

ALLIANCE TREATY OBLIGATIONS AND PROVISIONS (ATOP)
CODING SHEET

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SECTION I: FORMATION, MEMBERS, AND DURATION

1. ATOP ID: 5090
2. COW Alliance # (if applicable): 407 (version 4.1)
3. Signature date(s) (may vary for members in multilateral alliances):
December 15, 2006
4. Members of alliance (use COW country codes):

540 Angola
516 Burundi
482 Central African Republic
484 Congo
490 Democratic Republic of Congo
501 Kenya
517 Rwanda
626 South Sudan (February 24, 2013)
625 Sudan
510 Tanzania
500 Uganda
551 Zambia

Note: The treaty entered into force on June 21, 2008 after eight countries except for Angola, Sudan, and Zambia ratified the treaty. Reportedly, by 2009 all countries except Angola ratified the treaty.

Source: Ban applauds entry into force of security pact in African Great Lakes region
(<http://www.un.org/apps/news/printnewsAr.asp?nid=27137>) (Accessed on June 20, 2013))
Lexus Nexus: Africa News, April 30, 2010. "Expert Commends Regional Pact."

Note that the pact has ten protocols, the most relevant of which is the Protocol on Non-aggression and Mutual Defense in the Great Lakes Region

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.
No.
9. Are specific state(s) mentioned as possible future members of the alliance? (Yes, No) If Yes, which state(s)?
No.
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. A member state that has ratified the treaty may withdraw from it at any time after ten years from the date on which the current treaty enters into force by giving written notification (Art. 35).

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 of June 21, 2018 according to the ICGLR Center for Democracy:
(<https://www.icglr-lmrc.org/index.php/news1>)

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):
Defense, Nonaggression, Entente

18. Describe the obligations of the alliance partners.

“Member States agree to renounce any resort to the threat or use of force as policies, means, or instrument of settling any differences, disputes, or the pursuit of national objectives.” (Protocol: Article 3(1))[Nonaggression]

“Member States undertake to refrain, in their international relations, from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Charter of the United Nations, the Constitutive Act of the African Union, the relevant resolutions of the Security Council of the United Nations and the African Union Peace and Security Council.” (Protocol: Article 4(1))[Nonaggression]

“Member States undertake to refrain from acts of reprisal involving the threat or use of force against other States.” (Protocol: Article 4(6))[Nonaggression]

“Member States have a duty to refrain from acts and threats of aggression as defined in Article 1 (2) and (3) of this Protocol, as well as any propaganda related to such acts and threats.” (Protocol: Article 5(1))[Nonaggression]

“The Member States undertake to base their relations on respect for the principles of national sovereignty, of territorial integrity, of non-interference in the internal affairs of other Member States, of non-aggression, of cooperation and of peaceful settlement of disputes.” (Pact: Article 4(2))[Nonaggression]

“The member states undertake to... renounce the threat or the use of force as policies means or instrument aimed at settling disagreements or disputes or to achieve national objectives in the Great Lakes Region.” (Pact: Article (5(1(a)))[Nonaggression]

“The Member States undertake to settle their disputes peacefully.” (Pact: Article 28(1))[Nonaggression]

“Member States agree that any armed attack against one or more of them shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defence will assist the State or States so attacked by taking forthwith, individually or in concert with the other Member States, such action as it deems necessary, including the use of armed force, to restore and maintain the peace, security, stability, and development of the Great Lakes Region.” (Protocol: Article 6(3))[Defense]

“Member States shall counter acts of aggression committed against any one of them by armed groups, taking into account the provisions of Articles 6 and 8 of this Protocol” (Protocol, Article 5 (4)).[defense]

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.

“b) To abstain from sending or supporting armed opposition forces or armed groups or insurgents onto the territory of other Member States, or from tolerating the presence on their territories of armed groups or insurgents engaged in armed conflicts or involved in acts of violence or subversion against the Government of another State;
c) To cooperate at all levels with a view to disarming and dismantling existing armed rebel groups and to promote the joint and participatory management of state and human security on their common borders. “ (Pact, Article 5)

“Member States shall assume primary responsibility for not permitting the use of their territories as a base for any form of aggression or subversion against another Member State.” (Protocol: Article 3(3))

“Member States undertake to criminalize any act of aggression or subversion against other States by individuals or groups operating in their respective States.” (Protocol, Article 3 (3)).

