication, de la liberté de réunion et de manifestation, et de la liberté d'association ;

4. La démocratie est incompatible avec toute modification substantielle du régime électoral introduite de façon arbitraire ou subreptice, un délai raisonnable devant toujours séparer l'adoption de la modification de son entrée en vigueur ;

5. La démocratie suppose l'existence de partis politiques égaux en droits, libres de s'organiser et de s'exprimer, pour autant que leur programme et leurs actions ne remettent pas en cause les valeurs fondamentales de la démocratie et des droits de l'Homme. Ainsi, la démocratie va de pair avec le multipartisme. Elle doit assurer à l'opposition un statut clairement défini, exclusif de tout ostracisme ;

6. La démocratie requiert la pratique du dialogue à tous les niveaux aussi bien entre les citoyens, entre les partenaires sociaux, entre les partis politiques, qu’entre l’État et la société civile. La démocratie implique la participation des citoyens à la vie politique et leur permet d’exercer leur droit de contrôle ;

1 Réserve du Vietnam et du Laos sur l’article 2 (5) – Motif : la démocratie et le multipartisme sont deux notions différentes et ne peuvent s’identifier. La démocratie est une finalité alors que le multipartisme n’est qu’un chemin. Le chemin pour y parvenir décidé par chaque pays doit être défini par son peuple en fonction de ses spécificités culturelles, historiques, économiques et sociales.

3- Proclamons

1. que Francophonie et démocratie sont indissociables : il ne saurait y avoir d’approfondissement du projet francophone sans une progression constante vers la démocratie et son incarnation dans les faits ; c’est pourquoi la Francophonie fait de l’engagement démocratique une priorité qui doit se traduire par des propositions et des réalisations concrètes ;

2. que, pour la Francophonie, il n’y a pas de mode d’organisation unique de la démocratie et que, dans le respect des principes universels, les formes d’expression de la démocratie doivent s’inscrire dans les réalités et spécificités historiques, culturelles et sociales de chaque peuple ;

3. que la démocratie, cadre politique de l’État de droit et de la protection des droits de l’Homme, est le régime qui favorise le mieux la stabilité à long terme et la sécurité juridique ; par le climat de liberté qu’elle suscite, la démocratie crée aussi les conditions d’une mobilisation librement acceptée par la population pour le développement ; la démocratie et le développement sont indissociables : ce sont là les facteurs d’une paix durable ;

4. que la démocratie, pour les citoyens - y compris, parmi eux, les plus pauvres et les plus défavorisés - se juge, avant tout, à l’aune du respect scrupuleux et de la pleine jouissance de tous leurs droits, civils et politiques, économiques, sociaux et culturels, assortis de mécanismes de garanties. Il s’agit là de conditions essentielles à leur adhésion aux institutions et à leur motivation à devenir des acteurs à part entière de la vie politique et sociale ;

5. que, pour préserver la Démocratie, la Francophonie condamne les coups d’État et toute autre prise de pouvoir par la violence, les armes ou quelque autre moyen illégal ;

6. que, pour consolider la démocratie, l’action de la Francophonie doit reposer sur une coopération internationale qui s’inspire des pratiques et des expériences positives de chaque État et gouvernement membre ;

7. que les principes démocratiques, dans toutes leurs dimensions, politique, économique, sociale, culturelle et juridique, doivent également imprégner les relations internationales ;
4- Prenons les engagements suivants :

**A. Pour la consolidation de l’Etat de droit**
1. Renforcer les capacités des institutions de l’État de droit, classiques ou nouvelles, et oeuvrer en vue de les faire bénéficier de toute l’indépendance nécessaire à l’exercice impartial de leur mission ;
2. Encourager le renouveau de l’institution parlementaire, en facilitant matériellement le travail des élus, en veillant au respect de leurs immunités et en favorisant leur formation ;
3. Assurer l’indépendance de la magistrature, la liberté du Barreau et la promotion d’une justice efficace et accessible, garantie de l’État de droit, conformément à la Déclaration et au Plan d’action décennal du Caire adoptés par la IIIème Conférence des Ministres francophones de la justice ;
4. Mettre en oeuvre le principe de transparence comme règle de fonctionnement des institutions ;
5. Généraliser et accroître la portée du contrôle, par des instances impartiales, sur tous les organes et institutions, ainsi que sur tous les établissements, publics ou privés, maniant des fonds publics ;
6. Soutenir l’action des institutions mises en place dans le cadre de l’intégration et de la coopération régionales, de manière à faire émerger, à ce niveau, une conscience citoyenne tournée vers le développement, le progrès et la solidarité ;

