

AFRICAN UNION

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**DRAFT PROTOCOL ON RELATIONS BETWEEN THE**  
**AFRICAN UNION (AU) AND THE REGIONAL**  
**ECONOMIC COMMUNITIES (RECs)**

*(As Adopted by the second Meeting of the Committee on Coordination  
Addis-Ababa, 29 June 2004)*

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**PROTOCOL ON RELATIONS BETWEEN THE AFRICAN UNION (AU) AND  
THE REGIONAL ECONOMIC COMMUNITIES (RECs)**

Article 88 of the Treaty Establishing the African Economic Community provides for relations between the latter and the Regional Economic Communities (RECs). According to Article 95 of the said Treaty, these relations should be governed by a Protocol to be concluded by the Member States.

Pursuant to the provisions of this Article, a protocol was signed on 25 February 1998, on the authority of the Member States, by the Chief Executives of the OAU and four RECs, two of them adhering to the Protocol subsequently.

The new deal engendered by the advent of the African Union invalidated the said Protocol that has been reviewed by the Commission.

In conformity with Decision AHG/Dec.160 (XXXVII) of the 37<sup>th</sup> Ordinary Session of the Assembly of Heads of State and Government of the OAU, which, among other things, requested consideration of the implications of the Constitutive Act of the African Union for “the Protocol between AEC and the RECs, for the purpose of amending it or formulating a new protocol governing relations between the African Union and the Regional Economic Communities”, the former General Secretariat of the OAU and the AU Commission respectively deliberated with the RECs on procedures for the practical implementation of the said Decision.

These deliberations culminated in an in-depth revision of the 1998 Protocol, the negotiation and adoption, by the Commission and RECs, of a new text submitted for the attention of the current Session that is urged, after consideration, to recommend it for the approval of the Council and the Assembly.

After the approval, the Assembly will be requested to authorise the Chairperson of the Commission to sign it on behalf of the AU Member States. For their part, the Chief Executives of the RECs will be authorised by their decision-making organs to sign it on behalf of the Member States.

**PREAMBLE**

**THE PARTIES**

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

**RECALLING** the Declarations and commitments made by Member States of the Africa Union intended to accelerate integration, such as the Sirte Declaration (1999), Lusaka Declaration (2001) and the Durban Declaration (2002);

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

**AWARE** of the need to establish a mechanism for the harmonisation and strategic planning of programmes by the African Union and Regional Economic Communities taking into account the NEPAD process so as to accelerate the integration of Africa;

**CONSCIOUS** of the need for the coordination and the harmonization of the policies, measures, programmes and activities of the Regional Economic Communities and their urgent integration so as to accelerate the establishment of the African Common Market, as a prelude to the African Economic Community;

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

**STRESSING** the need for relations between the African Union and the Regional Economic Communities intended to emphasize the principle of gender equality in all areas of cooperation;

**AGREEING** on the need to *enhance integration in the social, cultural and political areas, including the need to maintain peace and security;*

**AGREEING ALSO** on the need to *establish a cooperation mechanism between the Union and the Regional Economic Communities in the promotion of good governance, Human Rights, the Rule of Law, Humanitarian concerns and a democratic Culture in Africa;*

**AWARE** of the need to define the role of the African Union and that of the Regional Economic Communities taking into account the principle of subsidiarity and thereby allowing the Regional Economic Communities to advance the integration agenda in specific areas;

**CONVINCED** of the need to establish an institutional framework that shall govern relations between the African Union and the Regional Economic Communities:

**NOW THEREFORE IT IS HEREBY AGREED** as follows:

## **CHAPTER ONE**

### **PRELIMINARY PROVISIONS**

#### **ARTICLE 1**

##### **Definitions**

In this Protocol, unless the text otherwise requires:

**“African Union”** or **“Union”** means the African Union established under Article 2 of the Constitutive Act;

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

**“Bureau of the Assembly”** means the Chairperson and Vice-Chairpersons of the Assembly;

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

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

**“Commission”** means the Commission of the Union established under Article 5.1 (e) of the constitutive Act;

**“Commissioner”** means a Commissioner of the Union appointed by the Assembly under Article 9.1 (i) of the Constitutive Act;

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

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

**“Committee of Secretariat Officials”** means the Committee of Secretariat Officials as set out in Article 6 of this Protocol;

**“Constitutive Act”** means the Constitutive Act of the Union adopted in Lome, Togo, on the 11<sup>th</sup> July 2000;

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

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

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

**“Treaty”** means the Treaty Establishing the African Economic Community; and **“treaties”** means the treaties establishing the Regional Economic Communities.

