

ALLIANCE TREATY OBLIGATIONS AND PROVISIONS (ATOP)
CODING SHEET

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SECTION I: FORMATION, MEMBERS, AND DURATION

1. ATOP ID: 5055

2. COW Alliance # (if applicable): N/A.

3. Signature date(s) (may vary for members in multilateral alliances):
March 7, 2005.

4. Members of alliance (use COW country codes):

		Date of Signature
615	Algeria	01/21/2006
434	Benin	04/11/2005
439	Burkina Faso	05/11/2005
483	Chad	03/07/2005
581	Comoros	02/02/2010
484	Congo	03/07/2005
530	Ethiopia	03/08/2005
481	Gabon	01/24/2006
420	Gambia	07/04/2005
452	Ghana	03/08/2005
438	Guinea	03/08/2005
404	Guinea-Bissau	03/08/2005
620	Libya	01/21/2006
450	Liberia	06/18/2008
432	Mali	06/05/2007
435	Mauritania	01/29/2008
541	Mozambique	06/14/2007
436	Niger	03/21/2007
517	Rwanda	06/29/2007
433	Senegal	03/07/2005
461	Togo	04/26/2007

(Note: The states listed above signed and ratified the present treaty. Source: African Union Website:

https://au.int/sites/default/files/treaties/7788-sl-african_union_non-aggression_and_common_defence_pact.pdf :
accessed on June 19, 2018)

5. Was the alliance signed during war? If so, which war, and which member(s) was at war? (check COW data)
No.

6. Means by which alliance was established (e.g., treaty, executive agreement, diplomatic notes, etc.): (Only select "treaty" if the agreement requires ratification.)
Treaty.

7. Was the treaty public, public but with secret articles, or secret? If secret articles, describe the content of secret articles.
Public.

8. Are there provisions for adding additional members mentioned in the treaty? (Yes, No) If Yes, describe these provisions.
Yes. "Any Member State acceding to this Pact after its entry into force shall deposit the instrument of accession with the Chairperson of the Commission."(Art. 18(c))

9. Are specific state(s) mentioned as possible future members of the alliance? (Yes, No) If Yes, which state(s)?
Yes. The African Union member states.

10. Are there specific provisions in the treaty concerning the length of time the treaty is to last? (Yes, No) If Yes, describe.
No.

11. Are there conditions under which members may renounce the treaty? If Yes, describe these conditions.

Yes. "Any State Party may withdraw from this Pact by giving a one year prior notice to the Chairperson of the Commission, who shall notify all the State Parties thereof."(Art. 13(d))

12. Are there specific provisions in the treaty concerning renewal of the treaty? (Yes, No) If Yes, describe these provisions.
No.

13. Number of times alliance renewed, dates of renewal, and means by which alliance was renewed (Do not include automatic renewals):
Zero.

14. Termination date(s) (may vary for members in multilateral alliances) and source(s) for termination dates(s):

Still in effect as per African Union website-visited on June 19, 2018:

https://au.int/sites/default/files/treaties/7788-sl-african_union_non-aggression_and_common_defence_pact.pdf

15. Describe what caused the alliance to terminate.

N/A.

SECTION II: OBLIGATIONS

16. Type of alliance (defense pact, neutrality pact, nonaggression pact, consultation pact, offense pact): (List all that apply to any member of the alliance.)

Nonaggression Pact

Defense Pact

17. Type of alliance as coded in COW data (if applicable): N/A

18. Describe the obligations of the alliance partners.

"Consequently, any aggression or threat of aggression against any of the Member States shall be deemed to constitute a threat or aggression against all Member States of the Union."(Art. 2(c)) [defense]

"State Parties undertake to provide mutual assistance towards their common defence and security vis-à-vis any aggression or threats of aggression (Art. 4(a))."[Defense]

"State Parties undertake, individually and collectively, to respond by all available means to aggression or threats of aggression against any Member State; (Art. 4(b))."[Defense]

"State Parties undertake, pursuant to the provisions of the Constitutive Act, to resolve any differences by peaceful means, in order to avoid endangering peace and security; to refrain from the use of force or threat to use force in their relations with each other and in any manner whatsoever, incompatible with the United Nations Charter(Art. 3(a))."[Nonaggression]

See also extensive definition of "aggression"

19. Are any of the obligations contingent upon any of the following: specific adversary, specific location, specific ongoing conflict, number of adversaries, noncompliance with a specific demand, attack, nonprovocation of enemy, or prior agreement among partners? (List all that apply)

No.

20. Describe the nature of the limits to obligations listed in #19.

N/A.

21. Are there any additional provisions for assistance in the event of war? (e.g., promise not to participate in economic sanctions against partner, promise not to aid internal or external enemies, etc.) (Yes, No) If Yes, describe.

