

ALLIANCE TREATY OBLIGATIONS AND PROVISIONS (ATOP)  
CODING SHEET

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SECTION I: FORMATION, MEMBERS, AND DURATION

1. ATOP ID: 4953 Phase 1

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

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

615	Algeria (7/12/2000)	580	Madagascar (7/12/2000)
540	Angola (3/1/2001)	553	Malawi (7/12/2000)
434	Benin (7/12/2000)	432	Mali (7/12/2000)
571	Botswana (2/26/2001)	435	Mauritania (2/28/2001)
439	Burkina Faso (7/12/2000)	590	Mauritius (2/9/2001)
516	Burundi (7/12/2000)	541	Mozambique (11/23/2000)
471	Cameroon (2/28/2001)	565	Namibia (10/27/2000)
402	Cape Verde (7/12/2000)	436	Niger (7/12/2000)
482	Central African Republic (7/12/2000)	475	Nigeria (9/8/2000)
483	Chad (7/12/2000)	517	Rwanda (7/12/2000)
581	Comoros (2/1/2001)	403	Sao Tome and Principe (12/16/2000)
484	Congo (3/1/2001)	591	Seychelles (9/11/2000)
437	Ivory Coast(Cote d'Ivoire) (7/12/2000)	433	Senegal (7/12/2000)
490	Democratic Republic of the Congo (3/1/2001)	451	Sierra Leone (7/12/2000)
522	Djibouti (7/12/2000)	520	Somalia (1/18/2001)
651	Egypt (1/22/2001)	560	South Africa (9/8/2000)
411	Equatorial Guinea (7/12/2000)	625	Sudan (7/12/2000)
531	Eritrea (3/1/2001)	572	Swaziland (3/1/2001)
530	Ethiopia (7/12/2000)	510	Tanzania (12/15/2000)
481	Gabon (7/12/2000)	461	Togo (7/12/2000)
420	Gambia (7/12/2000)	616	Tunisia (12/14/2000)
452	Ghana (7/12/2000)	500	Uganda (2/25/2001)
438	Guinea (3/2/2001)	551	Zambia (7/12/2000)
404	Guinea-Bissau (7/12/2000)	552	Zimbabwe (2/15/2001)
501	Kenya (3/2/2001)		
570	Lesotho (7/12/2000)		
450	Liberia (7/12/2000)		
620	Libya (7/12/2000)		

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

615	Algeria	580	Madagascar
540	Angola	553	Malawi
434	Benin	432	Mali
571	Botswana	435	Mauritania
439	Burkina Faso	590	Mauritius
516	Burundi	541	Mozambique
471	Cameroon	565	Namibia
402	Cape Verde	436	Niger
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411 Equatorial Guinea  
531 Eritrea  
530 Ethiopia  
481 Gabon  
420 Gambia  
452 Ghana  
438 Guinea  
404 Guinea-Bissau  
501 Kenya  
570 Lesotho  
450 Liberia  
620 Libya

625 Sudan  
572 Swaziland  
510 Tanzania  
461 Togo  
616 Tunisia  
500 Uganda  
551 Zambia  
552 Zimbabwe

(Note: The member states listed above all signed and ratified the Constitutive Act(Source: African Union Website: [http://www.au.int/en/sites/default/files/Constitutive\\_Act\\_0.pdf](http://www.au.int/en/sites/default/files/Constitutive_Act_0.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).

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

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):

Zero.

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

July 9, 2002

15. Describe what caused the alliance to terminate.

Replaced by Phase 2.

## 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.

No.

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:

"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))

Note that Article 3 lists as an objective: "(b) defend the sovereignty, territorial integrity, and independence of its member states."

Article 4 includes under "principles" "9(d) establishment of a common defence policy for the African continent."

## 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))

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)

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.

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.

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.

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))

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

No.

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

No.

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

No.

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

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

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

No.

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

No.

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

No.

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.

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))

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))

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.

No.

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

No.

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

No.

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

No.

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

No.

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

No.

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

Yes. "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)

## SECTION V: DOCUMENTATION

57. Additional coder comments on this alliance treaty:

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

Treaty: Constitutive Act of the African Union

59. Treaty citation: African Union Website

(<http://www.au.int/en/content/constitutive-act-african-union> : accessed on 16 July 2012)

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

61. Coder: Jaewook Chung, Ashley Leeds