Article 8 of the Protocol:

1. Member States hereby denounce all armed groups in the Great Lakes Region and repudiate any association with such groups, and agree to strictly combat all activities undertaken by such groups.
2. Member States guarantee to prohibit armed groups from using their territories as a base for carrying out armed attacks, committing acts of aggression or subversion, against the sovereignty, security, territorial integrity and political independence of any Member State.
3. Member States undertake not to give any help, directly or indirectly, actively or passively, to armed groups operating against any Member State.
4. Member States undertake to apprehend and disarm, far from their common borders, members of armed groups who use, or attempt to use, their territories to prepare, or mount armed attacks, and/or, conduct subversive activities against other States.
5. Member States undertake to intercept and disarm members of armed groups fleeing across their common borders, without prejudice to the obligations concerning the protection of refugees and the free movement of persons within the Great Lakes Region.
6. A Member State whose armed forces are engaged in the hot pursuit of armed groups shall inform and notify Member States towards whose territory the armed groups are fleeing, and shall request any such Member States to intercept, apprehend and disarm them.
7. A Member State unable or unwilling to intercept armed groups in flight or operating on its territory shall be encouraged to enter into bilateral agreements which specify the conditions under which the armed forces of another Member State may undertake the hot pursuit of the said armed groups, provided that such agreements shall be consistent with the objectives of this Protocol.
8. Member States shall ensure that all the members of an armed group which resorts to the threat or use of force as a policy to attain its objectives, or as a means of settling its disputes with a Member State, shall incur individual and collective criminal responsibility for the acts or omissions of the said armed group.
9. Member States agree to accord each other mutual assistance in prosecuting armed groups throughout the Great Lakes Region.

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.

“Member States agree that the provisions of this Article and Article 5 of this Protocol shall not impair the exercise of their responsibility to protect populations from genocide, war crimes, ethnic cleansing, crimes against humanity, and gross violations of human rights committed by, or within, a State. The decision of the Member States to exercise their responsibility to protect populations in this provision shall be taken collectively, with due procedural notice to the Peace and Security Council of the African Union and the Security Council of the United Nations.” (Protocol, Article 4 (8)).

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:

The Protocol also provides for regional responsibility for managing common border security (Protocol: Article 7).

The Member States undertake in particular to refrain from, prevent and punish genocide, war crimes, and crimes against humanity (Pact: Article 8(a))

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.

“Deeply concerned by the recurrent conflicts and persistent insecurity within and between the States of the Great Lakes Region, while recognising the efforts and initiatives undertaken at the national, regional and international level to resolve these conflicts and promote security” (Protocol: Preamble)

As the objectives of the Protocol, it refers to as follows:

“Resolve and prevent internal and inter-state armed conflicts, subversive activities and serve as a legal framework for eradicating persistent insecurity of any kind within and between Member States.”(Protocol: Article 2(1))

“Ensure that disputes between Member States and, between Member States and armed groups are resolved by peaceful means.” (Protocol: Article 2(5))

“The duty to refrain, subject to the right of individual or collective self-defence, from the threat or use of force in violation of the existing international borders of another State to resolve any disputes, particularly territorial disputes and frontier incidents (Protocol: Article 7(6(e))).

“The Member States agree to submit any dispute which may arise between them in relation to the interpretation or application of all or part of the Pact to the African Court of Justice if recourse to the means referred to in Article 28 (2),(3)(4) turn out to be unsuccessful.” (Pact: Article 29)

Also refer to #18 that describes the nonaggression obligations.

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

Yes. “The Member States undertake to settle disputes through negotiation, good offices, investigation, mediation, conciliation or any other political means within the framework of the Conference’s Regional Follow-up Mechanism.” (Pact: Article 28(2))

“The Member States undertake to have recourse to the means of settling disputes described in paragraph 2(Pact: Article 28(2)) above before having recourse to any other political, diplomatic or judicial mechanisms.” (Pact: Article 28(2))

“The Member States may resort to the means of peaceful settlement provided for in the United Nations Charter and in the Constitutive Act of the African Union after recourse to the peaceful settlement of disputes in paragraphs 2 and 3(Pact: Articles 28(2) and 28(3)) above.”(Pact: Article 28(4))

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.)

No, but “Member States agree to build their joint capacity for mutual assistance and defence aimed at enabling collective and effective responses to armed attacks against one or more of them by utilising the command structures of the African Intervention Force.” (Protocol: Article 6(4))

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

No.

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. The treaty refers to the African Intervention Force, but it is not clear in the treaty what role it undertakes.

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.

Joint Border Commission for the joint control, surveillance, and management of common borders (Protocol: Article 7(7)).

Regional Follow-up Mechanism: consists of the Summit of Heads of State and Government, the Regional Inter-Ministerial Committee, the Conference Secretariat, the National Coordination mechanisms and the Collaborative Mechanisms (Pact: Article 22(1)).

