

ALLIANCE TREATY OBLIGATIONS AND PROVISIONS (ATOP)
CODING SHEET

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Version 8.0; August, 2000

SECTION I: FORMATION, MEMBERS, AND DURATION

1. ATOP ID: 4953 Phase 2

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

3. Signature date(s) (may vary for members in multilateral alliances):

July 9, 2002

South Sudan joins 1/24/2013

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

	<u>S</u>	<u>R</u>		<u>S</u>	<u>R</u>
615 Algeria	Y	Y	580 Madagascar	Y	Y
540 Angola	Y	Y	553 Malawi	Y	Y
434 Benin	Y	Y	432 Mali	Y	Y
571 Botswana	Y	Y	435 Mauritania	Y	Y
439 Burkina Faso	Y	Y	590 Mauritius	Y	Y
516 Burundi	Y	Y	541 Mozambique	Y	Y
471 Cameroon	Y	Y	565 Namibia	Y	Y
402 Cape Verde	Y	N	436 Niger	Y	Y
482 Central African Republic	Y	N	475 Nigeria	Y	Y
483 Chad	Y	Y	517 Rwanda	Y	Y
581 Comoros	Y	Y	403 Sao Tome and Principe	Y	Y
484 Congo	Y	N	591 Seychelles	Y	N
437 Ivory Coast(Cote d'Ivoire)	Y	Y	433 Senegal	Y	Y
490 Democratic Republic of the Congo	Y	N	451 Sierra Leone	Y	Y
522 Djibouti	Y	Y	520 Somalia	Y	Y
651 Egypt	Y	Y	560 South Africa	Y	Y
411 Equatorial Guinea	Y	Y	625 Sudan	Y	Y
531 Eritrea	Y	Y	572 Swaziland	Y	Y
530 Ethiopia	Y	Y	510 Tanzania	Y	Y
481 Gabon	Y	Y	461 Togo	Y	Y
420 Gambia	Y	Y	616 Tunisia	N	Y
452 Ghana	Y	Y	500 Uganda	Y	Y
438 Guinea	Y	Y	551 Zambia	Y	Y
404 Guinea-Bissau	Y	Y	552 Zimbabwe	Y	Y
501 Kenya	Y	Y	626 South Sudan	Y	Y
570 Lesotho	Y	Y			
450 Liberia	Y	Y			
620 Libya	Y	Y			

S: Signature R: Ratification Y: Yes N: No

(Source: African Union Website: <http://www.au.int/en/sites/default/files/Peace%20and%20Security.pdf>: accessed on June 11, 2018)

5. Was the alliance signed during war? If so, which war, and which member(s) was at war? (check COW data)

Yes. Ethiopia(530) and Eritrea(531) engaged in the Badme Border War that had started in May 1998 and ended in December 2000 (COW War (v. 4.0) # 219). However, in the second phase, no states are involved in war.

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 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." (Art. 29(1))

"Admission shall be decided by a simple majority of the Member States." (Art. 29(2))

"Governments which shall come to power through unconstitutional means shall not be allowed to participate in the activities of the Union." (Art. 30)

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

Yes. African States are possible future members.

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 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." (Art. 31(1))

"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." (Art. 31(2))

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):
No.

14. Termination date(s) (may vary for members in multilateral alliances) and source(s) for termination dates(s):
Still in effect as of July 30, 2018 as per African Union website <http://www.au.int>

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

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

18. Describe the obligations of the alliance partners.

Article 4 provides for the principles of the functioning of the Union. "The Union shall function in accordance with the following principles:..."

"peaceful resolution of conflicts among Member States of the Union through such appropriate means as may be decided upon by the Assembly." (Art. 4(e)) [Nonaggression].

"prohibition of the use of force or threat to use force among Member States of the Union (Art. 4(f)) [Nonaggression]

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.

Protocol to PSC(Phase 2): “The Peace and Security Council shall (...) examine and take such appropriate action within its mandate in situations where the national independence and sovereignty of a Member State is threatened by acts of aggression, including by mercenaries.”(Art. 7(o))

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.

No.

28. Additional coder comments regarding treaty obligations:

Phase 1 Obligations (remain in effect):

“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.”(Art. 23(1))

“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.”(Art. 23(2))

Protocol to PSC(Phase 2):

The Peace and Security Council “shall, in particular, be guided by the following principles:...(b) early responses to contain crisis situations so as to prevent them from developing into full-blown conflicts.”(Art. 4)

“Member States shall commit themselves to make available to the Union all forms of assistance and support required for the promotion and maintenance of peace, security and stability on the Continent, including rights of passage through their territories.”(Art. 17(7(b)))

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.