**“Protocol”** means the Protocol on Relations between the Union and the Regional Economic Communities for the implementation of the Constitutive Act and the Treaty;

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

**“Specialized Technical Committees”** means the Specialized Technical Committees of the Union established under Article 5 of the Constitutive Act;

## ARTICLE 2

### Scope of Application

This Protocol shall apply to the mechanism established by the Parties in the implementation of measures in the economic, social, political and cultural fields including gender, peace and security, intended to fulfil the responsibilities placed on them by the Constitutive Act, Treaty and this Protocol.

## ARTICLE 3

### Objectives

The objectives of this Protocol shall be:

- (a) establish a framework for coordination *of the activities of* Regional Economic Communities in their contribution to the realization of the objectives of the Constitutive Act and the Treaty;

- (b) implement the Sirte Declaration with regard to the acceleration of integration process and shorten the periods provided for in Article 6 of the Treaty;
- (c) set and monitor general and specific benchmarks for the establishment of the African Common Market;
- (d) establish a framework for linking the operations of the Specialized Technical Committees and the Sectoral Cluster Committees of the Economic, Social and Cultural Council of the Union to the operations of the Regional Economic Communities;
- (e) *invite the Union to establish a Coordination mechanism* of regional and continental efforts for the development of common positions by its members in negotiations at the multilateral level;
- (f) *encourage the sharing in all fields of experiences between the Regional Economic Communities and ensure harmonization of their cooperation with potential donors and international financial institutions in order to avoid duplication;*
- (g) strengthen the Regional Economic Communities in accordance with the provisions of the Treaty and decisions of the Union;
- (h) ensure that gender is mainstreamed into all the programmes and activities under the relationship among the Regional Economic Communities and between the Regional Economic Communities and the Union; and
- (i) formalize, consolidate and promote closer co-operation among the Regional Economic Communities and between them and the Union through the coordination and harmonization of their policies, measures, programmes and activities in all fields and sectors.

#### **ARTICLE 4**

##### **General Undertakings**

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

- (a) undertake to cooperate and coordinate the *policies* and programmes of the Regional Economic Communities with those of the Union,
- (b) undertake to exchange *horizontally and vertically* information and experiences on programmes and activities and to implement the provisions of this Protocol ;



- (c) agree to promote interregional projects in all *fields*;
- (d) *support the Regional Economic Communities and the Union in their respective integration endeavors*; and
- (e) agree to attend and participate effectively in all meetings of each other and in the activities required to be implemented under this Protocol.

## ARTICLE 5

### Specific Undertakings

1. The Regional Economic Communities, which have not yet done so, shall take steps to review their treaties and where necessary establish *an organic link with* the Union and in particular provide *in their treaties*:

- a) as their final objective, the establishment of the Community;
- b) legal links to this Protocol, other Protocols of the Union, and the Treaty;
- c) for alignment of their sectoral programming to the sectoral programmes of the Union; and
- d) for the eventual absorption, at stage 5 set-out in Article 6 ( 2, e) of the Treaty, of the Regional Economic Communities into the African Common Market as a prelude to the Community

2. The Union undertakes to discharge fully its responsibility of strengthening the Regional Economic Communities as well as of coordinating and harmonizing the activities of the Regional Economic Communities.

## CHAPTER TWO

### INSTITUTIONAL FRAMEWORK

## ARTICLE 6

### Institutional Organs Establishment

There shall be established as organs for co-ordinating policies, measures, programmes and activities of Regional Economic Communities and ensuring the implementation of this Protocol:

- (a) the Committee on Coordination;

- (b) the Committee of Secretariat Officials.

## ARTICLE 7

### **The Committee on Coordination Composition and Functions**

1. The Committee on Coordination shall consist of:
  - (a) the Chairperson;
  - (b) the Chief Executives;
  - (c) the Executive Secretary of the *United Nations* Economic Commission for Africa (*ECA*);
  - (d) the President of the African Development Bank (*ADB*).
2. Members of the Committee on Coordination may be accompanied to meetings by experts and advisers.
3. The Committee on Coordination may invite any continental institution with continent wide membership to participate in the work of the Committee and to attend its meetings as an observer.
4. The Committee on Coordination shall be responsible for:
  - (a) providing policy orientation pertaining to implementation of the Protocol;
  - (b) co-ordinating and harmonizing the macro-economic policies, peace and security policies, other policies and activities of the Regional Economic Communities, including the priority sectors of agriculture, industry, transport and communication, energy and environment, trade and customs, monetary and financial matters, integration legislation, human resources, gender, tourism, science and technology, cultural and social affairs , *democracy, governance, human rights and humanitarian matters*;
  - (c) monitoring and keeping under constant review, progress made by each Regional Economic Community towards the implementation of stages 1 through 4 set-out in Article 6 of the Treaty;
  - (d) *adopting* the budget referred to in Article 23 of this Protocol;
  - (e) determining the modalities of implementing decisions and directives of the Assembly and the Council on the implementation of the Treaty;
  - (f) mobilizing resources for the implementation of the Treaty; and

- (g) considering recommendations of the Committee of Secretariat Officials covering (a) through (c) above.

