



Accelerating the Ratification, Domestication, and Implementation of African Union Treaties Project

April 2021 – March 2023

(Revised Project Document)

Project Title: Accelerating the Ratification, Domestication, and Implementation 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 Output:

Output 1 - The AUC is enabled to support treaty ratification, domestication and implementation

Output 2 - Member States are able to rapidly and effectively ratify, domesticate and implement AU treaties

Output 4 – Citizens have improved knowledge of AU treaties and able to demand compliance

Executing Entity: United Nations Development Programme (UNDP)

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

Brief Description

Treaties are important mechanisms for promoting stability and peaceful cooperation among nations. Ratification, domestication, and implementation of African Union treaties broadens the rights of the citizens, provides best practices and peer learning opportunities, and promotes regional and continental integration. In addition, treaties improve the legal framework of the countries and provide benchmarks to hold States accountable to their regional and international commitments.

Ratification, domestication, and implementation of African Union treaties contribute to the achievement of the Sustainable Development Goals (SDGs) especially SDG 16 on building inclusive, peaceful, and just societies. This is especially because the AU treaties cover the entire landscape of peace, security, and development issues. In addition to setting continent-wide standards for human rights and good governance, the selected treaties help the AU to achieve its Shared Values which are those norms, principles, and practices that have been developed or acquired which provide the basis for collective action and solution in addressing the political, economic, and social challenges that impedes Africa's integration and development.

The Accelerating the Ratification and Domestication of African Union Treaties project launched in 2018 has been revised to focus on three out of the initial six treaties namely the African Charter on Human and People's Rights, the African Charter on Democracy, Elections and Governance and the AU Convention on Preventing and Combating Corruption.

The project aims to provide the much-needed surge in ensuring the ratification, domestication, and implementation of these three treaties in the six selected countries.

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: April 2021
End Date: March 2023
PAC Date:
Management Arrangements: DIM

Total resources required: USD 8,900,398.00
Total allocated resources: USD 6,114,637

- Regular: USD 1,000,000
- Other:
 - Sweden: USD 5,114,637

Unfunded budget: USD 2,785,761.00

In-kind Contributions _____

Agreed by (UNDP): Stan Nkwain, Director, RSCA

Table Of Content

1. Situation Analysis	6
1.1 Introduction	6
1.2 Definition of Concepts	6
1.3 Benefits of Treaty Making	8
1.4 The Ratification Procedures of The Priority Countries	8
1.4.1 Regional Level	8
1.4.2 National Level	9
2. Project Context	10
3. Project Progress (2018 – 2020)	11
4. Rationale for Revision of The Project	13
5. Problem Analysis	14
6. Scope and Scale of The Revised Project	15
7. Project Objective.....	16
8. Project Strategy: Accelerating the Ratification, Domestication, And Implementation of African Union Treaties.....	18
8.1 Project Strategy Overview	18
8.2 Theory of Change	19
8.2.1 Framework.....	19
8.2.2. Enabling Factors	19
8.3 Gender Mainstreaming.....	21
8.4 Human Rights Based Approach (HRBA).....	21
8.5 UNDP and Partnerships	21
9. Outputs and Activities.....	23
Output 1 - The AUC is enabled to support treaty ratification, domestication, and implementation .	23
Output 2 - Member States are able to rapidly and effectively ratify, domesticate and implement treaties to promote and protect human rights provisions in the respective treaties	26
9. Results and Resources Framework.....	28
10. Multi-Year Work Plan	33
11. Monitoring and Evaluation Plan.....	39
12. Management Arrangements.....	42
12.1 Project Board	42
12.2 Programme assurance.....	43
13. Risk and Mitigation Strategy.....	44
14. Sustainability.....	46
15. Legal Context	46
16. Annex.....	47

List of Figures

Figure I: Problem tree

Figure II: Project Objective

Figure III: Theory of Change

1. Situation Analysis

1.1 Introduction

The African Union (AU) provides an institutional framework for advancing the achievement of development-related goals across the continent. AU treaties provide the normative and legal mechanism through which Member States can foster greater political and economic integration. These treaties catalyse the implementation of the Sustainable Development Goals (SDGs) and the AU Agenda 2063.

Since the creation of the Organization of African Unity (OAU) in 1963 and the AU in 2001, Member States have adopted a total of 57 treaties to advance the overall development of the continent largely through Shared Values. However, the average percentage of signature and ratification by Member States at the time of this project inception was 66% and 42%, respectively.¹ Furthermore, the general public's awareness and understanding of the role of the AU in creating norms, furthering development, promoting peace and security, remains extremely low. The slow pace of ratification, domestication and implementation of AU treaties has been 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.