“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”(Preamble)

“Peaceful resolution of conflicts among Member States of the Union through such appropriate means as may be decided upon by the Assembly.”(Art. 4(e))

Protocol to PSC(Phase 2):

“The Peace and Security Council shall: (a) anticipate and prevent disputes and conflicts, as well as policies that may lead to genocide and crimes against humanity.”(Art. 7(1))

30. Does the treaty discuss mediation/arbitration or other means of settling disputes among the signatories? (Yes, No) If Yes, describe.

Yes. “The Court(The Court of Justice of the Union) 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.”(Art. 26)

Protocol to PSC(Phase 2):

The functions that the Peace and Security Council shall perform include peace making including the use of good offices, mediation, conciliation, and enquiry.(Art. 6(c))

“The Peace and Security Council may establish such subsidiary bodies as it deems necessary for the performance of its functions. Such subsidiary bodies may include ad hoc committees for mediation, conciliation or enquiry, consisting of an individual State or group of States.”(Art. 8(5))

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. According to the Protocol to PSC(Phase 2), the Peace and Security Council will implement the common defense policy of the African Union(Art. 7(1(h))).

Although it is not required of all member states, the establishment of the Military Staff Committee promotes contacts at the level of military forces.

Protocol to PSC(Phase 2):

“The Military Staff Committee shall be composed of Senior Military Officers of the Members of the Peace and Security Council. Any Member State not represented on the Military Staff Committee may be invited by the Committee to participate in its deliberations when it is so required for the efficient discharge of the committee’s responsibilities.”(Art. 13(9))

“The Military Staff Committee may also meet at the level of the Chief of Defence Staff of the Members of the Peace and Security Council to discuss questions relating to the military and security requirements for the promotion and maintenance of peace and security in Africa. The Chiefs of Defence Staff shall submit to the Chairperson of the Commission recommendations on how to enhance Africa’s peace support capacities.”(Art. 13(11))

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

Protocol to PSC(Phase 2): Article 13((13)-(16)) discusses how to train civilian and military personnel of national standby contingents within the framework of the African Standby Force. These seem to just be guidelines and not actual training of other forces.

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.

Phase 2: Yes. The Protocol provides for the establishment of the African Standby Forces designed to implement peacekeeping missions in the event of conflict (Articles 13(1) and 13(2))

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

Yes.

This treaty establishes the African Union: “The African Union is hereby established in accordance with the provisions of this Act.”(Art. 2)

Article 5(1) provides for the establishment of suborgans of the Union as follows:

Assembly of the Union(Art. 6-9):

“The Assembly shall meet at least once a year in ordinary session.”(Art. 6(3))

“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.”(Art. 6(4))

Executive Council(Art. 10-14)

“The Executive Council shall meet at least twice a year in ordinary session”(Art. 10(2))

Specialized Technical Committees (Art. 14-16):

Committee on Rural Economy and Agricultural Matters; Committee on Monetary and Financial Affairs; Committee on Trade, Customs and Immigration Matters; Committee on Industry, Science and Technology, Energy, Natural Resources and Environment; Committee on Transport, Communications and Tourism; Committee on Health, Labour and Social Affairs; and Committee on Education, Culture and Human Resources.

Pan-African Parliament (Art. 17)

Court of Justice (Art. 18)

Commission of the Union (the Secretariat of the Union)(Art. 20)

Permanent Representatives Committee(Art. 21)

Economic, Social and Cultural Council(Art. 22)

Financial Institutions(Art. 19)

African Central Bank; African Monetary Fund; African Investment Bank

Headquarters of the Union(Art. 24)

The Assembly may decide to establish other organs (Art. 5(2))

Protocol to PSC(Phase 2):

Peace and Security Council of the African Union(Art. 2)

“The Peace and Security Council shall meet at the level of Permanent Representatives, Ministers or Heads of State and Government. It shall convene as often as required at the level of Permanent Representatives, but at least twice a month. The Ministers and the Heads of State and Government shall meet at least once a year, respectively.”(Art. 8(2))

“The Peace and Security Council may establish such subsidiary bodies as it deems necessary for the performance of its functions. Such subsidiary bodies may include ad hoc committees for mediation, conciliation or enquiry, consisting of an individual State or group of States.”(Art. 8(5))