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

## **ARTICLE 8**

### **Meetings of the Committee on Coordination**

1. The Committee on Coordination shall meet at least twice a year and shall be chaired by the Chairperson.
2. The decisions of the Committee shall be taken by consensus failing which, by a simple majority. The decisions of the Committee shall be forwarded to the *Executive Council* as recommendations on matters of policy aimed at the efficient and harmonized approach to Africa's integration.
3. One of the meetings of the Committee on Coordination shall take place four months before the ordinary session of the Assembly at the Headquarters of the Union.
4. The Executive Secretary of the *United Nations* Economic Commission for Africa and the President of the African Development Bank shall provide advise to the Committee and shall have the right to vote on such matters as shall be stipulated in the rules of procedure adopted under paragraph 5 of this Article.
5. Subject to the provisions of the Treaty and the treaties, the Committee on Coordination shall determine its own rules of procedure for the conduct of its meetings.

## **ARTICLE 9**

### **The Committee of Secretariat Officials Composition and Functions**

1. The Committee shall consist of:
  - (a) the representative of the Chairperson responsible for Coordination of Regional Economic Communities;
  - (b) the representatives of the Regional Economic Communities, responsible for Coordination of integration *with* the Union ;

- (e) The representative of the Executive Secretary of the *United Nations Economic Commission for Africa*, responsible for economic integration;
  - (f) the representative of the President of the African Development Bank, responsible for economic integration.
2. The Committee may invite any person representing an institution with continent wide membership to participate in the work of the Committee and to attend its meetings as an observer.
3. The Committee shall be responsible for:
- (a) *preparing and* submitting reports to the Committee on Coordination on :
    - i) policy orientation pertaining to implementation of the Protocol;
    - ii) Coordination and harmonization of the macro-economic policies, peace and security policies, other policies and activities of the Regional Economic Communities, including the priority sectors of agriculture, industry, transport and communication, energy and environment, trade and customs, monetary and financial matters, integration legislation, human resources, gender, tourism, science and technology, cultural and social affairs;
    - iii) monitoring and keeping under constant review, progress made by each regional economic community towards the implementation of stages 1 through 4 set-out in Article 6 of the Treaty;
  - (b) preparing the budget referred to in Article 23 of this Protocol;
  - (c) proposing modalities of :
    - i) implementing decisions and. directives of the Assembly and the Council on the implementation of the Treaty; and
    - ii) mobilizing resources for the implementation of the Treaty.
  - d) preparing proposals for consideration by Specialized Technical Committees
4. *The Union should consult the Regional Economic Communities, ECA and ADB in the preparation of the proposals and .work programmes for. Consideration by the Specialized Technical Committees.*

5. The Union and the Regional Economic Communities shall designate a focal point with whom all the parties may communicate in connection with any matter arising out of the implementation and application of this Protocol, and notify such designation to all the parties.

## **ARTICLE 10**

### **Meetings of the Committee of Secretariat Officials**

1. The Committee shall meet at least twice a year prior to the meetings of the Committee on at the headquarters of the African Union.
2. The decisions of the Committee shall be by consensus failing which by a simple majority.
3. The rules of procedure of the Committee *on Coordination* , subject to necessary modifications, shall apply to the Committee.

## **CHAPTER THREE**

### **IMPLEMENTATION BENCHMARKS FOR THE UNION**

## **ARTICLE 11**

### **Immediate Priority Activities by the Union**

1. In terms of the provisions of Article 88 (1) and paragraph 2 (a) through (d) of Article 6 of the Treaty, the Union's role, at stages 1 through 4, is primarily to strengthen existing Regional Economic Communities, establish new ones where none exists and harmonize and coordinate the policies and measures adopted by the Regional Economic Communities into the envisaged African Common Market. To this end the Commission shall:

- (a) monitor the *implementation and* evaluation carried out of the policies, measures, programmes and activities of the Regional Economic Communities and their implementation thereof in order to determine the stage at which each Regional economic community shall be placed in terms of the stages set-out in paragraph 2(a) through (d) of Article 6 of the Treaty;
- (b) work towards *the coordination and harmonization* of the activities of Regional Economic Communities taking account of the paramount necessity of accelerating the achievement of a continental integration in the context of Sirte Declaration;
- (c) in cooperation with the Regional Economic Communities, identify the areas with respect to each regional economic community which requires the assistance of the Commission with a view to strengthening each regional economic community

and facilitating the achievement of the objectives of the treaties and the Treaty.

