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Cooperation on "Accelerating the Ratification and Domestication of AU Treaties"

We hereby agree to cooperate on "Accelerating the Ratification and Domestication of AU Treaties" Project.

Done in Addis Ababa in three originals in the English language" on 11 May 2018.

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ACCELERATING THE RATIFICATION AND DOMESTICATION OF AFRICAN UNION TREATIES

United Nations Development Programme
Regional and Multi-Country Project Document

Project Title: Accelerating the Ratification and Domestication of African Union Treaties

Expected Regional Programme for Africa 2018-2021 Outcome: ***African Union and RECs deliver on their mandate, especially cross-cutting issues related to resilience-building (SP 2018-2021 Outcome 2)***

Expected Outputs:
Output 1 - The AUC Office of Legal Counsel is enabled to support treaty ratification
Output 2 - Legal frameworks between the AUC and RECs are harmonized
Output 3 - Member States are able to rapidly and effectively ratify and domesticate treaties
Output 4 - National Civil Society Organizations and general public have improved knowledge of treaty processes and their benefits
Output 5 - Bilateral and multilateral development partners endeavours are informed by AU treaties and protocols

Executing Entity: United Nations Development Programme (UNDP)

Implementing Agencies: African Union Commission (AUC), Regional Economic Communities (RECs), Civil Society Organizations (CSO's) and Governments

Brief Description

The low rate of ratification and implementation of AU treaties is a missed opportunity for the African continent to advance the continental agenda, negatively impacting the effectiveness of the AU's efforts to foster peace and stabilization, and to further economic development in Africa. As of 2015, only 42% of multilateral treaties have been ratified and deposited. As long as Member States fail to ratify, domesticate, and implement agreements made at the regional level into realities at the national level, these fundamental treaties remain purely aspirational. This project document outlines a clear strategy for overcoming five major challenges impeding the acceleration process: lack of capacity within the AUC to support treaty ratification; fragmented approach amongst regional entities; diverse legal systems and mixed level of capacity for domestication at national levels; low levels of awareness amongst the civil society of multilateral treaty processes and their benefits; and seemingly low awareness of AU treaties amongst international development partners. Led by UNDP's Regional Bureau for Africa, the project will be implemented in close consultation with the African Union Commission, the Regional Economic Communities, national governments, and a wide range of civil society partners. The project will

UNDP Regional Programme Outcome 2: African Union and RECs deliver on their mandate, especially cross-cutting issues related to resilience-building

UNDP Strategic Plan Outcome 2: Accelerate structural transformations for sustainable development

Atlas ID:	00110541
Start date:	March 2018
End Date:	March 2021
PAC Date:	April 2018

Total resources required	USD 15 M
Total allocated resources:	USD 8.5 M
• Regular	USD 1.5 M
• Other:	
○ Sweden	USD 7 M
Unfunded budget:	**USD 6.5 M**

Agreed by (UNDP): Lamin. M. Manneh, Director, RSCA

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1. SITUATION ANALYSIS

1.1 OVERVIEW

The African Union (AU) provides an institutional framework for advancing the achievement of development-related goals across the continent. AU treaties, moreover, provide the normative and legal mechanism through which Member States can foster greater political and economic integration, while simultaneously catalysing enhanced peace and security, poverty reduction and Sustainable Development Goals (SDGs). Since the creation of the Organization of African Unity (OAU) in 1963 and the AU in 2001, Member States have adopted a total of 49 treaties, protocols, and conventions. However, as of 2015 only 28 of these treaties have entered into force.

Indeed, despite broad recognition of the benefits that can be accrued to the AU and its Member States through the implementation of these treaties, currently the average percentage of signature and ratification by Member States is 66% and 42%, respectively;[1] furthermore, the general public's awareness and understanding of the role of the AU – in terms of creating norms, furthering development, promoting peace and security – remains extremely low. The slow pace of ratification and domestication of AU treaties is an impediment to greater regional integration, and a missed opportunity to improve the lives and livelihoods of millions of people across the African continent. The assumption that ratification of AU treaties will contribute to improvements in development outcomes is deeply rooted in the common understanding that treaties provide basis for States' consent to issues of common concern, hence allowing for stability in inter-state relations.

Greater policy convergence amongst Member States and collective action in support of the AU's role – demonstrable through the ratification and domestication of the AU treaties that have been negotiated and agreed upon at the AU level – would have a significant development impact, not least since AU treaties cover the entire landscape of peace, security and development issues, including specific treaties on natural resources, refugees, trade, technical cooperation, corruption, human rights, child welfare, nuclear weapons, terrorism, women's rights, youth, and local governance, to mention only a few.[2]

Greater awareness of AU treaties amongst the general public would, furthermore, create a much-needed link between treaty ratification, treaty domestication and the lives of ordinary Africans, thereby fusing governmental accountability to the people with governmental responsibility to support the sustainability of the AU. Awareness of AU treaties also appears to be low amongst development partners who often work on key issues without reference to these already agreed upon regional frameworks for the theme or issue in question, thereby missing an opportunity to leverage these treaties to further progress. Development cooperation amongst donors and multilateral partners could be better aligned at the national and regional levels with AU treaties; none of the UN Development Assistance Frameworks (UNDAF's), for example, appear to be informed by AU treaties.

1.2 THE IMPERATIVE OF TREATY ACCELERATION AND DOMESTICATION

Development challenges of marginalized groups

[1] Calculation excludes treaties that do not require signature or ratification. Three treaties do not require signature; Phyto-Sanitary Convention For Africa (0002), Cultural Charter For Africa (0008), Additional Protocol To The OAU General Convention On Privileges and Immunities (0010). The Statute Of The African Union Commission On International Law (AUCIL) (0036) does not require signature or ratification and came into effect upon adoption.

[2] For a full list, see Section 2.

While many children in Africa are able to grow, learn and thrive as part of loving families and communities, others suffer due to issues like poverty, conflict, natural disasters, and harmful practices suchas early marriage. Many children in Africa are affected by different types of abuse, including economic and sexual exploitation, gender discrimination in education, and their involvement in armed conflict. Worldwide, UNICEF estimates that 150 million children aged 5-14 years work. The problem is most common in sub-Saharan Africa, where more than a third of children are engaged in child labour.[3]

In regards to women, analysts have highlighted that there is a way to go before women across Africa will have the same economic opportunities as men. Lower educational attainment for women and girls poses a major constraint, and poverty exacerbates these education gaps. Women are also disadvantaged in access to land and property, and when it comes to accessing financial services such as formal bank accounts or credit. Legal reforms to ensure that women's rights are recognised can play a critical role in expanding women's economic opportunities, and appear to be necessary. For legal reforms to be impactful, they must go beyond labour laws to include reforms to family, inheritance, and land and property laws, among others. But these reforms alone are unlikely to be sufficient to achieve gender equality. Improving girls' and women's educational attainment is critical, as is addressing underlying norms and gender stereotypes which dictate the way men and women spend their time.[4]

In this context, human rights have become central to the realization of gender equality and women's empowerment in Africa. It is now widely recognized that gaps in legislations and policies as well as lack of implementation and enforcement of legislation perpetuate and reinforce de jure and de facto discrimination against women. Plural legal systems with various customary laws on personal status and family continue to provide the basis for discrimination against women in law. While plural legal systems are often adopted as a way of acknowledging cultural diversity and its application can be prejudicial to women.

Furthermore, discriminatory legislation particularly in family, civil, penal, labour and commercial laws or codes, or administrative rules and regulations still persist. Even where legal reforms have taken place, they are often not enforced and institutional mechanisms to promote the human rights of women are often underfunded or dysfunctional. Thus, significant girl's and women's rights issues such as female genital mutilation and child marriages remain a key concern across the continent with far reaching consequences such as domestic violence, sexual violence, compromised reproductive health rights and unequal access to education and economic opportunities. Despite some legislative progress in some countries, other inequalities persist such as equal access to and control over resources and services, including access to and control over productive land and natural resources. Global developments such as climate change have further exacerbated the vulnerability of women in particular.[5]

The Rationale for Greater Regional Integration

The African continent faces multiple and pressing challenges: while the average annual growth rate across Africa has risen from 1.8 percent in 1980-1998 to 5.3 percent in 2000-2010 - with 12 countries reaching an average growth rate well above the developing-country average of 6.1 percent in 2000-2012[6] - significant development challenges remain. Many countries suffer from extreme food insecurity, high unemployment – especially amongst youth - and significant levels of environmental degradation.

[3] UNICEF, The African Charter on the Rights and Welfare of the Child, https://www.unicef.org/esaro/children_youth_5930.html

[4] Jeni Klugman and Sarah Twigg, Gender at Work in Africa: Legal Constraints and Opportunities for Reform, Working Paper N.3, University of Oxford (January 2015): 47.

[5] Analysis of Gender Equality in African region, commissioned by UNDP Regional Programme for Africa, October 2017.

[6] http://unctad.org/en/PublicationsLibrary/aldcafrica2014_en.pdf

Despite the wealth of natural and human resources, cultural richness and diversity of AU Member States, the majority of countries across the continent failed to achieve the Millennium Development Goals (MDGs), continue to suffer from increased levels of inequality, and investment rates remain low relative to requirements.

Almost all of the challenges faced by African countries are regional in nature and would benefit immensely from regional approaches and solutions. Climate change, for example, is likely to exacerbate development, peace and security challenges by provoking even more significant periods of drought, affecting poor and marginalized populations most significantly. Since large proportions of people across the continent are pastoralists, droughts tend to trigger significant population movements and create tensions around access to fertile land and water – both within and across borders. Furthermore, violent extremism is on the rise, leading to waves of population movement as a result of enhanced levels of violence and fear; the presence and operations of Boko Haram, for example, have displaced 1.2 million people internally, and caused more than 200,000 Nigerians to flee to Chad, Niger and Cameroon.[7] Protracted conflicts, such as those in South Sudan, the Central African Republic and Somalia, furthermore, create large numbers of internally displaced peoples, as well as refugees.

These challenges are stretching the region's ability to address humanitarian crises to a limit, and undermining development gains already made and preventing the achievement of development goals for the future, as articulated most succinctly by the AU's Agenda 2063. Conflicts, climate change, terrorism, the dynamics of international crime networks and the effects of large-scale poverty, after all, do not respect borders. Far from it, these challenges thrive upon and exploit the absence of cross-border cooperation and integration. Indeed, the effects of these challenges are compounded by low movement of capital and labour, low rates of entrepreneurship, and weak private sector growth – all of which are the consequence of insufficient political, economic and social integration, high levels of corruption, and weak governance.

The AU has a significant role to play in preventing, managing and resolving these conflicts, as well as ensuring that fragile populations fleeing conflicts are protected and provided with access to basic services and sustainable livelihoods. A robust AU, whose treaties and protocols are applied, is more critical than ever to solve the diverse and pressing challenges facing the continent. Furthermore, there are vast, diverse and dynamic opportunities for growth in all Member States if regional integration can be enhanced and higher levels of development secured. Regional solutions are the best hope of addressing these multiple challenges and realising the promise of economic growth: the AU represents the most suitable forum for articulating these solutions in the form of treaties, and ensuring their ratification and domestication at Member State level; a commitment to raising levels of awareness and understanding about AU treaties and the role of the AU amongst both the general public and development partners will also help catalyse efforts to ensure both ratification and domestication of these key treaties.

The African Union and the Role of Multilateral Treaties

The AU is the continent's oldest and most inclusive regional organization: with 54 Member States, the Organization was created to:

- Achieve greater unity and solidarity between African countries;
- Defend the sovereignty, territorial integrity and independence of its Member States;

[7] United Nations Development Programme, 'UNDP Sub-Regional Strategic Scoping Report', Central Africa, Draft I, UNDP, August 2015.

- Accelerate the political and socio-economic integration of the continent;
- Promote and defend African common positions on issues of interests to the continent and its peoples;
- Encourage international cooperation;
- Promote peace, security and stability; and
- Promote democratic principles and institutions, amongst other significant goals.

It provides the most appropriate and effective forum in which African countries can and should convene to address peace, security, environmental and development challenges, and to chart a path forward based on mutual respect, human rights and a desire to lift the continent out of poverty.

Multilateral instruments, such as treaties, protocols and conventions create a legal framework for pursuing collective goals; they create a continent-wide basis upon which individual countries can create and implement laws, tailoring them to the domestic context, while also ensuring regional harmonization. However, ratification and domestication of AU Treaties remains a significant challenge; the AU will only be able to fulfil its mandate (as outlined above) if these treaties are ratified and effectively domesticated. In the absence of ratification and domestication these commitments remain elusive and purely aspirational.

