

**LEGAL CONSEQUENCES OF THE SEPARATION OF THE CHAGOS
ARCHIPELAGO FROM MAURITIUS IN 1965**

(REQUEST FOR ADVISORY OPINION)

ORDER OF 14 JULY 2017

ORDER OF 17 JANUARY 2018

INDEX OF EXHIBITS TO THE
WRITTEN STATEMENT OF
THE AFRICAN UNION

1 March 2018

INDEX

Exhibit No.	Title	Date
1	Constitutive Act of the African Union	11 July 2000
2	OAU Charter	25 May 1963
3	African Charter on Human and Peoples' Rights, (Adopted 27 June 1981, OAU Doc. èCAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force 21 October 1986)	27 June 1981
4	Resolution CIAS/Plen.2/Rev.2, Resolution on Decolonization	May 1963
5	Resolution AHG/Res.99 (XVII), Resolution on the Diego Garcia	July 1980
6	Decision AHG/Dec.159 (XXXVI), Decision on Chagos Archipelago	July 2000
7	Decision Assembly/AU/Dec.331 (XV), Decision on the Sovereignty of the Republic of Mauritius Over the Chagos Archipelago	July 2010
8	Resolution Assembly/AU/Res.1(XVI), Resolution on Chagos Archipelago	January 2011
9	Third Africa-South America Summit, Malabo Declaration	February 2013
10	50 th Anniversary Solemn Declaration (Assembly/AU/Decl.3(XXI))	May 2013
11	Resolution Assembly/AU/Res.1(XXV), Resolution on Chagos Archipelago	June 2015
12	Resolution Assembly/AU/Res.1(XXVIII), Resolution on Chagos Archipelago	January 2017
13	Decision Assembly/AU/Dec.684(XXX), Decision on Chagos Archipelago	January 2018

**CONSTITUTIVE ACT OF THE
AFRICAN UNION**

The Constitutive Act

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

1. The President of the People's Democratic Republic of Algeria
2. The President of the Republic of Angola
3. The President of the Republic of Benin
4. The President of the Republic of Botswana
5. The President of Burkina Faso
6. The President of the Republic of Burundi
7. The President of the Republic of Cameroon
8. The President of the Republic of Cape Verde
9. The President of the Central African Republic
10. The President of the Republic of Chad
11. The President of the Islamic Federal Republic of the Comoros
12. The President of the Republic of the Congo
13. The President of the Republic of Côte d'Ivoire
14. The President of the Democratic Republic of Congo
15. The President of the Republic of Djibouti
16. The President of the Arab Republic of Egypt
17. The President of the State of Eritrea
18. The Prime Minister of the Federal Democratic Republic of Ethiopia
19. The President of the Republic of Equatorial Guinea
20. The President of the Gabonese Republic
21. The President of the Republic of The Gambia
22. The President of the Republic of Ghana
23. The President of the Republic of Guinea
24. The President of the Republic of Guinea Bissau
25. The President of the Republic of Kenya
26. The Prime Minister of Lesotho
27. The President of the Republic of Liberia
28. The Leader of the 1st of September Revolution of the Great Socialist People's Libyan Arab Jamahiriya
29. The President of the Republic of Madagascar

30. The President of the Republic of Malawi
31. The President of the Republic of Mali
32. The President of the Islamic Republic of Mauritania
33. The Prime Minister of the Republic of Mauritius
34. The President of the Republic of Mozambique
35. The President of the Republic of Namibia
36. The President of the Republic of Niger
37. The President of the Federal Republic of Nigeria
38. The President of the Republic of Rwanda
39. The President of the Sahrawi Arab Democratic Republic
40. The President of the Republic of Sao Tome and Principe
41. The President of the Republic of Senegal
42. The President of the Republic of Seychelles
43. The President of the Republic of Sierra Leone
44. The President of the Republic of Somalia
45. The President of the Republic of South Africa
46. The President of the Republic of Sudan
47. The King of Swaziland
48. The President of the United Republic of Tanzania
49. The President of the Togolese Republic
50. The President of the Republic of Tunisia
51. The President of the Republic of Uganda
52. The President of the Republic of Zambia
53. The President of the Republic of Zimbabwe

INSPIRED by the noble ideals which guided the founding fathers of our Continental Organization and generations of Pan-Africanists in their determination to promote unity, solidarity, cohesion and cooperation among the peoples of Africa and African States;

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

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

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

DETERMINED to take up the multifaceted challenges that confront our continent and peoples in the light of the social, economic and political changes taking place in the world;

CONVINCED of the need to accelerate the process of implementing the Treaty establishing the African Economic Community in order to promote the socio-economic development of Africa and to face more effectively the challenges posed by globalization;

GUIDED by our common vision of a united and strong Africa and by the need to build a partnership between governments and all segments of civil society, in particular women, youth and the private sector, in order to strengthen solidarity and cohesion among our peoples;

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

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

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

RECALLING the Declaration which we adopted at the Fourth Extraordinary Session of our Assembly in Sirte, the Great Socialist

People's Libyan Arab Jamahiriya, on 9.9. 99, in which we decided to establish an African Union, in conformity with the ultimate objectives of the Charter of our Continental Organization and the Treaty establishing the African Economic Community;

HAVE AGREED AS FOLLOWS:

Article 1
Definitions

In this Constitutive Act:

“**Act**” means the present Constitutive Act;

“**AEC**” means the African Economic Community;

“**Assembly**” means the Assembly of Heads of State and Government of the Union;

“**Charter**” means the Charter of the OAU;

“**Commission**” means the Secretariat of the Union;

“**Committee**” means a Specialized Technical Committee of the Union;

“**Council**” means the Economic, Social and Cultural Council of the Union;

“**Court**” means the Court of Justice of the Union;

“**Executive Council**” means the Executive Council of Ministers of the Union;

“**Member State**” means a Member State of the Union;

“**OAU**” means the Organization of African Unity;

“Parliament” means the Pan-African Parliament of the Union;

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

Article 2 *Establishment*

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

Article 3 *Objectives*

The objectives of the Union shall be to:

- (a) achieve greater unity and solidarity between the African countries and the peoples of Africa;
- (b) defend the sovereignty, territorial integrity and independence of its Member States;
- (c) accelerate the political and socio-economic integration of the continent;
- (d) promote and defend African common positions on issues of interest to the continent and its peoples;
- (e) encourage international cooperation, taking due account of the Charter of the United Nations and the Universal Declaration of Human Rights;
- (f) promote peace, security, and stability on the continent;
- (g) promote democratic principles and institutions, popular participation and good governance;

- (h) promote and protect human and peoples' rights in accordance with the African Charter on Human and Peoples' Rights and other relevant human rights instruments;
- (i) establish the necessary conditions which enable the continent to play its rightful role in the global economy and in international negotiations;
- (j) promote sustainable development at the economic, social and cultural levels as well as the integration of African economies;
- (k) promote co-operation in all fields of human activity to raise the living standards of African peoples;
- (l) coordinate and harmonize the policies between the existing and future Regional Economic Communities for the gradual attainment of the objectives of the Union;
- (m) advance the development of the continent by promoting research in all fields, in particular in science and technology;
- (n) work with relevant international partners in the eradication of preventable diseases and the promotion of good health on the continent.

Article 4 ***Principles***

The Union shall function in accordance with the following principles:

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

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

Article 5
Organs of the Union

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

Article 6
The Assembly

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

Article 7
Decisions of the Assembly

1. The Assembly shall take its decisions by consensus or, failing which, by a two-thirds majority of the Member States of the Union.
-

However, procedural matters, including the question of whether a matter is one of procedure or not, shall be decided by a simple majority.

2. Two-thirds of the total membership of the Union shall form a quorum at any meeting of the Assembly.

Article 8

Rules of Procedure of the Assembly

The Assembly shall adopt its own Rules of Procedure.

Article 9

Powers and Functions of the Assembly

1. The functions of the Assembly shall be to:
 - (a) determine the common policies of the Union;
 - (b) receive, consider and take decisions on reports and recommendations from the other organs of the Union;
 - (c) consider requests for Membership of the Union;
 - (d) establish any organ of the Union;
 - (e) monitor the implementation of policies and decisions of the Union as well ensure compliance by all Member States;
 - (f) adopt the budget of the Union;
 - (g) give directives to the Executive Council on the management of conflicts, war and other emergency situations and the restoration of peace;

- (h) appoint and terminate the appointment of the judges of the Court of Justice;
 - (i) appoint the Chairman of the Commission and his or her deputy or deputies and Commissioners of the Commission and determine their functions and terms of office.
2. The Assembly may delegate any of its powers and functions to any organ of the Union.

Article 10
The Executive Council

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

Article 11
Decisions of the Executive Council

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

Article 12
Rules of Procedure of the Executive Council

The Executive Council shall adopt its own Rules of Procedure.

Article 13
Functions of the Executive Council

1. The Executive Council shall coordinate and take decisions on policies in areas of common interest to the Member States, including the following:
 - (a) foreign trade;
 - (b) energy, industry and mineral resources;
 - (c) food, agricultural and animal resources, livestock production and forestry;
 - (d) water resources and irrigation;
 - (e) environmental protection, humanitarian action and disaster response and relief;
 - (f) transport and communications;
 - (g) insurance;
 - (h) education, culture, health and human resources development;
 - (i) science and technology;
 - (j) nationality, residency and immigration matters;
 - (k) social security, including the formulation of mother and child care policies, as well as policies relating to the disabled and the handicapped;
 - (l) establishment of a system of African awards, medals and prizes.

2. The Executive Council shall be responsible to the Assembly. It shall consider issues referred to it and monitor the implementation of policies formulated by the Assembly.
3. The Executive Council may delegate any of its powers and functions mentioned in paragraph 1 of this Article to the Specialized Technical Committees established under Article 14 of this Act.

Article 14
The Specialized Technical Committees
Establishment and Composition

1. There is hereby established the following Specialized Technical Committees, which shall be responsible to the Executive Council:
 - (a) The Committee on Rural Economy and Agricultural Matters;
 - (b) The Committee on Monetary and Financial Affairs;
 - (c) The Committee on Trade, Customs and Immigration Matters;
 - (d) The Committee on Industry, Science and Technology, Energy, Natural Resources and Environment;
 - (e) The Committee on Transport, Communications and Tourism;
 - (f) The Committee on Health, Labour and Social Affairs; and
 - (g) The Committee on Education, Culture and Human Resources.
2. The Assembly shall, whenever it deems appropriate, restructure the existing Committees or establish other Committees.
3. The Specialized Technical Committees shall be composed of Ministers or senior officials responsible for sectors falling within their respective areas of competence.

Article 15

Functions of the Specialized Technical Committees

Each Committee shall within its field of competence:

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

Article 16

Meetings

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

Article 17

The Pan-African Parliament

1. In order to ensure the full participation of African peoples in the development and economic integration of the continent, a Pan-African Parliament shall be established.
2. The composition, powers, functions and organization of the Pan-African Parliament shall be defined in a protocol relating thereto.

Article 18
The Court of Justice

1. A Court of Justice of the Union shall be established;
2. The statute, composition and functions of the Court of Justice shall be defined in a protocol relating thereto.

Article 19
The Financial Institutions

The Union shall have the following financial institutions whose rules and regulations shall be defined in protocols relating thereto:

- (a) The African Central Bank;
- (b) The African Monetary Fund;
- (c) The African Investment Bank.

Article 20
The Commission

1. There shall be established a Commission of the Union, which shall be the Secretariat of the Union.
2. The Commission shall be composed of the Chairman, his or her deputy or deputies and the Commissioners. They shall be assisted by the necessary staff for the smooth functioning of the Commission.
3. The structure, functions and regulations of the Commission shall be determined by the Assembly.

Article 21
The Permanent Representatives Committee

1. There shall be established a Permanent Representatives Committee. It shall be composed of Permanent Representatives to the Union and other Plenipotentiaries of Member States.

2. The Permanent Representatives Committee shall be charged with the responsibility of preparing the work of the Executive Council and acting on the Executive Council's instructions. It may set up such sub-committees or working groups as it may deem necessary.

Article 22

The Economic, Social and Cultural Council

1. The Economic, Social and Cultural Council shall be an advisory organ composed of different social and professional groups of the Member States of the Union.
2. The functions, powers, composition and organization of the Economic, Social and Cultural Council shall be determined by the Assembly.

Article 23

Imposition of Sanctions

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

Article 24

The Headquarters of the Union

1. The Headquarters of the Union shall be in Addis Ababa in the Federal Democratic Republic of Ethiopia.

2. There may be established such other offices of the Union as the Assembly may, on the recommendation of the Executive Council, determine.

Article 25
Working Languages

The working languages of the Union and all its institutions shall be, if possible, African languages, Arabic, English, French and Portuguese.

Article 26
Interpretation

The Court shall be seized with matters of interpretation arising from the application or implementation of this Act. Pending its establishment, such matters shall be submitted to the Assembly of the Union, which shall decide by a two-thirds majority.

Article 27
Signature, Ratification and Accession

1. This Act shall be open to signature, ratification and accession by the Member States of the OAU in accordance with their respective constitutional procedures.
2. The instruments of ratification shall be deposited with the Secretary-General of the OAU.
3. Any Member State of the OAU acceding to this Act after its entry into force shall deposit the instrument of accession with the Chairman of the Commission.

Article 28
Entry into Force

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

Article 29
Admission to Membership

1. Any African State may, at any time after the entry into force of this Act, notify the Chairman of the Commission of its intention to accede to this Act and to be admitted as a member of the Union.
2. The Chairman of the Commission shall, upon receipt of such notification, transmit copies thereof to all Member States. Admission shall be decided by a simple majority of the Member States. The decision of each Member State shall be transmitted to the Chairman of the Commission who shall, upon receipt of the required number of votes, communicate the decision to the State concerned.