2. The implementation by the Union, of measures, programmes and activities envisaged under the provisions of Article 6 (3) of the Treaty shall be done jointly with the Regional Economic Communities and shall take into account similar measures, programmes and activities being implemented by the latter.

## **CHAPTER FOUR**

### **IMPLEMENTATION BENCHMARKS FOR THE REGIONAL ECONOMIC COMMUNITIES**

#### **ARTICLE 12**

##### **The General Benchmarks**

*The Regional Economic Communities shall comply with the provisions of Articles 4 and 6 of the Treaty which envisage, at stages 1 through 4 set-out in Article 6 (2) of the Treaty, the following outputs:*

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

#### **ARTICLE 13**

##### **Specific Benchmarks**

1. The Assembly shall decide, *if need be*, the specific benchmarks to be attained at each stage in accordance with the guidelines at the Annex of this Protocol.

2. Notwithstanding the provisions of paragraph 1 above, all policies, measures and programmes which shall be implemented in order to achieve a free trade area, a customs union and a common market for each regional economic community shall be implemented *latest* by the end of the period provided for in the Annex of this Protocol from the date of entry into force of the Treaty.

3. Notwithstanding *also* the provisions of Article 6 of the Treaty, the coordination and harmonization of tariff and non-tariff systems among the Regional Economic Communities with a view to establishing, at continental

level, a customs union by means of adopting a common external tariff, shall be achieved within a shorter period in accordance with the Sirte Declaration.

4. Any regional economic community may accelerate the process of integration and achieve the objectives set for each stage well in advance of the time limits set-out in Article 6 of the Treaty.

5. The Commission shall, in consultation with the Regional Economic Communities, evaluate existing Regional Economic Communities to determine the progress of regional economic integration and thereafter design appropriate programmes to accelerate the integration process.

6. Every regional economic community shall review and modify their existing Technical Committees to align their functions and structures to that of the Specialized Technical Committees.

## **CHAPTER FIVE**

### **COOPERATION AND AMONG REGIONAL ECONOMIC COMMUNITIES**

#### **ARTICLE 14**

##### **Coordination of Activities**

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

#### **ARTICLE 15**

##### **Joint Programmes and Closer Cooperation**

1. Regional Economic Communities, may enter into cooperation arrangements under which they undertake joint programmes or activities or more closely co-ordinate their policies, measures and programmes.

2. The Commission and the Regional Economic Communities shall cooperate in preparation of economic summits for the Union.

#### **ARTICLE 16**

##### **Participation at each others' Meetings And Exchange of expertise, experience and information**

1. Each regional economic community shall invite the others to participate at meetings convened by it in which matters of mutual interest to

the others, are to be discussed., in the context of this Protocol .The costs for attending *annual statutory* meetings shall be borne by the Union

2. A regional economic community *should be invited*, in line with modalities to be mutually agreed upon, *to* avail another of its experience by putting at its disposal the services of its personnel. The costs for such exchange of expertise shall be borne by the Union.

3. Subject to necessary arrangements for the safeguarding of the confidentiality of certain information, the Regional Economic Communities shall exchange information and documents and keep each other informed of their policies, measures, programmes and activities of the implementation of this Protocol with a view of fostering closer Coordination and cooperation among them for the achievement of the objectives of the Union.

## **CHAPTER SIX**

### **PARTICIPATION AT MEETINGS AND THE BINDING NATURE OF DECISIONS**

#### **ARTICLE 17**

##### **Participation at Union Meetings**

1. The Regional Economic Communities shall *attend and* participate fully *without voting right*, at meetings of the Union.

2. Each Regional Economic Community shall submit a report *on progress achieved and eventual difficulties encountered* to the Specialized Technical Committees, the Executive Council and the Assembly on progress made in the implementation of the provisions of this Protocol.

#### **ARTICLE 18**

##### **Participation at Meetings of Regional Economic Communities**

1. The Union shall *attend and* participate fully *without voting right* at meetings of the Regional Economic Communities.

2. The Chairperson shall submit a report to the meetings of the policy organs of the Union and Regional Economic Communities on the implementation of the provisions of the Treaty and this Protocol.

