

African Union, African Regional Bodies

## Revised African Convention on the Conservation of Nature and Natural Resources

Legislation as at 11 July 2003

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African Union

# Revised African Convention on the Conservation of Nature and Natural Resources

Published

**Commenced on 23 July 2016**

*[This is the version of this document at 11 July 2003.]*

**We**, the Heads of State and Government of the Member States of the African Union (AU),

**Conscious** that the natural environment of Africa and the natural resources with which Africa is endowed are an irreplaceable part of the African heritage and constitute a capital of vital importance to the continent and humankind as a whole;

**Confirming**, as we accepted upon declaring our adherence to the Charter of the Organization of African Unity, that it is our duty "to harness the natural and human resources of our continent for the total advancement of our peoples in spheres of human endeavour";

**Conscious** of the ever-growing importance of natural resources from economic, social, cultural and environmental points of view;

**Affirming** that the conservation of the global environment is a common concern of human kind as a whole, and the conservation of the African environment a primary concern of all Africans;

**Re-affirming** that States have, in accordance with the **Charter of the United Nations** and the principles of international law, a sovereign right to exploit their own resources pursuant to their environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction;

**Re-affirming further** that States are responsible for protecting and conserving their environment and natural resources and for using them in a sustainable manner with the aim to satisfy human needs according to the carrying capacity of the environment;

**Conscious** of the dangers which threaten some of these irreplaceable assets;

**Desirous** of undertaking individual and joint action for the conservation, utilization and development of these assets by establishing and maintaining their sustainable use;

**Recalling** the Lagos Plan of Action for the Economic Development of Africa and the Final Act of Lagos as well as the African Charter on Human and Peoples Rights;

**Taking** note of the Charter of Economic Rights and Duties of States and of the World Charter for Nature adopted by the General Assembly of the United Nations;

**Conscious** of the need to continue furthering the principles of the Stockholm Declaration, to contribute to the implementation of the Rio Declaration and of Agenda 21, and to work closely together towards the implementation of global and regional instruments supporting their goals;

**Considering** the principles and objectives stated in the Treaty Establishing the African Economic Community and the Constitutive Act of the African Union;

**Convinced** that the above objectives would be better achieved by amending the 1968 Algiers Convention on the Conservation of Nature and Natural Resources by expanding elements related to sustainable development;

**Have agreed as follows:**

## Article I – Scope

This Convention shall apply

1. to all areas which are within the limits of national jurisdiction of any Party; and
2. to the activities carried out under the jurisdiction or control of any Party within the area of its national jurisdiction or beyond the limits of its national jurisdiction.

## Article II – Objectives

The objectives of this Convention are:

1. to enhance environmental protection;
2. to foster the conservation and sustainable use of natural resources; and
3. to harmonize and coordinate policies in these fields

with a view to achieving ecologically rational, economically sound and socially acceptable development policies and programmes.

## Article III – Principles

In taking action to achieve the objectives of this Convention and implement its provisions, the Parties shall be guided by the following:

1. the right of all peoples to a satisfactory environment favourable to their development;
2. the duty of States, individually and collectively to ensure the enjoyment of the right to development;
3. the duty of States to ensure that developmental and environmental needs are met in a sustainable, fair and equitable manner.

## Article IV – Fundamental obligation

The Parties shall adopt and implement all measures necessary to achieve the objectives of this Convention, in particular through preventive measures and the application of the precautionary principle, and with due regard to ethical and traditional values as well as scientific knowledge in the interest of present and future generations.

## Article V – Use of terms

For purposes of this Convention:

1. "**Natural Resources**" means renewable resources, tangible and non tangible, including soil, water, flora and fauna and non renewable resources. Whenever the text of the Convention refers to non renewable resources this will be specified.
2. "**Specimen**" means any animal or plant or micro organism, alive or dead.
3. "**Product**" means any part or derivative of a specimen.
4. "**Species**" means any species, sub species, or geographically separate population thereof.
5. "**Threatened Species**" means any species of fauna or flora which is considered critically endangered, endangered, or vulnerable, for which definitions are contained in Annex 1 to this Convention, and for which criteria may be adopted and from time to time reviewed by the Conference of the Parties, taking into consideration the work of competent international organisations in this field.
6. "**Conservation area**" means

- a) any protected area designated and managed mainly or wholly for one of the following purposes:
  - i) science or wilderness protection (Strict Nature Reserve/Wilderness Areas);
  - ii) ecosystem protection and recreation (National Parks);
  - iii) conservation of specific natural features (National Monuments);
  - iv) conservation through management interventions (Habitat/Species Management Areas);
  - v) landscape/seascape conservation and recreation (Protected Landscapes/Seascapes);
  - vi) the sustainable use of natural ecosystems (Managed Resource Protected Areas).

for which definitions and management objectives are contained in Annex 2 to this Convention, as well as

- b) other areas designated and/or managed primarily for the conservation and sustainable use of natural resources, for which criteria may be adopted and from time to time reviewed by the Conference of the Parties.
7. "**Biological Diversity**" means the variability among living organisms from all sources including, *inter alia*, terrestrial, marine, or other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems.
  8. "**Original Convention**" means the African Convention on the Conservation of Nature and Natural Resources, adopted in 1968 in Algiers.

Whenever a specific term not defined in this Convention has been defined in global conventions it can be construed as defined in those conventions. Where an African regional or sub regional convention exists that defines such terms, these definitions shall prevail.