Article 30
Suspension

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

Article 31
Cessation of Membership

1. Any State which desires to renounce its membership shall forward a written notification to the Chairman of the Commission, who shall inform Member States thereof. At the end of one year from the date of such notification, if not withdrawn, the Act shall cease to apply with respect to the renouncing State, which shall thereby cease to belong to the Union.
2. During the period of one year referred to in paragraph 1 of this Article, any Member State wishing to withdraw from the Union shall comply with the provisions of this Act and shall be bound to discharge its obligations under this Act up to the date of its withdrawal.

Article 32
Amendment and Revision

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

Article 33
Transitional Arrangements and Final Provisions

1. This Act shall replace the Charter of the Organization of African Unity. However, the Charter shall remain operative for a transitional period of one year or such further period as may be determined by the Assembly, following the entry into force of the Act, for the purpose of enabling the OAU/AEC to undertake the necessary measures regarding the devolution of its assets and liabilities to the Union and all matters relating thereto.
2. The provisions of this Act shall take precedence over and supersede any inconsistent or contrary provisions of the Treaty establishing the African Economic Community.

3. Upon the entry into force of this Act, all necessary measures shall be undertaken to implement its provisions and to ensure the establishment of the organs provided for under the Act in accordance with any directives or decisions which may be adopted in this regard by the Parties thereto within the transitional period stipulated above.
4. Pending the establishment of the Commission, the OAU General Secretariat shall be the interim Secretariat of the Union.
5. This Act, drawn up in four (4) original texts in the Arabic, English, French and Portuguese languages, all four (4) being equally authentic, shall be deposited with the Secretary-General of the OAU and, after its entry into force, with the Chairman of the Commission who shall transmit a certified true copy of the Act to the Government of each signatory State. The Secretary-General of the OAU and the Chairman of the Commission shall notify all signatory States of the dates of the deposit of the instruments of ratification or accession and shall upon entry into force of this Act register the same with the Secretariat of the United Nations.

IN WITNESS WHEREOF, WE have adopted this Act.

Done at Lome, Togo, this 11th day of July, 2000.

**CONSTITUTIVE ACT OF THE AFRICAN UNION
ADOPTED BY THE THIRTY-SIXTH ORDINARY SESSION OF
THE ASSEMBLY OF HEADS OF STATE AND GOVERNMENT
11 JULY, 2000 - LOME, TOGO**

1. People's Democratic Republic of Algeria
2. Republic of Angola
3. Republic of Benin
4. Republic of Botswana
5. Burkina Faso
6. Republic of Burundi
7. Republic of Cameroon
8. Republic of Cape Verde
9. Central African Republic
10. Republic of Chad
11. Islamic Federal Republic of the Comoros
12. Republic of the Congo
13. Republic of Côte d'Ivoire
14. Democratic Republic of Congo
15. Republic of Djibouti
16. Arab Republic of Egypt
17. State of Eritrea
18. Federal Democratic Republic of Ethiopia
19. Republic of Equatorial Guinea
20. Republic of Gabon
21. Republic of The Gambia
22. Republic of Ghana
23. Republic of Guinea
24. Republic of Guinea Bissau
25. Republic of Kenya
26. Kingdom of Lesotho
27. Republic of Liberia

28. Great Socialist People's Libyan Arab Jamahiriya
29. Republic of Madagascar
30. Republic of Malawi
31. Republic of Mali
32. Islamic Republic of Mauritania
33. Republic of Mauritius
34. Republic of Mozambique
35. Republic of Namibia
36. Republic of Niger
37. Federal Republic of Nigeria
38. Republic of Rwanda
39. Sahrawi Arab Democratic Republic
40. Republic of Sao Tome and Principe
41. Republic of Senegal
42. Republic of Seychelles
43. Republic of Sierra Leone
44. Republic of Somalia
45. Republic of South Africa
46. Republic of Sudan
47. Kingdom of Swaziland
48. United Republic of Tanzania
49. Republic of Togo
50. Republic of Tunisia
51. Republic of Uganda
52. Republic of Zambia
53. Republic of Zimbabwe



OAU CHARTER

We, the Heads of African States and Governments assembled in the City of Addis Ababa, Ethiopia,

Convinced that it is the inalienable right of all people to control their own destiny,

Conscious of the fact that freedom, equality, justice and dignity are essential objectives for the achievement of the legitimate aspirations of the African peoples,

Conscious of our responsibility to harness the natural and human resources of our continent for the total advancement of our peoples in all spheres of human endeavour,

Inspired by a common determination to promote understanding among our peoples and cooperation among our states in response to the aspirations of our peoples for brother-hood and solidarity, in a larger unity transcending ethnic and national differences,

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

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

Dedicated to the general progress of Africa,

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

Desirous that all African States should henceforth unite so that the welfare and well-being of their peoples can be assured,

Resolved to reinforce the links between our states by establishing and strengthening common institutions,

Have agreed to the present Charter.

ESTABLISHMENT

Article I

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

PURPOSES

Article II

1. **The Organization shall have the following purposes:**
 - (a) **To promote the unity and solidarity of the African States;**
 - (b) **To coordinate and intensify their cooperation and efforts to achieve a better life for the peoples of Africa;**
 - (c) **To defend their sovereignty, their territorial integrity and independence;**
 - (d) **To eradicate all forms of colonialism from Africa; and**
 - (e) **To promote international cooperation, having due regard to the Charter of the United Nations and the Universal Declaration of Human Rights.**
2. **To these ends, the Member States shall coordinate and harmonize their general policies, especially in the following fields:**
 - (a) **Political and diplomatic cooperation;**
 - (b) **Economic cooperation, including transport and communications;**
 - (c) **Educational and cultural cooperation;**
 - (d) **Health, sanitation and nutritional cooperation;**
 - (e) **Scientific and technical cooperation; and**
 - (f) **Cooperation for defence and security.**

PRINCIPLES

Article III

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

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

MEMBERSHIP

Article IV

Each independent sovereign African State shall be entitled to become a Member of the Organization.

RIGHTS AND DUTIES OF MEMBER STATES

Article V

All Member States shall enjoy equal rights and have equal duties.

Article VI

The Member States pledge themselves to observe scrupulously the principles enumerated in Article III of the present Charter.

INSTITUTIONS

Article VII

The Organization shall accomplish its purposes through the following principal institutions:

1. The Assembly of Heads of State and Government.
2. The Council of Ministers.
3. The General Secretariat.
4. The Commission of Mediation, Conciliation and Arbitration.

THE ASSEMBLY OF HEADS OF STATE AND GOVERNMENT

Article VIII

The Assembly of Heads of State and Government shall be the supreme organ of the Organization. It shall, subject to the provisions of this Charter, discuss matters of common concern to Africa with a view to coordinating and harmonizing the general policy of the Organization. It may in addition review the structure, functions and acts of all the organs and any specialized agencies which may be created in accordance with the present Charter.

Article IX

The Assembly shall be composed of the Heads of State and Government or their duly accredited representatives and it shall meet at least once a year. At the request of any Member State and on approval by a two-thirds majority of the Member States, the Assembly shall meet in extraordinary session.

Article X

1. Each Member State shall have one vote.
2. All resolutions shall be determined by a two-thirds majority of the Members of the Organization.

3. **Questions of procedure shall require a simple majority. Whether or not a question is one of procedure shall be determined by a simple majority of all Member States of the Organization.**
4. **Two-thirds of the total membership of the Organization shall form a quorum at any meeting of the Assembly.**

Article XI

The Assembly shall have the power to determine its own rules of procedure.

THE COUNCIL OF MINISTERS

Article XII

1. **The Council of Ministers shall consist of Foreign Ministers or other Ministers as are designated by the Governments of Member States.**
2. **The Council of Ministers shall meet at least twice a year. When requested by any Member State and approved by two-thirds of all Member States, it shall meet in extraordinary session.**

Article XIII

1. **The Council of Ministers shall be responsible to the Assembly of Heads of State and Government. It shall be entrusted with the responsibility of preparing conferences of the Assembly.**
2. **It shall take cognisance of any matter referred to it by the Assembly. It shall be entrusted with the implementation of the decision of the Assembly of Heads of State and Government. It shall coordinate inter-African cooperation in accordance with the instructions of the Assembly conformity with Article II (2) of the present Charter.**

Article XIV

1. **Each Member State shall have one vote.**
2. **All resolutions shall be determined by a simple majority of the members of the Council of Ministers.**

3. **Two-thirds of the total membership of the Council of Ministers shall form a quorum for any meeting of the Council.**

Article XV

The Council shall have the power to determine its own rules of procedure.

GENERAL SECRETARIAT

Article XVI

There shall be a Secretary-General of the Organization, who shall be appointed by the Assembly of Heads of State and Government. The Secretary-General shall direct the affairs of the Secretariat.

Article XVII

There shall be one or more Assistant Secretaries-General of the Organization, who shall be appointed by the Assembly of Heads of State and Government.

Article XVIII

The functions and conditions of service of the Secretary-General, of the Assistant Secretaries-General and other employees of the Secretariat shall be governed by the provisions of this Charter and the regulations approved by the Assembly of Heads of State and Government.

1. **In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.**
2. **Each member of the Organization undertakes to respect the exclusive character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.**

COMMISSION OF MEDIATION, CONCILIATION AND ARBITRATION

Article XIX

Member States pledge to settle all disputes among themselves by peaceful means and, to this end decide to establish a Commission of Mediation, Conciliation and Arbitration, the composition of which and conditions of service shall be defined by a separate Protocol to be approved by the Assembly of Heads of State and Government. Said Protocol shall be regarded as forming an integral part of the present Charter.

SPECIALIZED COMMISSION

Article XX

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

1. Economic and Social Commission.
2. Educational, Scientific, Cultural and Health Commission.
3. Defence Commission.

Article XXI

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

Article XXII

The functions of the Specialized Commissions shall be carried out in accordance with the provisions of the present Charter and of the regulations approved by the Council of Ministers.

THE BUDGET

Article XXIII

The budget of the Organization prepared by the Secretary-General shall be approved by the Council of Ministers. The budget shall be provided by contribution from Member States in accordance with the scale of assessment of the United Nations; provided, however, that no Member State shall be assessed an amount exceeding twenty percent of the yearly regular budget of the Organization. The Member States agree to pay their respective contributions regularly.

SIGNATURE AND RATIFICATION OF CHARTER

Article XXIV

1. This Charter shall be open for signature to all independent sovereign African States and shall be ratified by the signatory States in accordance with their respective constitutional processes.
2. The original instrument, done, if possible in African languages, in English and French, all texts being equally authentic, shall be deposited with the Government of Ethiopia which shall transmit certified copies thereof to all independent sovereign African States.
3. Instruments of ratification shall be deposited with the Government of Ethiopia, which shall notify all signatories of each such deposit.

ENTRY INTO FORCE

Article XXV

This Charter shall enter into force immediately upon receipt by the Government of Ethiopia of the instruments of ratification from two-thirds of the signatory States.

REGISTRATION OF CHARTER

Article XXVI

This Charter shall, after due ratification, be registered with the Secretariat of the United Nations through the Government of Ethiopia in conformity with Article 102 of the Charter of the United Nations.

INTERPRETATION OF THE CHARTER

Article XXVII

Any question which may arise concerning the interpretation of this Charter shall be decided by a vote of two-thirds of the Assembly of Heads of State and Government of the Organization.

ADHESION AND ACCESSION

Article XXVIII

- 1. Any independent sovereign African State may at any time notify the Secretary-General of its intention to adhere or accede to this Charter.**
- 2. The Secretary-General shall, on receipt of such notification, communicate a copy of it to all the Member States. Admission shall be decided by a simple majority of the Member States. The decision of each Member State shall be transmitted to the Secretary-General, who shall, upon receipt of the required number of votes, communicate the decision to the State concerned.**

MISCELLANEOUS

Article XXIX

The working languages of the Organization and all its institutions shall be, if possible African languages, English and French, Arabic and Portuguese.

Article XXX

The Secretary-General may accept, on behalf of the Organization, gifts, bequests and other donations made to the Organization, provided that this is approved by the Council of Ministers.

Article XXXI

The Council of Ministers shall decide on the privileges and immunities to be accorded to the personnel of the Secretariat in the respective territories of the Member States.

CESSATION OF MEMBERSHIP

Article XXXI

Any State which desires to renounce its membership shall forward a written notification to the Secretary-General. At the end of one year from the date of such notification, if not withdrawn, the Charter shall cease to apply with respect to the renouncing State, which shall thereby cease to belong to the Organization.

AMENDMENT OF THE CHARTER

Article XXXII

This Charter may be amended or revised if any Member State makes a written request to the Secretary-General to that effect; provided, however, that the proposed amendment is not submitted to the Assembly for consideration until all the Member States have been duly notified of it and a period of one year has elapsed. Such an amendment shall not be effective unless approved by at least two-thirds of all the Member States.

IN FAITH WHEREOF, We, the Heads of African States and Governments have signed this Charter.