This issue was first raised during the Experts Meetings on the 'Review of the OAU/AU Treaties in 2004 as the Chairperson of the AU Commission (AUC) stated that "the slow pace of signature and ratification of these treaties by Member States is worrisome, bearing in mind the process of integration that the Member States had embarked on."[8] Later that year, the AU Executive Council during its fifth ordinary session "encouraged Member States to become parties to OAU/AU treaties, and appealed to all Member States who had not yet signed and ratified, or adhered to, all treaties adopted under the aegis of the OAU/AU, to proceed to do so."[9] The AUC has been very vocal about the need to improve the levels of ratification, supported by the efforts of the Executive Council to encourage a one-year timeframe for ratification of new treaties after their adoption.[10]

Despite these efforts, levels of ratification and rates of domestication remain low. As demonstrated in Figures One and Two below, the average number of treaties signed is 66%; 35 countries have signed less than 35 of the 49 treaties, 14 countries have signed less than 25 treaties, and five countries have signed only between 5 and 15 treaties. The average rate of ratification is even lower at 42%; two-thirds of Member States have only ratified less than 25 treaties; and five countries have ratified less than five treaties. It is telling that not one single Member State has signed and ratified all of the treaties. Indeed, the approach to signature and ratification of treaties is *ad hoc* and highly selective, giving the impression that Member States view treaties – and the issues they embody – as either of peripheral importance or as less important than day-to-day realities of governing. The essence of the AU, its goals and normative values are threatened by this disregard for its treaties at the Member State level. Furthermore, the failure to sign and ratify these treaties undermines the quality of the AU, and the relationship between this regional entity, its constituent Member States and the African people both are meant to represent and serve.

Effective ratification and implementation of AU treaties is critical if they are to have an impact on national policy-making; they are also essential for the AU to achieve its vision of a peaceful, prosperous and integrated continent as articulated in the AU's Agenda 2063. To address the slow pace of ratification,

[8] African Union, Concept note for the regional brainstorming on the strategy to speed up ratification, accession and implementation of OAU/AU treaties of the African Union, Nairobi, Kenya, 25-26 2014, page 4-5.
[9] Ibid.
[10] Ibid.

the AU had previously explored harmonizing ratification procedures amongst its Member States. However, it was concluded that such an exercise would be too complex since it would require amendment of Member States' constitutions and possibly changes to the legal systems that have been used historically.

Rather, a stringent and coordinated process for implementation, combined with targeted and tailored assistance is key for accelerating the ratification and domestication process. Consequently, a multi-pronged effort is required to: enhance capacity to speed up ratification and domestication at the Member State level; enhance efficiency, capacity, and accountability at the AU level; foster greater knowledge and awareness amongst African populations to ensure greater levels of demand and advocacy for the effective domestication of all treaties; and increase awareness amongst development partners to ensure coordination with - and leveraging of - AU treaties in key areas. Combined, these issues will also help address to foster greater political will amongst Member States to both ratify and domesticate these treaties.

Figure One: Number of treaties signed

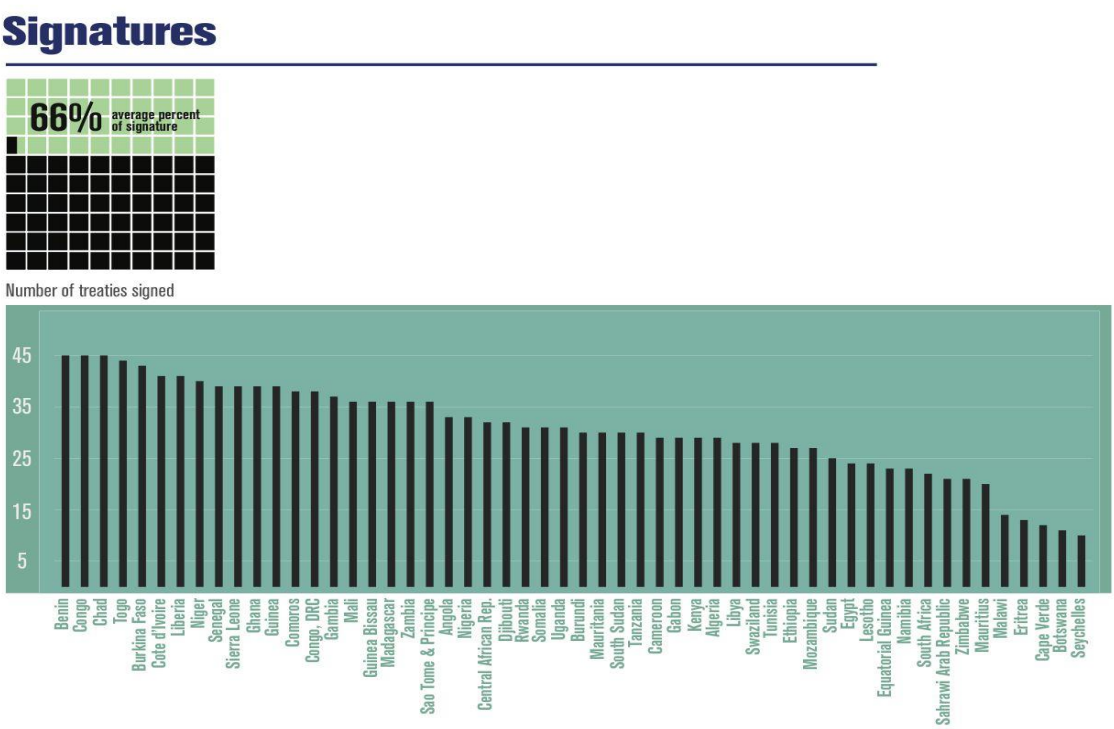
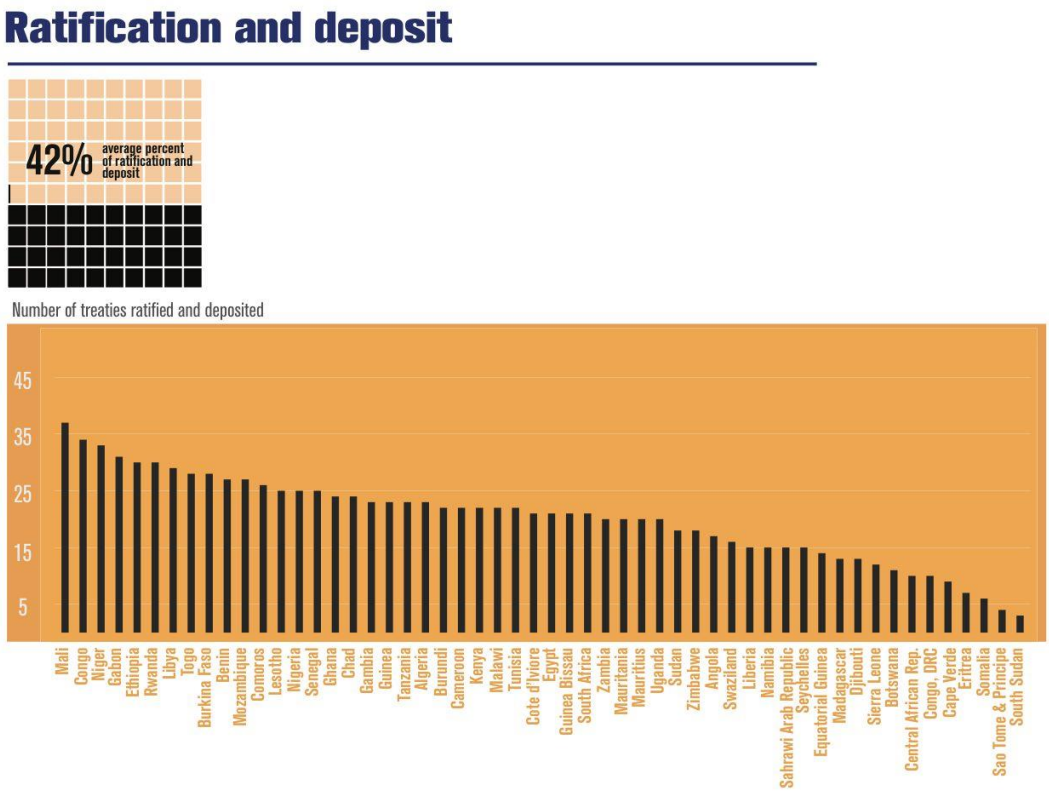


Figure Two: Number of treaties ratified and deposited



2. PROJECT RATIONALE

2.1 UNDERSTANDING THE RATIFICATION AND DOMESTICATION OF **AU TREATIES**

Overview of the Treaty Process

The complex process of creating multilateral treaties involves a series of high-level negotiations, followed by the development of laws, and concretised by implementation at the country level. States become part of a treaty through actions that are binding in nature, including: definitive signature, ratification, acceptance, approval, and accession.[11]

- Typically, modern multilateral treaties require states to signal their agreement with a signature; these treaties are then subject to ratification, acceptance, or approval. This process indicates that the signature alone is not binding.

- States must seek approval for treaties at the national level. It is only when the treaty has been ratified, accepted, or approved within the context of national law that the treaty becomes legally binding on the state concerned.

- For any multilateral treaty to have meaning and, indeed, to enter into force as a law across the continent, a threshold number of Member States must ratify the treaty. The ratification/accession instrument is then submitted to the AU's Office of the Legal Counsel, which acts as depository on behalf of the Chairperson of the AU Commission. Once a Member State has deposited its instrument of ratification/accession, the treaty is considered "ratified" by that state, and is counted towards the threshold of national ratifications for a treaty to then enter into force. As a supra-national body, the AU has no power to enforce ratification although processes and procedures for penalising non-ratification could be envisioned.

- The process for signature and ratification varies across country contexts, depending on administrative processes, constitutional provisions and the legal system adopted in any given country, because different Member States have vested ratification powers in different branches of government; in some countries this responsibility falls on the executive, whilst in others it is the job of the legislative, and in some countries the judiciary is also required to play a role.[12] The process has proven to be dictated largely by colonial heritage; consequently countries are considered as falling into two different categories[13] i.e. former continental European powers, representing civil law processes for ratification; and former British colonies, representing common law processes for ratification – and a small group of countries that tend to combine aspects of both traditions.

- Regardless of the process used, the time interval between signature and ratification is high, averaging 189 weeks (as demonstrated by Figure Three below). This creates challenges for treaty enforcement and delays the process of treaty implementation, and

[11] Vienna Convention, Article 11.
[12] Maluwa, Tiyanjana, 'Ratification of African Union Treaties by Member States: Law, Policy and Practice', 13 Meld. Journal of International Law, 636, 2012.
[13] Ibid.

indicates that the process at the national level is unnecessarily and bureaucratically burdensome and/or that there is a significant lack of capacity at the Member State level.

- Once the treaty is ratified, the process of domestication ensues through incorporation of the international obligations into the states' domestic legislation. This can be done through revision of existing national norms or passing of new laws. This last stage of the process triggers legal rights and obligations prescribed by the treaty in question or international law.

Figure Three: Time between signature, ratification and deposit

The Role of Regional Economic Communities (RECs)

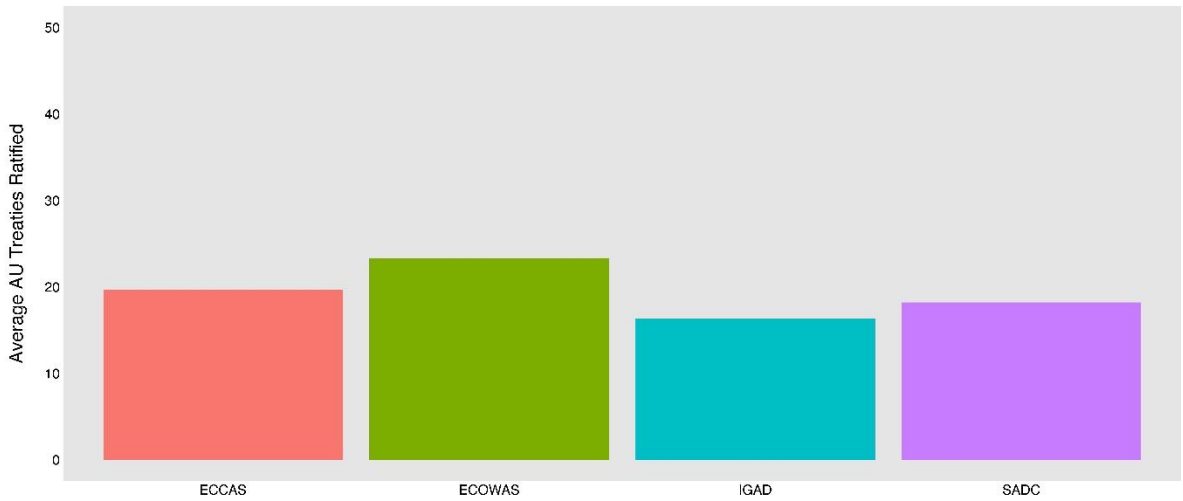
The process for domestication depends very much on capacity, state-society relationships, and political will at the national level (more information regarding these issues is provided in the next section on 'challenges'). However, given the high importance of regional integration, the Regional Economic Communities (RECs) have been designated a key role in ensuring ratification and assisting with domestication. RECs play an important role in ensuring that sub-regional frameworks complement rather than duplicate or conflict with regional frameworks agreed upon in the context of the AU; they are, therefore, charged with ensuring both coordination and harmonization. There are eight RECs on the African continent recognized by the AU:

- The Arab Maghreb Union (UMA);
- The Common Market for Eastern and Southern Africa (COMESA);
- Community of Sahel-Saharan States (CEN-SAD);
- The East African Community (EAC);

- Economic Community of Central African States (ECCAS);
- Economic Community of West African States (ECOWAS);
- Intergovernmental Authority on Development (IGAD); and
- Southern African Development Community (SADC).