## Article VI – Land and soil

1. The Parties shall take effective measures to prevent land degradation, and to that effect shall develop long-term integrated strategies for the conservation and sustainable management of land resources, including soil, vegetation and related hydrological processes.
2. They shall in particular adopt measures for the conservation and improvement of the soil, to, *inter alia*, combat its erosion and misuse as well as the deterioration of its physical, chemical and biological or economic properties.
3. To this end:
  - a) they shall establish land-use plans based on scientific investigations as well as local knowledge and experience and, in particular, classification and land-use capability;
  - b) they shall, when implementing agricultural practices and agrarian reforms,
    - i) improve soil conservation and introduce sustainable farming and forestry practices, which ensure long-term productivity of the land,
    - ii) control erosion caused by land misuse and mismanagement which may lead to longterm loss of surface soils and vegetation cover,
    - iii) control pollution caused by agricultural activities, including aquaculture and animal husbandry;
  - c) they shall ensure that non-agricultural forms of land use, including but not limited to public works, mining and the disposal of wastes, do not result in erosion, pollution, or any other form of land degradation;

- d) they shall, in areas affected by land degradation, plan and implement mitigation and rehabilitation measures.
4. Parties shall develop and implement land tenure policies able to facilitate the above measures, *inter alia* by taking into account the rights of local communities.

## Article VII – Water

1. The Parties shall manage their water resources so as to maintain them at the highest possible quantitative and qualitative levels. They shall, to that effect, take measures designed to:
  - a) maintain water-based essential ecological processes as well as to protect human health against pollutants and water-borne diseases,
  - b) prevent damage that could affect human health or natural resource in another State by the discharge of pollutants, and
  - c) prevent excessive abstraction, to the benefit of downstream communities and States.
2. The Parties shall establish and implement policies for the planning, conservation, management, utilization and development of underground and surface water, as well as the harvesting and use of rain water, and shall endeavour to guarantee for their populations a sufficient and continuous supply of suitable water, taking appropriate measures with due regard to:
  - a) the study of water cycles and the investigation of each catchment area,
  - b) the integrated management of water resources,
  - c) the conservation of forested and other catchment areas and the co-ordination and planning of water resources development projects,
  - d) the inventory and management of all water resources, including the administration and control of all water utilization, and
  - e) the prevention and control of water pollution through, *inter alia*, the establishment of effluent and water quality standards.
3. Where surface or underground water resources and related ecosystems, including wetlands, are transboundary to two or more of the Parties, the latter shall act in consultation, and if the need arises, set up inter-State Commissions for their rational management and equitable utilization and to resolve disputes arising from the use of these resources, and for the cooperative development, management and conservation thereof.
4. The Parties undertake, individually or within sub-regional arrangements, to cooperate in rational water husbandry and conservation in irrigated agriculture for improved food security and sustainable agro-based industrialization.

## Article VIII – Vegetation cover

1. The Parties shall take all necessary measures for the protection, conservation, sustainable use and rehabilitation of vegetation cover. To this end they shall:
  - a) adopt scientifically-based and sound traditional conservation, utilization and management plans for forests, woodlands, rangelands, wetlands and other areas with vegetation cover, taking into account the social and economic needs of the peoples concerned, the importance of the vegetation cover for the maintenance of the water balance of an area, the productivity of soils and the habitat requirements of species;
  - b) take concrete steps or measures to control fires, forest exploitation, land clearing for cultivation, grazing by domestic and wild animals, and invasive species;

- c) establish forest reserves and carry out afforestation programmes where necessary;
- d) limit forest grazing to season and intensities that will not prevent forest regeneration.

### Article IX – Species and genetic diversity

1. The Parties shall maintain and enhance species and genetic diversity of plants and animals whether terrestrial, fresh-water or marine. They shall, for that purpose, establish and implement policies for the conservation and sustainable use of such resources; particular attention shall be paid to socially, economically and ecologically valuable species, which are threatened and species which are only represented in areas under the jurisdiction of one Party.
2. The Parties shall ensure the conservation of species and their habitats within the framework of land-use planning and of sustainable development. Management of species and their habitats shall be based on the results of continued scientific research and Parties shall:
  - a) manage plant and animal populations inside conservation areas according to the objectives of such areas;
  - b) manage harvestable populations outside such areas in a sustainable manner, compatible with and complementary to other sustainable land uses;
  - c) establish and/or strengthen existing facilities for *ex situ* conservation to perpetuate animal or plant species of particular interest;
  - d) manage and protect aquatic environments, whether in fresh, brackish or marine water, with a view to minimising deleterious effects of any water and land use practice which might adversely affect aquatic habitats;
  - e) undertake inventories of species of fauna and flora and prepare maps of their distribution and abundance, and conduct regular reviews to facilitate the monitoring of the status of such species and their habitats with a view to:
    - i) providing the appropriate scientific basis for decisions pertaining to their conservation and use,
    - ii) identifying species that are threatened or may become so, and providing them accordingly with appropriate protection, and
    - iii) identifying species that are migratory or congregatory and therefore confined to specific areas at particular seasons, and providing them with appropriate protection;
  - f) identify areas of critical importance for the survival of species of fauna and flora which are threatened;
  - g) preserve as many varieties as possible of domestic or cultivated species and their wild relatives, as well as of other economically valuable species, including forest trees and micro-organisms;
  - h) strictly control the intentional and, in as far as possible, accidental introduction, in any area, of species which are not native to that area, including modified organisms, and endeavour to eradicate those already introduced where the consequences are detrimental to native species or to the environment in general;
  - i) take appropriate measures to control pests and eradicate animal and plant diseases;
  - j) provide for fair and equitable access to genetic resources, on terms mutually agreed between the providers and users of such resources; and
  - k) provide for the fair and equitable sharing of benefits arising out of biotechnologies based upon genetic resources and related traditional knowledge with the providers of such resources.