1.2 Definition of Concepts

The consent to be bound by a treaty is expressed in different forms including Signature, Ratification, Acceptance, Approval or Accession and Deposition.

Treaty - an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its designation. In the case of the AU, about 57 of such agreements have been adopted since its formation as Organization of African Unity in 1963.

Simple Signature: Upon adoption of text of a treaty, a period is open for member states to sign the treaty. Simple signature does not impose legal obligations under the treaty but subject to ratification before its force takes effect. Simple signature indicates a State's intention to take steps to express its consent to be bound and creates an obligation in the period between signature and ratification/acceptance/approval to refrain in good faith from acts that would be contrary to the object and purpose of a treaty.

Definitive signature: In terms of Article 12 of the Vienna Convention, 1969, a treaty can provide that States may express their consent to be legally bound by signature alone. This method is most used in bilateral treaties and is rarely used in modern multilateral treaties. Only the General Convention on the privileges and immunities of the Organization of African Unity provides for its entry into force upon definitive signature alone.

¹Calculation excludes treaties that do not require signature or ratification

Ratification: The Vienna Convention on the Law of Treaties 1969 (Article 14 of the Vienna Convention, 1969). defines “ratification” which could also mean “acceptance”, “approval” and “accession” as an act whereby a State establishes on the international plane its consent to be bound by a treaty. The ratification process differs from country to country. For instance, ratification processes in Cameroun and Senegal follow five steps – from negotiation to deposition, while the process is longer in others like Tanzania with nine steps. While in some countries there are constitutional provisions which clearly outline the process of treaty ratification, in others, the process is provided in a separate document such as the Kenya Treaty Making Act of 2012.

Modern multilateral treaties explicitly provide for States to express their consent to be bound by signature subject to ratification, acceptance or approval (see Article 14 of the Vienna Convention, 1969). Providing for signature subject to ratification allows States time to seek approval for the treaty at the domestic level and enact the necessary legislation to implement the treaty domestically, prior to undertaking the legal obligations under the treaty at the international level. As stated above, once ratified, the treaty becomes legally binding upon the State.

Acceptance and approval: Acceptance or approval of a treaty following signature has the same legal effect as ratification, and the same rules apply, unless the treaty provides otherwise.

Accession: A State may also express its consent to be bound by a treaty by accession (Article 15 of the Vienna Convention), and accession thus has the same legal effect as ratification, acceptance, or approval. However, unlike ratification, acceptance and approval, accession does not need to be preceded by signature; it only requires the deposit of an instrument of accession. Accession occurs under two circumstances.

- First, it may be used by States wishing to express their consent to be bound by a treaty if, for one reason or another, they are unable to sign it, for example because the deadline provided in the treaty for signature has passed or if domestic circumstances prevented the State from signing the treaty.
- Second, in respect of a new State which has come into existence after the treaty had already been adopted and where such a State is not automatically bound by the treaty by virtue of the operation of the rules of State succession or it does not wish to be so bound.

Deposition: When the consent of a State to be bound by a treaty is expressed through any of the methods described above, an instrument of ratification, acceptance, approval or accession will establish such consent upon its deposit with the depositary. In AU practice, it is the date of deposit of the instrument that is relevant as the date upon which the treaty becomes binding for the State. The Chairperson of the AU Commission (AUC) is the depositary for all AU and OAU treaties and legal instruments. This responsibility is delegated to the Legal Counsel who receives the instruments of ratification/accession from Member States on behalf of the AUC Chairperson.

Domestication - Domestication of an international agreement is the process of incorporating the provisions of a treaty into the extant laws of a country to give it force of law in that country. It is not all countries that adopt the dualist system of domestication of international agreements before enforceability. The appropriation and domestication of the OAU/AU treaties also requires that the national legal framework be brought into line with the ratified regional instruments.

Implementation of Treaty - After ratifying a treaty, the State Party must take steps to enact the necessary legislation and take the relevant measures to fulfil the obligations provided in the treaty. This process, which is called implementation of a treaty is undertaken through the incorporation of the international obligations prescribed in the treaties into the municipal or national legislation. This may entail the revision of existing laws or the enacting of new laws to conform with the said obligations. It is a complex task since, besides integrating international standards into domestic legislation, new policies and institutional structures may need to be introduced to implement them.