The RECs are recognized by the AU as useful 'intermediaries' between the AU and national entities, and seek to help harmonize processes for both ratification and domestication within their respective regions. While they serve as key building blocks for economic integration in Africa, however, cooperation between the AU and the RECs on the harmonization of legal frameworks is limited and remains a significant challenge; the overlap of mandates of the RECs makes them particularly challenging to work with on the issue of domestication and ratification of treaties. The overlap risks wasting precious resources and creates significant gaps in the collaboration between these entities, which should be mutually reinforcing. Figure Four illustrates the status of ratification by members of ECCAS, ECOWAS, IGAD and SADC by means of example. Ratification is highest among ECOWAS members, who have ratified an average of 23 treaties, and lowest among IGAD members, who have ratified an average of 16 treaties.

Figure Four: Treaties ratified per REC[14]



2.2 AFRICAN UNION TREATIES, PROTOCOLS AND FRAMEWORKS – IN FOCUS

AU treaties, protocols, and conventions are wide-ranging, covering a wide variety of themes and issues, as demonstrated by Figure Five; the table indicates the number of Member States to have ratified each of these treaties. Furthermore, there are a large number of treaties where support to the AU and at the country level to enhance domestication would be particularly effective in terms of creating meaningful developmental changes on the ground – these treaties are clearly indicated in Figure Five. Given the broad range of issues covered in Figure Five, it is evident that accelerated ratification and domestication of multilateral AU treaties will be instrumental in helping the African continent to meet the objectives outlined in the AU Agenda 2063 and the post-2015 Sustainable Development Goals (SDGs).

[14] Angola and Congo DRC included in both ECCAS and SADC calculations

Figure Five: African Union Treaties

Treaty	Ratified by number of countries (by June 2017)	Domestication assistance to be provided in phase I
General Convention on the Privileges and Immunities of the Organization of African Unity	41	
Phyto-Sanitary Convention for Africa	12	
African Convention on the Conservation of Nature and Natural Resources	32	
African Civil Aviation Commission Constitution (AFCAC)	45	
OAU Convention Governing the Specific Aspects of Refugee Problems in Africa	46	
Constitution of the Association of African Trade Promotion Organizations	15	
Inter-African Convention Establishing an African Technical Co-operation Programme	8	
Cultural Charter for Africa	34	
Convention for the Elimination of Mercenarism in Africa	32	
African Charter on Human and Peoples' Rights	54	Yes
Convention for the Establishment of the African Centre for Fertilizer Development	8	
Agreement for the Establishment of the African Rehabilitation Institute (ARI)	27	
African Charter on the Rights and Welfare of the Child	48	Yes
Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa	27	
Treaty Establishing the African Economic Community	49	
African Maritime Transport Charter	13	
The African Nuclear-Weapon-Free Zone Treaty (Pelindaba Treaty)	41	
Protocol to the African Charter on Human And Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights	30	
OAU Convention on the Prevention and Combating of Terrorism	43	
Constitutive Act of the African Union	25	
Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament	48	
Convention of the African Energy Commission	34	
Protocol Relating to the Establishment of the Peace and Security Council of the African Union	51	
African Union Convention on Preventing and Combating Corruption	37	Yes
Protocol of the Court of Justice of the African Union	18	
Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa	38	Yes
Protocol on the Amendments to the Constitutive Act of the African Union	28	
Protocol to the OAU Convention on the Prevention and Combating of Terrorism	21	
The African Union Non-Aggression and Common Defence Pact	21	
Charter for African Cultural Renaissance	12	
African Youth Charter	38	Yes
African Charter on Democracy, Elections and Governance	30	Yes
Protocol on the Statute of the African Court of Justice and Human Rights	6	
African Charter on Statistics	22	
Statute of the African Union Commission on International Law	NA	
Statute of the African Union Commission on International Law (AUCIL)	0	
Protocol on the African Investment Bank	5	
African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)	27	

Revised Constitution of the African Civil Aviation Commission	6	
Revised African Maritime Transport Charter	9	
African Charter on Values and Principles of Public Service and Administration	16	
Agreement for the Establishment of the African Risk Capacity (ARC) Agency	4	
African Union Convention on Cyber Security and Personal Data Protection	1	
African Union Convention on Cross-Border Cooperation (Niamey Convention)	2	
Protocol to the Constitutive Act of the African Union relating to the Pan-African Parliament	5	
Protocol on Amendments to the Protocol on the Statute of the African Court of Justice and Human Rights	0	
African Charter on the Values and Principles of Decentralisation, Local Governance and Local Development	3	
Protocol on the Establishment of the African Monetary Fund	0	
Constitutive Act of the African Union	54	

2.3. CHALLENGES FACING RATIFICATION AND DOMESTICATION OF AU TREATIES

Obstacles and challenges exist at both regional and national levels. At the regional level, the AU and the RECs suffer from capacity gaps, including technical knowledge and experience in drafting legal documents. Similarly, at the national level, there are challenges associated with the state, civil society/the general public, as well as with development partners.

Regional Level Challenges and Obstacles

- **African Union**: Currently, the AUC hosts an annual 'OAU/AU Treaty Signing Week' to promote awareness on the status of ratification and the benefits of implementation. However, this confines the AUC to a monitoring and reporting role, rather than an entity empowered and capable of providing countries with tailored assistance and support in the process of ratification and domestication - exemplified in the drafting of national implementing legislation, for example. While the Office of Legal Counsel works closely with Member States on signing and depositing treaties, its capacities are not sufficient to engage in constant exchange and follow up - let alone the promotion of the various treaties – or to serve as a source of support to Member States on ratification and implementation. Currently, the AUC lacks the technical expertise and experience to effectively push forward with encouraging Member States to ratify and domesticate treaties.

- **RECs**: The RECs (listed in section 2.1) serve as key building blocks for economic integration in Africa. However, cooperation between the AU and the RECs on the harmonization of legal frameworks is limited and remains a significant challenge. This risks wasting precious resources, contributes to overlaps, and creates significant gaps in the collaboration between these entities, which should be mutually reinforcing; RECs have a responsibility to ensure their own sub-regional frameworks do not duplicate and/or conflict with treaties and policy frameworks at the national level; there is, therefore, a strong imperative for greater harmonization between regional and sub-regional entities. Similarly, many countries belong to more than one sub-regional entity, which raises questions about over-lapping membership and coordination. Currently, different ministries coordinate different issues of various economic groupings, which leads to duplication of effort and loss of focus. The lack of a central focal point undermines efforts to promote a coherent approach to regional integration and treaty implementation/domestication.

National Level Challenges and Obstacles

- **Country level**: A variety of challenges hinder ratification and domestication of AU treaties at the state level. First, capacity within government entities may be lacking as treaty domestication and implementation requires a combination of legal skills as well as sufficient understanding of regional institutions and the substantive area in question, which line ministries may simply not possess; lack of capacity is, furthermore, compounded by the absence of a strategic approach to treaty implementation, insufficient funding allocation, and poor or absent mainstreaming of regional integration across work-streams. Second, due to the lack of common standards for ratification and domestication – as a result of the varying constitutional, legislative, and legal methods as outlined above – the processes for ensuring national-level compliance can be difficult to disentangle; often laws may require adaptation, modification or

harmonization in order for the country in question to be in conformity with the respective treaty, which can prove to be a complex task. Third, bureaucratic processes for translating treaties at the regional-level into domestic laws and policies can be lengthy and cumbersome, leading to significant 'red tape'[15] and unnecessary delays in implementation; additional challenges can arise when there is insufficient coordination between different branches of government. Fourth, the domestication of treaties requires cross-ministerial working methodologies, which many Member States simply do not currently engage in. Fifth, an additional challenge is often political will, not least given the competing and often pressing priorities that governments in the region must confront at any given time. And, lastly, AU treaties suffer due to a lack of champions for AU-related work at the national level.

- **Civil society/general public**: At the national level, national civil society organizations and the general public have low levels of awareness about AU treaties, and the benefits that implementation and domestication would have for their lives and livelihoods; indeed, "few Member States have an effective system in place to popularise, advocate and monitor national compliance of Union decisions and treaties"[16] despite the fact that the Rules of Procedure of the Assembly require Member States to take such necessary steps.[17] Increased knowledge and awareness of the multilateral treaties signed by governments so far enable both civil society organizations (CSOs) and the general public to hold their governments accountable to deliver on these continental agreements. This, in turn, helps to create momentum for swifter ratification, thereby increasing the impact and relevance of AU treaties. Public knowledge and awareness of AU work can also serve to bridge the gap between the general public and AU operations at the political level; by enhancing the ratification and domestication of treaties, the role of the AU and its impact on the general public/civil society will become self-evident – with ripple effects on Member States paying their dues to the AU as a result of increased local pressure due to the evident relevance of the Organization.

- **Alignment of national development cooperation with AU treaties:** Both bilateral and multilateral development actors also appear to have low awareness or understanding of AU treaties. As a result, programmes around national development cooperation do not always appear to align with AU treaties on topics of high relevance. Greater awareness of AU treaties amongst the international development community would enable such actors to leverage the already-signed AU treaties, and to incorporate them into their own frameworks.

2.4 WHY THE UNITED NATIONS DEVELOPMENT PROGRAMME (UNDP)?

- UNDP is already working with the AU on collating data; it has already developed an aggregated database showing the rate of ratification and domestication – building on work that is already taking place.

- UNDP is the lead development agency in the UN system with presence in all 54 countries in Africa and regional presence in Addis Ababa, Ethiopia; Nairobi, Kenya; and Dakar, Senegal.

[15] *http://www.au.int/en/newsevents/13144/regional-workshop-ratification-and-domestication-oauau-treaties-direct-relevance*
[16] *Audit of the African Union, High Level Panel, 2007.*
[17] *Ibid.*

- At the regional level UNDP has over 120 technical experts covering: governance and rule of law; conflict prevention; gender; youth empowerment; livelihoods; coordination of development assistance; and supporting the attainment of the SDGs - all areas which overlap clearly with the areas covered by treaties, placing UNDP in a unique position to offer support to Governments to domesticate treaties on a wide range of issues.

- UNDP has a long-standing partnership with both the AU and the RECs, and has provided a broad range of support which this programme will build upon. UNDP also brings to this project decades old established networks and partnerships with civil society, faith-based groups, the AU, RECs, host governments, and academic institutions to achieve the results articulated in this project.

- UNDP has a unique mandate to support national development planning and capacity building across the continent; this project clearly falls under that remit. UNDP manages the United Nations Resident Coordinator (RC) system and, in part as a result of the efforts of the RCs office, UN treaties are ratified 13 times more than AU treaties. This project will, therefore, be able to draw upon the same mechanism to enhance ratification of AU treaties.

- UNDP is an impartial entity able to engage with a broad range of actors; its neutrality is underscored by the fact that there is a strong overlap in membership between AU Member States and UN Member States. Similarly, there is a strong overlap between the objectives of the SDGs and AU's Agenda 2063.

3. PROJECT STRATEGY: ACCELERATING THE RATIFICATION AND DOMESTICATION OF AFRICAN UNION TREATIES

3.1 PROJECT STRATEGY OVERVIEW

This joint AU-UNDP project, *'Accelerating the Ratification and Domestication of African Union Treaties',* is a 3 year multi-country and regional initiative. This project is part of and anchored in UNDP's Regional Programme for Africa; it will contribute to the results across the outcome areas of the Regional Programme, and contribute directly to Outcome 1: *African Union and RECs deliver on their mandate, especially cross-cutting issues related to resilience-building*.

The project is designed to address the challenges and bottlenecks associated with ratification and domestication, and to help enhance the capacity of the AU over the medium- to long-term to be able to manage the ratification process, and to provide tailored support to Member States with domestication-related challenges. It is anchored in a multi-dimensional approach to development, which draws upon the inherent link between peace, security and economic development; it is, furthermore, designed to help further the achievement of Agenda 2063, 2030 Agenda for Sustainable Development, and the Post-2015 SDGs.

This project will be realized through a Joint AU-UNDP Project, implemented between the AUC Office of Legal Counsel and UNDP's Regional Bureau for Africa, in close collaboration and coordination with RECs, national governments, international development partners, and other relevant partners at the national level. The project has been designed in a way that recognises that actions are required on both regional and national levels – with regional and sub-regional entities, as well as government and non-state actors in order to help foster the political will and develop technical expertise to enhance

ratification and domestication of AU treaties. The project is informed by specific objectives, guidelines concerning the scope and scale of the project, a theory of change, and a partnership strategy – all of which are detailed below.