3. Parties shall adopt legislation regulating all forms of taking, including hunting, capture and fishing and collection of whole or parts of plants under which:
  - a) the conditions and procedures for issue of permits are appropriately regulated;
  - b) taking is regulated with a view to ensuring that the use of any population is sustainable. Measures to that effect shall include:
    - i) closed seasons,
    - ii) temporary or local prohibitions of exploitation, as needed to restore satisfactory population levels,
    - iii) the prohibition of the use of all indiscriminate means of taking and of the use of all means capable of causing mass destructions, as well as local disappearance of, or serious disturbance to, populations of a species, in particular the means specified in Annex 3;
  - c) with a view to as rational use as possible, the products of hunting and fishing, the use and abandonment of such products, and plant collection are regulated;
  - d) operations carried out by, or under the control of, the competent authority for management purposes may nevertheless be exempted from specific restrictions.

### **Article X – Protected species**

1. The Parties undertake to identify the factors that are causing the depletion of animal and plant species which are threatened or which may become so, with a view to their elimination, and to accord a special protection to such species, whether terrestrial, freshwater or marine, and to the habitat necessary for their survival. Where a species is represented only in areas under the jurisdiction of one Party, that Party has a particular responsibility for its protection.
2. The Parties shall adopt legislation on the protection of species referred to in paragraph 1 above, taking into particular account the need to develop or maintain throughout the African continent concerted protection measures for such species. One or several Annexes to this Convention may be adopted by the Conference of the Parties to that effect.

### **Article XI – Trade in specimens and products thereof**

1. The Parties shall:
  - a) regulate the domestic trade in, as well as the transport and possession of specimens and products to ensure that such specimens and products have been taken or obtained in conformity with domestic law and international obligations related to trade in species;
  - b) in the measures referred to under a) above, provide for appropriate penal sanctions, including confiscation measures.
2. The Parties shall, where appropriate, cooperate through bilateral or sub-regional agreements with a view to reducing and ultimately eliminating illegal trade in wild fauna and flora or their specimens or products.

### **Article XII – Conservation areas**

1. The Parties shall establish, maintain and extend, as appropriate, conservation areas. They shall, preferably within the framework of environmental and natural resources policies, legislation and programmes, also assess the potential impacts and necessity of establishing additional conservation areas and wherever

possible designate such areas, in order to ensure the long term conservation of biological diversity, in particular to:

- a) conserve those ecosystems which are most representative of and peculiar to areas under their jurisdiction, or are characterized by a high degree of biological diversity,
  - b) ensure the conservation of all species and particularly of those which are:
    - i) only represented in areas under their jurisdiction;
    - ii) threatened, or of special scientific or aesthetic value;and of the habitats that are critical for the survival of such species.
2. The Parties shall seek to identify areas critically important to the goals referred to in sub paragraph 1 (a) and 1(b) above which are not yet included in conservation areas, taking into consideration the work of competent international organisations in this field.
  3. The Parties shall promote the establishment by local communities of areas managed by them primarily for the conservation and sustainable use of natural resources.
  4. The Parties shall, where necessary and if possible, control activities outside conservation areas which are detrimental to the achievement of the purpose for which the conservation areas were created, and establish for that purpose buffer zones around their borders.

### **Article XIII – Processes and activities affecting the environment and natural resources**

1. The Parties shall, individually or jointly, and in collaboration with the competent international organizations concerned, take all appropriate measures to prevent, mitigate and eliminate to the maximum extent possible, detrimental effects on the environment, in particular from radioactive, toxic, and other hazardous substances and wastes. For this purpose, they shall use the best practicable means and shall endeavour to harmonize their policies, in particular within the framework of relevant conventions to which they are Parties.
2. To that effect, Parties shall
  - a) establish, strengthen and implement specific national standards, including for ambient environmental quality, emission and discharge limits as well as process and production methods and product quality;
  - b) provide for economic incentives and disincentives, with a view to preventing or abating harm to the environment, restoring or enhancing environmental quality, and implementing international obligations in these regards; and
  - c) adopt measures necessary to ensure that raw materials, non-renewable resources, and energy, are conserved and used as efficiently as possible, and that used materials are reused and recycled to the maximum extent possible while nondegradable materials are disposed of in the most effective and safe way.

### **Article XIV – Sustainable development and natural resources**

1. The Parties shall ensure that
  - a) conservation and management of natural resources are treated as an integral part of national and/or local development plans;



- b) in the formulation of all development plans, full consideration is given to ecological, as well as to economic, cultural and social factors

in order to promote sustainable development.

2. To this end, the Parties shall:

- a) to the maximum extent possible, take all necessary measures to ensure that development activities and projects are based on sound environmental policies and do not have adverse effects on natural resources and the environment in general;
- b) ensure that policies, plans, programmes, strategies, projects and activities likely to affect natural resources, ecosystems and the environment in general are the subject of adequate impact assessment at the earliest possible stage and that regular environmental monitoring and audit are conducted;
- c) monitor the state of their natural resources as well as the impact of development activities and projects upon such resources.

### **Article XV – Military and hostile activities**

1. The Parties shall:

- a) take every practical measure, during periods of armed conflict, to protect the environment against harm;
- b) refrain from employing or threatening to employ methods or means of combat which are intended or may be expected to cause widespread, long-term, or severe harm to the environment and ensure that such means and methods of warfare are not developed, produced, tested or transferred;
- c) refrain from using the destruction or modification of the environment as a means of combat or reprisal;
- d) undertake to restore and rehabilitate areas damaged in the course of armed conflicts.

2. The Parties shall cooperate to establish and further develop and implement rules and measures to protect the environment during armed conflicts.

### **Article XVI – Procedural rights**

1. The Parties shall adopt legislative and regulatory measures necessary to ensure timely and appropriate

- a) dissemination of environmental information;
- b) access of the public to environmental information;
- c) participation of the public in decision-making with a potentially significant environmental impact; and
- d) access to justice in matters related to protection of environment and natural resources.