1.3 Benefits of Treaty Making

The most highly recognized benefits of ratifying, domesticating and implementing treaties are to broaden the rights of the citizens, promote African best practices and promote regional and continental integration. Other benefits include improvement of the legal framework of the countries, improve the international image of respective countries, as well as promoting peace and freedom in the continent and beyond.

On the political and diplomatic level, ratification of the OAU/AU treaties allows the countries to show themselves as exemplary states, respectful of the rule of law not only at the international level but also at the internal level with the progressive construction of a state governed by the rule of law.

In Burkina Faso, judicial authorities have indicated that the ratification of treaties has provided judges with a greater panoply of texts that can serve as a basis for jurisdictional decisions. These instruments thus provide them with precise insights into the understanding of certain human rights issues and ensure better protection of citizens and their rights. Moreover, in the application of these provisions, the national judge has the possibility of proceeding by comparative approach since these provisions are applied by the national courts of the other Member States that are also parties to these treaties.

But more than States and institutions, the main beneficiaries of the ratification of international instruments are first and foremost the citizens, who thus see their rights better protected and a legal framework established to hold them accountable. It therefore has a significant role to play in state-people relations.

1.4 The Ratification Procedures of The Priority Countries

The processes by which states ratify or express their commitment to be bound by treaties are often divergent and contingent on the history as well as context of the respective state's legislative, legal, and political circumstances.

1.4.1 Regional Level

The African Union

The Office of the Legal Counsel (OLC) of the AU coordinates the activities related to OAU/AU treaties and performs the depositary functions on behalf of the Chairperson of the Commission. Other AU Organs, including the African Commission on Human and Peoples' Rights (ACHPR), the African Court on Human and Peoples' Rights (AfCHPR) and the African Committee of Experts on the Rights

and Welfare of the Child (ACERWC) assist in delivering programmes relating to the signature and ratification of the treaties under which they are established. Two other Organs, the Pan-African Parliament and the Economic, Social & Cultural Council (ECOSOCC), conduct campaigns on the signing and ratification of all OAU/AU treaties. All the AU Organs are encouraged to collaborate with the OLC to avoid duplication of efforts.

The Regional Economic Communities (RECs) include the signature of OAU/AU treaties in their ratification campaigns of the RECs treaties. The OLC collaborates closely with the Legal Advisors of the RECs and the Liaison Offices on OAU/AU treaties.

1.4.2 National Level

Burkina Faso: The procedure for ratification of international instruments in Burkina Faso is governed by articles 148, 149 and 150 of the Constitution of 1991, as amended in 1997 and 2000. The process of ratification of treaties in Burkina Faso can be summarized thus: Following the signature of a treaty by Burkina Faso, the Ministry of Foreign Affairs transmits it to the National Assembly to request the latter's authorization for ratification. The matter is considered by a standing committee of Parliament which sets out the case for ratification and makes the necessary recommendation. The committee's report and the text of the treaty are tabled before a plenary session of Parliament for debate. If Parliament accept the recommendation to ratify the treaty in question, it enacts a law authorizing ratification. The law is then presented to the President for signature by the President. The final stage is the transmission of the instrument to the designated depositary of the treaty.

Under Article 155 of the Constitution, the President may request the Constitutional Council to certify the constitutionality of the authorization law before proceeding with the ratification. If the treaty is found to violate a constitutional provision, ratification is deferred until the constitution is amended.

Kenya: Kenya has enacted a law that elaborates in detail the process for ratification of international treaties. In fact, the Treaty Making and Ratification Act, 2012 (amended in 2014 and 2018) gives effect to Article 2 (5) of the Constitution of Kenya 2010 which provides that any treaty or convention ratified by Kenya shall form part of the law of Kenya: "Art 2(5)

The Act provides that when the Government intends to ratify a treaty, the Cabinet Secretary of the relevant State department must, after consulting with the Attorney-General, submit to the Cabinet the said treaty, together with a memorandum outlining the objects and subject matter of the treaty, any constitutional implications, including (i) any proposed amendment to the Constitution; and (ii) assurance that the treaty is consistent with the Constitution and promotes constitutional values and objectives, the national interests which may be affected by the ratification of the treaty among others.

Senegal: Senegal's ratification procedure follows five stages: (i) preparation of a draft law by the Ministry of Foreign Affairs authorizing the President to ratify the treaty; (ii) adoption of this draft law by the Council of Ministers; (iii) submission of the draft law to the National Assembly for adoption; (iv) if the authorization law is adopted by the National Assembly, the President signs the

Instrument of Ratification; (v) finally, the Instrument of Ratification is deposited with the designated depositary for the treaty.