**B. Pour la tenue d’élections libres, fiables et transparentes**
7. S’attacher au renforcement des capacités nationales de l’ensemble des acteurs et des structures impliqués dans le processus électoral, en mettant l’accent sur l’établissement d’un état-civil et de listes électorales fiables ;
8. S’assurer que l’organisation des élections, depuis les opérations préparatoires et la campagne électorale jusqu’au dépouillement des votes et à la proclamation des résultats, y inclus, le cas échéant, le contentieux, s’effectue dans une transparence totale et relève de la compétence d’organes crédibles dont l’indépendance est reconnue par tous ;
9. Garantir la pleine participation des citoyens au scrutin, ainsi que le traitement égal des candidats tout au long des opérations électorales ;
10. Impliquer l’ensemble des partis politiques légalement constitués, tant de la majorité que de l’opposition, à toutes les étapes du processus électoral, dans le respect des principes démocratiques consacrés par les textes fondamentaux et les institutions, et leur permettre de bénéficier de financements du budget de l’État ;
11. Prendre les mesures nécessaires pour s’orienter vers un financement national, sur fonds public, des élections ;
12. Se soumettre aux résultats d’élections libres, fiables et transparentes ;

**C. Pour une vie politique apaisée**
13. Faire en sorte que les textes fondamentaux régissant la vie démocratique résultent d’un large consensus national, tout en étant conformes aux normes internationales, et soient l’objet d’une adaptation et d’une évaluation régulières ;
14. Faire participer tous les partis politiques, tant de l’opposition que de la majorité, à la vie politique nationale, régionale et locale, conformément à la légalité, de manière à régler pacifiquement les conflits d’intérêts ;
15. Favoriser la participation des citoyens à la vie publique en progressant dans la mise en place d’une démocratie locale, condition essentielle de l’approfondissement de la démocratie ;
16. Prévenir, et le cas échéant régler de manière pacifique, les contentieux et les tensions entre groupes politiques et sociaux, en recherchant tout mécanisme et dispositif appropriés, comme l’aménagement d’un statut pour les anciens hauts dirigeants, sans préjudice de leur responsabilité pénale selon les normes nationales et internationales ;
17. Reconnaître la place et faciliter l’implication constante de la société civile, y compris les ONG, les médias, les autorités morales traditionnelles, pour leur permettre d’exercer, dans l’intérêt collectif, leur rôle d’acteurs d’une vie politique équilibrée ;
18. Veiller au respect effectif de la liberté de la presse et assurer l’accès équitable des différentes forces politiques aux médias publics et privés, écrites et audiovisuels, selon un mode de régulation conforme aux principes démocratiques ;
D. Pour la promotion d’une culture démocratique intériorisée et le plein respect des droits de l’Homme

19. Développer l’esprit de tolérance et promouvoir la culture démocratique dans toutes ses dimensions, afin de sensibiliser, par l’éducation et la formation, les responsables publics, l’ensemble des acteurs de la vie politique et tous les citoyens aux exigences éthiques de la démocratie et des droits de l’Homme ;

20. Favoriser, à cet effet, l’émergence de nouveaux partenariats entre initiatives publiques et privées, mobilisant tous les acteurs engagés pour la démocratie et les droits de l’Homme ;

21. Ratifier les principaux instruments internationaux et régionaux relatifs aux droits de l’Homme, honorer et parfaire les engagements ainsi contractés, s’assurer de leur pleine mise en œuvre et former tous ceux qui sont chargés de leur application effective ;

22. Adopter en particulier, afin de lutter contre l’impunité, toutes les mesures permettant de poursuivre et sanctionner les auteurs de violations graves des droits de l’Homme, telles que prévues par plusieurs instruments juridiques internationaux et régionaux, dont le Statut de Rome portant création d’une Cour Pénale Internationale ; appeler à sa ratification rapide par le plus grand nombre ;