Panel of the Wise(Art. 11)

“The Panel of the Wise shall be composed of five highly respected African personalities from various segments of society who have made outstanding contribution to the cause of peace, security and development of the continent.”(Art. 11(2))

Continental Early Warning System(Art. 12)

“In order to facilitate the anticipation and prevention of conflicts, a Continental Early Warning System to be known as the Early Warning System shall be established.”(Art. 12(1))

African Standby Force(Art. 13)

“In order to enable the Peace and Security Council perform its responsibilities with respect to the deployment of peace support missions and intervention pursuant to article 4 (h) and (j) of the Constitutive Act, an African Standby Force shall be established. Such Force shall be composed of standby multidisciplinary contingents, with civilian and military components in their countries of origin and ready for rapid deployment at appropriate notice.”(Art. 13(1))

Military Staff Committee(Art. 13(8)-(12))

“There shall be established a Military Staff Committee to advise and assist the Peace and Security Council in all questions relating to military and security requirements for the promotion and maintenance of peace and security in Africa.”(Art. 13(8))

Peace Fund(Art. 21)

“In order to provide the necessary financial resources for peace support missions and other operational activities related to peace and security, a Special Fund, to be known as the Peace Fund, shall be established. The operations of the Peace Fund shall be governed by the relevant Financial Rules and Regulations of the Union.”(Art. 21(1))

Peace and Security Council Secretariat:

“In the exercise of his/her functions and powers, the Chairperson of the Commission shall be assisted by the Commissioner in charge of Peace and Security, who shall be responsible for the affairs of the Peace and Security Council. The Chairperson of the Commission shall rely on human and material resources available at the Commission, for servicing and providing support to the Peace and Security Council. In this regard, a Peace and Security Council Secretariat shall be established within the Directorate dealing with conflict prevention, management and resolution.”(Art. 10(4))

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.

Protocol to PSC(Phase 2) refers to funding and suggests there is a formula based on their regular contributions to the African Union (Article 21)

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.

No.

43. Additional coder comments regarding references to alliance institutionalization:

"The Member States shall commit themselves to facilitate early action by the Peace and Security Council and or the Chairperson of the Commission based on early warning information."(Art. 12(6))

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.

Yes. "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."(Art. 33(1))

Protocol to PSC(Phase 2):

"The present Protocol shall replace the Cairo Declaration."(Art. 22(1))

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.

Yes. "The provisions of this Act shall take precedence over and supersede any inconsistent or contrary provisions of the Treaty establishing the African Economic Community."(Art. 33(2))

Protocol to PSC(Phase 2):

"The provisions of this Protocol shall supersede the resolutions and decisions of the OAU relating to the Mechanism for Conflict Prevention, Management and Resolution in Africa, which are in conflict with the present Protocol."(Art. 22(2))

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. Organization of African Unity(OAU): framework of regional cooperation(Preamble); African Economic Community(AEC): framework of regional economic cooperation(Preamble), and UN(Charter): framework for international cooperation(Art. 3). See also #44, and #45.

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.

No.

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.

Yes.

Protocol to PSC(Phase 2): Cooperation in humanitarian action especially in the event of natural disasters(Art. 15(1))

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.

As measures for peace building in post-conflict situations, Protocol to PSC(Phase 2) provides for assistance to member states(Art. 14).

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. "The Union shall function in accordance with the following principles:...(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; (j) the right of Member State to request intervention from the Union in order to restore peace and security."(Art. 4)

Protocol to PSC(Phase 2):

The Peace and Security Council shall (...) institute sanctions whenever an unconstitutional change of Government takes place in a Member State, as provided for in the Lome Declaration."(Art. 7(1(g)))

SECTION V: DOCUMENTATION

57. Additional coder comments on this alliance treaty: Phase 2

58. Source of coding information (e.g., treaty, treaty and secondary sources, secondary sources only, etc.):
Treaty: Protocol Relating to the Establishment of the Peace and Security Council of the African Union

59. Treaty citation: African Union Website
http://www.au.int/en/sites/default/files/Protocol_peace_and_security.pdf : accessed on 16 July 2012)

60. Date of last revision of this coding sheet: June 14, 2018

61. Coder: Jaewook Chung, Ashley Leeds

Q3 and Q4 updated by Nicholas Coulombe on June 11, 2018