Ensuring and accelerating the ratification and domestication of AU treaties is vital to ensure the Member States across the continent are collectively able to realize their developmental potential; it is also vital in order to prevent the legitimacy of the AU – and the core normative values that it embodies – from being undermined. This section outlines a clear strategy for overcoming five major challenges – which will be explored in greater detail below - currently impeding the acceleration process:

- Lack of capacity within the AUC Office of Legal Counsel to support treaty ratification;
- Fragmented approach amongst regional entities;
- Diverse legal systems and mixed level of capacity for domestication at national levels;
- Low levels of awareness amongst the general public about multilateral treaty processes and their benefits; and
- Weak awareness amongst international development partners of AU treaties and the potential to build upon and leverage them.

3.2 PROJECT OBJECTIVES AND MODALITIES

Key Objectives

This Joint AU-UNDP Project will be implemented by the AUC Office of Legal Counsel and UNDP's Regional Service Centre in Addis Ababa in close collaboration and coordination with international development partners and RECs. The Joint UNDP-AU Project will be initiated both at the regional and national levels, and will leverage UNDP's presence in all AU Member States. The Joint Project will focus on the following objectives, which are inherently linked to the outcomes of the project:

- First, to ensure that the AU has legitimacy and meaning beyond its Headquarters in Addis Ababa by linking the treaties it has developed at the continental level with positive impact on the lives of ordinary Africans; this will ensure that the values on which the AU is built are protected and advanced.

- Second, to better enable the African continent to meet both the objectives outlined in the Agenda 2063 and the 2030 Agenda for Sustainable Development, including the SDGs, by providing a robust legal framework in which they can be implemented at regional and country levels.

- Third, to improve harmonization between AU treaties and the different RECs on the continent - thereby enhancing national planning processes and developing synergies across legal frameworks. Fostering a harmonized approach among the RECs, which are guided by AU agreements and principles, is expected to have a significant impact on relations within but also between the RECs, and to facilitate cooperation for trade and human security in border regions.

- Fourth, to ensure the work of international development partners – including both bilateral and multilateral actors – is anchored in, supportive of and leveraging AU treaties.

3.3 SCOPE AND SCALE

The proposed project implementation period is three years; this timeframe takes into account the time required for capacity-building at regional and national levels, the ratification processes, and any necessary policy harmonization processes in the selected countries, as well as public awareness-raising initiatives to be planned and implemented in a meaningful manner. The proposed total budget for the project is at USD$15 million over the implementation period.[18]

The project will remain targeted in four ways:

- First, by focusing on **three RECs** before scaling up to others; for the purposes of this phase of the project SADC, ECOWAS, and EAC were selected in the interest of regional balance and because they are the most advanced at producing their own treaties and protocols. Focal points will be appointed in each of these RECs to interface with the AU legal office, and to facilitate implementation of the project

- Second, within this **first phase** project, six priority countries will be selected jointly with partners during inception phase[19]. The specific countries (one from Southern Africa, one from East/Horn of Africa, one from East Africa, one from Central Africa and two from Western Africa) will be selected on the basis of regional balance (from the three aforementioned REC-related regions), openness to civil society, 'deeprootedness' of democratic system, legal diversity (encompassing the three major existing legal systems on the African continent) and their willingness to participate in this first phase project. Preliminarily, the countries considered for this first phase are Senegal, Kenya, Burkina Faso, Mozambique, Tunisia and Sao Tome & Principe. The countries participation in the project will be confirmed during the inception phase.

- Third, on the basis of their potential in fostering resilient societies and enhancing the implementation of the SDGs, **six priority treaties**, **protocols and conventions** were selected out of a total of 49 for this first phase (see Figure Five above for full list). The project will focus on providing assistance on the ratification – where relevant - and domestication of:

    - **African Charter on Human and People's Rights[20],** adopted in 1981, and ratified by all but one country (Morocco), is the instrument that promotes and protects human rights on the African continent. The Charter outlines the duties of individuals towards family and society, the State and other legally recognized communities and the international community. The importance of the Charter is in the civil and political rights, economic, social and cultural rights, as well as the recognition of group rights, besides individual rights, enshrined in the Charter.

    - **Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol)[21]**, adopted in 2003, supplements the African Charter on Human and Peoples' Rights, and is a principle regional legal instrument that ensures respect for rights of women, including the right to participate in the political and decision-making process, economic and social

[18] See RRF for breakdown of budget.
[19] For more details on the Inception phase see section below: Inception period
[20] https://au.int/sites/default/files/treaties/7770-file-banjul_charter.pdf
[21] https://au.int/sites/default/files/treaties/7783-file-protocol_on_the_rights_of_women.pdf

welfare rights, sexual and reproductive health, an end to harmful practices such as female genital mutilation, as well as emphasizes equality of men and women in marriage, separation, divorce and annulment of marriage, etc.

- **African Youth Charter[22],** adopted in 2006, and ratified by 38 of 55 countries, is significant because it acknowledges the important role that youth can play in promoting Africa's development agenda, especially considering that youth population in Africa is projected to double by 2050, while the continent stubbornly remains a politically, economically and culturally inhospitable environment for young people. This is ensured throught promoting active and equal participation at local, national, regional and international levels to determine their own development and the advancement of society at large. The Charter provides a legal and political framework for the rights, freedoms and obligations of African youth (defined as every person between the ages of 15 and 35 years) as well as strategic direction for States in areas of youth empowerment and development.

- **African Charter on the Rights and Welfare of the Child[23]**, adopted in 1990, outlines the standards and norms of status of children, defined as human beings under 18 years old. The Charter outlines and guarantees the rights and freedoms of children, which are to be respected by Member States without discrimination and with best interest of the child in mind. The Charter also includes provisions on responsibilities of parents or other persons responsible for the child, as well as the responsibilities of children themselves.

- **African Charter on Democracy, Elections and Governance**, adopted in 2007, and ratified by more than half of African countries (30 countries), is crucial for development on the continent because it promotes and aims to enhance adherence by State Parties to the principles of rule of law, democracy and human rights, and regular free and fair elections. The Charter's also prohibits, rejects and condemns unconstitutional change of governments, and promotes and protects the independence of the judiciary. Furthermore, the Charter encourages effective coordination and harmonization of governance policies amongst State Parties with the aim of promoting regional and continental integration, as well as promotion of State Parties' sustainable development and human security and fight against corruption.

- **AU Convention on Preventing and Combating Corruption[24]**, adopted in 2003, aims to promote, facilitate and regulate cooperation among the State Parties to ensure the effectiveness of measures and actions to prevent, detect, punish and eradicate corruption and related offences in Africa. It also promotes coordination and harmonization of policies and legislation between State Parties for the purposes of prevention, detection, punishment and eradication of corruption on the continent as well as establish the necessary conditions to foster transparency and accountability in the management of public affairs.

[22] https://au.int/sites/default/files/treaties/7789-file-african_youth_charter.pdf
[23] https://au.int/sites/default/files/treaties/7773-file-charter_en_african_charter_on_the_rights_and_wlefare_of_the_child_addisababa_july1990.pdf
[24] https://au.int/sites/default/files/treaties/7786-file-african_union_convention_preventing_combating_corruption.pdf

These six treaties have been selected for the first phase, which will set up the foundation for scaling up, as they relate to key development goals, aiming to achieve peace and stability, and to create inclusive and resilient societies on the continent. They, therefore, provide a basis for fostering sustainable and inclusive economies, creating a conducive legal framework for localization of the SDGs. The proposed initiative will be supported by (a) accelerating signature by Members States; (b) the ratification and deposit of targeted treaties; and (c) domesticating the treaties through legislations and their inclusion in national development plans and subsequent implementation.

The selection of these six treaties during this first phase of the project was also based on their potential to promote realization of rights of groups of people facing discrimination and marginalization: women, children, youth.[25]

- Fourth, a key aspect of the project will involve analysising the extent to which the **existing conventions and protocols of SADC, ECOWAS and EAC are harmonized** with those of the AU, and how they could be better aligned.

Inception phase

The project inception phase will be 1 year. During this period, the mechanism for involving other key actors within the AUC and in the sphere of selected RECs should be developed and made operational. Moreover, baselines, indicators and target values will be developed and put in place. Furthermore, certain key assessments for the implementation – such as a capacity review of the AUC Legal Office – will be undertaken.

Additionally, during the inception phase, UNDP will also:

- Ensure buy-in and ownership from the government of 5 focus countries: Senegal, Kenya, Burkina Faso, Mozambique, Rwanda;
- Identify and establish collaboration with other AUC departments/offices;
- Recruit project staff: Project Manager (P5) and a Programme Officer (P2);
- Undertake a budget review to more precisely reflect the costs needed to implement the activities and achieve the intended outputs.

Gender mainstreaming

Where activities involve recruitment and supporting staff structures, gender will be mainstreamed through encouragement of applications from qualified women. Where activities are trainings, gender will be mainstreamed through active encouragement of participation by women where relevant. Where

[25] Based on asessement of extensive evidence provided in, amongst others, UNDP, African Human Development Report, Accelerating Gender Equality and Women's Empowerment in Africa (2016); Jeni Klugman and Sarah Twigg, Gender at Work in Africa: Legal Constraints and Opportunities for Reform, Working Paper N.3, University of Oxford (January 2015); UNDP, Independent Evaluation Office, Evaluation of UNDP contribution to Gender Equality and Women's empowerment (August 2015); A. du Plessis, Institute for Security Studies, Seven trends shaping the future of peace and security in Africa (June, 2016); Gtz, Regional Economic Communities in Africa A progress Overview, (Nairobi May 2009); AFDB, Africa Gender Equality Index, Empowering African Women: An Agenda for Action (2015); UNICEF, The State of Africa's Children 2008; The State of World's Children 2017; UNICEF, Progress for Every Child in the SDG Era; UNICEF, Generation 2030 Africa 2.0: Prioritizing investments in children to reap the demographic dividend; OSahel and West Africa Club/OECD, ECOWAS, African Youth Charter: Prospects for the Development of the African Youth, http://www.oecd.org/swac/events/42259218.pdf; AU, ECA, AfDB and UNDP, 2017 Africa Sustainable Development Report: Tracking Progress on Agenda 2063 and the SDGs, etc

activities involve research, i.e. collection of best practices, lessons learnt, or development of indicators, gender will be mainstreamed through ensuring that gender aspects are taken into account; through considerations of the effects on men and women of certain policies and practices, separately, where applicable; and developing gender-sensitive indicators, where possible. In terms of outreach campaigns and media messages, gender will be mainstreamed through ensuring that the content of the media messages and implementation modalities of the outreach campaigns are gender-sensitive, where possible. Finally, monitoring and evaluation of the project will take gender into account, including collection of sex-disaggregated data where relevant and possible.

Also, since one of project focus treaties is the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol), which will be addressed at all Output levels, the Gender Marker of all outputs is GEN 2.

Human Rights Based Approach (HRBA)

The project supports the realization of human rights and upholds the relevant international and regional standards by providing assistance on the ratification and domestication of core African Union human rights treaties, and in particular, women, children, youth. Increased policy convergence amongst AU Member States demonstrable through the ratification and domestication of the core human rights regional legislation would have a significant development impact, since AU treaties cover the entire landscape of peace, security and development issues, including specific treaties on refugees, human rights, child welfare, women's rights, youth, and local governance, to mention only a few. This project will address the most appropriate and effective forum in which African countries can and should convene to address peace, security, environmental and development challenges, and to chart a path forward based on mutual respect, human rights and a desire to lift the continent out of poverty, and thus promote and enhance the enjoyment of human rights.

In its implementation, the project will be guided by the HRBA and incorporate the principles of accountability, meaningful participation, and non-discrimination in the project's activities by ensuring that these prnciples guide the work with national committees, CSOs and other project partners.

3.4 PROJECT AREAS: THEORY OF CHANGE[26]

Framework

- Firstly, from a ratification perspective, the project will target those treaties that are most likely to have the most impact across the greatest number of countries;

- Secondly, from a domestication perspective, the project will target those countries which have already demonstrated a certain level of commitment to treaty domestication, and where the chances of domestication having a meaningful impact is greatest;

- Thirdly, the project focuses on the immediate, underlying and root causes of low rates of ratification and domestication, including the below (see Figure Six: Problem Tree for more information):

    - The immediate causes/enablers of low rates of ratification and domestication include: weak capacity of the Office of Legal Counsel and other relevant AU

[26] A theory of change is a conceptual tool that helps map out the assumptions that inform project design, and the mechanisms that are expected to bring about change; the theory of change helps ensure the complexity of issues are fully taken into account when designing interventions, and clarifies how the intervention will lead to the desired change

entities; weak capacity at national levels to domesticate treaties; misalignment between REC and AU frameworks; absence of public pressure on governments to ratify/domesticate treaties; and, low levels of linkage between AU treaties and international development assistance frameworks.