23. Créer, généraliser et renforcer les institutions nationales, consultatives ou non, de promotion des droits de l’Homme et soutenir la création dans les administrations nationales de structures consacrées aux droits de l’Homme, ainsi que l’action des défenseurs des droits de l’Homme ;

24. Prendre les mesures appropriées afin d’accorder le bénéfice aux membres des groupes minoritaires, qu’ils soient ethniques, philosophiques, religieux ou linguistiques, de la liberté de pratiquer ou non une religion, du droit de parler leur langue et d’avoir une vie culturelle propre ;

25. Veiller au respect de la dignité des personnes immigrées et à l’application des dispositions pertinentes contenues dans les instruments internationaux les concernant.

A ces fins, et dans un souci de partenariat renouvé, nous entendons :

- Intensifier la coopération entre l’OIF et les organisations internationales et régionales, développer la concertation en vue de la démocratisation des relations internationales, et soutenir, dans ce cadre, les initiatives qui visent à promouvoir la démocratie ;
- Renforcer le mécanisme de concertation et de dialogue permanents avec les OING reconnues par la Francophonie, particulièrement avec celles qui poursuivent les mêmes objectifs dans les domaines de la démocratie et des droits de l’Homme ;

5- Décidons de recommander la mise en œuvre des procédures ci-après pour le suivi des pratiques de la démocratie, des droits et des libertés dans l’espace francophone :

1. Le Secrétaire général se tient informé en permanence de la situation de la démocratie, des droits et des libertés dans l’espace francophone, en s’appuyant notamment sur la Délégation à la Démocratie et aux Droits de l’Homme, chargée de l’observation du respect de la démocratie et des droits de l’Homme dans les pays membres de la Francophonie ; Une évaluation permanente des pratiques de la démocratie, des droits et des libertés dans l’espace francophone sera conduite, à des fins de prévention, dans le cadre de l’Organisation internationale de la Francophonie, sur la base des principes constitutifs énoncés précédemment. Cette évaluation doit permettre :
   - de définir les mesures les plus appropriées en matière d’appui à l’enracinement de la démocratie, des droits et des libertés,
   - d’apporter aux États et gouvernements qui le souhaitent l’assistance nécessaire en ces domaines,
   - de contribuer à la mise en place d’un système d’alerte précoce ;

2. Face à une crise de la démocratie ou en cas de violations graves des droits de l’Homme, les instances de la Francophonie se saisissent, conformément aux dispositions de la Charte, de la question afin de prendre toute initiative destinée à prévenir leur aggravation et à contribuer à un règlement. A cet effet, le Secrétaire général propose des mesures spécifiques :
   - il peut procéder à l’envoi d’un facilitateur susceptible de contribuer à la recherche de solutions consensuelles. L’acceptation préalable du processus de facilitation par les autorités du pays concerné constitue une condition du succès de toute action. Le facilitateur est choisi par le Secrétaire général après consultation du Président de la
Conférence ministérielle, en accord avec l’ensemble des protagonistes. La facilitation s’effectue en liaison étroite avec le CPF ;
- il peut décider, dans le cas de procès suscitant la préoccupation de la communauté francophone, de l’envoi, en accord avec le CPF, d’observateurs judiciaires dans un pays en accord avec celui-ci.