2. Each Party from which a transboundary environmental harm originates shall ensure that any person in another Party affected by such harm has a right of access to administrative and judicial procedures equal to that afforded to nationals or residents of the Party of origin in cases of domestic environmental harm.

## **Article XVII – Traditional rights of local communities and indigenous knowledge**

1. The Parties shall take legislative and other measures to ensure that traditional rights and intellectual property rights of local communities including farmers' rights are respected in accordance with the provisions of this Convention.
2. The Parties shall require that access to indigenous knowledge and its use be subject to the prior informed consent of the concerned communities and to specific regulations recognizing their rights to, and appropriate economic value of, such knowledge.
3. The Parties shall take the measures necessary to enable active participation by the local communities in the process of planning and management of natural resources upon which such communities depend with a view to creating local incentives for the conservation and sustainable use of such resources.

## **Article XVIII – Research**

1. The Parties shall strengthen their capabilities to carry out scientific and technological research in conservation, sustainable utilization and management of natural resources paying particular attention to ecological and socio-economic factors as well as their integration, and shall ensure the application of research results to the development and implementation of their environmental conservation policies.
2. The Parties shall promote cooperation in scientific and technological research, as well as in economic and marketing systems, between themselves and with third parties in the field of environmental conservation and sustainable use of natural resources.
3. To that end, they shall in particular:
  - a) coordinate their research programmes with a view to achieving maximum synergy and complementarity;
  - b) promote the exchange of research results; and
  - c) promote the development of joint research activities and programmes

in the fields covered by this Convention.

## **Article XIX – Development and transfer of technology**

1. The Parties shall encourage and strengthen cooperation for the development and use, as well as access to and transfer of, environmentally sound technologies on mutually agreed terms, with a view to accelerating the transition to sustainable development, in particular by establishing joint research programmes and ventures.
2. To that effect the Parties shall adopt legislative and regulatory measures which provide for *inter alia*, economic incentives for the development, importation, transfer and utilization of environmentally sound technologies in the private and public sectors.

In implementing paragraphs 1. and 2. above, attention shall be paid to technologies which can be used locally by individuals, local communities and small/medium enterprises.

## **Article XX – Capacity building, education and training**

1. a) The Parties shall promote environmental education, training and awareness creation at all levels in order to enhance their peoples' appreciation of their close dependence on natural resources and their understanding of the reasons and rules for the sustainable use of these resources.

- b) For this purpose they shall ensure that environmental matters:
    - i) are included in educational and training programmes at all levels, and
    - ii) form the object of information campaigns capable of acquainting the public with, and winning it over to, the concepts of conservation and sustainable use of natural resources.
  - c) In order to put into effect paragraphs a) and b) above, the Parties shall make maximum use of the educational and training value of conservation areas and the experience of local communities.
2. Parties shall develop their capacities in the field of education and training relating to environmental and natural resources conservation and use, in particular through the promotion and development of:
- a) training of trainers programmes;
  - b) appropriate teaching and training materials;
  - c) available and accessible educational and training opportunities at all levels.
2. In order to facilitate the implementation of paragraphs 1 and 2 above, the Parties shall cooperate among themselves, in particular with a view to strengthening or establishing
- a) regional or sub-regional training institutions;
  - b) joint training programmes;
  - c) libraries and documentation centres; and
  - d) a continuous exchange of information and experience
- in the fields covered by this convention.

*[Please note: numbering as in original.]*

### **Article XXI – National authorities**

Each Party shall establish or designate, if it has not already done so, a national authority empowered to deal with all matters covered by this Convention, and/or, where appropriate, establish a co-ordinating machinery between existing national institutions.

### **Article XXII – Co-operation**

1. The Parties shall co-operate between themselves and, where appropriate and possible, with other States:
  - a) to give effect to the provisions of this Convention;
  - b) whenever any national measure is likely to affect the environment or natural resources of any other State or areas beyond national jurisdiction,
  - c) in order to enhance the individual and combined effectiveness of their policies and legislations, as well as measures adopted under this Convention and under other international conventions in the fields of environmental protection and natural resources conservation and use; and
  - d) in order to harmonize their policies and laws at the continental or regional levels, as appropriate.
2. In particular:
  - a) whenever an environmental emergency or natural disaster occurring in a Party is likely to affect the natural resources of another State, the latter shall be provided with all relevant available data by the former as early as practicable;
  - b) when a Party has reasons to believe that a programme, activity or project to be carried out in areas under its jurisdiction may have adverse effects on the natural resources of another State, it shall

provide that other State with relevant information on the proposed measures and their possible effects, and shall consult with that State;

- c) whenever a Party objects to an activity referred to in sub-paragraph b) above, they shall enter into negotiations;
- d) Parties shall develop disaster preparedness, prevention and management programmes, and as the need arises hold consultations towards mutual assistance initiatives;
- e) whenever a natural resource or an ecosystem is transboundary, the Parties concerned shall undertake to cooperate in the conservation, development and management of such resource or ecosystem and if the need arises, set up interstate commissions for their conservation and sustainable use;
- f) the Parties shall, prior to the export of hazardous substances, or of alien or modified organisms, undertake to secure the prior informed consent of the importing, and where appropriate, transit States;
- g) the Parties shall take concerted action regarding the transboundary movement, management and processing of hazardous wastes, with a view to supporting, individually and jointly, international accords in this field, and to implementing African instruments related thereto;
- h) the Parties shall exchange information bilaterally or through competent international agencies on activities and events likely to affect the natural resources and the environment of areas beyond national jurisdiction.