- The underlying causes/enablers of low rates of ratification and domestication include: poor follow up/monitoring and evaluation mechanisms; low capacity in the Office of Legal Affairs to provide support to Member States; low awareness amongst governments of important treaties; poor coordination between different branches of state/government; few opportunities for South-South exchange on best practices; diverse legal systems and legislative contexts for implementation; low appreciation of treaty relevance to domestic contexts; lack of personnel and financial resources to undertake process; fragmented approach to integration amongst RECs; no central management or coordination of treaties; lack of common standards/harmonized legal frameworks; overlapping membership of RECs/no national coordination; regional integration not seen as a cross-cutting issue; high levels of bureaucracy and low levels of capacity; lack of integration of treaties in national development plans; low awareness of treaties amongst CSOs, public, private sector and media; absence of accountability mechanisms; weak understanding amongst national counterparts of benefits; low awareness amongst international actors of treaties; no leveraging of treaties by international actors; and lack of an international outreach strategy.

- The root causes/enablers of low ratification and domestication include: weak state-society relations; weak state capacity/poor governance; competing priorities (social, political and economic); and insufficient political will.

Causal Mechanisms

Causal mechanisms are the processes/pathways through which an outcome is brought into being. The project considers the following five issues to be key causal mechanisms (See Figure Seven: Theory of Change for more information):

- Strengthening capacities of the AUC Office of Legal Counsel to build a support structure for Member States. The structure will be aimed at increasing ratification of treaties; it will include the development of an open-data tracking and visualization tool to be used for transparency and monitoring processes, and for upgrading the human capacity of the AU Office of Legal Counsel.

- Harmonizing regional approaches to continental law-making and ratification amongst the AU and RECs, including support to the annual collaborative dialogue between the legal advisers of the AU and RECs.

- Building national capacities for ratification and domestication, and enhancing knowledge exchange/peer support, including setting up or strengthening national multi-sectorial committees.

- Public awareness-raising at the regional and national levels to ensure AU treaties and protocols are understood and owned by the public. Familiarization with AU treaties will be promoted among development partners at the country level. This will help ensure that

AU treaty commitments are promoted and integrated within the development support plans. Support will also be provided to ensure more inclusive consultation in the treaty-making process.

- Alignment with development actors at the national and regional levels. Many international and bilateral development partners are also not aware of the nature and substance of AU treaties. Significant efforts will be made to ensure there is alignment between these actors, their work and respective endeavours in order to enhance the ratification and domestication of treaties.

Enabling Factors

- Strong relationships between UNDP and the AU, UNDP and Member States, and between UNDP and the international development community will provide the enabling context for the success of this project.

Figure Six: Problem tree

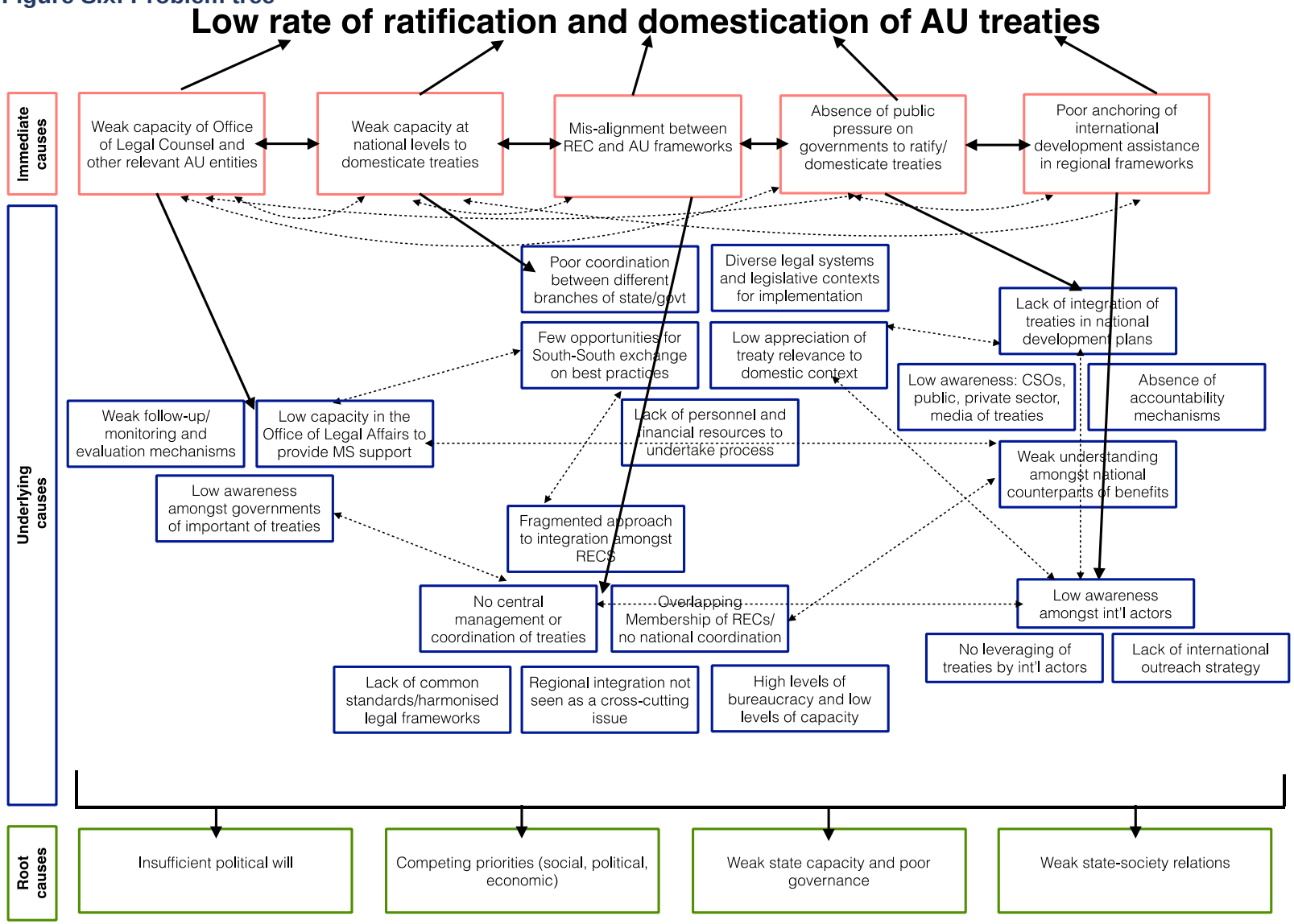
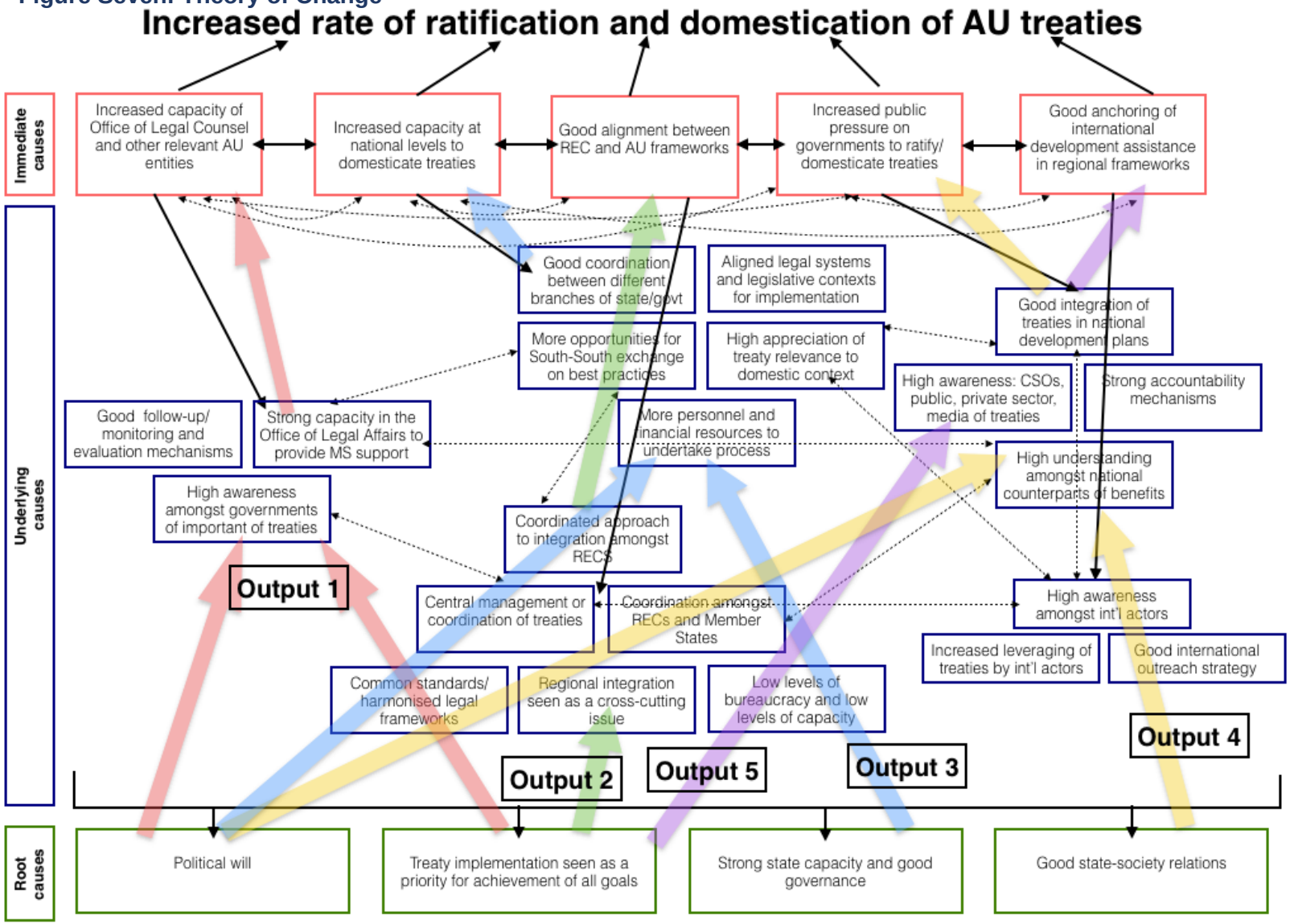


Figure Seven: Theory of Change



3.5 PARTNERSHIPS

- **AUC:** The project has been designed in close collaboration with the AUC, specifically with the AUC Legal Office which will continue to be the lead unit within the African Union for this endeavour. The different AUC bodies and mechanisms with a direct relation to the selected treaties will be actively involved throughout the implementation process, starting with the overall planning, in order to ensure complementarity and enhance effectiveness.[27] For this purpose, a special coordination mechanism will be established during the Inception Phase, co-chaired by the AUC Legal Office, and will continue throughout the project.

- **RECs:** This project will include close collaboration with the following RECs: the Arab Maghreb Union (UMA); the Common Market for Eastern and Southern Africa (COMESA); the Community of Sahel-Saharan States (CEN-SAD); the East African Community (EAC); the Economic Community of Central African States (ECCAS); the Economic Community of West African States (ECOWAS); the Intergovernmental Authority on Development (IGAD); and the Southern African Development Community (SADC).

- **UN System:** This work will build upon and further the work of UNECA and relevant UN agencies depending on the treaty under discussion. Furthermore, at national level, the respective UNDP Country Offices will lead implementation. National plans of actions will be developed in each of the five target countries to operationalise the project and secure local ownership.

- **Bilateral/multilateral actors/Member States:** This project will also build upon and collaborate with a wide range of Member States, the EU/EC and bilateral and multilateral partners already working/interested in working on issues related ratification and domestication of AU treaties.

- **Civil society and academia:** On national levels the project will engage with civil society in all target countries, as appropriate, to help raise awareness amongst the general public about the importance and relevance of AU treaties. This will involve work with academic institutions, think-tanks, media entities, and NGOs. At regional level, the project will enhance partnerships with regional CSOs and professional networks. The project will work closely, for example, with the Network of African National Human Rights Institutions (NANHRI) - a regional umbrella body that brings together 44 African National Human Rights Institutions (NHRIs). The project will also explore synergies with the Raoul Wallenberg Institute, specifically its Regional Africa Programme, in information-sharing, and potentially joint workshops, and other mutual initiatives focusing especially on improved harmonization between AU treaties and relevant frameworks of the RECs.

[27] Firstly, this relates to bodies and mechanisms which are directly linked to (and established by) certain treaties – such as, for example, the African Court and Commission of Human Rights; the Democracy and Election Assistance Unit (DEAU), and; the African Committee on the the African Charter on the Rights and Welfare of the Child. Secondly, it also relates to departments and offices with major and strategic thematic responsibilities within the relevant areas, such as the AUC Youth Division; the Directorate of Women, Gender and Development; the Department for Political Affairs, etc.