3. En cas de rupture de la démocratie ou de violations massives des droits de l’Homme 2, les actions suivantes sont mises en œuvre : Le Secrétaire général saisit immédiatement le Président de la Conférence ministérielle de la Francophonie à des fins de consultation ;
La question fait l’objet d’une inscription immédiate et automatique à l’ordre du jour du CPF, qui peut être convoqué d’urgence en session extraordinaire, et, le cas échéant :
- confirme la rupture de la démocratie ou l’existence de violations massives des droits de l’Homme,
- les condamne publiquement,
- exige le rétablissement de l’ordre constitutionnel ou l’arrêt immédiat de ces violations,
Le CPF signifie sa décision aux parties concernées.
Le Secrétaire général se met en rapport avec les autorités de fait. Il peut envoyer sur place une mission d’information et de contacts. Le rapport établi dans les plus brefs délais par cette mission est communiqué aux autorités nationales pour commentaires. Le rapport de la mission, ainsi que les commentaires des autorités nationales, sont soumis au CPF, pour toute suite jugée pertinente.
Le CPF peut prendre certaines des mesures suivantes :
- refus de soutenir les candidatures présentées par le pays concerné, à des postes électifs au sein d’organisations internationales,
- refus de la tenue de manifestations ou conférences de la Francophonie dans le pays concerné,
- recommandations en matière d’octroi de visas aux autorités de fait du pays concerné et réduction des contacts intergouvernementaux,
- suspension de la coopération multilatérale francophone, à l’exception des programmes qui bénéficient directement aux populations civiles et de ceux qui peuvent concourir au rétablissement de la démocratie,
- proposition de suspension du pays concerné de la Francophonie. En cas de coup d’État militaire contre un régime issu d’élections démocratiques, la suspension est décidée. Lorsque des dispositions sont prises en vue de restaurer l’ordre constitutionnel ou de faire cesser les violations massives des droits de l’Homme, le CPF se prononce sur le processus de retour au fonctionnement régulier des institutions, assorti de garanties pour le respect des droits de l’Homme et des libertés fondamentales. Il détermine les mesures d’accompagnement de ce processus par la Francophonie en partenariat avec d’autres organisations internationales et régionales. Si besoin est, le CPF saisit la Conférence ministérielle de la Francophonie par le canal de son Président. La question de la rupture de la démocratie ou des violations massives des droits de l’Homme dans un pays et des mesures prises, reste inscrite à l’ordre du jour du CPF aussi longtemps que subsistent cette rupture ou ces violations. 3

Nous, Ministres et chefs de délégation des États et gouvernements des pays ayant le français en partage,
Adoptions la présente Déclaration ;
Demandons au Secrétaire général de l’Organisation internationale de la Francophonie d’en assurer la mise en œuvre ;
Transmettons, à l’intention des Chefs d’État et de gouvernement, en vue de leur 9ème Sommet à Beyrouth, le projet de Programme d’action ci-joint en annexe.

3 Réserve du Vietnam et du Laos sur l’article 5 (3)
IV. ENDOGENOUS MECHANISM
Chapter 4

A. The Charter of Kurukan Fuga

The Charter of Kurukan Fuga, re-published here, is a version collected in Guinea at the end of a concerting regional workshop between traditional and modern communicators (Kankan: 3-12 March 1998). The traditionists are those who declined the text; then it has been transcribed and translated, with the help of Guinea linguists and under the supervision of Mr. Siriman Kouyaté – Magistrate and traditionist (his family is guardian of the Sosobala, in Niagasole, Guinea). Afterwards S. Kouyaté structured The Charter, without falsifying the essential point, talking here about the modern juridical texts with a view to make it readable for contemporaries (the original text in Malinke is available on the digital data bank ARTO).