Mozambique: Under the Constitution 2004 of the Republic of Mozambique, the competence for matters relating to international law is shared between the President of the Republic, the National Assembly and the Council of Ministers. Art. 161(b) empowers the President to negotiate and ratify treaties relating to national defence and public order while Art 162 (b) gives the President the same powers with regards to international relations. Despite these powers, the President may seek the advice of the National Assembly before ratifying a treaty.

Art. 204(1)(g) of the Constitution gives the Council of Ministers the competence to negotiate, ratify, adhere and denounce international treaties in areas within its competence, including ensuring the enjoyment of rights and freedoms of the citizens, managing State sectors, especially education and health. However, unlike the President, the Council of Ministers is given the express authority to negotiate and denounce treaties.

Sao Tome & Principe: It is the Ministry of Foreign Affairs that takes the lead but works closely with the Ministry of Justice. A technical assessment of the treaty is undertaken by the experts of the Ministry of Justice which consults relevant line departments before it is submitted to Parliament. The Ministry of Justice ensures that the clauses of the treaty do not contradict those of the existing national laws. It may, if need be, recommend the laws that would need to be adapted to meet the obligations of the treaty. The treaty is then transmitted to Parliament. A standing committee of Parliament assesses the submission of the Government which is subsequently debated in a plenary session of Parliament. If the submission is approved by Parliament, it is returned to the Government for the signature and promulgation by the President before the related ratification instrument is sent to the depositary of the treaty.

Tunisia: Tunisia has a law governing the ratification of treaties, i.e., Law no. 2016-29 of 5 April 2016, which was adopted by the Assembly of People's Representatives and promulgated by the President of the Republic in 2016. The Law no. 2016-29 provides that all the treaties relating totally or partially to items listed in Art. 67 of the 2014 Constitution must be ratified. These items include trade treaties, treaties relating to international organisations, to the borders of the State, to the financial commitments of the State and to those of a legislative nature. These treaties must be approved by the Assembly of the People's Representatives. Treaties are ratified by a presidential decree, after the publication of the law relating to their approval in the Official Gazette of the Republic of Tunisia. International treaties which are technical in nature are not subject to the ratification procedure provided in the Law no 2016-29.

2. Project Context

To fast-track ratification, domestication and implementation of the AU treaties, UNDP and the AU with the support of SIDA signed a 3 -year project in 2018. The joint AU-UNDP pilot project, “**Accelerating the Ratification and Domestication of African Union Treaties**”, is a regional initiative anchored in UNDP's Regional Programme for Africa and implemented by the Governance

and Peacebuilding Team. The project was designed to address the challenges and bottlenecks associated with ratification, domestication, and implementation of AU treaties, and to help enhance the capacity of the AU and Member States to manage the ratification process and implement the treaties.

Since 2018, the project has been implemented by the OLC and UNDP's Regional Bureau for Africa in close collaboration and coordination with RECs (ECOWAS, EAC, and SADC). In close consultation with the AU, the following 6 treaties were selected for implementation:

1. African Charter on Human and Peoples' Rights, adopted in 1981
2. Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), adopted in 2003
3. African Youth Charter, adopted in 2006
4. African Charter on the Rights and Welfare of the Child, adopted in 1990
5. African Charter on Democracy, Elections and Governance, adopted in 2007
6. AU Convention on Preventing and Combating Corruption, adopted in 2003

Six countries were selected on the priority basis of regional balance, openness to civil society, entrenched democratic systems, legal diversity (encompassing the three-major existing legal systems on the African continent). The six countries are: Senegal and Burkina Faso (Western Africa) Kenya (East/Horn of Africa), Mozambique (Southern Africa), Tunisia (North Africa) and Sao Tome & Principe (Central Africa).

The project was developed to achieve the following outputs:

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

3. Project Progress (2018 – 2020)

In 2020, a Midterm Evaluation (MTE) was conducted to assess the progress of the project and to identify the way forward in view of the evolving context exacerbated by the COVID-19 pandemic and other emerging issues. The review indicated that considerable progress had been made in the ratification of the six treaties in the six pilot countries. For instance, as at the end of 2020, the six treaties had been ratified by majority of the countries as shown in the table below.