### **Article XXIII – Compliance**

The Conference of the Parties shall, as soon as possible, develop and adopt rules, procedures and institutional mechanisms to promote and enhance compliance with the provisions of this Convention.

### **Article XXIV – Liability**

The Parties shall, as soon as possible, adopt rules and procedures concerning liability and compensation of damage related to matters covered by this Convention.

### **Article XXV – Exceptions**

1. The provisions of this Convention shall not affect the responsibilities of Parties concerning:

- a) "*force majeure*"; and
- b) defence of human life.

2. The provisions of this Convention shall not prevent Parties:

- a) in time of declared emergencies arising from disasters; and
- b) for the protection of public health;

from adopting precisely defined measures derogatory to the provisions of the Convention, provided their application is limited in respect of aim, duration and place.

3. The Parties who take action in accordance with paragraphs 1 and 2 undertake to inform the Conference of the Parties without delay, through the Secretariat, of the nature and circumstances of these measures.

## Article XXVI – Conference of the Parties

1. A Conference of the Parties is hereby established at ministerial level, as the decision-making body of this Convention. The first meeting of the Conference of the Parties shall be convened by the Chairperson of the Commission of the African Union not later than one year after the entry into force of the Convention. Thereafter ordinary meetings shall be convened at least once every two years, unless the Conference decides otherwise.
2. Extraordinary meetings of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party, provided that, within six months of the request being communicated to them by the Secretariat, it is supported by at least one third of the Parties.
3. At its first meeting, the Conference of the Parties shall adopt rules of procedure for itself and for any subsidiary body it may establish, as well as determine the rules governing the funding and operation of the Secretariat; Parties shall make every effort to reach these decisions by consensus; if all efforts at consensus have been exhausted, and no agreement reached, the decisions shall as a last resort be adopted by a two-third majority of the Parties present and voting.
4. At each of its ordinary meetings, the Conference of the Parties shall adopt a programme and budget for the financial period until the next ordinary meeting.
5. The Conference of the Parties shall keep under review and promote the effective implementation of this Convention, and, for this purpose, shall:
  - a) make recommendations to the Parties on any matters related to the implementation of this Convention;
  - b) receive and consider information and reports presented by the Secretariat or by any Party and make recommendations thereto;
  - c) establish such subsidiary bodies as are deemed necessary for the implementation of this Convention, in particular to provide scientific and technical advice;
  - d) review reports submitted by any subsidiary body and provide guidance to them;
  - e) promote and facilitate the exchange of information on measures proposed or adopted by the Parties;
  - f) consider and undertake any additional action that may be required for the achievement of the purposes of this Convention;
  - g) consider and adopt, as required, amendments to this Convention;
  - h) consider and adopt, as required, additional Annexes and amendments to the Annexes to this Convention;
  - i) seek, through the Secretariat, the co-operation of, and utilize the services of and information provided by, competent bodies or agencies, whether national or international, governmental or non-governmental, and strengthen the relationship with other relevant conventions; and
  - j) consider any other matter within the scope of this Convention.
6. African Regional Economic Communities, as well as African regional and sub-regional intergovernmental organizations may be represented at meetings of the Conference of the Parties without the right to vote. The United Nations, its specialized agencies and any State Party to the original Convention not party to this Convention, may be represented at meetings of the Conference of the Parties and participate as observers. Any non-governmental organization, whether national, continental, regional or sub-regional, or international, which is qualified in matters covered by the Convention, and which has informed the Secretariat of its wish to be represented at a meeting of the Conference of the Parties as an observer, may

be so admitted unless at least one third of the Parties present object. The participation of Observers shall be subject to the rules of procedure adopted by the Conference of the Parties.

### **Article XXVII – The Secretariat**

1. A Secretariat to this Convention is hereby established.
2. At its first meeting, the Conference of the Parties shall designate an organisation to carry out the Secretariat functions under the Convention or shall appoint its own Secretariat and determine its location.
3. The functions of the Secretariat shall be:
  - a) to arrange for and service meetings of the Conference of the Parties and of its subsidiary bodies;
  - b) to execute the decisions addressed to it by the Conference of the Parties,
  - c) to draw the attention of the Conference of the Parties to matters pertaining to the objectives of this Convention and its implementation;
  - d) to gather and disseminate among the Parties the texts of laws, decrees, regulations and instructions in force which are intended to ensure the implementation of this Convention, as well as reports pertaining to such implementation;
  - e) to administer the budget for the Convention and if established, its conservation fund;
  - f) to enter into such administrative and contractual arrangements as may be required for the effective discharge of its functions;
  - g) to prepare studies and reports on its activities carried out in the implementation of its functions under this Convention and present them to the Conference of Parties;
  - h) to coordinate its activities with the secretariats of other relevant international bodies and conventions;
  - i) to provide information for the general public concerning the Convention and its objectives; and
  - j) to perform such other functions as may be assigned to it by this Convention, or determined by the Conference of the Parties.

### **Article XXVIII – Financial resources**

1. Given the central importance of financing to the achievement of the purposes of this Convention, each Party, taking into account its capability, shall make every effort to ensure that adequate financial resources are available for the implementation of this Convention.
2. Financial resources towards the budget of the Convention shall consist of assessed contributions from Parties, annual contributions by the AU, and contributions from other institutions. Contributions of the Parties to the budget of the Convention shall be in accordance with the scale of assessment approved by the Conference of the Parties at its first meeting.
3. The Conference of the Parties may establish a conservation fund constituted from voluntary contributions of Parties or from any other source accepted by the Conference for the purpose of financing projects and activities relating to the conservation of the environment and natural resources. The fund shall function under the authority of, and be accountable to, the Conference of the Parties.
4. The Parties, individually or jointly, shall seek to mobilize further financial resources and to that effect seek full use and continued qualitative improvement of all national, bilateral and multilateral funding resources and mechanisms, using consortia, joint programmes and parallel financing, and shall seek to involve private sector funding resources and mechanisms, including those of non-governmental organizations.