3.6 OUTPUTS AND ACTIVITIES

The outputs and activities detailed below complement and reinforce one another to create a higher level of both ratification and domestication of AU treaties, with significant impact on the lives and livelihoods of ordinary Africans. Consequently, these outputs and activities should be understood as forming part of a comprehensive, holistic approach. The outputs and activities are designed to target dynamics at the regional and national levels in a mutually reinforcing manner in order to effectively respond to the multiple obstacles preventing more efficient ratification and domestication of AU treaties. The approach ensures coherence between regional and national activities and interventions.

Output 1: The AUC Office of Legal Counsel is enabled to support treaty ratification

Increased capacity within the AUC Office of Legal Counsel will allow Member States to tap into knowledge and capacities to accelerate treaty ratification, and to focus on enhancing implementation; this would enable the AU to shift towards a more proactive role in assisting Member States to ratify and domesticate treaties.

- ***Activity result 1.1:*** *Dedicated support structure established within the Office of Legal Counsel.* The new structure will be charged with increasing the level of exchange on progress and bottlenecks between the AU and Member States; it will enable the AUC to play a proactive role in supporting Member States to ratify and domesticate AU treaties. The new structure will include a dedicated translation service to enable multi-lingual translation of legal texts into AU official working languages.

- ***Activity result 1.2:*** *A series of policy papers tracking progress on domestication of each selected treaty produced.* This will enable close monitoring of the state of domesitication of each treaty while also highlighting potential bottlenecks that may require collective action by partners including the Africa Union and CSOs.

- ***Activity result 1.3:*** *"Toolkit" on standards for ratification and domestication developed.* The toolkit sets standards, benchmarks, and indicators for effective and efficient ratification and domestication, and will offer guidance on overcoming common challenges that are encountered in these processes, including guidance on translating policies into laws.

- ***Activity result 1.4:*** *Training programme for Member States on legal drafting developed and implemented.* This training programme will assist Member States to better understand the processes of ratification and domestication, thereby accelerating both processes. The training programme will be made available on priority-based criteria, as mentioned previously.

- ***Activity result 1.5:*** *Data monitoring and verification mechanism developed, including an open-data tracking and visualization tool for monitoring and outreach*. These monitoring and verification mechanisms will increase levels of transparency and accountability of Member States vis-à-vis the AU, RECs, and their domestic constituencies regarding the status of ratification and domestication. On-line interactive data map that shows which countries have ratified which treaties, and this will be available through the AU website.

Output 2: Legal frameworks between the AU and RECS are harmonized

Harmonized legal frameworks between the AU and the RECs are imperative to avoid overlaps or competing priorities. This will involve the Office of Legal Counsel engaging closely with its Member

States on treaty ratification, and with the three RECs selected for the first phase (SADC, ECOWAS, EAC) to ensure coherence and complementarity. Legal frameworks of these three RECs should be based on AU treaties so that they can enhance the process of treaty ratification of their respective sub-regions. Simultaneously, through a process of joint consultation and collaboration, AU treaties need to be informed by REC realities to help accelerate the integration agenda.

- ***Activity result 2.1:*** *Areas where harmonization is required are identified and a strategy on common standards developed*. Research will be undertaken to identify the key areas where harmonization is required between the AU and the selected RECs (SADC, ECOWAS, EAC), with a focus on key treaties identified in collaboration between UNDP and the AU. A thorough process of joint consultation and collaboration will encourage the AU and focal points from the RECs to establish common standards and processes of treaty harmonization. Training will be conducted on the same.

- ***Activity result 2.2:*** *REC focal point system established within the Office of Legal Counsel to assist with implementation*. A REC focal point system with the Office of Legal Counsel will enable the AU to better coordinate and harmonize efforts to ensure ratification and domestication across the continent. This system will also help reduce overlaps and duplication of efforts, while simultaneously addressing gaps.

- ***Activity result 2.3:*** *Annual dialogue between the legal advisors of the AU and RECs reinforced.* The Annual dialogue between AU legal advisors and RECs will be reinforced to focus on treaty ratification, domestication and harmonization – with a focus on best practices from the region and South-South learning opportunities.

Output 3: Member States are able to rapidly and effectively ratify and domesticate treaties

In order to address the multiple challenges many Member States face at the national level to domesticate AU treaties, UNDP proposes to support government entities (executive, legislature and judiciary as appropriate) through three main channels: South-South knowledge exchange; enhanced support from the AUC Office of Legal Counsel and through South-South knowledge exchange in the six selected countries and with regards to the six key treaties and protocols selected for this project.

- ***Activity result 3.1:*** *South-South knowledge exchange forums established concerning good practices in treaty ratification*. Given the wealth of knowledge and expertise regarding the domestication of treaties on the African continent and in other regions of the world, South-South knowledge exchanges have the potential to significantly raise awareness and understanding about best practices, the benefits of domestication and insights on how to overcome challenges.

- ***Activity result 3.2*****:** *Member States are supported to domesticate selected treaties based on priorities identified through consultations with the AU and other stakeholders.* UNDP will provide support to the six selected Members States to help ensure that the selected treaties are elaborated and then applied in law. The activity will include conducting research on the work undergoing in the target countries on ratification and domestication of the regional legal instruments.

- ***Activity result 3.3:*** *National Sectorial Committees set up at the national level.* Given UNDPs extensive presence on the African continent, it is well-placed to provide tailored, context-specific and context-sensitive support to governments regarding domestication issues; this will involve facilitating the creation of national sectorial committees in the five selected countries to support the domestication of the six selected treaties as and when they are ratified, and to provide support on the implementation of these treaties. UNDP will facilitate the process and

ensure the committees have the capacity and expertise to be able to follow through with their tasks.

- ***Activity result 3.4:*** *National legal staff engage in extensive training programmes*. UNDP will engage in extensive capacity-building initiatives for legal staff at the national levels to ensure they have the skills and knowledge to be able to effectively domesticate treaties and navigate the complexities of bureaucracy.

Output 4: National Civil Society Organizations and general public have improved knowledge of treaty processes and their benefits

Awareness of AU multilateral treaty ratification processes can be raised through a variety of in-country media and outreach efforts amongst both CSOs and the general public in the six key selected countries. These engagements should serve to inform the public and disseminate information about the treaties that have been signed, and the impacts these will have at country-level once ratified.

- ***Activity result 4.1:*** *In-country media campaign developed and implemented (through radio, television, twitter, etc.).* Media campaign developed in collaboration with radio stations, television channels and through new media to raise awareness about AU treaties, their benefits, and the status of ratification and domestication in the five selected countries so as to enhance citizen demand for accountability in compliance with these instruments. The media campaign will target CSOs that are engaged in work related to the selected treaties, as well as the broader public.

- ***Activity result 4.2:*** *In-country outreach campaign implemented in schools, universities, public places, and through theatre and other engagements*. Outreach campaign to be developed and implemented to reach diverse audiences, including youth, women's groups, and both urban and rural constituencies in the six selected countries; this will involve a variety of media (films, plays, audio, lectures) to help raise awareness about the issues that treaties seek to address and how implementation will be of benefit to the country in question.

- ***Activity result 4.3:*** *Civil society advocates for greater domestication/implementation.* Civil society groups working on issues related to the selected treaties covered in this project will be provided with training and support to serve as advocates for the domestication of treaties.

Output 5: Bilateral and multilateral development partners endeavours are informed by AU treaties and protocols

- ***Activity result 5.1:*** *Scanning assessment concerning the alignment of UN and other development partners with AU treaties*. This brief study will seek to ascertain the extent to which current engagements of the UN and development partners in the six selected countries are aligned with and anchored in AU treaties, and to identify key areas of work where UN and bilateral development partners could better leverage AU treaties. These assessments will be used to inform strategies of the UN System and development partners.

- ***Activity result 5.2***: *Awareness-raising, knowledge-sharing/development and training programmes on AU treaties and protocols for development partners.* These training programmes will be designed to develop comprehensive awareness of relevant AU treaties, the countries that have/have not signed and/or domesticated them, and how AU treaties can be leveraged to further work in relevant sectors. The training will be designed to ensure that future UN Development Assistant Frameworks (UNDAF's) and

bilateral and multilateral development cooperation agreements are informed by AU treaties and protocols.

4. RESULTS AND RESOURCES FRAMEWORK[28]

Results and Resource Framework (RRF): Accelerating the Ratification and Domestication of African Union Treaties A Regional Project
Intended Outcome as stated in the Regional Programme for Africa (2018-2021) RRF: Outcome 1: African Union and RECs deliver on their mandate, especially cross-cutting issues related to resilience-building
Outcome indicators as stated in the Regional Programme for Africa (2018-2021) RRF: Percentage of people who experienced a dispute and had access to a formal or informal dispute mechanism, considered affordable and just (disaggregated by sex to the extent possible) – UNDP Strategic Plan Outcome Indicator 2.4
Applicable UNDP Strategic Plan (2018-2021) Outcome and Outputs: Tier 2, Outcome 2: Accelerate structural transformations for sustainable development Output 2.2.2: Constitution-making, electoral and parliamentary processes and institutions strengthened to promote inclusion, transparency and accountability
Relevant UNDP Strategic Plan (2018-2021) Indicators:
Outcome Indicator 2.4: • Percentage of people who experienced a dispute and had access to a formal or informal dispute mechanism, considered affordable and just (disaggregated by sex) Output 2.2.2 Indicators: • Extent to which Electoral Management Bodies (EMBs) have strengthened capacity to conduct inclusive and credible elections; • Extent to which parliaments have improved capacities to undertake inclusive, effective and accountable law-making, oversight and representation; • Extent to which constitution-making bodies (CMBs) have mechanisms for civic engagement, including the participation of women and other marginalised groups; • Extent to which countries adopt and implement, with UNDP assistance, legal and regulatory frameworks that enable civil society to function in the public sphere and contribute to sustainable development: a) Women's groups; b) Youth groups; c) Groups representing other marginalised populations.
Intermediate Project Outcome: Ratification and domestication rates of selected AU treaties by selected Member States are increased
Intermediate Project Outcome Indicator: Average of number of weeks elapsed between the signature of treaties at regional level and ratification in national laws Baseline: 189 weeks

[28] For M&E purposes, Year 1 ends in June 2019, Year 2 ends in June 2020, Year 3 ends in June 2021

Targets: Year 1: 189 Year 2: 120 Year 3: 70				
Partnership Strategy: AUC; RECs: UMA, COMESA, CEN-SAD, EAC, ECCAS, ECOWAS, IGAD, SADC; UNECA and relevant UN agencies (depending on the treaty), UNDP COs, AU Member States, the EU/EC and bilateral and multilateral partners; CSOs (regional and national), academia (Raoul Wallenberg Institute).				
Project title and ID (ATLAS Award ID): Accelerating the Ratification and Domestication of African Union Treaties				
INTENDED OUTPUTS	**OUTPUT TARGETS**	**INDICATIVE ACTIVITIES**	**RESPONSIBLE PARTIES**	**INPUTS** (USD)
Output 1: The AUC Office of Legal Counsel is enabled to support treaty ratification **Indicator 1:** Extent to which the Office of Legal Counsel has the capacity to support treaty ratification **Baseline: 1*** *Scale 0 to 4 (0 is no capacity, 1 is low capacity, 2 is partial capacity, 3 is good capacity, 4 is excellent) based on the following criteria:	Year 1: 2 Year 2: 3 Year 3: 4	**1.1. Dedicated support structure established within the Office of Legal Counsel** ▪ Three legal drafters recruited for the AU office; ▪ Translation service center established, including recruitment of staff. **1.2. A series of policy papers on domestication of each selected treaty developed and disseminated** ▪ Research on the levels of domestication of each of the six treaties conducted; ▪ Policy papers disseminated widely. **1.3. "Toolkit" on standards for ratification and domestication developed** ▪ Research to develop standards, benchmarks, and indicators for effective and efficient ratification and domestication, including specific guidance on how to translate policies into laws conducted; ▪ Compilation of best practices produced; ▪ Information refined to produce toolkit;	AUC, UNDP, NANHRI	***1,940,000***

No capacity – office is staffed with less than 25%, delivers less than 25% of annual plan Low capacity – office is staffed 50%, delivers around 50% of annual plan Good capacity – office is staffed 75%, delivers around 75% of annual plan Excellent capacity - office is staffed 90-100%, delivers 90-100% of annual plan.		▪ Toolkit disseminated broadly. **1.4. Training programme for Member States on legal drafting developed and implemented** ▪ Training programme on ratification and domestication developed. ▪ Low performing countries targeted and training programme implemented in five countries selected for engagement. **1.5. Data monitoring and verification mechanism developed, including open-data tracking and visualization tool for monitoring and outreach** ▪ Data monitoring and verification mechanism developed, with interactive data map concerning which countries have ratified and domesticated which treaties; ▪ Annual presentation of treaty performance presented using interactive visualizations during AU Head of States Summit; ▪ Visualization tool made accessible and widely distributed.		
Output 2: Legal frameworks between the AU and RECs are harmonized **Indicator 1:** Number of harmonized legal frameworks between AU and three RECs (SADC, ECOWAS, EAC) **Baseline**:		**2.1. Areas where harmonization is required are identified and a strategy on common standards developed** ▪ Research undertaken to pinpoint areas where harmonization is most needed, focusing on those treaties where impact will be highest is conducted; ▪ Strategy for ensuring harmonization elaborated, with a focus on removing bottlenecks and reducing communication asymmetries. Implementation will be carried out through the focal point system below (see Output 2.3); ▪ Training held for the AU and REC focal points to establish common standards and processes for treaty harmonization and to validate the strategy (see 2.2).	AUC, RECs, UNDP, State of the Union Coalition (SOTU), NANHRI	***1,444,000***