*Done in the City of Addis Ababa, Ethiopia,
25th day of May, 1963*

ORGANIZATION OF AFRICAN UNITY

ORGANISATION DE L'UNITE AFRICAINE

AFRICAN CHARTER
ON HUMAN AND PEOPLES' RIGHTS

AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTSPREAMBLE

The African States members of the Organization of African Unity, parties to the present convention entitled "African Charter on Human and Peoples' Rights",

Recalling Decision 115 (XVI) of the Assembly of Heads of State and Government at its Sixteenth Ordinary Session held in Monrovia, Liberia, from 17 to 20 July 1979 on the preparation of "a preliminary draft on an African Charter on Human and Peoples' Rights providing inter alia for the establishment of bodies to promote and protect human and peoples' rights" ;

Considering the Charter of the Organization of African Unity, which stipulates that "freedom, equality, justice and dignity are essential objectives for the achievement of the legitimate aspirations of the African peoples" ;

Reaffirming the pledge they solemnly made in Article 2 of the said Charter to eradicate all forms of colonialism from Africa, to coordinate and intensify their cooperation and efforts to achieve a better life for the peoples of Africa and to promote international cooperation having due regard to the Charter of the United Nations and the Universal Declaration of Human Rights ;

Taking into consideration the virtues of their historical tradition and the values of African civilization which should inspire and characterize their reflection on the concept of human and peoples' rights ;

Recognizing on the one hand, that fundamental human rights stem from the attributes of human beings, which justifies their international protection and on the other hand that the reality and respect of peoples rights should necessarily guarantee human rights ;

- 2 -

Considering that the enjoyment of rights and freedoms also implies the performance of duties on the part of everyone ;

Convinced that it is henceforth essential to pay a particular attention to the right to development and that civil and political rights cannot be dissociated from economic, social and cultural rights in their conception as well as universality and that the satisfaction of economic, social and cultural rights is a guarantee for the enjoyment of civil and political rights ;

Conscious of their duty to achieve the total liberation of Africa, the peoples of which are still struggling for their dignity and genuine independence, and undertaking to eliminate colonialism, neo-colonialism, apartheid, zionism and to dismantle aggressive foreign military bases and all forms of discrimination, particularly those based on race, ethnic group, colour, sex, language, religion or political opinions ;

Reaffirming their adherence to the principles of human and peoples' rights and freedoms contained in the declarations, conventions and other instruments adopted by the Organization of African Unity, the Movement of Non-Aligned Countries and the United Nations ;

Firmly convinced of their duty to promote and protect human and peoples' rights and freedoms taking into account the importance traditionally attached to these rights and freedoms in Africa ;

HAVE AGREED AS FOLLOWS :

PART I : RIGHTS AND DUTIES

CHAPTER I

HUMAN AND PEOPLES' RIGHTS

ARTICLE 1 :

The Member States of the Organization of African Unity parties to the present Charter shall recognize the rights, duties and freedoms enshrined in this Charter and shall undertake to adopt legislative or other measures to give effect to them.

ARTICLE 2

Every individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status.

ARTICLE 3

1. Every individual shall be equal before the law
2. Every individual shall be entitled to equal protection of the law.

ARTICLE 4

Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right.

ARTICLE 5

Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited.

ARTICLE 6

Every individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law. In particular, no one may be arbitrarily arrested or detained.

ARTICLE 7

1. Every individual shall have the right to have his cause heard. This comprises :
 - a) The right to an appeal to competent national organs against acts of violating his fundamental rights as recognized and guaranteed by conventions, laws, regulations and customs in force ;
 - b) the right to be presumed innocent until proved guilty by a competent court or tribunal ;
 - c) the right to defence, including the right to be defended by counsel of his choice ;
 - d) the right to be tried within a reasonable time by an impartial court or tribunal.

2. No one may be condemned for an act or omission which did not constitute a legally punishable offence at the time it was committed. No penalty may be inflicted for an offence for which no provision was made at the time it was committed. No penalty may be inflicted for an offence for which no provision was made at the time it was committed. Punishment is personal and can be imposed only on the offender.

ARTICLE 8

Freedom of conscience, the profession and free practice of religion shall be guaranteed. No one may, subject to law and order, be submitted to measures restricting the exercise of these freedoms.

ARTICLE 9

1. Every individual shall have the right to receive information.
2. Every individual shall have the right to express and disseminate his opinions within the law.

ARTICLE 10

1. Every individual shall have the right to free association provided that he abides by the law.
2. Subject to the obligation of solidarity provided for in Article 29 no one may be compelled to join an association.

ARTICLE 11

Every individual shall have the right to assemble freely with others. The exercise of this right shall be subject only to necessary restrictions provided for by law in particular those enacted in the interest of national security, the safety, health, ethics and rights and freedoms of others.

ARTICLE 12

1. Every individual shall have the right to freedom of movement and residence within the borders of a State provided he abides by the law.
2. Every individual shall have the right to leave any country including his own, and to return to his country. This right may only be subject to restrictions, provided for by law for the protection of national security, law and order, public health or morality.

- 5 -

3. Every individual shall have the right, when persecuted, to seek and obtain asylum in other countries in accordance with the laws of those countries and international conventions.

4. A non-national legally admitted in a territory of a State Party to the present Charter, may only be expelled from it by virtue of a decision taken in accordance with the law.

5. The mass expulsion of non-nationals shall be prohibited. Mass expulsion shall be that which is aimed at national, racial, ethnic or religious groups.

ARTICLE 13

1. Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law.

2. Every citizen shall have the right of equal access to the public service of his country.

3. Every individual shall have the right of access to public property and services in strict equality of all persons before the law.

ARTICLE 14

The right to property shall be guaranteed. It may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws.

ARTICLE 15

Every individual shall have the right to work under equitable and satisfactory conditions, and shall receive equal pay for equal work.

ARTICLE 16

1. Every individual shall have the right to enjoy the best attainable state of physical and mental health.

2. States Parties to the present Charter shall take the necessary measures to protect the health of their people and to ensure that they receive medical attention when they are sick.

ARTICLE 17

1. Every individual shall have the right to education.
2. Every individual may freely, take part in the cultural life of his community.
3. The promotion and protection of morals and traditional values recognized by the community shall be the duty of the State.

ARTICLE 18

1. The family shall be the natural unit and basis of society. It shall be protected by the State which shall take care of its physical health and moral.
2. The State shall have the duty to assist the family which is the custodian of morals and traditional values recognized by the community.
3. The State shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of the woman and the child as stipulated in international declarations and conventions.
4. The aged and the disabled shall also have the right to special measures of protection in keeping with their physical or moral needs.

ARTICLE 19

All peoples shall be equal; they shall enjoy the same respect and shall have the same rights. Nothing shall justify the domination of a people by another.

ARTICLE 20

1. All peoples shall have right to existence. They shall have the unquestionable and inalienable right to self-determination. They shall freely determine their political status and shall pursue their economic and social development according to the policy they have freely chosen.
2. Colonized or oppressed peoples shall have the right to free themselves from the bonds of domination by resorting to any means recognized by the international community.
3. All peoples shall have the right to the assistance of the States Parties to the present Charter in their liberation struggle against foreign domination, be it political, economic or cultural.

ARTICLE 21

1. All peoples shall freely dispose of their wealth and natural resources. This right shall be exercised in the exclusive interest of the people. In no case shall a people be deprived of it.

2. In case of spoliation the dispossessed people shall have the right to the lawful recovery of its property as well as to an adequate compensation.

3. The free disposal of wealth and natural resources shall be exercised without prejudice to the obligation of promoting international economic cooperation based on mutual respect, equitable exchange and the principles of international law.

4. States parties to the present Charter shall individually and collectively exercise the right to free disposal of their wealth and natural resources with a view to strengthening African unity and solidarity.

5. States Parties to the present Charter shall undertake to eliminate all forms of foreign economic exploitation particularly that practised by international monopolies so as to enable their peoples to fully benefit from the advantages derived from their national resources.

ARTICLE 22

1. All peoples shall have the right to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind.

2. States shall have the duty, individually or collectively, to ensure the exercise of the right to development.

ARTICLE 23

1. All peoples shall have the right to national and international peace and security. The principles of solidarity and friendly relations implicitly affirmed by the Charter of the United Nations and reaffirmed by that of the Organization of African Unity shall govern relations between States.

2. For the purpose of strengthening peace, solidarity and friendly relations, States parties to the present Charter shall ensure that :

- 8 -

- (a) any individual enjoying the right of asylum under Article 12 of the present Charter shall not engage in subversive activities against his country of origin or any other State party to the present Charter ;
- (b) their territories shall not be used as bases for subversive or terrorist activities against the people of any other State party to the present Charter.

ARTICLE 24

All peoples shall have the right to a general satisfactory environment favourable to their development.

ARTICLE 25

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

ARTICLE 26

States parties to the present Charter shall have the duty to guarantee the independence of the Courts and shall allow the establishment and improvement of appropriate national institutions entrusted with the promotion and protection of the rights and freedoms guaranteed by the present Charter.

CHAPTER II

DUTIES

ARTICLE 27

1. Every individual shall have duties towards his family and society, the State and other legally recognised communities and the international community.
2. The rights and freedoms of each individual shall be exercised with due regard to the rights of others, collective security, morality and common interest.

ARTICLE 28

Every individual shall have the duty to respect and consider his fellow beings without discrimination, and to maintain relations aimed at promoting, safeguarding and reinforcing mutual respect and tolerance.

ARTICLE 29

The individual shall also have the duty :

1. To preserve the harmonious development of the family and to work for the cohesion and respect of the family; to respect his parents at all times, to maintain them in case of need ;
2. To serve his national community by placing his physical and intellectual abilities at its service ;
3. Not to compromise the security of the State whose national or resident he is ;
4. To preserve and strengthen social and national solidarity, particularly when the latter is threatened ;
5. To preserve and strengthen the national independence and the territorial integrity of his country and to contribute to its defence in accordance with the law ;
6. To work to the best of his abilities and competence, and to pay taxes imposed by law in the interest of the society ;
7. To preserve and strengthen positive African cultural values in his relations with other members of the society, in the spirit of tolerance, dialogue and consultation and, in general, to contribute to the promotion of the moral well being of society ;
8. To contribute to the best of his abilities, at all times and at all levels, to the promotion and achievement of African unity.

PART II - MEASURES OF SAFEGUARDCHAPTER IESTABLISHMENT AND ORGANIZATION OF THE AFRICAN
COMMISSION ON HUMAN AND PEOPLES' RIGHTSARTICLE 30

An African Commission on Human and Peoples' Rights, hereinafter called "the Commission", shall be established within the Organization of African Unity to promote human and peoples' rights and ensure their protection in Africa.

ARTICLE 31

1. The Commission shall consist of eleven members chosen from amongst African personalities of the highest reputation, known for their high morality, integrity, impartiality and competence in matters of human and peoples' rights ; particular consideration being given to persons having legal experience.

2. The members of the Commission shall serve in their personal capacity.

ARTICLE 32

The Commission shall not include more than one national of the same State.

ARTICLE 33

The members of the Commission shall be elected by secret ballot by the Assembly of Heads of State and Government, from a list of persons nominated by the States parties to the present Charter.

ARTICLE 34

Each State party to the present Charter may not nominate more than two candidates. The candidates must have the nationality of one of the States parties to the present Charter. When two candidates are nominated by a State, one of them may not be a national of that State.

ARTICLE 35

1. The Secretary General of the Organization of African Unity shall invite States parties to the present Charter at least four months before the elections to nominate candidates ;

2. The Secretary General of the Organization of African Unity shall make an alphabetical list of the persons thus nominated and communicate it to the Heads of State and Government at least one month before the elections.

ARTICLE 36

The members of the Commission shall be elected for a six year period and shall be eligible for re-election. However, the term of office of four of the members elected at the first election shall terminate after two years and the term of office of three others, at the end of four years.

ARTICLE 37

Immediately after the first election, the Chairman of the Assembly of Heads of State and Government of the Organization of African Unity shall draw lots to decide the names of those members referred to in Article 36.

ARTICLE 38

After their election, the members of the Commission shall make a solemn declaration to discharge their duties impartially and faithfully.

ARTICLE 39

1. In case of death or resignation of a member of the Commission, the Chairman of the Commission shall immediately inform the Secretary General of the Organization of African Unity, who shall declare the seat vacant from the date of death or from the date on which the resignation takes effect.

2. If, in the unanimous opinion of other members of the Commission, a member has stopped discharging his duties for any reason other than a temporary absence, the Chairman of the Commission shall inform the Secretary General of the Organization of African Unity, who shall then declare the seat vacant.

3. In each of the cases anticipated above, the Assembly of Heads of State and Government shall replace the member whose seat became vacant for the remaining period of his term unless the period is less than six months.

ARTICLE 40

Every member of the Commission shall be in office until the date his successor assumes office.

ARTICLE 41

The Secretary General of the Organization of African Unity shall appoint the Secretary of the Commission. He shall also provide the staff and services necessary for the effective discharge of the duties of the Commission. The Organization of African Unity shall bear the cost of the staff and services.

ARTICLE 42

1. The Commission shall elect its Chairman and Vice Chairman for a two-year period. They shall be eligible for re-election.

2. The Commission shall lay down its rules of procedure.

3. Seven members shall form the quorum.

4. In case of an equality of votes, the Chairman shall have a casting vote.
5. The Secretary-General may attend the meetings of the Commission. He shall neither participate in deliberations nor shall he be entitled to vote. The Chairman of the Commission may, however, invite him to speak.

ARTICLE 43

In discharging their duties, members of the Commission shall enjoy diplomatic privileges and immunities provided for in the General Convention on the Privileges and Immunities of the Organization of African Unity.

ARTICLE 44

Provision shall be made for the emoluments and allowances of the members of the Commission in the Regular Budget of the Organization of African Unity.