### **Article XXIX – Reports and information**

1. The Parties shall present, through the Secretariat, to the Conference of the Parties reports on the measures adopted by them in the implementation of this Convention and the results thereof in applying its provisions in such form and at such intervals as the Conference of the Parties may determine. This presentation shall be accompanied by the comments of the Secretariat, in particular regarding failure to report, adequacy of the report and of the measures described therein.
2. The Parties shall supply the Secretariat with:
  - a) the texts of laws, decrees, regulations and instructions in force which are intended to ensure the implementation of this Convention;
  - b) any other information that may be necessary to provide complete documentation on matters dealt with by this Convention;
  - c) the names of the agencies or coordinating institutions empowered to be focal points in matters under this Convention; and
  - d) information on bilateral or multilateral agreements relating to the environment and natural resources to which they are parties.

### **Article XXX – Settlement of disputes**

1. Any dispute between the Parties regarding the interpretation or the application of the provisions of this Convention shall be amicably settled through direct agreement reached by the parties to the dispute directly or through the good offices of a third party. If the parties concerned fail to settle such dispute, either party may, within a period of twelve months, refer the matter to the Court of Justice of the African Union.
2. The decisions of the Court of Justice shall be final and shall not be subject to appeal.

### **Article XXXI – Amendments of the Convention**

1. Any Party may propose amendments to this Convention.
2. The text of any proposed amendment to this Convention shall be communicated to the Parties by the Secretariat at least six months before the meeting of the Conference of the Parties at which it is proposed for approval. The Secretariat shall also communicate proposed amendments to the signatories to this Convention at least three months before the meeting.
3. The Parties shall make every effort to reach agreement on any proposed amendment to this Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a two-third majority vote of the Parties present and voting.
4. The Depository shall communicate the adoption of the amendment to all Parties and signatories to this Convention.
5. Ratification, acceptance or approval of amendments shall be notified to the Depository in writing. Amendments shall enter into force among Parties having accepted them on the ninetieth day after the deposit of instruments of ratification, acceptance or approval by at least two thirds of the Contracting Parties to this Convention. Thereafter the amendments shall enter into force for any other Party on the ninetieth day after that Party deposits its instrument of ratification, acceptance or approval of the amendments.
6. For the purposes of this Article, "Parties present and voting" means Parties present and casting an affirmative or negative vote.

## **Article XXXII – Adoption and amendments of annexes**

1. The annexes to this Convention shall form an integral part of the convention. Such annexes shall be restricted to scientific, technical, financial and administrative matters.
2. The following procedure shall apply to the proposal, adoption and entry into force of additional annexes to this Convention:
  - a) any Party may propose additional annex to this Convention;
  - b) the text of any proposed additional annex to this Convention shall be communicated to the Parties by the Secretariat at least six months before the meeting of the Conference of the Parties at which it is proposed for adoption. The Secretariat shall also communicate the text of any proposed additional annex to the signatories to this Convention at least three months before the meeting;
  - c) the Parties shall make every effort to reach agreement on any proposed additional annex to this Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the additional annex shall as a last resort be adopted by a two-third majority vote of the Parties present and voting;
  - d) the Depositary shall communicate the adoption of the Annex to all Parties and signatories to this Convention;
  - e) any Party that is unable to accept an additional annex to this Convention shall notify the Depositary, in writing, within six months from the date of the communication of the adoption by the Depositary. The Depositary shall without delay notify all Parties of any such notification received. A Party may at any time substitute an acceptance for a previous declaration of objection and the annexes shall thereupon enter into force for that Party;
  - f) upon expiration of six months from the date of the circulation of the communication by the Depositary, the annex shall enter into force for all Parties to this Convention, which have not submitted a notification in accordance with the provisions of subparagraph e) above.
3. The proposal, adoption and entry into force of amendments to annexes to this Convention shall be subject to the same procedure as for the proposal, adoption and entry into force of additional annexes to the Convention.
4. If an additional annex or an amendment to an annex is related to an amendment to this Convention, the additional annex or amended annex shall not enter into force until such time as the amendment to this Convention enters into force.

## **Article XXXIII – Right to vote**

Each Party to this Convention shall have one vote.

## **Article XXXIV – Relationship between Parties to the revised Convention and Parties bound by the 1968 Algiers Convention**

1. Between Parties which are bound by this Convention, only this Convention shall apply.
2. The relationships between Parties to the original Convention and Parties to this Convention shall be governed by the provisions of the original Convention.

## **Article XXXV – Relationship with other international conventions**

The provisions of this Convention do not affect the rights and obligations of any Party deriving from existing international treaties, conventions or agreements.



### **Article XXXVI – Signature and ratification**

1. This Convention shall be open for signature immediately after being adopted by the Assembly of the African Union.
2. The Convention shall be subject to ratification, acceptance or approval by each of the States referred to in paragraph 1 above. The instruments of ratification, acceptance or approval shall be deposited with the Depositary.

### **Article XXXVII – Accession**

1. This Convention shall be open to accession by Member States of the AU from the date on which it is closed for signature.
2. The instruments of accession shall be deposited with the Depositary.