THE CHARTER OF KURUKAN FUGA

1. The Great Mande Society is divided into sixteen clans of quiver carriers, five clans of marabouts, four groups of “nyamakalas” and one group of slaves. Each one has a specific activity and role.
2. The “nyamakalas” have to devote themselves to tell the truth to the chiefs, to be their counsellors and to defend by the speech the established rulers and the order upon the whole territory.
3. The five clans of marabouts are our teachers and our educators in Islam. Everyone has to hold them in respect and consideration.
4. The society is divided into age groups. Belong to the same age-group the people (men or women) who are born during a period of three years in succession. The members of the intermediary class between young and old people, should be invited to take part in taking important decisions concerning the society.
5. Everybody has a right to life and to the preservation of its physical integrity. Accordingly, any attempt to deprive one’s fellow being of life is punished with death.
6. To win the battle of prosperity, the general system of supervision has been established in order to fight against laziness and idleness.
7. It has been established among the Mandenkas, the sanankunya (joking relationship) and the tanamannya (blood pact). Consequently any contention that occurs among these groups should not degenerate, the respect for one another being the rule. Between brothers-in-law and sisters-in-law, between grandparents and grand-children, tolerance and rag should be the principle.
8. The Keïta’s family is nominated reigning family upon the empire.
9. The children’s education behoves the entire society. The paternal authority in consequence falls to everyone.
10. We should offer condolences mutually.
11. When your wife or your child runs away stop running after her/him in the neighbour’s house.
12. The succession being patrilineary, do never give up the power to a son when one of his fathers is still alive. Do never give up the power to a minor just because he has goods.
13. Do never offend the Nyaras.
14. Do never offend women, our mothers.
15. Do never beat a married woman before having her husband interfere unsuccessfully.
16. Women, apart from their everyday occupations, should be associated with all our managements.
17. Lies that have lived for 40 years should be considered like truths.
18. We should respect the law of primogeniture.
19. Any man has two parents-in-law: the parents of the girl we failed to have and the speech we deliver without any constraint. We have to hold them in respect and consideration.
20. Do not ill treat the slaves. We are the master of the slave but not of the bag he carries.
21. Do not follow up with your constant attentions the wives of the chief, of the neighbour, of the marabout, of the priest, of the friend and of the partner.
22. Vanity if the token of weakness and humility is the one of nobility.
23. Do never betray one another. Respect your word of honour.
25. The ambassador does not risk anything in Mande.
26. The bull confided to your care should not lead the cattle-pen.
27. The young lady can get married early as she is pubescent.
28. The young man can get married from 20 years old.
29. The amount of the dowry is 3 bovines: one for the girl, two for her father and mother.
30. In Mande, the divorce is tolerated for one of the following reasons: the impotence of the husband, the madness of one of the spouses, the husband’s incapability of assuming the obligations due to the marriage. The divorce should occur out of the village.
31. We should help those who are in need.
32. There are five ways to acquire the property: the buying, the donation, the exchange, the work and the inheriting. Any other form without convincing testimony is doubtful.
33. Any object found without known owner becomes common property only after four years.
34. The fourth bringing forth of a heifer confided is the property of the guardian. One egg out of four is the property of the guardian of the laying hen.
35. One bovine should be exchanged for four sheep or four goats.
36. To satisfy one’s hunger is not a robbery if you don’t take away anything in your bag or your pocket.
37. Fakomba is nominated chief of hunters.
38. Before setting fire to the bush, don’t look at the ground, rise your head in the direction of the top of the trees to see if they don’t bear fruits or flowers.
39. Domestic animals should be tied during cultivation moment and freed after the harvest. The dog, the cat, the duck and the poultry are not bound by the measure.
40. Respect the kinship, the marriage and the neighbourhood.
41. You can kill the enemy, but not humiliate him.
42. In big assemblies, be satisfied with your lawful representatives.
43. Balla Fasséké Kouyaté is nominated big chief of ceremonies and main mediator in Mande. He is allowed to joke with all groups, in priority with the royal family.
44. All those who will transgress these rules will be punished. Everyone is bound to make effective their implementation.

SIRIMAN KOUYATE
Prefatory notes
I - About the social organization:
The classification of the Mandingue society worth some explanation. The stratification established by the Charter is nothing more nor less than the work division among the different components of the society. This division far from being arbitrary, has rather institutionalized a State as a matter of fact in precisely may be a bit more the roles and attributes.
The Charter has divided Mandingue society into two big categories: the free men and the slaves.
A - The free men “horon”
They are subdivided into:
1 - Sixteen (16) clans of quiver carriers or “ton ta jon” : they are those who carry bows and arrows. The warriors who should defend the territorial integrity of the Empire were recruited in this group which is composed of the following clans: Traoré, Condé, Camara, Kourouma, Kaminosoko, Magassouba, Diawara, Sako, Fofana, Koita, Dansouba, Diaby, Diallo, Diakité, Sidibé and Sangaré.
2 - Four (4) princely clans which are: Koulibaly, Douno or Soumano or Danhou or Somono, Konaté and Keita. Even if the Keita were entrusted with the destiny the Empire, the other clans which have with them blood ties, are considered as princely.
3 - Five (5) clans of marabouts, in charge of being the educators and the teachers in the teaching of the new religion. They are the Cissé, Bérété, Diané and Sylla, or Koma.
Four (4) groups of “nyamakala” : literally, nyamakala means “who challenges all the interdicts” ; “nyama” means maleficent occult power in Mandingue language and “kala” means in the present context wariness, limit, immunity, antidote. The nyamakala those who can challenge all the interdicts, are divided like this :

a) “jélis” : they are depositaries of the traditions – archives, the master of the word, the counsellors of the kings, the artists and the musicians. They have at their head the Kouyaté and the Diabaté. In the course of time, the jéli became a kind of congregation which can be joined by everyone who holds the rules in respect. That is how nowadays, belong to this class Keïta, Condé, Kanté, Kourouma, Koïta, Touré, Diawara, etc.

b) - Fina and Finè, other non musicians librettis specialized in the mediation. They are especially the Camara.