#### **ARTICLE 19**

##### **Permanent Representations**

1. *The Union shall open a liaison Office at the Headquarters of each Regional economic community.*



2. *Each Regional Economic Community shall establish, where it does not exist, a national integration structure.*

## **ARTICLE 20**

### **Binding Union decisions on Regional Economic Communities**

1. *In compliance with articles 10 (2) and 13 (2) of the Treaty, the Union shall take measures, through its principal policy organ, against a regional economic community whose policies, measures and programmes are at odds with the objectives of the Treaty or whose implementation of its policies, measures, programmes and activities lags behind the time limits set-out in Article 6 of the Treaty or pursuant to this Protocol.*
2. Where it is established that the delay in the implementation of the policies, measures, programmes and activities arising from the provisions of Article 6 of the Treaty rests on action or omission by member states of Regional Economic Communities, the Assembly or the Executive Council shall address its directives to the relevant Union member states.
3. The decisions of the Assembly and the Executive Council may include any sanctions deemed appropriate in accordance with the Constitutive Act.

## **ARTICLE 21**

### **Status of the Regional Economic Communities at Union Meetings**

Chief Executives of the Regional Economic Communities *or their representatives* shall *enjoy the same rights* as that of the *Chief Executive* of the other Party to this Protocol and shall in this regard participate fully in the deliberations of the Union.

## **ARTICLE 22**

### **Status of the Commission at Meetings of Regional Economic Communities**

The Chairperson shall *participate fully in the* meetings of the policy organs of the Regional Economic Communities *as well as* in the deliberations of their organs.

## **CHAPTER SEVEN**

### **FINANCIAL PROVISIONS**

#### **ARTICLE 23**

##### **Budget**

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

#### **ARTICLE 24**

##### **Accounts and Financial Regulations**

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

#### **ARTICLE 25**

##### **Financial and Technical Support**

1. The Parties recognize that the main obstacles to the full implementation of the policies, measures and programmes of Regional Economic Communities include resource constraints, at the levels of the African Union, Regional Economic Communities, the member states, the ECA and the ADB to plan, manage, implement, follow-up and monitor the implementation of agreed decisions, policies, measures, programmes and activities.
2. In order to attain the above objectives the parties shall cooperate in:
  - (a) the collective mobilization of financial resources to assist Regional Economic Communities implement, in particular, policies, measures and programmes which shall facilitate the development of respective Regional Economic Communities from one stage to the next as set-out in paragraph 2 (a) through (d) of Article 6 of the Treaty;
  - (b) human resource capacity and institutional building;

- (c) mobilising technical assistance to Regional Economic Communities according to expressed needs; and
- (d) monitoring the implementation and the conformity of programmes agreed upon at the level of the Regional Economic Communities and monitoring their compliance thereof so as to expedite the implementation of the Treaty.

## **CHAPTER EIGHT**

### **GENERAL AND FINAL PROVISIONS**

#### **ARTICLE 26**

##### **Working Languages**

For the purposes of this Protocol, the working languages *shall be those of the Regional Economic Communities when the latter convene meetings and those of the Union when it convenes meetings.*

#### **ARTICLE 27**

##### **Administrative Arrangements**

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

#### **ARTICLE 28**

##### **External Relations**

1. In the context of realising its integration objectives, a regional economic community may, enter into co-operation agreements with other international organizations or with third countries provided that such agreements do not conflict with the objectives of the Constitutive Act, the Treaty and the treaties.
2. Copies of the agreements referred to in paragraph 1 *of this Article* shall be transmitted to the Chairperson by the Regional Economic Communities parties to them.

## **ARTICLE 29**

### **Coordinating Ministries or Authorities**

1. For the purposes of the implementation of the provisions of paragraph 2 of Article 88 of the Treaty and of Article 4 of this Protocol, the Parties agree to invite their member states to designate the same coordinating Ministry for the implementation of the Treaty and the treaties.
2. Notwithstanding the provisions of paragraph 1 *of this Article* the Regional Economic Communities may open country or regional offices in their member states to promote the implementation of the provisions of the treaties and the Treaty.

## **ARTICLE 30**

### **Harmonization of Mechanisms for Promotion of Peace, Security and Stability**

For the purpose of the implementation of the provisions of Article 3 (d) of this Protocol and Articles 7(j) and 16(4) of the Protocol Establishing the Peace and Security Council of the African Union, the Parties agree to undertake the following:

- (a) to harmonize and coordinate their activities in the field of peace, security and stability to ensure that these activities are consistent with the objectives and principles of the Union and those of the Regional Economic Communities;
  - (b) to work closely to ensure effective partnership between them in the promotion and maintenance of peace, security and stability; and
  - (c) to determine the modalities of the relationship in the promotion of peace, security and stability through a Memorandum of Understanding between the Union and Regional Mechanism.
2. *Notwithstanding the provisions of paragraph 1 of the Article 14 the Coordination and harmonization of mechanisms to prevent, manage and resolve conflicts among the Regional Economic Communities with a view to establishing, at continental level, a peace and security architecture, shall be achieved within the shortest possible time.*

## **ARTICLE 31**

### **Amendments**

1. Any Party may propose amendments to this Protocol.

2. Amendment proposals made pursuant to paragraph 1 *of this Article* shall be submitted, in writing, to the Committee on , which shall make recommendations to the Parties.
3. Amendments shall enter into force after approval by the Parties.