### **Article XXXVIII – Entry into force**

1. This Convention shall come into force on the thirtieth day following the date of deposit of the fifteenth instrument of ratification, acceptance, approval or accession with the Depositary, who shall inform the States referred to in Articles XXXVI and XXXVII accordingly.
2. For each State which ratifies, accepts or approves this Convention or accedes thereto after the depositing of the fifteenth instrument of ratification, acceptance, approval or accession, this Convention shall come into force on the thirtieth day after the deposit by such State of its instrument of ratification, acceptance, approval or accession.
3. Any State that becomes a party to the present Convention that was not a party to the 1968 Algiers Convention shall take necessary steps to withdraw from the London Convention of 1933 on the Conservation of Flora and Fauna in their Natural state.
4. No instrument of accession to the 1968 Algiers Convention may be deposited after the adoption of this Convention.

### **Article XXXIX – Reservations**

No reservation may be made to this Convention.

### **Article XL – Withdrawal**

1. Any Party may withdraw from this Convention by notification in writing addressed to the Depositary.
2. Such withdrawal shall take effect, for such a Party, one year after the date of receipt of its notification by the Depositary.
3. No withdrawal shall, however, be made before the expiry of a period of five years from the date at which this Convention comes into force for the Party concerned.

### **Article XLI – Secretariat interim arrangements**

The Secretariat functions referred to in Article XVII.3 shall be carried out on an interim basis by the Chairperson of the African Union until the decision of the Conference of the Parties referred to in Article XXVII.2 has been taken.

## **Article XLII – Depositary**

The Chairperson of the African Union shall be the Depositary of this Convention.

## **Article XLIII – Authentic texts**

The original of this Convention of which the Arabic, English, French and Portuguese texts are equally authentic, shall be deposited with the Depositary.

**Adopted by the second Ordinary Session of the Assembly of the Union in Maputo, Mozambique, on eleventh July two thousand and three.**

## **Annex 1**

### **Threatened species definition**

A threatened species is a species which is either:

a) **Critically endangered:**

A taxon is "critically endangered" when the best available evidence indicates that it is considered to be facing an extremely high risk of extinction in the wild.

b) **Endangered:**

A taxon is "endangered" when the available evidence indicates that it is considered to be facing a very high risk of extinction in the wild.

c) **Vulnerable:**

A taxon is "vulnerable" when the best available evidence indicates that it is considered to be facing a high risk of extinction in the wild.

## **Annex 2**

### **Conservation areas**

#### **Definitions and management objectives**

##### **Strict Nature Reserve: protected area managed mainly for science**

###### **Definition**

Area of land and/or sea possessing some outstanding or representative ecosystems, geological or physiological features and/or species, available primarily for scientific research and/or environmental monitoring.

###### **Objectives of management**

- to preserve habitats, ecosystems and species in as undisturbed a state as possible;
- to maintain genetic resources in a dynamic and evolutionary state;
- to maintain established ecological processes;
- to safeguard structural landscape features or rock exposures;
- to secure examples of the natural environment for scientific studies, environmental monitoring and education, including baseline areas from which all avoidable access is excluded;

- to minimise disturbance by careful planning and execution of research and other approved activities; and
- to limit public access.

### **Wilderness area: protected area managed mainly for wilderness protection**

#### **Definition**

Large area of unmodified or slightly modified land, and/or sea, retaining its natural character and influence, without permanent or significant habitation, which is protected and managed so as to preserve its natural condition.

#### **Objectives of management**

- to ensure that future generations have the opportunity to experience understanding and enjoyment of areas that have been largely undisturbed by human action over a long period of time;
- to maintain the essential natural attributes and qualities of the environment over the long term,
- to provide for public access at levels and of a type which will serve best the physical and spiritual well-being of visitors and maintain the wilderness qualities of the area for present and future generations; and

to enable local communities living at low density and in balance with the available resources to maintain their life style.

### **National Park: protected area managed mainly for ecosystem protection and recreation**

#### **Definition**

Natural area of land and/or sea, designated to (a) protect the ecological integrity of one or more ecosystems for present and future generations, (b) exclude exploitation or occupation inimical to the purposes of designation of the area and (c) provide a foundation for spiritual, scientific, educational, recreational and visitor opportunities, all of which must be environmentally and culturally compatible.

#### **Objectives of management**

- to protect natural and scenic areas of national and international significance for spiritual, scientific, educational, recreational or tourist purposes;
- to perpetual, in as natural a state as possible, representative examples of physiographic regions, biotic communities, genetic resources, and species, to provide ecological stability and diversity;
- to manage visitor use for inspirational, educational, cultural and recreational purposes at a level which will maintain the area in a natural or near natural state;
- to eliminate and thereafter prevent exploitation or occupation inimical to the purposes of designation;
- to maintain respect for the ecological, geomorphologic, sacred or aesthetic attributes which warranted designation; and
- to take into account the needs of local communities, including subsistence resource use, in so far as these will not adversely affect the other objectives of management.

### **Natural monument: protected area managed mainly for conservation of specific natural features**

#### **Definition**

Area containing one, or more, specific natural or natural/cultural feature which is of outstanding or unique value because of its inherent rarity, representative or aesthetic qualities or cultural significance.

**Objectives of management**

- to protect or preserve in perpetuity specific outstanding natural features because of their natural significance, unique or representational quality, and/or spiritual connotations;
- to an extent consistent with the foregoing objective, to provide opportunities for research, education, interpretation and public appreciation;
- to eliminate and thereafter prevent exploitation or occupation inimical to the purpose of designation; and
- to deliver to any resident population such benefits as are consistent with the other objectives of management.

**Habitat/Species Management Area: protected area managed mainly for conservation through management intervention****Definition**

Area of land and/or sea subject to active intervention for management purposes so as to ensure the maintenance of habitats and/or to meet the requirements of specific species.