Yes.

"State Parties undertake not to recognize any territorial acquisition or special advantage, resulting from the use of aggression."(Art. 4(c))

"Each State Party shall prevent its territory and its people from being used for encouraging or committing acts of subversion, hostility, aggression and other harmful practices that might threaten the territorial integrity and sovereignty of a Member State or regional peace and security."(Art. 5(b))

"Each State Party shall prohibit the use of its territory for the stationing, transit, withdrawal or incursions of irregular armed groups, mercenaries and terrorist organizations operating in the territory of another Member State." (Art. 5(c))

State Parties undertake to extend mutual legal and all other assistance in the event of threats of terrorist attack or other organized international crimes."(Art. 6(a))

State Parties undertake to arrest and prosecute any irregular armed group(s), mercenaries or terrorist(s) that pose a threat to any Member State.”(Art. 6(b))

22. Are there any additional limits to the alliance obligations or conditions under which treaty obligations do not apply that were not listed in #19? (Yes, No) If Yes, describe.
No.

23. Is a specific target/threat mentioned as the object of the treaty? (Yes, No) (Answering Yes to this question does not necessarily mean that obligations are limited only to this adversary.) If Yes, list the target nation(s) (using COW country codes if possible) and describe the general nature of the reference to the target of the treaty.
No.

24. Are the treaty obligations symmetric? (That is, do all members commit to the same obligations?) (Yes, No) If No, describe.
Yes.

25. Does the treaty prohibit members from settling conflicts independently (no separate peace)? (Yes, No) If Yes, describe.
No.

26. Does the treaty have provisions requiring that the contracting parties consult before making commitments to third parties (excluding no separate peace provisions discussed above)? (Yes, No) If Yes, describe these provisions.
No.

27. Does the treaty specify that the contracting parties must not enter into any other alliances that are directed against the alliance in question? (Yes, No) If Yes, describe.
Yes.. “Each State Party declares not to enter into any international or regional commitment which is in contradiction to the present Pact.”(Art. 8(a))

28. Additional coder comments regarding treaty obligations:
“State Parties undertake to prohibit and prevent genocide, other forms of mass murder as well as crimes against humanity.”(Art. 3(d))

SECTION III: INSTITUTIONALIZATION OF THE ALLIANCE

29. Does the treaty make reference to the potential for conflict among members of the alliance? (Yes, No) If Yes, describe.
Yes.

“The objectives of this Pact are...(iii) to prevent conflicts of inter-State or intra-State nature, and (iv) to ensure that disputes are resolved by peaceful means.”(Art. 2(a))

“State Parties undertake to refer all disputes over the interpretation, implementation and validity of this Pact to the Court of Justice, without prejudice to the competence of the Peace and Security Council.” (Art. 16)

30. Does the treaty discuss mediation/arbitration or other means of settling disputes among the signatories? (Yes, No) If Yes, describe.
Yes. “State Parties involved in any dispute shall first seek a solution by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, or resort to regional and continental mechanisms or arrangements, or other peaceful means.”(Art. 15)
“State Parties undertake to refer all disputes over the interpretation, implementation and validity of this Pact to the Court of Justice, without prejudice to the competence of the Peace and Security Council.” (Art. 16)

31. Does the treaty require official contact among the military forces of the participating states? (Yes, No) If Yes, describe. (Note whether official contact is required only in the event of hostilities or also during peacetime.)

Yes. “State Parties will make efforts to address the challenges of common defence and security through the effective implementation of the Common African Defence and Security Policy, including the early establishment and operationalization of the African Standby Force.”(Art. 4(d))

32. Does the treaty include provisions for military aid? (e.g., grants, loans, transfer of technology, training) (Yes, No) If Yes, describe these provisions.
Yes.

“State Parties undertake, to cooperate and enhance their military and intelligence capacities through mutual assistance(Art. 7).”

“State Parties undertake to develop and strengthen the capacities of African research, information and training institutions to enhance early preventive action against any aggression or threats of aggression.”(Art. 11)

33. Does the treaty provide for integrated command of military forces while the alliance is in effect (peacetime as well as wartime)?

(Yes, No) If Yes, describe.
No.

34. Does the treaty require subordination of the forces of one or more member states to another in the event of hostilities? (Yes, No) If Yes, describe.
No.

35. Does the treaty establish any organizations? (include provisions for regularly scheduled meetings) (Yes, No) If Yes, describe.
Yes.

“The Peace and Security Council shall be responsible for the implementation of this Pact, under the authority of the Assembly. In this regard, the Peace and Security Council may be assisted by any organ of the Union, pending the setting up of mechanisms and institutions for common defence and security.”(Art. 9)

“The Peace and Security Council may also be assisted by the following institutions: (i) The African Peace Academy (ii) The African Centre for Study and Research on Terrorism (iii) The African Union Commission on International Law.”(Art. 11(b))

36. Does the treaty provide for joint military bases, or for one or more states to place troops in the territory of one or more other states? (Yes, No) If Yes, describe.
No.