CHAPTER IIMANDATE OF THE COMMISSIONARTICLE 45

The functions of the Commission shall be :

1. To promote Human and Peoples' Rights and in particular :
 - a) To collect documents, undertake studies and researches on African problems in the field of human and peoples' rights, organize seminars, symposia and conferences, disseminate information, encourage national and local institutions concerned with human and peoples' rights, and should the case arise, give its views or make recommendations to Governments.
 - b) to formulate and lay down, principles and rules aimed at solving legal problems relating to human and peoples' rights and fundamental freedoms upon which African Governments may base their legislations.
 - c) co-operate with other African and international institutions concerned with the promotion and protection of human and peoples' rights.
2. Ensure the protection of human and peoples' rights under conditions laid down by the present Charter.
3. Interpret all the provisions of the present Charter at the request of a State Party, an institution of the OAU or an African organization recognized by the OAU.

4. Perform any other tasks which may be entrusted to it by the Assembly of Heads of State and Government.

CHAPTER III

PROCEDURE OF THE COMMISSION

ARTICLE 46

The Commission may resort to any appropriate method of investigation; it may hear from the Secretary-General of the Organization of African Unity or any other person capable of enlightening it.

COMMUNICATION FROM STATES

ARTICLE 47

If a State party to the present Charter has good reasons to believe that another State party to this Charter has violated the provisions of the Charter, it may draw, by written communication, the attention of that State to the matter. This communication shall also be addressed to the Secretary-General of the OAU and to the Chairman of the Commission. Within three months of the receipt of the communication, the State to which the communication is addressed shall give the enquiring State, written explanation or statement elucidating the matter. This should include as much as possible relevant information relating to the laws and rules of procedure applied and applicable and the redress already given or course of action available.

ARTICLE 48

If within three months from the date on which the original communication is received by the State to which it is addressed, the issue is not settled to the satisfaction of the two States involved through bilateral negotiation or by any other peaceful procedure, either State shall have the right to submit the matter to the Commission through the Chairman and shall notify the other States involved.

ARTICLE 49

Notwithstanding the provisions of Article 47, if a State party to the present Charter considers that another State party has violated the provisions of the Charter, it may refer the matter directly to the Commission by addressing a communication to the Chairman, to the Secretary-General of the Organization of African Unity and the State concerned.

ARTICLE 50

The Commission can only deal with a matter submitted to it after making sure that all local remedies, if they exist, have been exhausted, unless it is obvious to the Commission that the procedure of achieving these remedies would be unduly prolonged.

ARTICLE 51

1. The Commission may ask the States concerned to provide it with all relevant information.
2. When the Commission is considering the matter, States concerned may be represented before it and submit written or oral representations.

ARTICLE 52

After having obtained from the States concerned and from other sources all the information it deems necessary and after having tried all appropriate means to reach an amicable solution based on the respect of Human and Peoples' Rights, the Commission shall prepare, within a reasonable period of time from the notification referred to in Article 48, a report stating the facts and its findings. This report shall be sent to the States concerned and communicated to the Assembly of Heads of State and Government.

ARTICLE 53

While transmitting its report, the Commission may make to the Assembly of Heads of State and Government such recommendations as it deems useful.

ARTICLE 54

The Commission shall submit to each Ordinary Session of the Assembly of Heads of State and Government a report on its activities.

OTHER COMMUNICATIONSARTICLE 55

1. Before each Session, the Secretary of the Commission shall make a list of the communications other than those of States parties to the present Charter and transmit them to the Members of the Commission, who shall indicate which communications should be considered by the Commission.

2. A communication shall be considered by the Commission if a simple majority of its members so decide.

ARTICLE 56

Communications relating to human and peoples' rights referred to in Article 55 received by the Commission, shall be considered if they :

1. indicate their authors even if the latter request anonymity,
2. are compatible with the Charter of the Organization of African Unity or with the present Charter,
3. are not written in disparaging or insulting language directed against the State concerned and its institutions or to the Organization of African Unity,
4. are not based exclusively on news disseminated through the mass media,
5. are sent after exhausting local remedies, if any, unless it is obvious that this procedure is unduly prolonged,
6. are submitted within a reasonable period from the time local remedies are exhausted or from the date the Commission is seized of the matter, and
7. do not deal with cases which have been settled by these States involved in accordance with the principles of the Charter of the United Nations, or the Charter of the Organization of African Unity or the provisions of the present Charter.

ARTICLE 57

Prior to any substantive consideration, all communications shall be brought to the knowledge of the State concerned by the Chairman of the Commission.

ARTICLE 58

1. When it appears after deliberations of the Commission that one or more communications apparently relate to special cases which reveal the existence of a series of serious or massive violations of human and peoples' rights, the Commission shall draw the attention of the Assembly of Heads of State and Government to these special cases.

2. The Assembly of Heads of State and Government may then request the Commission to undertake an in-depth study of these cases and make a factual report, accompanied by its finding and recommendations.

3. A case of emergency duly noticed by the Commission shall be submitted by the latter to the Chairman of the Assembly of Heads of State and Government who may request an in-depth study.

ARTICLE 59

1. All measures taken within the provisions of the present Chapter shall remain confidential until such a time as the Assembly of Heads of State and Government shall otherwise decide.
2. However, the report shall be published by the Chairman of the Commission upon the decision of the Assembly of Heads of State and Government.
3. The report on the activities of the Commission shall be published by its Chairman after it has been considered by the Assembly of Heads of State and Government.

CHAPTER IV - APPLICABLE PRINCIPLESARTICLE 60

The Commission shall draw inspiration from international law on human and peoples' rights, particularly from the provisions of various African instruments on human and peoples' rights, the Charter of the United Nations, the Charter of the Organization of African Unity, the Universal Declaration of Human Rights, other instruments adopted by the United Nations and by African countries in the field of human and peoples' rights as well as from the provisions of various instruments adopted within the Specialised Agencies of the United Nations of which the parties to the present Charter are members.

ARTICLE 61

The Commission shall also take into consideration, as subsidiary measures to determine the principles of law, other general or special international conventions, laying down rules expressly recognized by member states of the Organization of African Unity, African practices consistent with international norms on human and peoples' rights, customs generally accepted as law, general principles of law recognized by African states as well as legal precedents and doctrine.

ARTICLE 62

Each State party shall undertake to submit every two years, from the date the present Charter comes into force, a report on the legislative or other measures taken with a view to giving effects to the rights and freedoms recognized and guaranteed by the present Charter.

ARTICLE 63

1. The present Charter shall be open to signature, ratification or adherence of the member states of the Organization of African Unity.
2. The instruments of ratification or adherence to the present Charter shall be deposited with the Secretary General of the Organization of African Unity.
3. The present Charter shall come into force three months after the reception by the Secretary General of the instruments of ratification or adherence of a simple majority of the member states of the Organization of African Unity.

PART III - GENERAL PROVISIONSARTICLE 64

1. After the coming into force of the present Charter, members of the Commission shall be elected in accordance with the relevant Articles of the present Charter.
2. The Secretary General of the Organization of African Unity shall convene the first meeting of the Commission at the Headquarters of the Organization within three months of the constitution of the Commission. Thereafter, the Commission shall be convened by its Chairman whenever necessary but at least once a year.

ARTICLE 65

For each of the States that will ratify or adhere to the present Charter after its coming into force, the Charter shall take effect three months after the date of the deposit by that State of its instrument of ratification or adherence.

ARTICLE 66

Special protocols or agreements may, if necessary, supplement the provisions of the present Charter.

ARTICLE 67

The Secretary General of the Organization of African Unity shall inform member states of the Organization of the deposit of each instrument of ratification or adherence.

ARTICLE 68

The present Charter may be amended if a State party makes a written request to that effect to the Secretary General of the Organization of African Unity. The Assembly of Heads of State and Government may only consider the draft amendment after all the States parties have been duly informed of it and the Commission has given its opinion on it at the request of the sponsoring State. The amendment shall be approved by a simple majority of the States parties. It shall come into force for each State which has accepted it in accordance with its constitutional procedure three months after the Secretary General has received notice of the acceptance.

Adopted by the eighteenth Assembly of Heads of State and
Government June 1981 - Nairobi,
Kenya



- A -

Agenda Item II: DECOLONIZATION

The Summit Conference of Independent African States meeting in Addis Ababa, Ethiopia, from 22 to 25 May 1963,

Having considered all aspects of the questions of decolonization,

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

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

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

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

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

1. DECLARES that the forcible imposition by the colonial powers of the settlers to control the governments and administrations of the dependent territories is a flagrant violation of the inalienable rights of the legitimate inhabitants of the territories concerned;
2. INVITES the colonial powers to take the necessary measures for the immediate application of the declaration of the Granting of Independence to Colonial Countries and Peoples; and INSISTS that their determination to

maintain colonies or semi-colonies in Africa constitutes a menace to the peace of the continent;

3. INVITES, further, the colonial powers, particularly the United Kingdom with regard to Southern Rhodesia, not to transfer the powers and attributes of sovereignty to foreign minority governments imposed on African peoples by the use of force and under cover of racial legislation; and INSISTS that the transfer of power to settler minorities would amount to the provision of United Nations resolution 1514(XV) on violations of Independence;
4. REAFFIRMS its support of African nationalists of Southern Rhodesia and

solemnly declares that if power in Southern Rhodesia were to be usurped by a racial white minority government, State Members of the Conference would lend their effective moral and practical support to any legitimate measures which the African nationalist leaders may devise for the purpose of recovering such power and restoring it to the African majority; the Conference also UNDERTAKES henceforth to concert the efforts of its Members to take such measures as the situation demands against any State according recognition to the minority government;

5. REAFFIRMS, further, that the territory of South-West Africa is an African territory under international mandate and that any attempt by the Republic of South Africa to annex it would be regarded as an act of aggression; REAFFIRMS also its determination to render all necessary support to the second phase of the South-West Africa case before the International Court of Justice; REAFFIRMS STILL FURTHER, the inalienable right of the people of South-West Africa to self-determination and independence;
6. INTERVENES EXPRESSLY with the Great Powers so that they cease, without exception, to lend direct or indirect support or assistance to all those colonialist governments which might use such assistance to suppress national liberation movements, particularly the Portuguese Government which is conducting a real war of genocide in Africa; INFORMS the allies of colonial powers that they must choose between their friendship for the African people and their support of powers that oppress African peoples;
7. DECIDES to send a delegation of Ministers of Foreign Affairs to speak on behalf of all African States in the meetings of the Security Council which will be called to examine the report of the United Nations Committee of 24 on the situation in African territories under Portuguese domination; (The Conference has decided the members of the Delegation to be Liberia, Tunisia, Madagascar and Sierra Leone);
8. DECIDES further the breaking off of diplomatic and consular relations between all African States and Governments of Portugal and South Africa so long as they persist in their present attitude towards decolonization;
9. ASKS FOR AN EFFECTIVE BOYCOTT of the foreign trade of Portugal and South Africa by:
 - (a) prohibiting the import of goods from those two countries;
 - (b) closing African ports and airports to their ships and planes;
 - (c) forbidding the planes of those two countries to overfly the territories or all African States;
10. EARNESTLY INVITES all national liberation movements to co-ordinate their

efforts by establishing common action fronts wherever necessary so as to strengthen the effectiveness of their struggle and the rational use of the concerted assistance given them;

11. ESTABLISHES a Co-ordinating Committee consisting of Algeria, Ethiopia, Guinea, Congo (Leopoldville), Nigeria, Senegal, Tanganyika, United Arab Republic and Uganda, with Headquarters in Dar-es-Salaam, Tanganyika, responsible for harmonizing the assistance from African States and for managing the Special Fund to be set up for that purpose;
12. ESTABLISHES a Special Fund to be raised by voluntary contribution of Member States for the current year, the deadline for such contribution being 15 July 1963; REQUESTS the Co-ordinating Committee to propose the necessary fund and apportionment among Member States to the Council of Ministers so as to supply the necessary practical and financial aid to the various African national liberation movements;
13. APPOINTS the day of 25 May as African Liberation Day so as to organize popular demonstrations on that day to disseminate the recommendations of the Summit Conference and to collect sums over and above the national contributions for the Special Fund; (The Conference has decided that this year it will be the opening day of the 18th Session of the General Assembly of the United Nations);
14. DECIDES to receive on the territories of independent African States, nationalists from liberation movements in order to give them training in all sectors and afford young people all the assistance they need for their education and vocational training;
15. DECIDES further to promote, in each State, the transit of all material aid and the establishment of a body of volunteers in various fields, with a view to providing the various African national liberation movements with the assistance they need in the various sectors.

RESOLUTION ON THE DIEGO GARCIA

The Assembly of Heads of State and Government of the Organization of African Unity meeting at its 17th Ordinary Session in Freetown, Sierra Leone from 1 to 4 July 1980,

Pursuant to article I, para 2, of the Charter of the Organization of African Unity, which stipulates “The Organization shall include the Continental African States, Madagascar and other islands surrounding Africa”,

Considering that one of the fundamental principles of the Organization is the “respect for the sovereignty and territorial integrity of each state”,

Aware of the fact that Diego Garcia has always been an integral part of Mauritius, a Member State of the OAU,

Recognizing that Diego Garcia was not ceded to Britain for military purposes,

Realizing the militarization of Diego Garcia is a threat to Africa, and to the Indian Ocean as a zone of peace,

DEMANDS that Diego Garcia be unconditionally returned to Mauritius and that its peaceful character be maintained.