TBD	Year 1: 2 (and assessment) Year 2: 5 Year 3: 8	**2.2. REC focal point system established within the Office of Legal Counsel to assist with implementation** ▪ Focal point system established in Office of Legal Counsel and in three RECs; ▪ Three focal points covering all the eight AU recognized RECs recruited; ▪ Focal points provided with training and guidance. **2.3. Annual dialogue between the legal advisors of the AU and RECs reinforced** ▪ Annual dialogue agenda designed, date agreed upon, and invitations sent out; ▪ Best practices from the region collected and disseminated; ▪ Annual dialogue held and agreements on next steps made; ▪ Annual dialogue held for and AU and RECs on progress towards harmonisation, discussion of bottlenecks and good practices on acceleration of treaty ratification.		
Output 3: Member States are able to rapidly and effectively ratify and domesticate treaties **Indicator 1:** Percentage of regional treaties ratified by Member States **Baseline**:	Year 1: 46% Year 2: 50% Year 3: 55%	**3.1. South-South knowledge-exchange forums established concerning good practices in treaty ratification** ▪ Good practices in ratification and domestication based on high performing countries (e.g. Mali) captured and disseminated. **3.2. Member States in six selected countries are supported to domesticate selected (six) treaties based on priorities identified through consultations with the AU and other stakeholders** ▪ Targeted and tailored support is provided to six Member States on the domestication of the six selected treaties, paying particular attention to the constraints and capacity gaps that need to be overcome.	AUC, Government of Mali, UNDP, SOTU, CSOs, NANHRI	***7,500,000 (5 countries targeted)***

42% **Indicator 2:** Number of treaties that are domesticated in selected Member States. **Baseline**: TBD	Year 1: TBD Year 2: TBD Year 3: 6	**3.3. National sectorial committees are set up at the national level** ▪ UNDP engages with governments in six key target countries to facilitate the establishment of national sectorial committees related to selected treaties; ▪ National sectorial committees set up in six selected Member States (see Output 3.2); ▪ Committees are provided with training and guidance to ensure they are able to effectively and swiftly domesticate the relevant six selected treaties. **3.4. National legal staff engage in extensive training programmes** ▪ Broad capacity-building programme for national legal staff (from selected countries) on ratification and domestication is developed (will be developed by legal staff recruited to support the AU - see Output 1); ▪ Legal staff provided with on-going ad-hoc advice and assistance on ratification and domestication issues on demand through the AU Legal office; ▪ Training programme is implemented in the six selected countries.		
Output 4: National CSOs and general public have improved knowledge of treaty processes and their benefits **Indicator 1:** Number of CSOs referencing AU treaties in their work at national level.	Year 1: TBD Year 2: TBD Year 3: TBD	**4.1 In-country media campaign developed and implemented (through radio, television and social media) in five target countries** ▪ Content for public awareness developed; ▪ Collaborations developed with radio stations, television channels and through new media; ▪ Implementation/distribution of media content in selected countries.Implementation/distribution of media content.	State of the Union Coalition, CSOs, NANHRI and NHRIs in the first phase countries	***1,350,000***

Baseline: TBD **Indicator 2:** Number of students and others professional people reached by outreach media campaigns. Baseline: 0	Year 1: TBD Year 2: TBD Year 3: TBD	**4.2 In-country outreach campaign implemented in schools, universities, public places, and through other engagements** ▪ Design of outreach campaign for schools and universities; ▪ Implementation of outreach campaign to diverse audiences by local and regional CSOs. **4.3 Civil society actors serve as advocates for greater domestication/implementation** ▪ Local civil society groups trained to support and serve as advocates for greater domestication/implementation.		
Output 5: Bilateral and multilateral development partners endeavours are informed by AU treaties and protocols **Indicator 1:** Percentage of bilateral and multilateral development partners informed by AU treaties and protocols Baseline: TBD **Indicator 2:** Level of awareness amongst key development partners of relevance of AU treaties and protocols	Year 1: TBD Year 2: TBD Year 3: TBD Year 1: TBD	**5.1 Scanning assessment undertaken on the alignment of UN and other development partners' activities in AU treaties** ▪ Brief study to identify which of the current bilateral and multilateral engagements are aligned with and anchored in AU treaties in the five selected countries. The study will also identify the areas where such anchoring/leveraging is most likely to have impact; Quantitative indicators develop for bilateral and multilateral agreements and their alignment with AU treaties; ▪ Distribution of findings. **5.2 Awareness-raising, knowledge-sharing/development and training programmes on AU treaties and protocols for development partners** ▪ First training programme specifically for bilateral and multilateral partners is designed, implemented and targeted towards international development partners in key countries for engagements; ▪ Second training programme is designed, implemented, and targeted towards international development partners in key	AUC; UNDP; EU; Governments of Sweden, UK, US, Japan, NANHRI	***1,000,000***

Baseline: TBD	Year 2: TBD Year 3: TBD	countries for engagements to ensure that UNDAF's and bilateral and multilateral cooperation agreements are informed by AU treaties and protocols. Second training programme is implemented and targeted.		

MONITORING AND EVALUATION PLAN

In accordance with UNDP's programming policies and procedures, the project will be monitored through the following monitoring and evaluation plans.

Monitoring Plan

Monitoring activity	Purpose	Frequency	Expected action
Track results progress	Progress data against the results indicators in the RRF will be collected and analysed to assess the progress of the project in achieving the agreed outputs.	Quarterly, or in the frequency stated for each indicator in the RRF	Slower than expected progress will be addressed by project management.
Monitor project implementation	Field missions should be conducted on a regular basis to monitor the implementation of the project. The monitoring missions should include direct meetings and discussions with the stakeholders, among which beneficiaries should be targeted primarily.	At least quarterly	Detailed field mission reports should be developed, including specific recommendations to improve the project implementation.
Monitor and manage risks	Identify specific risks that may threaten achievement of intended results. Identify and monitor risk management actions using a risk-log. This includes monitoring measures and plans that may have been required as per UNDP's Social and Environmental Standards. Audits will be conducted in accordance with UNDP's audit policy to manage financial risk.	Quarterly	Project management identifies risks and actions are taken to manage risk. The risk log is actively maintained to keep track of identified risks and actions taken.
Learn	Knowledge, good practices and lessons will be captured regularly, as well as actively sourced from other projects and partners and integrated back into the project.	At least annually	Relevant lessons are captured by the project team and used to inform management decisions.

Annual project quality assurance	The quality of the project will be assessed against UNDP's quality standards to identify project strengths and weaknesses and to inform management decision making to improve the project.	Annually	Strengths and weaknesses will be reviewed by project management and used to inform decisions to improve project performance.
Review and make course corrections	Internal review of data and evidence from all monitoring actions to inform decision-making.	Quarterly	Performance data, risks, lessons and quality will be discussed by the project board and used to make course corrections.
Project report	A progress report will be presented to the Project Board and key stakeholders, consisting of progress data showing the results achieved against pre-defined annual targets at the output level, the annual project quality rating summary, an updated risk-log with mitigation measures and any evaluation or review reports prepared over the period.	Annually and at the end of the project (final report)	Progress data will be discussed between the Project Board, key stakeholders and project management to address the issues identified, if any.
Project review (Project Board)	The Project Board will hold project reviews to assess the performance of the project. In the project's final year, the Project Board shall hold an end-of project review to capture lessons learned and discuss opportunities for scaling-up and to distribute project results and lessons learned with relevant audiences.	Annually	Any quality concerns or slower than expected progress should be discussed by the Project Board and management actions agreed to address the issues identified.

Evaluation Plan

Evaluation title	Related SP 2018-2021 Outcome	Related RPD 2018-2021 Outcome	Planned completion date	Key evaluation stakeholders	Cost and source of funding
Project mid-term evaluation	Outcome 2	Outcome 1	June 2019 (2 years after the beginning of the project)	AU, RECs, Member States, Embassy of Sweden	USD 75,000

Project final evaluation	Outcome 2	Outcome 1	December 2020	AU, RECs, Member States, Embassy of Sweden	USD 75,000

3.5. MULTI-YEAR WORK PLAN[29]

EXPECTED OUTPUTS	PLANNED ACTIVITIES	Planned Budget by Year				RESPONSIBLE PARTY	PLANNED BUDGET[30]		
		2018	2019	2020	2021		Funding Source	Budget Description	Amount
Output 1: The AUC Office of Legal Counsel is enabled to support treaty ratification	1.1 Dedicated support structure established within the Office of Legal Counsel	80,000	150,000	110,000	50,000	AUC, UNDP		Salaries, equipment, recruitment costs	390,000
	1.2 A series of policy papers on domestication of each selected treaty developed and disseminated	80,000	220,000	0	0	AUC, UNDP		Consultants fees, travel for presentations of policy papers, printing costs	300,000
	1.3 "Toolkit" on standards for ratification and domestication developed	80,000	300,000	170,000	0	AUC, UNDP		Consultants fees	550,000

[29] Based on the multi-year work plan, an Annual Work Plan (AWP), including budget will be developed and provided for approval to the project board.
[30] The Budget figures are indicative. The budget will be reviewed after the inception phase to reflect the actual costs needed to implement the activities and achieve the intended outputs

	1.4 Training programme for Member States on legal drafting developed and implemented	-	150,000	150,000	50,000	AUC, UNDP		Company fees, training costs, travel	350,000
	1.5 Data monitoring and verification mechanism developed, including open-data tracking and visualization tool for monitoring and outreach	70,000	50,000	50,000	36,296	AUC, UNDP		Company fees, consultants fees, IT costs	206,296
	Sub-Total for Output 1								**1,796,296**
Output 2: Legal frameworks between the AU and RECs are harmonized	2.1 Areas where harmonization is required are identified and a strategy on common standards developed	70,000	200,000	200,000	0	AUC, RECs, UNDP		Consultants fees, travel if necessary	470,000
	2.2. REC focal point system established within the Office of Legal Counsel to assist with implementation	80,000	100,000	70,000	20,000	AUC, RECs, UNDP		Consultants fees, salaries, travel costs	270,000
	2.3. Annual dialogue between the legal advisors of the AU and RECs reinforced	80,000	240,000	227,037	50,000	AUC, RECs, UNDP		Travel costs, conference costs	597,037
	Sub-Total for Output 2								**1,337,037**

Output 3: Member States are able to rapidly and effectively ratify and domesticate treaties	3.1 South-South knowledge-exchange forums established concerning good practices in treaty ratification	70,000	900,000	700,000	250,000	AUC, UNDP, CSOs		Consultants fees, publication costs, travel and meeting costs	1,920,000
	3.2. Member States in six selected countries are supported to domesticate selected (six) treaties based on priorities identified through consultations with the AU and other stakeholders	70,000	600,000	674,444	500,000	AUC, UNDP, CSOs		Consultants fees, travel, consultation costs, meeting costs	1,844,444
	3.3. National sectorial committees are set up at the national level	-	450,000	630,000	600,000	AUC, UNDP, CSOs		Travel costs, meeting costs	1,680,000
	3.4. National legal staff engage in extensive training programmes	-	400,000	700,000	400,000	AUC, UNDP, CSOs		Training costs, travel costs, meeting and conference costs	1,500,000
	Sub-Total for Output 3								**6,944,444**
Output 4: National CSOs and general public have	4.1 In-country media campaign developed and implemented (through radio, television and social media) in six target countries	-	170,000	170,000	60,000	CSOs		Consultants fees, media and communications costs	400,000

improved knowledge of treaty processes and their benefits	4.2 In-country outreach campaign implemented in schools, universities, public places, and through other engagements	-	150,000	200,000	60,000	CSOs		Communication and travel costs	410,000
	4.3 Civil society actors serve as advocates for greater domestication/implementation	-	150,000	290,000	-	CSOs		Training costs, meeting costs, travel costs	440,000
	Sub-Total for Output 4								**1,250,000**
• **Output 5: Bilateral and multilateral development partners' endeavours are informed**	5.1 Scanning assessment undertaken on the alignment of UN and other development partners' activities in AU treaties	40,000	100,000	220,000	50,000	AUC; UNDP; EU; Governments of Sweden, UK, US, Japan		Consultants fees and travel costs	410,000
	5.2 Awareness-raising, knowledge-sharing/development and training programmes on AU treaties and protocols for development partners	-	238,000	238,000	39,926	AUC; UNDP; EU; Governments of Sweden, UK, US, Japan		Consultants fees, training costs	515,926

by AU treaties and protocols	**Sub-Total for Output 5**								**925,926**
Evaluation	EVALUATION	-	-	69,444	69,444	UNDP		Consultants fees or audit companies fees	138,889
	Sub-Total for Evaluation								**138,889**
Project Management	Project Manager (P5)	150,000	250,000	250,000	150,000	UNDP		Salaries, recruitment costs	800,000
	Programme Officer (P2)	50,000	175,000	175,000	70,000	UNDP			470,000
	UNV	-	28,297	65,000	33,000	UNDP			126,297
	PA	-	20,000	20,000	20,000	UNDP			60,000
	Project Board Meetings	10,000	10,000	10,000	10,000	UNDP		Meeting and conference costs, travel costs	40,000
	Sub-Total for Project Management								**1,496,297**
General Management Support (8%)						UNDP		GMS	**1,111,111**
TOTAL									**15,000,000**

7. MANAGEMENT ARRANGEMENTS

This Project Document is derived from the Regional Programme Document (RPD) as approved by the UNDP Executive Board. As such, this project is subject to the regional programme's business processes and accountability framework. This Project was prepared under the leadership of the UNDP Regional Bureau for Africa (RBA) and AUC Legal Office through a consultative process involving, development partners, civil society, and research and academic institutions.