## **ARTICLE 32**

### **Dispute Resolution**

1. Any dispute arising between the parties from the interpretation or application of the provisions of this Protocol shall be resolved amicably within the Committee on coordination through direct agreement between the Parties concerned.
2. If the *Committee on coordination* is unable to resolve the dispute, the dispute shall be referred to the Court of Justice of the Union by any Party for settlement in conformity with the Statutes (Articles 18 and 19) of the said Court.
3. Any dispute arising from the interpretation or applicability of the provisions of the Constitutive Act, the Treaty and the treaties, the Constitutive Act shall prevail, *ipso facto*, the Constitutive Act and this Protocol shall constitute the legal basis for the Parties who are not signatories to the Treaty.

## **ARTICLE 33**

### **Entry into Force and Accession**

1. This Protocol shall enter into force when signed by the Chairperson on behalf of the Union and by *the* Chief Executives of *at least* three Regional Economic Communities.
2. This Protocol shall be formally endorsed by the Assembly at the Summit that follows signature provided for under paragraph 1 of this Protocol.
- 3 Any Regional Economic Community which is not Party to this Protocol on the date of its entry into force shall accede to *it*.
4. This Protocol shall enter into force in relation to an acceding Regional Economic Community on the date its instrument of accession shall be deposited.

**ARTICLE 34**

**Extinction of the Protocol on Relations between the AEC and the RECs**

*The Protocol on Relations between the African Economic Community and the Regional Economic Communities shall cease to exist upon the entry into force of this Protocol.*

**ARTICLE 35**

**Depository**

The original of this Protocol prepared in English, French, Arabic Portuguese, *Spanish and Swahili* languages, the *six* texts being equally authentic, shall be deposited with the Chairperson.

**Done** at ..... in the Republic of .....on the ..... day of ..... in the year two thousand and ..... in the English, French, Arabic, Portuguese, *Spanish and Swahili* languages, the *six* texts being equally authentic.

**PART I**

**Specific Benchmarks for establishment of the African Free Trade Area,  
Common Market and Monetary Union**

**Stage I (2003 to 2004)**

- (a) at the level of each regional economic community and within a period of five (2) years, prepare and adopt studies where they do not exist of a time-table for the gradual removal of tariff barriers and non-tariff barriers to regional and intra-Union trade and for the gradual harmonization of Customs Duties in relation to third countries;
- (b) strengthening of sectoral integration at the regional and continental levels in all areas of activity particularly in the fields of trade, agriculture, monetary and financial affairs, infrastructure, energy and industry.

**Stage 2 (2004 to 2010)**

At the level of each regional economic community and within a period of eight years (8) from the entry into force of the Constitutive Act (by the year 2010), establishment of a Free Trade Area through the observance of the timetable for the gradual removal of Tariff Barriers and Non-Tariff Barriers to intra-Union trade.

**Stage 3 (2010 to 2012)**

Within a period of two (2) years, coordination and harmonization of tariff and non-tariff systems among the various regional economic communities with a view to establishing a Customs Union at the continental level by means of adopting a common external tariff.

**Stage 4 (2012 to 2014)**

Within a period of two (2) years, and based on the work already done over the preceding years, establishment of an African Common Market through:

- a) the adoption of a common policy in several areas such as agriculture, transport and communications, industry, energy and scientific research;
- b) the harmonization of monetary, financial and fiscal policies;

- c) the application of the principle of free movement of persons as well as the provisions herein regarding the right of residence and establishment; and
- d) implementation of the final stage of an African Monetary Union based on the work of the Financial Institutions of the Union established under Article 9 of the Constitutive Act.

## **PART II**

### **Guidelines for the development of sectoral benchmarks**

1. In the field of trade, customs and immigration matters, the regional economic communities, save for safeguard provisions in their treaties, shall:

- (a) eliminate, either gradually or immediately, all customs duties and other charges of equivalent effect imposed on or in connection with the importation of goods;
- (b) eliminate any qualitative or like restrictions or prohibitions such as export and import licensing, quotas, stipulation of import sources, advance import deposits, conditional permission for imports and special charges for the acquisition of foreign exchange licenses and including administrative barriers;
- (c) adopt uniform and systematic classification of goods and to this end harmonise, in their member states, the customs and statistical nomenclature;
- (d) adopt a standard system of valuation of goods for purposes of custom duties based on principles of equity, uniformity and simplicity of application which shall conform to internationally accepted standards;
- (e) adopt a common or compatible computer system for automating customs data;
- (f) adopt common criteria for determining the origin of goods originating in their member states;
- (g) adopt common weights and measures;
- (h) adopt common simplified customs trade documents, regulations and procedures, in particular, with reference to valuation of goods, tariff classification, temporary admission, warehousing, re-exports, frontier trade and export drawbacks;