AHG/Dec.159 (XXXVI)

DECISION ON CHAGOS ARCHIPELAGO

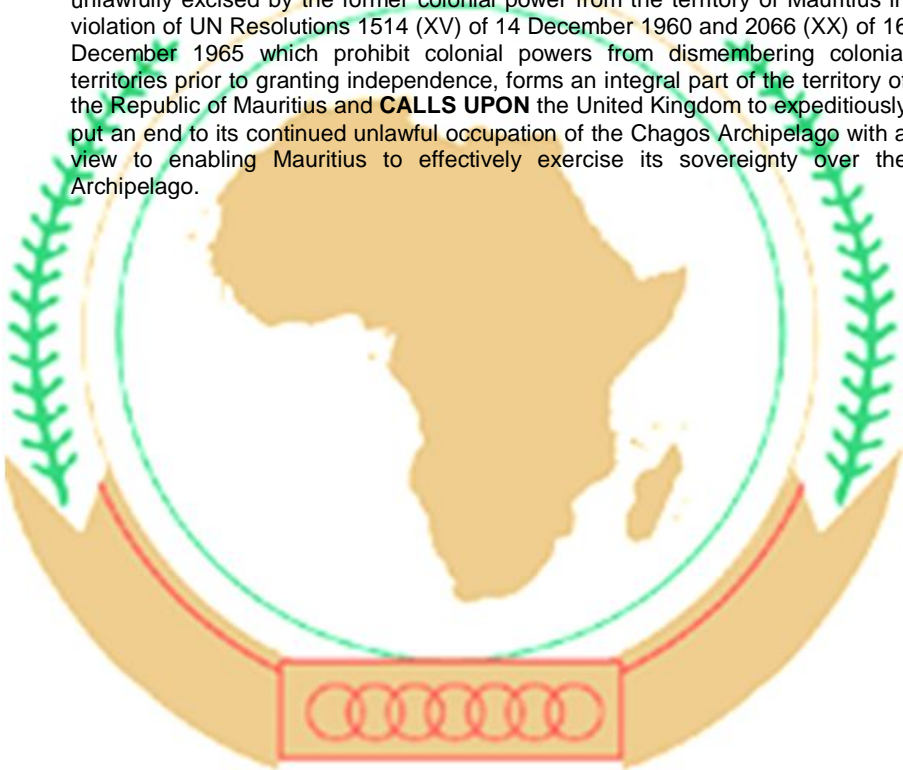
The Assembly:

1. EXPRESSES CONCERN that the Chagos Archipelago was unilaterally and illegally excised by the colonial power from Mauritius prior to its independence in violation of UN Resolution 1514;
2. NOTES WITH DISMAY that the bilateral talks between Mauritius and UK on this matter has not yielded any significant progress;
3. URGES the UK Government to immediately enter into direct and constructive dialogue with Mauritius so as to enable the early return of the sovereignty of Mauritius.

**DECISION ON THE SOVEREIGNTY OF THE REPUBLIC OF MAURITIUS
OVER THE CHAGOS ARCHIPELAGO**

The Assembly,

1. **RE-AFFIRMS** that the Chagos Archipelago, including Diego Garcia, which was unlawfully excised by the former colonial power from the territory of Mauritius in violation of UN Resolutions 1514 (XV) of 14 December 1960 and 2066 (XX) of 16 December 1965 which prohibit colonial powers from dismembering colonial territories prior to granting independence, forms an integral part of the territory of the Republic of Mauritius and **CALLS UPON** the United Kingdom to expeditiously put an end to its continued unlawful occupation of the Chagos Archipelago with a view to enabling Mauritius to effectively exercise its sovereignty over the Archipelago.



Adopted by the Fifteenth Ordinary Session of the Assembly of the Union on 27 July 2010 in Kampala, Uganda

RESOLUTION

The Assembly of the Union, at its 16th Ordinary Session held in Addis Ababa, Ethiopia from 30 to 31 January 2011,

Recalling that the Chagos Archipelago, including Diego Garcia, was unlawfully excised by the United Kingdom, the former colonial power, from the territory of Mauritius prior to independence of Mauritius, in violation of UN Resolution 1514 (XV) of 14 December 1960 and 2066 (XX) of 16 December 1965 which prohibit colonial powers from dismembering colonial territories prior to granting independence;

Reaffirming that the Chagos Archipelago, including Diego Garcia, forms an integral part of the territory of the Republic of Mauritius;

Recalling in this regard, inter alia:

- (i) Resolution AHG/Res.99 (XVII) of July 1980 of the Assembly of Heads of State and Government of the Organisation of African Unity (OAU);
- (ii) Decision AHG/Dec.159 (XXXVI) of July 2000 of the Assembly of Heads of State and Government of the Organisation of African Unity (OAU);
- (iii) Decision Assembly/AU/Dec.331(XV) of July 2010 of the Assembly of the African Union.

Noting with grave concern that notwithstanding the OAU/AU Resolution/Decisions and the strong opposition expressed by the Republic of Mauritius, the United Kingdom has proceeded to establish a 'marine protected area' around the Chagos Archipelago on 01 November 2010, in a manner that was inconsistent with its international legal obligations, thereby further impeding the exercise by the Republic of Mauritius of its sovereignty over the Archipelago;

Noting further that the Government of the Republic of Mauritius has, on 20 December 2010, initiated proceedings against the United Kingdom in relation to the dispute concerning the legality of the purported 'marine protected area' as set forth in the Notification of that date, to an Arbitral Tribunal to be constituted under Article 287 and Annex VII of the United Nations Convention on the Law of the sea;

Considering that the Government of the Republic of Mauritius is committed to taking other measures to protect its rights under international law relating to its legitimate aspiration to be able to exercise sovereignty over the Chagos Archipelago, including action at the United Nations General Assembly:

1. **DECIDES** to support fully the action of the Government of the Republic of Mauritius at the United Nations General Assembly with a view to enabling Mauritius to exercise its sovereignty over the Archipelago.



A.S.A

**III Third Africa-South America Summit
Malabo Declaration**

We, Heads of State and Government of Africa and South America, meeting at our Third Africa-South America Summit (ASA) in Malabo, Equatorial Guinea from 20-22 February 2013;

1. Expressing our gratitude to H.E. Mr. Teodoro Obiang Nguema Mbasogo, President of the Republic of Equatorial Guinea, to the Government and people of Equatorial Guinea for their warm welcome and generous hospitality, as well as the excellent organization and smooth conduct of the deliberations of this Summit;
2. Reaffirming our commitment to develop strategies and mechanisms to strengthen South-South cooperation to the benefit of the peoples of Africa and South America.
3. Recognizing the historical and cultural ties existing between Africa and South America and the active participation of the people of African descent in the development of South America, as well as the important role that the countries and peoples of South America have played in the heroic struggles waged by African



peoples and countries for political independence, human dignity and economic and social development;

4. Welcoming the celebration of the 50th Anniversary of the founding of the Organization of African Unity (OAU), and Supporting the commemoration of this important milestone in African Unity;

5. Recalling the Abuja, Nigeria, Declaration adopted by the first Africa-South America Summit on 30 November 2006 and the Nueva Esparta, Margarita Island, Bolivarian Republic of Venezuela, Declaration adopted by the Second Africa-South America Summit on 27 September 2009, as well as efforts made to implement these Declarations and consolidate cooperation in various areas of common interest between our two regions;

6. Recognizing that South-South cooperation is a major objective for both regions, particularly in regard to the strengthening of trade relations in all areas of common interest and the sharing of best practices in the fields of inter alia health; environment, biodiversity, power and energy, transport and aviation, urban infrastructure and climate change; science and technology; trade, investment and industry and tourism; education and culture; agriculture and rural development; employment creation; youth and gender promotion; peace and security and stressing the need for joint action in these areas;



7. Aware that in a bid to promote international peace and security, cooperation between our two regions must be based on commitment towards: multilateralism, respect for international law, democracy, respect for human rights and humanitarian law, disarmament, free migratory flows, preventing and combating terrorism, combating illicit trafficking of small arms, light weapons and ammunition, combating human and drug trafficking, non-proliferation of nuclear weapons and other weapons of mass destruction, illicit outflows of financial capital, the achievement of sustainable development along with social justice, eradication of hunger and poverty and environmental protection;

8. Recalling that current trends and developments in the financial world have a direct and indirect impact on the economies of our countries and regions;

9. Recognizing that gender equality and women empowerment and youth promotion are key elements to achieve social and economic development as well as justice, and recalling the progress our countries have made through greater use of gender disaggregated data in the analysis, planning and management of economic and social policies aimed at achieving these goals,

10. Committed to make efforts to eradicate all forms and manifestations of violence against women, and to promote the full exercise of their human rights.

11. Deciding to share experiences and promote close and genuine cooperation between our regions, with the support of the African Union (AU) and the Union of



South American Nations (UNASUR) as important pillars of cooperation between our peoples, the latter having already been initiated through the contribution and role played by these two organizations during the preparatory meetings of this Third Summit;

12. Commending the efforts made so far by the ASA Coordination and Monitoring Committee to intensify cooperation between South America and Africa as well as to promote effective multilateralism for the mutual benefit of the States and peoples of both regions;

13. Desirous of establishing the necessary mechanisms to enhance cooperation between Africa and South America in the interest of the States and peoples of our two regions;

14. Recalling the Final Declaration issued at the First Working Meeting of the Strategic Presidential Committee held on 6 August 2010 in Caracas, Venezuela, and the Communiqué of the Fourth Ministerial Conference of the Africa-South America Cooperation Forum (ASACOF) held in Malabo, Equatorial Guinea on 25 November 2011;

DECLARE THAT:



In furtherance of this strong commitment, it is necessary to strengthen the following areas of our cooperation:

I. PEACE AND SECURITY

15. We stress that full respect to objectives and principles of the United Nations Charter is a sine qua non condition to the strengthening of international peace and security, and also recalling that peace and development are closely interlinked and mutually reinforcing and key to attaining sustainable development.

16. We reiterate that any conflict or dispute that might endanger regional or global stability must be resolved peacefully, in keeping with the UN Charter. We also recall the need to adopt appropriate and effective measures against threats to peace and security arising from the proliferation of chemical, biological and nuclear weapons, or from illegal trafficking in arms, ammunition and explosives, in accordance with relevant provisions of the United Nations.

17. We reaffirm our strong commitment to fight terrorism, piracy, drug trafficking and other forms of organized crimes, including payment of ransom to terrorist groups and international organized crime.



18. We condemn the increase in rape and all other forms of violence against women, girls and other vulnerable people, especially people living with HIV/AIDS. All committed to fight heinous crimes, we decide to extend our support to all good will organisations that carry out the struggle against these crime and request ASA members to support relevant resolutions in the United Nations, as well as in other international organisations, in favour of the eradication of violence against women and new cases of HIV infections.

19. We express appreciation for the convening of the Seventh Ministerial meeting of the Zone of Peace and Cooperation of the South Atlantic (ZPCSA/ZOPACAS), held in Uruguay on 15 and 16 January of 2013. We welcome, in this regard, the decision of the ministers of the ZPCSA to consolidate the South Atlantic as a zone free from nuclear weapons and weapons of mass destruction, and the commitment of its Member States to the promotion of peace and security, democracy, sustainable development, economic prosperity, social inclusion, cultural integration and solidarity.

20. We reaffirm our commitment to peace and stability in our regions and in all other regions of the world, reiterating our support to peacekeeping operations in the framework of the UN, highlighting, at the same time, the increased role of our regional organizations in the implementation of peacekeeping operations.



II. POLITICAL ISSUES, DEMOCRACY, GOVERNANCE AND HUMAN RIGHTS

21. We support the global approach to the solution of the Malian crisis, as set out by the African Union and the United Nations Security Council. We commend the efforts of the international community, especially from the African Union, ECOWAS and neighbouring countries, aimed at supporting the Malian people in restoring its national unity and territorial integrity, building democratic institutions and fighting the twin scourges of terrorism and organized crime. We emphasize the importance of intra-Malian dialogue and the international community's development and humanitarian assistance in laying a sound basis for long-term stability in Mali.

22. We further call on the international community to support African efforts and initiatives aimed at consolidating the process of return to constitutional rule in Guinea Bissau and Madagascar, as well as normalization and stabilisation in the Central-African Republic and the Democratic Republic of Congo, Somalia, Sudan and South Sudan.

23. We reaffirm our deep concern about the report on the pillaging of marine resources of Guinea-Bissau, which has contributed to the deterioration of the socio-economic and humanitarian situation of its people. We condemn in the strongest terms the masterminds behind the growing drug trafficking in Guinea-Bissau. We support the efforts of the African Union, the ECOWAS and the Community of Portuguese Speaking Countries in promoting inclusive dialogue and



the conditions for sustainable progress in restoring of constitutional order by means of a democratic electoral process that respects political freedom and human rights.

24. We welcome the adoption of the United Nations General Assembly Resolution 67/ 19, which recognized Palestine as a UN Observer Member State. We reaffirm the need to reach a just, durable and comprehensive peace in the Middle East that provides for the establishment of a independent, sovereign and viable Palestinian State, based on the 1967 lines, with East Jerusalem as its capital living side by side with the State of Israel in peace and security. We also regret the lack of meaningful progress in the efforts carried out by the Quartet and consider that the support of other actors could contribute to the resumption of negotiations as a matter of urgency. We further recall that the Palestinian Question is one of the main challenges on today's international peace and security agenda and, therefore, efforts to resolve it should be regularly reported to the UN Security Council. We reaffirm the need for Israel to halt settlement activities, which are illegal and in contradiction with relevant international resolutions and treaties and threaten the two-state solution.

25. We express serious concern at the current situation in Syria and condemn all violence, irrespective of where it comes from, and calls upon all parties in Syria, including armed groups, to immediately stop all violence or reprisals. We call upon the Syrian authorities to allow safe and unhindered access for humanitarian assistance in order to ensure the delivery of humanitarian aid to persons in need of assistance. We also call for an inclusive Syrian-led political process conducted in an environment free from violence, fear, intimidation and extremism, and aimed at effectively addressing the legitimate aspirations and concerns of Syria's people,



without prejudging the outcome. We reaffirm our strong commitment to the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic, and stress the need to resolve the current political crisis in the Syrian Arab Republic peacefully.