Project Board

A Project Board will be established in line with the oversight and accountability frameworks established by UNDP's Executive Board for the efficient and effective implementation of this project. The Board serves as a vital element of the project's strategic advisory mechanism to deliver on institutional effectiveness - especially on transparency and accountability underpinned by Results-Based Management (RBM) and timely reporting to the relevant UNDP corporate oversight bodies on development results.

Consistent with this approach, the Board is broad-based, drawing from the full range of project stakeholders, among them: the inter-governmental regional bodies including the AUC, ECOWAS, ECCAS, EAC, SADC and IGAD, donor partners, CSOs, and UNDP (Corporate, Regional Service Centre and Country Offices). This participatory approach and due regard for ownership builds upon the consultative process employed during the formulation of this Project, which involved all of these stakeholders in design, development and review of the final project document.

In ensuring that the development results of the Project are achieved (and aligned to UNDP's Strategic Plan 2014-2017 and the Regional Programme), the overarching responsibility of the Project Board is to assist the Regional Service Centre Director to carry-out their broad oversight responsibilities, especially with regard to accountability, monitoring and evaluation, strategic forward planning, overall RBM, quality assurance and risk management requirements as a whole. The Board will have the following key functions:

a. Provide strategic advice on current and emerging development issues (economic, political, social) which could be addressed by the Project to ensure that: (i) policy, programme advisory and capacity development support is responsive to addressing the development solutions, priorities and emerging challenges to radicalization and violent extremism in Africa; and, (ii) the initiatives of this Project are linked to and draw upon those from Regional and Country Programmes, whenever appropriate;

b. Review past year's annual report on achievements, challenges, lessons learned and innovations and eventually reports from mid-term reviews/evaluations, and provide strategic advice on corrective actions, future direction, substantive scope and focus of the Project.

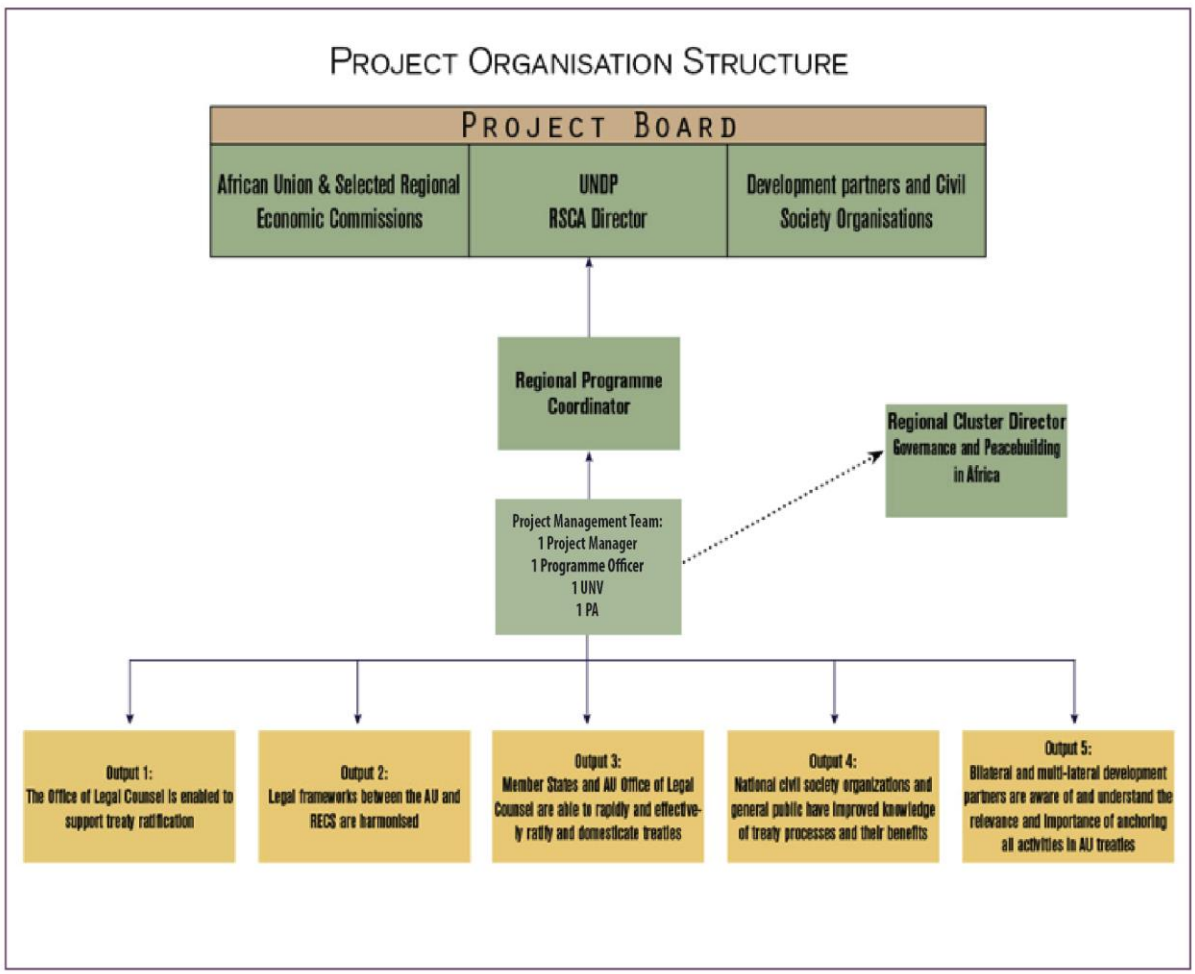
The project technical implementation will be led by a project manager, supported by a project team working under the supervision of the Regional Programme Coordinator. The project manager will be responsible for achieving the respective project outputs, which will also contribute to the overall Regional Programme Outcomes.

The Project contains a combination of direct implementation and national execution elements, which will depend on partnerships with government and administrative counterparts, as well as I/NGO implementation modalities. The Project will include initiatives at the Regional and Country Office level. The RSC will be the lead in coordination and facilitation and will also be administratively responsible for the implementation of the whole project in partnership with participating Country Offices.

Programme assurance

The programme assurance role supports the Project Board by carrying out objective and independent programme oversight and monitoring functions. This role ensures appropriate project management milestones are managed and completed. Project assurance takes place independently of the Programme Manager; therefore, the Project Board cannot delegate any of its assurance responsibilities to the programme manager.

The Project Manager will ensure that the UNDP Rules and Regulations in regards to quality assurance of all project components are applied at inception, implementation and closure stages of the project. To assure adherence to the quality standards, UNDP-supported programming is monitored and recorded through objective programme and project quality assurance (QA) assessments. Along with regular programme and project monitoring, QA assessments ensure that at the design stage and at least annually during implementation and at closure there is a formal focus on key performance issues outlined across seven quality criteria, to ensure improved development effectiveness and greater accountability for results. In regards to the quality assurance of the specific activities, such as trainings this will be done by the project implementation team throughout the planning and implementation of these (for example, consultants and companies will be paid upon successful submission and approval of deliverables by the Project Manager, while trainings will be evaluated by means of evaluation forms, which will be used to derive lessons learnt for next activities).



8. RISK AND MITIGATION STRATEGY

Monitoring risk is an integral part of the Project. Initial potential risks have been identified and mitigation strategies proposed. On a regular basis, risk will be monitored, reviewed and, if necessary, new risks will be added and further mitigation strategies developed. Key to effective mitigation measures is strong direct staff presence on the ground and strengthened engagement with the beneficiary communities.

For a detailed risk analysis, see Table 1: Risk Matrix

Table 1: Risk Matrix

#	Description and date identified	Type	Probability and impact	Countermeasures/ Management response	Status
Risks					
1	Low political will among governments to ratify and domesticate AU Treaties **Date identified: June 2017**	Political	P: Moderate I: Critical	In countries where political will is particularly low, both the AU and RC's will engage with political leaders to help generate the political will to ratify and domesticate treaties	
2	Inability to secure total funding due to lack of donor/partner interest **Date identified: June 2017**	Financial	P: Moderate I: Severe	A comprehensive fundraising strategy is being developed; the programme will be rolled out in phases to ensure effective implementation	
3	Proliferation of treaties will undermine capacity to focus on existing treaties **Date identified: June 2017**	Other	P: Likely I: Moderate	UNDP will work actively with the AU and Member States to focus on those treaties that are most likely to have a significant impact. The number of treaties should not distract from ratifying and domesticating those that are considered "essential"	
4	CSOs selected to participate in programme are targeted by governments **Date identified: June 2017**	Political	P: Unlikely I: Moderate	In countries where human rights violations are common and where the space for civil society is shrinking, UNDP will work actively with the AU and Member States to help ensure CSOs are protected	

5	Lack of funding for the AU threatens the sustainability of the project and especially the AUC Legal Office support created under the project **Date identified: August 2017**	Financial	P: Unlikely I: Moderate	Potential funding for the AUC Legal Office support created under the project will be prioritized in the development of phase II as well as any scaling up unitiatives	
6	Inability to adequately fund the project and/or increased costs **Date identified: August 2017**	Financial	P: Moderate I: Critical	Strengthening of relationships with bilateral donor partners involving timely reporting and communication of achieved results through the UNDP Regional Programme for Africa. Regular meetings and alignment of project priorities with articulated donor interests	
7	Institutional settings, slow procedures and internal dynamics in national institutions as well as varying priorities of adopting legislation by national governance bodies may hamper the project's ability to identify and report on achieved results before the end of the project **Date identified: March 2018**	Other	P: Moderate I: Moderate	The project M&E efforts will prioritize this risk throughout the project implementation process and where relevant, adjust monitoring and reporting timeframes and, where necessary, propose additional intermediate indicators to allow for accurate reporting and assessment of the project progress and achievement of results	
8	The challenges to AU Treaties ratification and domestication, outlined in the ProDoc, persist throughout project implementation **Date identified: March 2018**	Other	P: Moderate I: Moderate	All project efforts will implement a consultative approach. The project will ensure that activities are informed by preliminary studies, conducted during the inception phase of the project. The project management team will ensure that progress data against the results indicators will be collected and analysed to assess the progress of the project in achieving the agreed outputs and where slower progress is recorded analyse reasons, challenges and address these through the project.	

9. LEGAL CONTEXT

Consistent with Article III of the Standard Basic Assistance Agreement (SBAA), the responsibility for the safety and security of the Implementing Partner and its personnel and property, and of UNDP's property in the Implementing Partner's custody, rests with the Implementing Partner. To this end, the Implementing Partner shall:

a) Put in place an appropriate security plan and maintain the security plan, taking into account the security situation in the country where the project is being carried;

b) Assume all risks and liabilities related to the implementing partner's security and the full implementation of the security plan.

UNDP reserves the right to verify whether such a plan is in place and to suggest modifications to the plan when necessary. Failure to maintain and implement an appropriate security plan as required hereunder shall be deemed a breach of the Implementing Partner's obligations under this Project Document.

The Implementing Partner agrees to undertake all reasonable efforts to ensure that none of the UNDP funds received pursuant to the Project Document are used to provide support to individuals or entities associated with terrorism and that the recipients of any amounts provided by UNDP hereunder do not appear on the list maintained by the UN Security Council Committee established pursuant to resolution 1267 (1999). The list can be accessed via http://www.un.org/sc/committees/1267/aq_sanctions_list.shtml. This provision must be included in all sub-contracts or sub-agreements entered into under/further to this Project Document.