**Objectives of management**

- to secure and maintain the habitat conditions necessary to protect significant species, groups of species, biotic communities or physical features of the environment where these require specific human manipulation for optimum management;
- to facilitate scientific research and environmental monitoring as primary activities associated with sustainable resource management;
- to develop limited areas for public education and appreciation of the characteristics of the habitats concerned and of the work of wildlife management;
- to eliminate and thereafter prevent exploitation or occupation inimical to the purposes of designation; and
- to deliver such benefits to people living within the designated area as are consistent with the other objectives of management.

**Protected Landscape/Seascape: protected area managed mainly for landscape/seascape conservation and recreation****Definition**

Area of land, with coast and sea as appropriate, where the interaction of people and nature over time has produced an area of distinct character with significant aesthetic, ecological and/or cultural value, and often with high biological diversity. Safeguarding the integrity of this traditional interaction is vital to the protection, maintenance and evolution of such an area.

**Objectives of management**

- to maintain the harmonious interaction of nature and culture through the protection of landscape and/or seascape and the continuation of traditional land uses, building practices and social and cultural manifestations;
- to support lifestyles and economic activities which are in harmony with nature and the preservation of the social and cultural fabric of the communities concerned;
- to maintain the diversity of landscape and habitat, and of associated species and ecosystems;
- to eliminate where necessary, and thereafter prevent, land uses and activities which are inappropriate in scale and/or character;

- to provide opportunities for public enjoyment through recreation and tourism appropriate in type and scale to the essential qualities of the areas;
- to encourage scientific and educational activities which will contribute to the long term well-being of resident populations and to the development of public support for the environmental protection of such areas; and
- to bring benefits to, and to contribute to the welfare of, the local community through the provision of natural products (such as forest and fisheries products) and services (such as clean water or income derived from sustainable forms of tourism).

### **Managed Resource Protected Area: protected area managed mainly for the sustainable use of natural ecosystems**

#### **Definition**

Area containing predominantly unmodified natural systems, managed to ensure long term protection and maintenance of biological diversity, while providing at the same time a sustainable flow of natural products and services to meet community needs.

#### **Objectives of management**

- to protect and maintain the biological diversity and other natural values of the area in the long term;
- to promote sound management practices for sustainable production purposes;
- to protect the natural resource base from being alienated for other land-use purposes that would be detrimental to the area's biological diversity; and to contribute to regional and national development.
- to contribute to regional and national development

### **Annex 3**

#### **Prohibited means of taking**

<b>Annex 3</b>	<b>Annexe 3</b>
<b>Prohibited means of taking</b>	<b>Moyens de prélèvement interdits</b>
<ul style="list-style-type: none"> <li>• Snares</li> </ul>	<ul style="list-style-type: none"> <li>• Collets</li> </ul>
<ul style="list-style-type: none"> <li>• Live animals used as decoys which are blind or mutilated</li> </ul>	<ul style="list-style-type: none"> <li>• Animaux vivants utilisés comme appelants aveuglés ou mutilés</li> </ul>
<ul style="list-style-type: none"> <li>• Tape recorders</li> </ul>	<ul style="list-style-type: none"> <li>• Enregistreurs</li> </ul>
<ul style="list-style-type: none"> <li>• Electrical devices capable of killing and stunning</li> </ul>	<ul style="list-style-type: none"> <li>• Appareils électriques capables de tuer ou d'assommer</li> </ul>
<ul style="list-style-type: none"> <li>• Artificial light sources</li> </ul>	<ul style="list-style-type: none"> <li>• Sources lumineuses artificielles</li> </ul>

Annex 3	Annexe 3
<ul style="list-style-type: none"> <li>• Mirrors and other dazzling devices</li> </ul>	<ul style="list-style-type: none"> <li>• Miroirs et autres objets aveuglants</li> </ul>
<ul style="list-style-type: none"> <li>• Devices for illuminating targets</li> </ul>	<ul style="list-style-type: none"> <li>• Dispositifs pour eclairer les cibles</li> </ul>
<ul style="list-style-type: none"> <li>• Sighting devices for night shooting comprising an electronic image magnifier or image converter</li> </ul>	<ul style="list-style-type: none"> <li>• Dispositifs de visee comportant un convertisseur d'image ou un amplificateur d'image electronique pour tir de nuit</li> </ul>
<ul style="list-style-type: none"> <li>• Explosives</li> </ul>	<ul style="list-style-type: none"> <li>• Explosifs</li> </ul>
<ul style="list-style-type: none"> <li>• Fire</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Feu</i></li> </ul>
<ul style="list-style-type: none"> <li>• Nets (except as specified by the Conference of the Parties)</li> </ul>	<ul style="list-style-type: none"> <li>• Filets (excepte dans les cas specifiques par la Conference des Parties)</li> </ul>
<ul style="list-style-type: none"> <li>• Traps</li> </ul>	<ul style="list-style-type: none"> <li>• Pieges-trappes</li> </ul>
<ul style="list-style-type: none"> <li>• Poison and poisoned or anaesthetic bait</li> </ul>	<ul style="list-style-type: none"> <li>• Poison et appats empoisonnes ou tranquilisants</li> </ul>
<ul style="list-style-type: none"> <li>• Gassing or smoking out</li> </ul>	<ul style="list-style-type: none"> <li>• Gazage et enfumage</li> </ul>
<ul style="list-style-type: none"> <li>• Semi-automatic or automatic weapons with a magazine capable of holding more than two rounds of ammunition</li> </ul>	<ul style="list-style-type: none"> <li>• Armes semi-automatiques dont le chargeur peut contenir plus de deux cartouches</li> </ul>
<ul style="list-style-type: none"> <li>• Aircraft</li> </ul>	<ul style="list-style-type: none"> <li>• Avions</li> </ul>
<ul style="list-style-type: none"> <li>• Motor vehicles in motion</li> </ul>	<ul style="list-style-type: none"> <li>• Vehicules automobiles en deplacement</li> </ul>