26. We recognize the legitimate rights of the Argentine Republic in the sovereignty dispute over the Malvinas Islands, South Georgias and South Sandwich Islands, and the surrounding maritime areas, and urge the United Kingdom of Great Britain and Northern Ireland to resume negotiations with the Argentine Republic in order to find, as soon as possible, a fair, peaceful and definitive solution to the dispute, in accordance with the relevant resolutions of the United Nations and other regional and international organizations.

27. We call for the implementation of UNGA Resolution 67/4 of 13 November 2012 “Necessity of ending the economic commercial and financial embargo imposed by the United States of America against Cuba” and, through its implementation, enabling Cuba to enjoy all the legitimate prospects for its sustained development.

28. We reaffirm that the Chagos Archipelago, including Diego Garcia, which was unlawfully excised by the former colonial power from the territory of the Republic of Mauritius in violation of international law and UN Resolutions 1514 (XV) of 14 December 1960 and 2066 (XX) of 16 December 1965, forms an integral part of the territory of the Republic of Mauritius. In this regard, we note with grave concern that despite the strong opposition of the Republic of Mauritius, the United Kingdom purported to establish a ‘marine protected area’ around the Chagos Archipelago



which contravenes international law and further impedes the exercise by the Republic of Mauritius of its sovereignty over the Archipelago and of the right of return of Mauritian citizens who were forcibly removed from the Archipelago by the United Kingdom. We resolve to fully support all peaceful and legitimate measures already taken and which will be taken by the Government of Mauritius to effectively exercise its sovereignty over the Chagos Archipelago and, in this respect, call upon the United Kingdom to expeditiously end its unlawful occupation of the Chagos Archipelago. We recall, in this regard, the Resolutions / Decisions adopted by the African Union at the highest political level including Decision Assembly/AU/Dec.331 (XV) of 27 July 2010 of the AU Assembly and Resolution Assembly/AU/Res.1(XVI) adopted by the 16th Ordinary Session of the AU Assembly held in Addis Ababa, Ethiopia, from 30-31 January 2011.”

29. We reaffirm that the Comorian Island of Mayotte, which was unlawfully excised by the former French colonial power from the territory of the Union of Comoros, in violation of international law and UN Resolutions and OAU/AU Resolutions and Decisions, forms an integral part of the territory of the Union of Comoros. In this regard, we note that this occupation of the Comorian Island of Mayotte contravenes international law and further impedes the exercise by the Union of Comoros of its sovereignty over Mayotte. We resolve to fully support all peaceful and legitimate measures already taken and which will be taken by the Government of the Union of Comoros to effectively exercise its sovereignty over Mayotte and, to this end, we call upon France to expeditiously end its unlawful occupation of the island.



30. We reiterate our commitment to the rights of people to dignity and fundamental freedoms and our support for democracy. We agree to support, countries in our regions in their efforts to restore political stability and consolidate the democratic process and good governance in order to revive their economies, create jobs for their youth and ensure a better balance as well as the social welfare of these peoples.

31. We further reiterate our strong condemnation of unconstitutional changes of government.

32. We reaffirm our commitment to democracy and the protection and promotion of human rights. Our two regions will hold regular consultations on political issues of mutual or global interest to facilitate the adoption of coordinated positions that are likely to enhance their influence within the international system.

33. We further reaffirm our commitment to human rights, including the right to development, and reiterate that these rights are universal, indivisible and interdependent, and must be treated in a fair and equitable manner as equal rights with the same importance. Our two regions will strengthen their consultations to reach a common position on issues discussed at the UN Human Rights Council and in other fora where such issues are discussed.

34. We strongly condemn racism, racial discrimination and xenophobia with the attendant intolerance. We pledge to enhance cooperation between our regions and



to exchange good practices in the fight against all forms of intolerance, in line with commitments made in the Declaration and Plan of Action, adopted by the World Conference against Racism held in Durban, South Africa in 2001.

35. We commend the hosting of the I Global African Diaspora Summit in May 23rd -25th 2012, in Johannesburg, South Africa. The event was an important milestone in the process of organizing the African diaspora and its growing interaction and joint efforts with the AU.

36. We recognize the relevance of sports in developing better conditions for social development of youth, as well as in advancing gender equality and social inclusion, and we reaffirm its positive impact in the efforts at national, regional and international levels, to combat all forms of discrimination, including racism and social discrimination. In this context we agree to consider ways to promote further cooperation in the field of sports, as a means to create more knowledge, awareness and cultural links between countries of both regions.

37. We reaffirm our strong commitment to fight terrorism, piracy, drug trafficking, and other forms of organized crimes, including payment of ransom to terrorist groups.

38. We reaffirm our commitment to address the world drug problem on the basis of the principles of common and shared responsibilities, multilateralism and a comprehensive approach, and, acknowledge the work done by the Council on the



World Drug Problem of UNASUR, we stress the importance of international cooperation to counter the world drug problem as well as to promote demand reduction programs and alternative modes of development with social inclusion. We support the celebration, in early 2016, of a Special Session of the General Assembly of the United Nations on the World Drug Problem.

39. We reaffirm the principle of inviolability of diplomatic and consular premises and the obligation of the receiving States to respect what was set up on the Vienna Convention on Diplomatic Relations of 1961 and the Vienna Convention on Consular Relations of 1963. Furthermore, we reaffirm that what is stipulated in International Law, as a result of which Internal Law cannot be invoked to avoid the compliance or International obligations.

III. COOPERATION IN MULTILATERAL FORA

40. We take note of the progress made by our Member States within the context of the Millennium Development Goals (MDGs), including advances in the areas of health, literacy, gender equality and food security. We salute the progress achieved by Paris Declaration, the Accra Agenda for Action and the Busan Conference. We reiterate that to overcome the shortcomings and delays in our efforts towards achieving the MDGs, our governments must maintain strong policy responses focused on economic diversification and structural transformation in order to accelerate poverty reduction, create domestic value-added and cross-



sectoral linkages, combat unemployment, ensure food security and nutrition, speed up progress towards reducing infant and maternal mortality, improve gender equality and give the population greater access to better basic services. We propose a reflection by the international community on progress made in the implementation of the MDGs and new accompanying measures after 2015 for countries that have not achieved these goals

41. We recognize that Africa and South America have great assets for combating the harmful effects of climate change and for promoting sustainable development and poverty eradication in both Regions. In this respect, we commend South Africa for successfully hosting COP 17/CMP 7 in Durban, South Africa, from 28 November to 9 December 2011. In the same vein, we commend Brazil for successfully hosting the UN Conference on Sustainable Development, Rio+20, in Rio de Janeiro, Brazil, from 20 to 22 June 2012, which can be regarded as a decisive step towards the achievement of sustainable development by all countries.

42. We emphasize the need to continue cooperation between Africa and South America in international climate change negotiations and agree to further strengthen the existing coordination and collaboration between the two continents;

43. We stress the importance of the decisions taken at the Rio Conference, in particular the launching of a process to define Sustainable Development Goals, the creation of a High Level Political Forum on Sustainable Development, a consensus on measures to strengthen the United Nations Programme on the Environment



(UNEP), and the work on identifying options towards an effective strategy to finance sustainable development and towards a facilitation mechanism that promotes development, transfer and dissemination of clean and environmentally sound technologies.

44. We take note the approval of the Kyoto protocol amendment during the 18th Conference of the Parties of the United Nations Framework Convention on Climate Change, COP-18, held in Doha, Qatar and we emphasize the need to continue cooperation between Africa and South America in international climate change negotiations.

45. We take note of Guyana's initiative in the drive to combat climate "Change" through the "development" of an innovative "and practical" Low Carbon Development Strategy (LCDS), which has been recognized "internationally and particularly" at the Rio+20 meeting as a model initiative, which "can provide the world with a working example of how immediate action can stimulate the creation of a low-deforestation, low-carbon, climate-resilient economy".

46. We welcome the results of CBD/COP-11, particularly those regarding the increase of international financial flows for biodiversity to developing countries and stress the importance of South-South and triangular cooperation to accomplish the objectives of the Strategic Plan for biodiversity 2011-2020. In this regard, we reaffirm the importance of the collective actions and the critical role played by indigenous peoples and local communities in the conservation and sustainable use of biodiversity.



47. We welcome the recent adoption of the new Minamata Convention on mercury, key step in the further development of international environmental law and the protection of human health and the environment from the risks of mercury. We stress the importance of financial, technical, technological, and capacity-building support for the effective implementation of the Minamata Convention on mercury.

48. We reaffirm our commitment to increase the participation of developing countries in the decision-making bodies of multilateral institutions to render them more consistent with the current geopolitical reality.

49. We take note that Africa maintains its common position on the UN Reform, as stipulated in the Ezulwini Consensus and the Sirte Declaration of the African Union Assembly of Heads of State and Government of July 2005, and reaffirm our commitment to the conclusion of the global process of the UN Reform.

50. We welcome the on-going efforts aimed at reforming the United Nations in order to render the Organization better equipped to deal with the current challenges to international peace and security. In this regard, we call for the urgent reform of the Security Council as an essential element of our overall effort to reform the United Nations. We express support for its enlargement in order to make it more broadly representative of developing countries, enhance its efficiency, transparency, legitimacy and its effectiveness. We call for the



revitalization of the United Nations General Assembly and the Economic and Social Council.

IV. INVESTMENT, TRADE, INDUSTRY AND TOURISM

51. We welcome the fruitful consultations carried out by our two regions in the context of trade negotiations within the World Trade Organization (WTO) at the Eighth Ministerial Conference held in Geneva from 15 to 17 December 2011 and the proceedings of the Thirteenth Session of the United Nations Conference on Trade and Development (UNCTAD XIII), held in Doha, Qatar from 21 to 26 April 2012. We encourage our two regions to strengthen further their cooperation in the field of trade.

52. We are convinced that a successful, ambitious, comprehensive and balanced conclusion of the multilateral trade negotiations under the Doha Development Round Mandate will contribute to sustainable economic growth, and should be inclusive and development oriented. The coming WTO Ministerial Conference in Bali in December should reach a balanced outcome that takes into account the central role of agriculture for developing countries.

53. Aware of the relevance of the World Trade Organization (WTO) and in light of the beginning of the process for the selection of its next director-general, we



consider that the quality of our candidates for that position bears testimony to the commitment of our regions to the purposes and principles of the WTO. We recognize that the selection process must take into account, besides the merits of the candidates, that the position should be occupied by a representative of a developing country, preferably from ASA. To that end, we request our ministers to instruct our permanent representatives before the WTO to work so as to promote the selection of a candidate from a developing country in the process for the selection of the next director-general of the WTO.

54. We welcome the decision of the African Union to endorse the candidature of Ambassador Farah, of Djibouti, for the post of Director-General of UNESCO. We agree that the two regions have to work together in support of his candidature.

55. We commit to reinforce our cooperation on issues such as the development of regional markets and infrastructure, as well as the coordination of policies to create and strengthen productive capacity, and we encourage the promotion of viable public-private partnerships, information sharing and promotion of business opportunities

56. We underscore the vital role of investment and recognize the need for funding to promote development and sustainable growth and in this regard, agree to promote policies conducive to investment, both public and private, and also undertake research projects to foster the development of manufacturing industries, including small and medium-sized enterprises.



57. We express concern at the recent escalation of the sovereign debt crisis in the Eurozone which is prolonging the global economic crisis and may adversely affect African and South American economies. However, we reiterate our call for our governments to remain vigilant and committed to pursuing a wide range of policies and strategies that will enable us to overcome the crisis.

58. We reiterate that financial reform should aim to facilitate that investments are channelled to development objectives and not to speculative activities. We support a reduction in the mechanical dependency on the Credit Rating Agencies, an increase in their transparency, accountability and competition amongst them. Furthermore, we recognize the need to tackle tax havens, which facilitate tax evasion, corruption and criminal activities and offer an operating base to vulture funds. Finally, we emphasize the need to put limits to the action of these funds in order to avoid that their behaviour jeopardize the international financial stability.

59. We stress our commitment to further reforms in international financial institutions with a view to improving the participation of developing countries in these organizations, in order to better reflect our increasing relative weight in the world economy, as well as our interests and views.

60. We emphasize that given the importance of agriculture for the economies of our regions, the adverse effects of climate change are a cause for concern and should be factored in all local, national and continental development strategies.



The industrial sector of the economies should be strengthened in order to export manufactured goods of greater added value and to reduce the dependence on exports of raw materials, while contributing to sustainable development.

61. We reaffirm the urgent need to articulate policies in order to meet food security, including access to food. We underscore our commitment and strong will to elaborate joint studies and experience sharing in the field of food security, aimed at eradicating hunger in our regions. In this context, we reject distorting policies adopted by developed countries due to their negative impact on agricultural production, investment and food rights exercise in developing countries.

62. We further reaffirm the right to food as an established Human Right; and, therefore, we recognize the need to promote debates leading to an agreed definition of the concept of food sovereignty to avoid negative repercussions affecting the enjoyment of the right to food.

63. We further reaffirm our commitment to the multilateral system as a valid tool to help solve the issue of hunger and poverty. In this regard, we urge developed countries to fulfil their funding commitments. Further, we highlight our commitment to reinforce the Committee on World Security (CFS), as a multilateral forum where all States can discuss alternatives to solve the world food insecurity.

64. We commit to build a productive agenda focused on an inclusive, environmentally sustainable economic growth that prioritizes local small and



medium farmers production, respecting their traditional methods. We commit to undertake a joint effort in favour of production, productivity and agricultural sustainability, resorting to, among other measures, public and private investment, credit, appropriate technology, inputs, land use planning, crop diversification, marketing, rational use of water resources, as well as the establishment of strong agricultural value chains and investment in rural infrastructure.