- Numun fin, working the iron and its derivatives to make tools of any sorts. Their wives make pottery.
- Siaki, working precious metals, gold and silver to make jewels.
- Kule, working the wood to make art articles: for example the sculptors. The Numun or blacksmiths are essentially composed of the clan of the Kanté, Camara, Kourouma.

4 – Garanke : they are the masters of the leather and of the weaving. The shoemakers and the weavers are within this group. Some of them are specialized in the making of the harness for horses and of the cushions, they are “sake”. The Garanke are essentially the Sylla. But other clans have joined them.

As you can notice it, several clans find themselves in more than one class. That is not surprising when we know that as the ages go by particular events can overturn so many structures.

These four groups of nyamakala were much feared. They cannot be reduced to captivity; the other classes owed them circumspection, gifts and subsistence’s. As Amadou Hampaté BA said it in his book “Amkoullel, the Fulani Child” (1992 : 522), “each function corresponded to a specific initiatory way. To keep their pureness, these groups formed through the endogamy and certain sexual interdicts closed hereditary groups. Here, there is not this notion of untouchability or of inferiority that certain people now show towards them”. The twenty-nine classes, of which I have just made a succinct description of the activities, are the free men or “horon”.

B - The slaves:

Before the advent of the Empire, the slavery as a trade has drained an important part of the kinetic energies from the Mande. This practice is forbidden by Soundiata, as well as the conditions of the domestic slavery have been softened. There were two categories of slaves:

1 - Free men and women captured during wars and reduced in slavery, those who were bought and who, because of that moved from one master to another : mina jon (caught slaves) and san jon (bought slaves).

2 - The offspring of the first ones, born in the master’s house: they are the wossolo what literally means :

“of the house”. The wolosso could only be employed or freed; the master could not sell them. Most of them assimilated themselves in the end and took the patronymic of their masters. The statement 20 of the Charter pointed out the condition of the slaves by humanizing it. The statement 4, in dividing the society into age-groups, has brushed aside all the prejudices associated to the conditions of the ones and the others. Actually, are they quiver carriers, princes, nyamakala, marabouts or slaves, all those who belong to the same age-group should observe the same rules without sex distinction. Together they discussed their problems, each one playing the role the society entrusted him/her. The kangbès were the link class between the ancients who managed the city and the teenagers who were the secular arms of it. They took part in the taking of big decisions and then informed younger people.

The statement 6 has established a sort of general supervisors who, at a certain time of the day, checked in all the families in order to catch the idle and lazy people and make them take the way to the fields and the workshops. The contraveners were denounced before the ancients council. This practice has contributed effectively to the prosperity of the Empire. The “sanankunya and the tanamanyöya “ or joking relationship which is the object in the statement 6 of the Charter has been established among the Mandénkas user friendly relationships more or less strong according to the case, but which all contribute to the culture of tolerance and peaceful coexistence. The joking relationship, as Mr. Raphaël
N’Diaye names it so eloquently, was not an invention of the Kurukan Fuga, but the Charter has institutionalized it.