Summit: the Supreme organ of the Conference that shall be held once every two years (Pact: Article 23)

Regional Inter-Ministerial Committee: the executive organ of the Conference. They meet in ordinary session twice a year (Pact: Article 24).

Ad-hoc Group of Experts: Nominated by the Inter-Ministerial Committee to consult the specific problems encountered by the member states (Pact: Article 25).

Conference Secretariat: technical arm and coordinating body of the conference headed by the Executive Secretary (Pact: Article 26)

National Coordination Mechanism: Each member establish this body to facilitate the implementation of the Pact (Pact: Article 27(1)).

Collaborative Mechanisms: Established by the Inter-Ministerial Committee to coordinate the implementation of the Pact (Pact: Article 27(2)).

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, but “Member States agree that the illicit proliferation of small arms and light weapons, including anti-personnel mines constitutes a threat to peace, security, and stability in the Great Lakes Region, and undertake to promote common policies and strategies aimed at putting an end to this proliferation in accordance with the international agreements in force.” (Protocol, Article 9)

39. Does the treaty explicitly permit or prohibit the acquisition of territory not currently held by either ally? (Yes, No) If Yes, describe reference.

No.

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. But Article 7 stipulates that member states make joint efforts for the effective common border control by pooling intelligence, resources, capacities and competences.

43. Additional coder comments regarding references to alliance institutionalization:

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. UN, African Union as a framework for peace and security and a legal framework for cooperation (Pact: Preamble; Protocol: Preamble, Articles 1, 4, 5, 6, 10)

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.

Yes. The main treaty refers to ten Protocols. We have coded provisions from the Protocol on Non-Aggression and Mutual Defence in the Great Lakes Region (November 30, 2006)

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

Yes.

Cooperation to promote democracy and good governance (Pact: Article 6); judicial cooperation (Pact: Article 7); cooperation for the prevention and the punishment of the crime of genocide, war crimes, and crimes against humanity (Pact: Article 8); cooperation against the illegal exploitation of natural resources (Pact: Article 9); cooperation for regional economic integration and development (Pact: Article 10); cooperation for the prevention and against suppression of sexual violence against women and children (Pact: Article 11); cooperation for the protection and assistance to internally displaced persons (Pact: Article 12); cooperation regarding the property rights of returning persons (Pact: Article 13); cooperation for the management of information and communication (Pact: Article 14)

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.

Yes. "1. A Special Fund for the reconstruction and development of the Great Lakes Region shall be created in accordance with the Protocol on the Specific Reconstruction and Development Zone, but the legal status of such a Fund shall be defined in a separate document;

2. The modality of the operation of the Fund shall be determined by a specific legal framework to be agreed with the African Development Bank, which shall manage the said Fund;

3. The financing of the Fund shall be ensured by mandatory contributions from the Member States as well as by voluntary contributions from cooperating and development partners." (Article 21, Pact)

Note that there is a protocol on this fund, but it doesn't provide much more detail.

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.

“Member States agree strictly to abide by the duty of non-interference in matters which are within the domestic jurisdiction of any State, in accordance with international law, the Charter of the United Nations, and the Constitutive Act of the African Union.”(Protocol: Article 4(2))

“The Member States undertake to base their relations on respect for the principles of... non-interference in the internal affairs of other Member States...” (Pact: Article 4(2))

But the Protocol also leaves room for intervention in case of genocide, war crimes, etc.:

“Member States agree that the provisions of this Article and Article 5 of this Protocol shall not impair the exercise of their responsibility to protect populations from genocide, war crimes, ethnic cleansing, crimes against humanity, and gross violations of human rights committed by, or within, a State. The decision of the Member States to exercise their responsibility to protect populations in this provision shall be taken collectively, with due procedural notice to the Peace and Security Council of the African Union and the Security Council of the United Nations.” (Protocol: Article 4(8))

SECTION V: DOCUMENTATION

57. Additional coder comments on this alliance treaty: The Pact has ten protocols that are considered part of the pact. Much of this coding comes from the Protocol on Non-Aggression and Mutual Defense in the Great Lakes Region

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

Treaty: Pact on Security, Stability and Development in the Great Lakes Region

(Protocol on Non-Aggression and Mutual Defense in the Great Lakes Region)

59. Treaty citation: ICGLR website

The source of the Pact:

(https://icglr.org/IMG/pdf/Pact_on_Security_Stability_Development-S.pdf: accessed on June 16, 2013)

The source of the Protocol:

(<http://www.peaceau.org/uploads/protocol-nonaggression-30-11-2006.pdf>: accessed on June 16, 2013)

60. Date of last revision of this coding sheet: June 21, 2018

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