65. We welcome the decision of the UN Food and Agriculture Organization (FAO) to appoint His Excellency Evo Morales, President of Bolivia and Mrs. Nadine Heredia, First Lady of Peru, as special FAO ambassadors for the International Year of Quinoa, which plays a role in the achievement of food and nutrition security and in the eradication of poverty and hunger. We also welcome the adoption by consensus of the resolution GA/RES/66/221, of 22 December 2011, declaring "2013 as the international year of quinoa", an initiative of the Plurinational State of Bolivia, and invite countries to support its implementation. We express our commitment to promote the cultivation of quinoa to fight hunger, in light of its nutritional properties. We also emphasize the importance of disseminating information on the qualities of this nutrient, and support research and development programs.

66. We congratulate the IV World Congress of Quinoa and the I Andean Grain Symposium, to be held in Ibarra, Ecuador, from 8 to 12 July 2013, which will bring together experts, scientists, producers and agricultural authorities in order to deal with the most relevant issues of farming and use of this product.



67. We reaffirm the importance within the World Intellectual Property Organization (WIPO) of promoting and protecting genetic resources, traditional knowledge and folklore, as well as disseminating technology and access to knowledge and education based on the national legislation for the benefit of our countries.

68. We recognize the importance of tourism for the development of our people because of its cross-sectoral impact on different aspects of our national economies, more so as tourism development impacts not only the various sectors of society but also their national and international progress.

V. SCIENCE, TECHNOLOGY AND INFORMATION AND COMMUNICATION TECHNOLOGY (ICT)

69. We emphasize that since science and technology are essential components of the industrialization process of both regions, we must develop and implement initiatives to strengthen our capabilities in these areas. We should share, as much as possible, our experiences in the formulation and implementation of science and technological transfer and development policy guidelines in order to meet our development goals.

70. We support the increase of joint efforts on communication issues to stimulate and promote mutual understanding and friendship between the two regions, strengthen the cultural identity of their peoples and promote cultural exchanges between them.



71. We further encourage the reinforcement of cooperation in the areas of production and exchange of audio visual, radio and television programmes as well as the digital library, and to start building a relevant database regarding all matters of interest to Africa and South America.

VI. PROJECTS APPROVED FOR IMPLEMENTATION

72. We commend the efforts made and outcomes of consultations carried out at different levels to agree on a large number of projects (twenty-seven) to be implemented between our two regions. They cover several areas of common interest, particularly education and culture, peace and security, institution-building, governance and public administration, trade, investment and tourism, infrastructure, transport and energy, science and technology, agriculture and the environment, social issues, health, sport, gender and youth. A complete list of proposed projects is annexed.

73. We encourage the implementation of projects with existing national and regional resources as well as with the support of relevant development international banks and agencies, and without prejudice to other sources of financing;



74. We congratulate the realization of the Bi-regional Trade Forum and the cultural events at the margins of the III Summit and request the parties to carry out the effective follow-up of both initiatives. We welcome the various initiatives undertaken in the context of the implementation of aspects of the ASA Implementation Plan 2010-2015, in particular the three Round Tables: “Infrastructure, Energy and Transport, “Trade and Investment opportunities between South America and Africa” and “Agriculture and South-South Cooperation”. We also welcome the cultural events that took place at the sidelines of the III ASA Summit (the movie festival and photograph exhibition and cultural troupes). We commend the participants and the Working Groups that put these events together.

75. We note with appreciation the launching of the 2nd edition of the ASA bibliographic catalogue: South America and Africa: through our own eyes – books to discover the two continents.

76. We congratulate the working group on science and technology and ICTs for the initiative of launching an ASA website (www.asasummit.org), which, at the same time, will increase public awareness on ASA and will greatly facilitate communication and exchanges between members. We look forward to the early circulation of the projects approved by the working group on extending and integrating research networks among ASA members and the creation of a programme on food and nutrition security.



77. We approved the amendments to the ASA Implementation Plan and agreed that the Plan be rolled over for the period 2013-2016 and that some of the projects can be implemented through the existing frameworks and available resources.

VII. PARTNERSHIP MANAGEMENT

1. Strategic Presidential Committee and ASA Permanent Secretariat

78. We note the establishment of the Strategic Presidential Committee and ASA Permanent Secretariat aimed at re-invigorating our partnership towards the attainment of concrete results and deliverables. We also note that the Regulations provide clarity on the functioning of the Strategic Presidential Committee and ASA Permanent Secretariat with regard to their mandate and functions, among other things.

79. We further note that the composition of the Strategic Presidential Committee is yet to be decided. In this regard, we direct our Senior Officials to address this issue and report to the next meeting of ASA Ministers.

VIII. FOLLOW-UP MECHANISM



80. We recall the Africa-South America Coordination Group, made up of the two regional Coordinators and the two Co-Chairs, as well as the African Union Commission and the Secretariat of the Union of South American Nations, which constitutes the Follow-up Mechanism and which reports to the High-Level Officials of both sides and urge Member States to give it the necessary support in the fulfilment of its mandate.

81. We decide to set up an ad hoc Committee composed by the host countries of the present Summit, the preceding one and the next one, as well as the regional coordinators for Africa and South America, the African Union Commission and UNASUR Secretariat, with a view to carrying out the implementation of the projects agreed upon in the ASA Summits, as well as the regular activities of the Mechanism and its Working Groups, while the discussions of the Working Group referred to in paragraph 6 of the Malabo Ministerial Declaration of 25 November 2011 are being pursued, and until this matter is concluded. This Group shall report to the High-Level Officials of both sides.

82. While noting the establishment of the Strategic Presidential Committee of ASA Summit, we stress that the ASA Summit shall be the supreme Organ of the Africa-South America partnership and that it will approve the fundamental actions of the Strategic Presidential Committee;

83. We reiterate that the Follow-up Mechanism shall be responsible for proposing new initiatives, undertaking actions on previously agreed programs and projects,



reviewing the progress of their implementation and disseminating information about cooperation arrangements.

84. In order to ensure effective implementation of this Declaration and the Implementation Plan, we urge, as previously decided, that:

I. Ministers shall meet at least once a year to follow-up and monitor the implementation of decisions;

II. Bi-regional meetings of Senior Officials shall take place once a year, or as may be necessary, to prepare updates on implementation;

III. The Coordination Group shall meet to follow-up on Ministerial and Summit decisions and submit recommendations to Summits;

IV. Regular meetings of the various Working Groups shall take place to ensure the full implementation of agreed projects;

V. In the period between Summits, other meetings shall be held, in the form and at the level that the Governments of the two regions may decide.



85. We recall the Abuja Plan of Action, which calls for the ASA Summit to be held every two (2) years and decide that this be changed to three (3) years intervals;

86. We welcome the offer of, and agree to meet in Ecuador for the Fourth Africa - South America Summit (ASA IV) in 2016.

Done in Malabo on 22nd of February 2013.



50th ANNIVERSARY SOLEMN DECLARATION

50th ANNIVERSARY SOLEMN DECLARATION

We, Heads of State and Government of the African Union assembled to celebrate the Golden Jubilee of the OAU/AU established in the city of Addis Ababa, Ethiopia on 25 May 1963,

Evoking the uniqueness of the history of Africa as the cradle of humanity and a centre of civilization, and dehumanized by slavery, deportation, dispossession, apartheid and colonialism as well as our struggles against these evils, which shaped our common destiny and enhanced our solidarity with peoples of African descent;

Recalling with pride, the historical role and efforts of the Founders of the Pan-African Movement and the nationalist movements, whose visions, wisdom, solidarity and commitment continue to inspire us;

Reaffirming our commitment to the ideals of Pan-Africanism and Africa's aspiration for greater unity, and paying tribute to the Founders of the Organization of African Unity (OAU) as well as the African peoples on the continent and in the Diaspora for their glorious and successful struggles against all forms of oppression, colonialism and apartheid;

Mindful that the OAU/AU have been relentlessly championing for the complete decolonization of the African continent and that one of the fundamental objectives is unconditional respect for the sovereignty and territorial integrity of each of its Member States;

Stressing our commitment to build a united and integrated Africa;

Guided by the vision of our Union and affirming our determination to "*build an integrated, prosperous and peaceful Africa, driven and managed by its own citizens and representing a dynamic force in the international arena*";

Determined to take full responsibility for the realisation of this vision;

Guided by the principles enshrined in the Constitutive Act of our Union and our Shared Values, in particular our commitment to ensure gender equality and a people centred approach in all our endeavours as well as respect for sovereignty and territorial integrity of our countries .

ACKNOWLEDGE THAT:

1. **The Organisation of African Unity (OAU)** overcame internal and external challenges, persevered in the quest for continental unity and solidarity; contributed actively to the liberation of Africa from colonialism and apartheid; provided a political and diplomatic platform to generations

of leaders on continental and international matters; and elaborated frameworks for Africa's development and integration agenda through programmes such as NEPAD and APRM.

- II. ***The African Union (AU)*** carried forward our struggle for self-determination and drive for development and integration; formulated a clear vision for our Union; agreed that the ultimate goal of the Union is the construction of a united and integrated Africa; instituted the principle of non-indifference by authorizing the right of the Union to intervene in Member States in conformity with the Constitutive Act; and laid the groundwork for the entrenchment of the rule of law, democracy, respect for human rights, solidarity, promotion of gender equality and the empowerment of Women and Youth in Africa.
- III. The implementation of the integration agenda; the involvement of people, including our Diaspora in the affairs of the Union; the quest for peace and security and preventing wars and genocide such as the 1994 Rwandan genocide; the alignment between our institutional framework and the vision of the Union; the fight against poverty; inequality and underdevelopment; and, assuring Africa's rightful place in the world, remain challenges.

WE HEREBY DECLARE:

A. *On the African Identity and Renaissance*

- i) Our strong commitment to accelerate the African Renaissance by ensuring the integration of the principles of Pan Africanism in all our policies and initiatives;
- ii) Our unflinching belief in our common destiny, our Shared Values and the affirmation of the African identity; the celebration of unity in diversity and the institution of the African citizenship;
- iii) Our commitment to strengthen AU programmes and Member States institutions aimed at reviving our cultural identity, heritage, history and Shared values, as well as undertake, henceforth, to fly the AU flag and sing the AU anthem along with our national flags and anthems;
- iv) Promote and harmonize the teaching of African history, values and Pan Africanism in all our schools and educational institutions as part of advancing our African identity and Renaissance;
- v) Promote people to people engagements including Youth and civil society exchanges in order to strengthen Pan Africanism.

B. *The struggle against colonialism and the right to self-determination of people still under colonial rule*

- i) The completion of the decolonization process in Africa; to protect the right to self-determination of African peoples still under colonial rule; solidarity with people of African descent and in the Diaspora in their struggles against racial discrimination; and resist all forms of influences contrary to the interests of the continent;
- ii) The reaffirmation of our call to end expeditiously the unlawful occupation of the Chagos Archipelago, the Comorian Island of Mayotte and also reaffirm the right to self-determination of the people of Western Sahara, with a view to enable these countries and peoples, to effectively exercise sovereignty over their respective territories.

C. *On the integration agenda*

Our commitment to Africa's political, social and economic integration agenda, and in this regard, speed up the process of attaining the objectives of the African Economic Community and take steps towards the construction of a united and integrated Africa. Consolidating existing commitments and instruments, we undertake, in particular, to:

- i) Speedily implement the Continental Free Trade Area; ensure free movement of goods, with focus on integrating local and regional markets as well as facilitate African citizenship to allow free movement of people through the gradual removal of visa requirements;
- ii) Accelerate action on the ultimate establishment of a united and integrated Africa, through the implementation of our common continental governance, democracy and human rights frameworks. Move with speed towards the integration and merger of the Regional Economic Communities as the building blocks of the Union.

D. *On the agenda for social and economic development*

Our commitment to place the African people, in particular women, children and the youth, as well as persons with disabilities, at the centre of our endeavours and to eradicate poverty. In this regard, we undertake to:

- i) Develop our human capital as our most important resource, through education and training, especially in science, technology and

innovation, and ensure that Africa takes its place and contributes to humanity, including in the field of space sciences and explorations;

- ii) Eradicate disease, especially HIV/AIDS, Malaria and Tuberculosis, ensure that no African woman dies while giving life, address maternal, infant and child mortality as well as provide universal health care services to our citizens;
- iii) Accelerate Africa's infrastructural development, to link African peoples, countries and economies; and help to drive social, cultural and economic development. In this regard, we commit to meet our strategic targets in transport, ICT, energy and other social infrastructure by committing national, regional and continental resources to this end;
- iv) Create an enabling environment for the effective development of the African private sector through meaningful public-private sector dialogue at all levels to foster socially responsive business, good corporate governance and inclusive economic growth;
- v) Take ownership of, use and develop, our natural endowments and resources, through value addition, as the basis for industrialization; promote intra-Africa trade and tourism, in order to foster economic integration, development, employment and inclusive growth to the benefit of the African people;
- vi) Also take ownership, preserve, protect and use our oceanic spaces and resources, improve our maritime and transport industries to the benefit of the continent and its peoples, including by contributing to food security
- vii) Preserve our arable land for current and future generations, develop our rural economies, our agricultural production and agro-processing to eradicate hunger and malnutrition, as well as achieve food security and self-sufficiency;
- viii) Expand and develop urban infrastructure and develop planned approaches to rapid urbanization and the emergence of new cities;
- ix) Make our development agenda responsive to the needs of our peoples, anchored on the preservation of our environment for current and future generations, including in the fight against desertification and mitigation of the effects of climate change, especially with regards to island states and land-locked countries.