37. Does the treaty specify contribution levels (funds, troops, etc.)? (Yes, No) If Yes, describe.
No.

38. Does the treaty contain any provisions regarding coordinated increase of armaments, reduction of armaments, prohibition of weapons, or rules of warfare? (Yes, No) If Yes, describe such provisions.
No.

39. Does the treaty explicitly permit or prohibit the acquisition of territory not currently held by either ally? (Yes, No) If Yes, describe reference.
Yes. “State Parties undertake not to recognize any territorial acquisition or special advantage, resulting from the use of aggression.”(Art. 4(c))

40. Does the treaty include discussion of the division of gains from any future conflict? (Yes, No) If Yes, describe.
No.

41. Does the treaty include discussion of demobilization/withdrawal following conflict? (Yes, No) If Yes, describe.
No.

42. Are there any other provisions in the treaty that describe the means through which the states will coordinate their military efforts and policies? (Yes, No) If Yes, describe.

Yes. State Parties undertake to develop and strengthen the level of their actual collaboration with the Command Headquarters and Military Staff Committee of the African Standby Force in accordance with the provisions of the Protocol and the Policy Framework for the Establishment of the African Standby Force and the Military Staff Committee.”(Art. 10(b))

43. Additional coder comments regarding references to alliance institutionalization:

“As part of the vision of building a strong and united Africa, State Parties undertake to establish an African Army at the final stage of the political and economic integration of the Continent.”(Art. 4(d))

SECTION IV: TREATY CONTEXT

44. Does the treaty state that it nullifies any existing treaties signed by one or more of the contracting parties? (Yes, No) If Yes, list the treaties/agreements that are nullified and describe the treaty reference.
No.

45. Does the treaty state that it modifies any existing treaties signed by one or more of the contracting parties? (Yes, No) If Yes, list the treaties/agreements that are modified and describe the treaty reference.
No.

46. Does the treaty state that it includes any existing treaties signed by one or more of the contracting parties? (Yes, No) If Yes, list the treaties/agreements that are included and describe the treaty reference.
No.

47. Does the treaty make any references to international organizations? (Yes, No) If Yes, list the international organization and describe the nature of the reference.

Yes. African Union(Constitutive Act of AU)(Preamble), African Economic Community(The Treaty Establishing AEC)(Preamble), and United Nations(Charter of UN)(Preamble). They are referred to as peace and security frameworks.

48. Does the treaty make any references to other existing alliances? (Yes, No) If Yes, list the alliance and describe the nature of the reference.

AU See #47

49. Are there any companion agreements referenced in the treaty? (Yes, No) If Yes, describe the agreements.

No.

50. Does the treaty include statements regarding non-military cooperation (e.g., economic, cultural, scientific exchange)? (Yes, No) If Yes, describe.

No.

51. Does the treaty resolve other conflicts among the parties to the alliance? (Yes, No) If Yes, describe.

No.

52. Does the treaty propose/enforce settlement of a conflict not involving parties to the alliance? (Yes, No) If Yes, describe.

No.

53. Does the treaty propose other agreements among the contracting parties? (Yes, No) If Yes, describe.

No.

54. Does the treaty mention unresolved conflicts among the contracting parties? (Yes, No) If Yes, describe.

No.

55. Does the treaty include provisions for economic aid or other enticements (include trade concessions, post war recovery, etc.)? (Yes, No) If Yes, describe these provisions.

No.

56. Does the treaty describe circumstances under which one party may intervene in the internal politics of another party or specifically commit the states to non-intervention? (Yes, No) If Yes, describe.

Yes. "We...committed to our common vision of a united and strong Africa, based on respect for the principles of (...) non-interference in the internal affairs of Member States..."(Preamble)

SECTION V: DOCUMENTATION

57. Additional coder comments on this alliance treaty:

58. Source of coding information (e.g., treaty, treaty and secondary sources, secondary sources only, etc.):

Treaty: African Union Non-Aggression and Common Defense Pact

59. Treaty citation: African Union Website

[https://au.int/sites/default/files/treaties/7788-treaty-0031 - african union non-aggression and common defence pact e.pdf](https://au.int/sites/default/files/treaties/7788-treaty-0031_-_african_union_non-aggression_and_common_defence_pact_e.pdf) : accessed on June 19, 2018)

60. Date of last revision of this coding sheet: June 19, 2018

61. Coder: Jaewook Chung, Jae-eon Lee and Ashley Leeds

Q4 + Q14 updated by Nicholas Coulombe on June 19, 2018