II. - Rights and Duties.
At the statement 11, the respect neighbours owe to one another has been almost considered sacred. Whatever can be the mistake made by one of the members of your family, since the latter goes to find shelter in your neighbour’s house, you don’t have any more the right to punish him/her for this mistake. You should abandon and erase from your memory the offence made to you.
At the statement 13 we can read “Do never offend talented men”. They belong to the nyammakala; the djéli and the fina. These masters of the word are the appointed mediators, any offence should not be made towards them in the accomplishment of their activities which aim is nothing but the extinguishing of conflicts and wars. At the statement 17, it is a kind of prescription the society puts to statesmen everybody considers as true during a certain time and which cannot be denounced any more after that period fixed as at 40 years. The law of primogeniture is in the African societies an indefeasible right. We should owe respect and obligations to someone older than we, whatever his/her social status or his/her wealth can be. Within the family, this right is so strongly rooted that a common saying states the following: “we can be older than our father or our mother but never be older than our elder brother”. Understand by father and mother the uncles and the aunts (statement 18).
The statement 21 reveals the adultery in general because in moving aside the wives of the six groups mentioned in the text, there is no more wives to pay court to. The statement 23 symbolizes the sense of honour and of the dignity, values dear to the Mandéna. Stabbing an enemy, using shilly-shallying instead of taking a courageous decision, not facing an occurrence, are considered as cowardice. It is better to refuse, even if I should stand the consequences, than accepting and betraying after. From which the main motto of the Almamy Samory Touré : “When the man refuses, he says no”. The statement 24 makes it an obligation for everyone not to wrong foreigners. This Article is included in the Charter in gratitude for the hospitality Soundiata Keïta himself has been offered during his exile for seventeen years. So, the foreigner is like a king in Mande, he is tolerated, protected and defended. Besides, it is said that the foreigner has big eyes but he can’t see. That’s the reason why certain mistakes he makes are not attributable to him. He is supposed to ignore. The statement 25 attaches an immunity to the ambassador, who only passes on a message of which he is not the author. He should not be punished. It is this notion we find in the Article 29 of the Vienna Convention dated 8 April 1961 which protects the diplomats against penal actions in the States they are accredited. By extension, the diplomatic premises profit by the notion of extraterritoriality therefore inviolable. The statement 26 is a picture, a metaphor that protects the foreigner. The entrusted bull is unfamiliar to the cattle pen. In entrusting him to lead the cattle pen, he can lead the herd to the wrong place. In the same way, the foreigner should not be appointed at the functions of management of a locality but if so only after a long training time.
The statement 40 deals with the foundation of the social relationships. So, three peremptory reasons are considered as being able to motivate the divorce by the request of one of the spouses:
• The impotence of the husband ;
• The madness of one of the spouses ;
• The incapacity of the husband to assume the obligations due to the marriage.
These obligations are: food, dressing, care taking, the conjugal duties and consideration due to parents-in-law.
The Mandéna considered that the divorce is a situation so serious so that it should be pronounced far away from the city.
The statement 41 is not a formula inciting to the murder. It only means that if you should kill your enemy, kill him but it is absolutely forbidden to you to humiliate him.

About goods:
The statement 36 deals with the fact of being in need as it is stated on the penal right. In the context of the Charter, are only concerned fruits pendent or picked, crops in the fields which can be eaten. We can
eat as much as we can but we should not put some in our bag or in our pocket, otherwise it would be a robbery.

**About the preservation of the nature:**
The statement 38 draws the attention on the flowers and the fruits we can find on the top of the trees. They should not be burnt. Besides we should mention that bush fires were one of the infringements still punished with the sentence of death being anxious to preserve the nature the way it is.

**Final provisions:**
The preponderant place acknowledged to Balla Fasséké Kouyaté and through him to all talented men in the statement 43, is not fortuitous. It is understandable fundamentally through the role he played in the big events the Mande went through. Balla Fasséké Kouyaté is the one who, with courage and determination, told Magan Soundiata quite plainly what other people thought deeply. He was the one who, with the right words and tune, succeeded to calm down the Emperor in the difficult contexts, since life is not only made of lucky days. The secret of the greatness of the Mande has been their cohesion. This cohesion has been kept in a large measure by men and women who, most of the time in the anonymity, recalling the Mandènka the principles that funded the Mandingue nation. The immunity of speech given to Balla Fasséké Kouyaté and to his descendants enabled the successive generations of tradition guardians to play their role of conciliators and of mediators in the society. Even now, if the data have changed the substrate still remains, deeply rooted in the values of Mandingue civilization.

**Conclusion:**
For all the statements of the Charter, the expressions: "do, do not", are style clauses which restore as faithfully as possible the mind of the authors of the text. But what is expressed in the forty four statements is for and is imposed on all the inhabitants of the Mande who are responsible for their implementation.
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Endogenous Mechanism

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