E. On peace and security

Our determination to achieve the goal of a conflict-free Africa, to make peace a reality for all our people and to rid the continent of wars, civil conflicts, human rights violations, humanitarian disasters and violent conflicts, and to prevent genocide. We pledge not to bequeath the burden of conflicts to the next generation of Africans and undertake to end all wars in Africa by 2020. In this regard, we undertake to:

- i) Address the root causes of conflicts including economic and social disparities; put an end to impunity by strengthening national and continental judicial institutions, and ensure accountability in line with our collective responsibility to the principle of non-indifference;
- ii) Eradicate recurrent and address emerging sources of conflict including piracy, trafficking in narcotics and humans, all forms of extremism, armed rebellions, terrorism, transnational organized crime and new crimes such as cybercrime.
- iii) Push forward the agenda of conflict prevention, peacemaking, peace support, national reconciliation and post-conflict reconstruction and development through the African Peace and Security Architecture; as well as, ensure enforcement of and compliance with peace agreements and build Africa's peace-keeping and enforcement capacities through the African Standby Force;
- iv) Maintain a nuclear-free Africa and call for global nuclear disarmament, non-proliferation and peaceful uses of nuclear energy;
- v) Ensure the effective implementation of agreements on landmines and the non-proliferation of small arms and light weapons;
- vi) Address the plight of internally displaced persons and refugees and eliminate the root causes of this phenomenon by fully implementing continental and universal frameworks.

F. On democratic governance

Our determination to anchor our societies, governments and institutions on respect for the rule of law, human rights and dignity, popular participation, the management of diversity, as well as inclusion and democracy. In this regard, we undertake to:

- i) Strengthen democratic governance including through decentralized systems, the rule of law and the capacities of our institutions to meet the aspirations of our people;
- ii) Reiterate our rejection of unconstitutional change of government, including through any attempts to seize power by force but recognize the right of our people to peacefully express their will against oppressive systems;
- iii) Promote integrity, fight corruption in the management of public affairs and promote leadership that is committed to the interests of the people;
- iv) Foster the participation of our people through democratic elections and ensure accountability and transparency.

G. On Determining Africa's Destiny

Our determination to take responsibility for our destiny. We pledge to foster self-reliance and self-sufficiency. In this regard, we undertake to:

- i) Take ownership of African issues and provide African solutions to African problems;
- ii) Mobilize our domestic resources, on a predictable and sustainable basis to strengthen institutions and advance our continental agenda;
- iii) Take all necessary measures, using our rich natural endowments and human resources, to transform Africa and make it a leading continent in the area of innovation and creativity;

H. Africa's place in the world

Our endeavour for Africa to take its rightful place in the political, security, economic, and social systems of global governance towards the realization of its Renaissance and establishing Africa as a leading continent. We undertake to:

- i) Continue the global struggle against all forms of racism and discrimination, xenophobia and related intolerances;
- ii) Act in solidarity with oppressed countries and peoples;

- iii) Advance international cooperation that promotes and defends Africa's interests, is mutually beneficial and aligned to our Pan Africanist vision;
- iv) Continue to speak with one voice and act collectively to promote our common interests and positions in the international arena;
- v) Reiterate our commitment to Africa's active role in the globalization process and international forums including in Financial and Economic Institutions;
- vi) Advocate for our common position for reform of the United Nations (UN) and other global institutions with particular reference to the UN Security Council, in order to correct the historical injustice with Africa as the only region without a permanent seat.

We pledge to articulate the above ideals and goals in our national development plans and in the development of the Continental Agenda 2063, through a people-driven process for the realization of our vision for an integrated, people-centred, prosperous Africa at peace with itself.

As Heads of State and Government, mindful of our responsibility and commitment, we pledge to act together with our Peoples and the African Diaspora to realize our vision of Pan Africanism and African Renaissance.

Adopted by the 21st Ordinary session of the Assembly of Heads of State and Government of the African Union, at Addis Ababa, on 26 May 2013.

RESOLUTION ON CHAGOS ARCHIPELAGO
Doc. EX.CL/901(XXVII)

The Assembly,

Recalling the unlawful excision of the Chagos Archipelago, including Diego Garcia, from the territory of Mauritius by the United Kingdom, the former colonial power, prior to the independence of Mauritius, in violation of international law and UN Resolutions 1514 (XV) of 14 December 1960 and 2066 (XX) of 16 December 1965 which prohibit colonial powers from dismembering colonial territories prior to granting independence, as well as UN Resolutions 2232 (XXI) of 20 December 1966 and 2357(XXII) of 19 December 1967;

Reaffirming that the Chagos Archipelago, including Diego Garcia, forms an integral part of the territory of the Republic of Mauritius;

Deploing the continued unlawful occupation by the United Kingdom of the Chagos Archipelago, thereby denying the Republic of Mauritius the exercise of its sovereignty over the Archipelago and making the decolonization of Africa incomplete;

Recalling in this regard, *inter alia*:

- i) Resolution Assembly/AU/Res. 1 (XVI) of January 2011 of the Assembly of the African Union held in Addis Ababa, Ethiopia;
- ii) the Malabo Declaration adopted by the Third Africa-South America Summit held in Malabo, Equatorial Guinea in February 2013;
- iii) Declaration Assembly/AU/Decl.1 (XXI) of May 2013 of the Assembly of the African Union held in Addis Ababa, Ethiopia;
- iv) the Solemn Declaration on the 50th Anniversary of the OAU/AU adopted by 21st Ordinary Session of the Assembly of the African Union held in Addis Ababa, Ethiopia in May 2013.

Reiterating its grave concern that the United Kingdom purported to establish a 'marine protected area' ('MPA') around the Chagos Archipelago, in a manner that was inconsistent with its international legal obligations and which further impeded the exercise by the Republic of Mauritius of its sovereignty over the Chagos Archipelago;

Noting that the purported 'MPA' has been ruled to be illegal by the Arbitral Tribunal constituted under Annex VII to the United Nations Convention on the Law of the Sea in the case brought by the Government of the Republic of Mauritius on 20 December 2010 against the Government of the United Kingdom of Great Britain and Northern Ireland;

Welcoming the confirmation by two members of the Arbitral Tribunal that the Republic of Mauritius is the "coastal State" in relation to the Chagos Archipelago;

Considering that the Government of the Republic of Mauritius is resolutely committed to taking all appropriate measures for the effective exercise by the Republic of Mauritius of its sovereignty over the Chagos Archipelago, including Diego Garcia, in keeping with the principles of international law:

1. **WELCOMES** the Award of the Arbitral Tribunal constituted under Annex VII to the United Nations Convention on the Law of the Sea, which is binding on the United Kingdom, and the confirmation that the purported 'MPA' has been unlawfully established under international law;
2. **REAFFIRMS** that the United Kingdom is not to be treated as the "coastal State" in relation to the Chagos Archipelago and that any attempt by the United Kingdom to claim such a status in any international forum is to be treated as contrary to international law and opposed;
3. **REITERATES** its support to the Republic of Mauritius in its legitimate pursuit to effectively exercise its sovereignty over the Chagos Archipelago, including Diego Garcia;
4. **RENEWS** its call on the United Kingdom to expeditiously end its unlawful occupation of the Chagos Archipelago with a view to enabling the Republic of Mauritius to effectively exercise its sovereignty over the Archipelago;
5. **URGES** the United Kingdom, pending the return of the Chagos Archipelago to the effective control of the Republic of Mauritius, not to take any measures or decisions that might affect the interests of the Republic of Mauritius without the latter's full prior involvement, in accordance with the Award of the Arbitral Tribunal and international law; and
6. **FULLY SUPPORTS** further efforts and actions in accordance with international law, including those of a diplomatic and legal nature at the level of the United Nations system, which may be taken by the Government of the Republic of Mauritius for the early and unconditional return of the Chagos Archipelago, including Diego Garcia, to the effective control of the Republic of Mauritius.

RESOLUTION ON CHAGOS ARCHIPELAGO
Doc. EX.CL/994(XXX)

The Assembly,

1. **TAKES NOTE** of the Report of the Chairperson on the activities of the AU Commission;
2. **HAVING REGARD** to the unlawful excision of the Chagos Archipelago, including Diego Garcia, from the territory of Mauritius by the United Kingdom, the former colonial power, prior to the independence of Mauritius, in violation of international law and UN Resolutions 1514 (XV) of 14 December 1960 and 2066 (XX) of 16 December 1965 which prohibit colonial powers from dismembering colonial territories prior to granting independence, as well as UN Resolutions 2232 (XXI) of 20 December 1966 and 2357(XXII) of 19 December 1967;
3. **REAFFIRMS** that the Chagos Archipelago, including Diego Garcia, forms an integral part of the territory of the Republic of Mauritius and that the decolonization of the Republic of Mauritius will not be complete until it is able to exercise its full sovereignty over the Chagos Archipelago;
4. **RECALLS** in this regard the previous resolutions adopted by the Assembly, in particular, Resolution Assembly/AU/Res.1(XXV) of June 2015 of the Assembly of the African Union held in Johannesburg, South Africa, expressing its full support to the efforts and actions in accordance with international law, including those of a diplomatic and legal nature at the level of the United Nations system, which may be taken by the Government of the Republic of Mauritius for the early and unconditional return of the Chagos Archipelago, including Diego Garcia, to the effective control of the Republic of Mauritius;
5. **NOTES** that at the request of the Government of the Republic of Mauritius, an item entitled "Request for an advisory opinion of the International Court of Justice on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965" has been included in the agenda of the 71st Session of the United Nations General Assembly and that action on that item is likely to be taken in June 2017;
6. **RESOLVES** to fully support the action initiated by the Government of the Republic of Mauritius at the level of the United Nations General Assembly with a view to ensuring the completion of the decolonization of the Republic of Mauritius and enabling the Republic of Mauritius to effectively exercise its sovereignty over the Chagos Archipelago, including Diego Garcia;
7. **DECIDES** to remain seized of the matter and **REQUESTS** the Commission to report on progress and the implementation of this decision to the Assembly in July 2017.

DECISION ON CHAGOS ARCHIPELAGO

The Assembly,

1. **REITERATES** its commitment to the fight against all forms of colonialism in Africa in accordance with the OAU/AU legal instruments and decisions, in particular, the 50th Anniversary Solemn Declaration adopted at the 21st Ordinary Session of the Assembly in May 2013, which reaffirmed the need to ensure the completion of the decolonisation process in Africa;
2. **RECALLS** the United Nations (UN) Resolutions 1514 (XV) of 14 December 1960 and 2066 (XX) of 16 December 1965 in relation to the continued unlawful occupation by the United Kingdom of the Chagos Archipelago, which forms an integral part of the territory of the Republic of Mauritius and over which the Republic of Mauritius is unable to effectively exercise its sovereignty. **FURTHER RECALLS** UN Resolution 2232 (XXI) of 20 December 1966 and Resolution 2357 (XXII) of 19 December 1967 which reiterated that any disruption of the territorial integrity of colonial territories in the decolonization process would be contrary to the UN Charter;
3. **RENEWS** its commitment to UN Resolution 2066 (XX) of 16 December 1965 which reaffirms the inalienable right of the people of Mauritius to freedom and that the UK Government should implement UN Resolution 1514 (XV) fully and invited ***"the administering Power to take no action which would dismember the Territory of Mauritius and violate its territorial integrity."***
4. **RECALLS** the previous OAU/AU resolutions and decisions on the Chagos Archipelago, in particular the Assembly Resolutions: Assembly/AU/Res.1 (XXV) adopted in June 2015 in Johannesburg as well as Assembly/AU/Res.1 (XXVIII) adopted in January 2017 in Addis Ababa;
5. **TAKES NOTE** of the resounding success at the vote taken at the UN General Assembly on 22 June 2017 for the adoption of Resolution 71/292 requesting the International Court of Justice (ICJ) to give an Advisory Opinion on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965, introduced by the Republic of the Congo on behalf of the Member States of the UN that are members of the Group of African States;
6. **ACKNOWLEDGES** the AU's request for an extension of the deadline of 30 January 2018 for the submission of a written statement by the AU to the ICJ in relation to the Advisory Opinion requested by the UN General Assembly Resolution 71/292 (2017) on the **"Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965"** as well as the ICJ Order granting the new deadline of 1st March 2018 and 15 May 2018 for written submissions in accordance with Article 66 of the ICJ Statute;

7. **DECIDES** to fully support the Republic of Mauritius by all means in order to ensure the completion of the decolonization of the Republic of Mauritius and enable the Republic of Mauritius to effectively exercise its sovereignty over the Chagos Archipelago, including Diego Garcia;
8. **CALLS UPON** Member States, Regional Economic Communities, the League of Arab States, the Organization of Islamic Cooperation and all AU partners to make written submissions in support of the completion of the decolonization of the Republic of Mauritius to the ICJ within the deadline set by the ICJ Order;
9. **CALLS UPON** the United Kingdom to expeditiously put an end to its unlawful occupation of the Chagos Archipelago, in accordance with well-established principles of international law and the relevant decisions of OAU/AU and pertinent decisions of the UN;
10. **COMMENDS** the Chairperson of the Commission for the efforts exerted to make an AU submission and succeeding in bringing in the extension for the deadline and **REQUESTS** him to carry out the necessary campaign to bring more AU and UN States and other Organisations to support the call for the complete decolonization of the Republic of Mauritius as well as to make submissions in accordance with Article 66 of the ICJ Statute;
11. **DECIDES** to remain seized of the matter and **REQUESTS** the Commission to report on the progress and implementation of this decision to the Assembly in June/July 2018.