- (i) adopt standard rules against dumping, subsidies and other distortions of fair competition which shall conform to internationally acceptable rules;
- (j) gradually adopt common external tariff rates against third countries taking into account the need for Africa to participate fully in the international economy;
- (k) adopt common institutional structures for the dissemination of trade information;
- (l) adopt a common customs bond guarantee scheme;
- (m) remove impediments to the movement of genuine travelers in Africa; and
- (n) co-operate in immigration matters with a view to the removal of barriers to the movement of persons and labour.

2. In the field of transport, communications and tourism:

- (a) accede to the United Nations Convention on Road Traffic and Road Signs and Signals of 1968;
- (b) implement the Yamoussoukro Declaration on Air Transport liberalization and safety in Africa by the end of the Year 2003;
- (c) adopt common standards and regulations for the issuance of driving licenses and safety measures;
- (d) adopt common regulations governing speed limits on urban roads and highways;
- (e) harmonise and simplify formalities and documents required for vehicle and cargo used in intra-State transport;
- (f) adopt common minimum requirements for the insurance of goods and means of transport;
- (g) adopt common regulations prescribing minimum safety requirements for the transportation of dangerous substances;
- (h) take common measures for the facilitation of road transit traffic;

- (i) adopt common rules governing the dimensions, technical requirements, gross weight and load per axle of vehicles used in intra-State trunk roads;
- (j) harmonise road transit charges;
- (k) adopt common road designs and construction standards for intra-State trunk roads;
- (l) adopt standard minimum third party motor vehicle insurance scheme;
- (m) adopt common railway safety rules and requirements with respect to signs, signals, rolling stock and the transportation of dangerous substances;
- (n) harmonise legal and administrative requirements for intra-State railway transport;
- (o) simplify and harmonise documents required for intra-State railways transport;
- (p) harmonise procedures with respect to the packaging, marking and loading of goods and wagons for intra-State railway transport; .
- (q) adopt common standards for the construction of railway facilities;
- (r) harmonise .civil aviation roles through the implementation of the Chicago Convention on International Civil Aviation;
- (s) liberalise the granting of air traffic rights to passengers and cargo operation;
- (t) adopt simplified and harmonised regulations and administrative procedures governing intra-State inland waterway transport;
- (u) harmonise tariff structures for intra-State inland waterway transport;
- (v) adopt common rules to the packaging, marking and loading of goods , transported by inland waterway transport;
- (w) accede to international Conventions on multi-modal transport and containerisation;

- (x) simplify and harmonise regulations, goods classification, procedures and document required for multi-modal intra-State transport;
- (y) apply uniform regulations to the packaging, marking and loading of goods , for intra-State multi-modal transport;
- (z) adopt common macro telecommunications policies;
- (aa) harmonise tariff structures for telecommunications;
- (bb) establish direct intra-State telecommunications links; and
- (cc) adopt common regulations on the technical conditions applicable to means of transport for intra-regional transport of goods under customs seal.

3. In the field of industry, science and technology, energy, natural resources and environment:

- (a) promote the development of industry in the continent and greater utilisation of the continent's raw materials;
- (b) adopt common market friendly macro-economic policies;
- (c) provide an enabling, stable and secure investment climate;
- (d) promote the development of the private sector;
- (e) promote the development of human sources;
- (f) promote common technical specification either through harmonised standards or common stipulation of essential requirements which a product has to meet;
- (g) promote cross-border investment;
- (h) promote more favourable investment: climate with respect to the energy sector;
- (i) adopt the African regional standards;
- (j) adopt common standardisation and quality assurance measures;
- (k) adopt uniform standards and specifications for the inspection and testing of goods traded within their communities;

- (l) adopt regionally acceptable quality management systems standards and develop capacities for quality assurance of products traded within their communities;
- (m) harmonise documentation for evaluating the quality of goods traded within their communities;
- (n) adopt harmonised scheme for the accreditation of laboratories used for the evaluation of goods produced in their communities;
- (o) adopt common rules and procedures for the certification marks to be applied on goods produced in their communities and for the recognition of each others' national certification and laboratory accreditation schemes;
- (p) adopt harmonised systems for legal, scientific and industrial metrology activities in their member states and formulate modalities for the mutual recognition of calibration certificates issued by national metrology laboratories of their member states;
- (q) adopt legal framework for legal metrology as well as the pre- packing and labelling of goods produced within their communities;
- (r) adopt uniform system of labelling goods to be traded within their communities;
- (s) standard aids to the recognition and movement of goods and their containers such as labels and transit documents;
- (t) adopt common measures for the protection and preservation of the environment against all forms of pollution;
- (u) adopt the principle that with respect to the environment preventive action shall be given priority, that environmental damage shall be rectified at source and that the polluter shall pay;
- (v) adopt common environmental, incentives, standards and control regulations;
- (w) adopt common standards for the control of atmospheric industrial, urban and water pollution;

- (x) adopt common positions against illegal dumping of toxic and undesirable wastes within their communities; and
- (y) urge their member states to accede to international and regional Conventions on the improvement of environmental policies and management such as the Montreal Protocol on the Environment.

4. In the field of monetary and financial affairs:

- (a) harmonise the macro-economic and, in particular, the fiscal macro-policies of their member states;
- (b) set up mechanisms for co-ordinating with other bodies in the mobilisation of international financial inflows and domestic savings in Africa;
- (c) remove restrictions to the movement of capital and the freedom to provide services within their communities;
- (d) allow for the gradual convertibility of the currencies of their member states as a basis for the eventual establishment of a monetary union;
- (e) take common measures that shall facilitate goods and capital if movement within their communities;
- (f) remove all exchange restrictions on imports and exports within their communities;
- (g) liberalise their financial sectors by freeing and deregulating interest rates or their equivalent with a view to achieving positive real interest rates;
- (h) harmonise their tax policies with a view to removing tax distortions affecting goods and factor movement within their communities;
- (i) integrate the financial structures of their member states;
- (j) promote the establishment of national stock exchanges and develop a regional economic community rating system of listed companies and an index of trading performance;
- (k) take steps to achieve wider monetarisation of their communities economies under a liberalised market economy; and

- (l) adopt common measures for the prevention of double taxation.

5. In the field of Rural Economy and Agricultural Matters:

- (a) adopt common agricultural policies;
- (b) promote food sufficiency and security;
- (c) adopt appropriate policies on the utilisation of arid land;
- (d) adopt Common programmes aimed at containing desertification, and effects of drought;
- (e) adopt common policies on the development of small scale irrigation schemes and the development of small scale grain storage facilities;
- (f) promote research and extension and exchange of information;
- (g) develop continental lakes and rivers;
- (h) implement regional food security and early warning system; and
- (i) adopt policies on poverty alleviation such as requesting then' member states to commit at least 20% of their budgets to urban and rural infrastructure.

6. In the field of education, culture, human resources and generally economic and social development:

- (a) harmonize their methodology of collecting, processing and analyzing information required to meet the objectives of their treaties;
- (b) adopt common policies in education and harmonize education standards and qualifications;
- (c) gender mainstreaming in all aspects of development;
- (d) integration of cultural factors in the development process, inter regional cultural exchanges;
- (e) encourage all African States to provide free universal primary education;

- (f) adopt measures that shall allow for the movement of persons, labour, services, and capital and the right of establishment and residence;
- (g) education training facilities, specialised training and research centers;
- (h) adopt common measures for the common market legislative programme and promote, as appropriate, the harmonisation of appropriate laws that shall facilitate the integration process or where appropriate, agree to give mutual recognition of the relevant laws of their member states;
- (i) adopt common macro-policies for domestic, cross-border and foreign investment; and
- (j) adopt common policies on employment and working conditions, labour laws, right of association and collective bargaining and vocational training with a view to promoting the gradual free movement of persons and labour within their communities.

7. In the field of gender and development:

- (a) Adopt measures to remove obstacles and barriers that women face in their efforts to participate in, and contribute to the socio-economic development.
- (b) Adopt measures to empower women economically.

8. In the field of peace and security:

- (a) Support initiatives to build Africa's capacity to anticipate, prevent, manage and resolve conflicts;
- (b) Encourage initiatives and actions taken by the AU and RECs to anticipate and prevent conflicts;
- (c) Encourage close working relations between the AU and the RECs in the implementation of the treaties that promote peace and security in Africa;
- (d) Promote and ensure the implementation of measures to prevent and combat terrorism;
- (e) Promote and ensure the implementation of measures to curb use of child soldiers, drug trafficking, illicit

proliferation and trafficking of small arms and light weapons;

- (f) Encourage the implementation of actions taken to promote good governance, democratic rule, rule of law and justice in Africa;
- (g) Support the efforts undertaken to build and strengthen Africa's capacity to prevent, respond to and mitigate complex political emergencies; and
- (h) Support the efforts undertaken by the AU and RECs in peacemaking and peace-building functions.



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# Draft protocol on relations between the African Union (Au) and the Regional Economic Communities (Recs)

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