Status of Ratification per treaty				
Treaties	2018		2020	
	No.	%	No.	%

1. African Charter on Human and People's Rights, adopted in 1981	6	100%	6	100%
2. Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol), adopted in 2003	5	80%	6	100%
3. African Youth Charter, adopted in 2006	5	80%	6	100%
4. African Charter on the Rights and Welfare of the Child, adopted in 1990	4	60%	5	80%
5. African Charter on Democracy, Elections and Governance, adopted in 2007	4	60%	5	80%
6. AU Convention on Preventing and Combating Corruption adopted in 2003	4	40%	6	100%

As at end of 2018, the six countries were at different levels of ratifying the six treaties but with the intervention of the project, significant improvement was recorded as at the time of the MTE in August 2020 (see table below).

Status of Ratification per country				
Country	2018		2020	
	No.	%	No.	%
1. Burkina Faso	6	100%	6	100%
2. Kenya	5	80%	5	80%
3. Mozambique	6	100%	6	100%
4. Tunisia	3	60%	4	60%
5. Sao Tome and Principe	1	20%	8	120%
6. Senegal	5	40%	5	80%

The project helped the three countries achieve the recommendation of the AU Executive Council Decision (EX.CL/Dec.837 (XXV)) for member states to establish National Sectoral Committees.² The objective of the National Sectoral Committee is to achieve harmonized efforts among key stakeholders in assisting member states to ratify/accede to, domesticate and implement AU treaties.

Establishment of National Sectoral Committee		
Country	2018	2020
	No.	No.
1. Burkina Faso	0	1
2. Kenya	0	0
3. Mozambique	0	1
4. Tunisia	0	0
5. Sao Tome and Principe	0	1

² The Executive Council vide Decision EX.CL/Dec.837 (XXV) adopted the Rules of Procedure of the Ministerial Committee on the Challenges of Ratification/Accession and Implementation of the OAU/AU Treaties. Rule 4(1) of the Rules of Procedure Provides as follows:

“There may be established a National Sectoral Committee in every Member State”

6. Senegal	0	0
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However, the MTE also highlighted challenges accounting for the low level of ratification, domestication, and implementation of AU Treaties to include insufficient political will, competing priorities, weak state capacity, poor governance, and weak state-society relations as root causes. Further analysis of the challenges reveals inadequate capacity of relevant governmental and non-governmental stakeholders to domesticate and implement AU treaties and lack of any established and functional platform to sensitize the citizens, CSOs, academia and other stakeholders on the benefits of domestication and implementation of AU treaties among others. The overall impact of the challenges is that citizens of the selected countries are not getting the benefits of ratified AU treaties, which an impact on the human rights situations in those countries.

The project implementation coincided with the various reforms of the United Nations Systems with the delinking of the Resident Coordinator role from UNDP, leading to delays in engaging with national actors. The COVID-19 pandemic further led to changes in the delivery of the project to a virtual mode, which added a layer of complexity to the process. There were also some administrative challenges resulting in delays in recruitment of staff for the Office of the Legal Counsel.

4. Rationale for Revision of The Project

The MTE and stakeholders' consultation noted that given the challenges identified in the above section the project should focus attention on domestication and implementation of three out of the six treaties in all the six countries.

The goal was to identify treaties which would ensure maximum returns in terms of human rights protections and governance and intensify activities to ensure their implementation. By narrowing the treaties from six to three, resources would be focused on ensuring their full implementation in all the six countries.

In addition to setting continent-wide standards for human rights and good governance, the overall benefits of the selected three Charters are immense. The selected treaties help the AU to achieve its Shared Values which are those norms, principles, and practices that have been developed or acquired which provide the basis for collective action and solution in addressing the political, economic, and social challenges that impedes Africa's integration and development. The shared values as espoused in second Strategic Plan of the AU (2009 – 2012) exist at different levels. At the individual level, the values include those inherent in universal and inalienable human rights; basic freedoms; identity and opportunity; tolerance; participation in governance and development processes; reciprocal solidarity in times of need and sharing; dignity and respect; justice; sense of fairness; equality of persons; respect for the elderly; integrity; community cohesion and inclusive societies; and control of one's destiny. At national and regional levels, the values include: sovereignty; self-determination and independence; adherence to the rule of law; democracy and representation of the will of the people;

care for the vulnerable; economic and social justice; public order, equality, fairness; solidarity of States; and sustainability of the environment³.

In addition to achieving the Shared Values, each treaty confers specific benefits capable of supporting the AU and members states in creating environment conducive for achieving the SDGs and AU Agenda 2063.

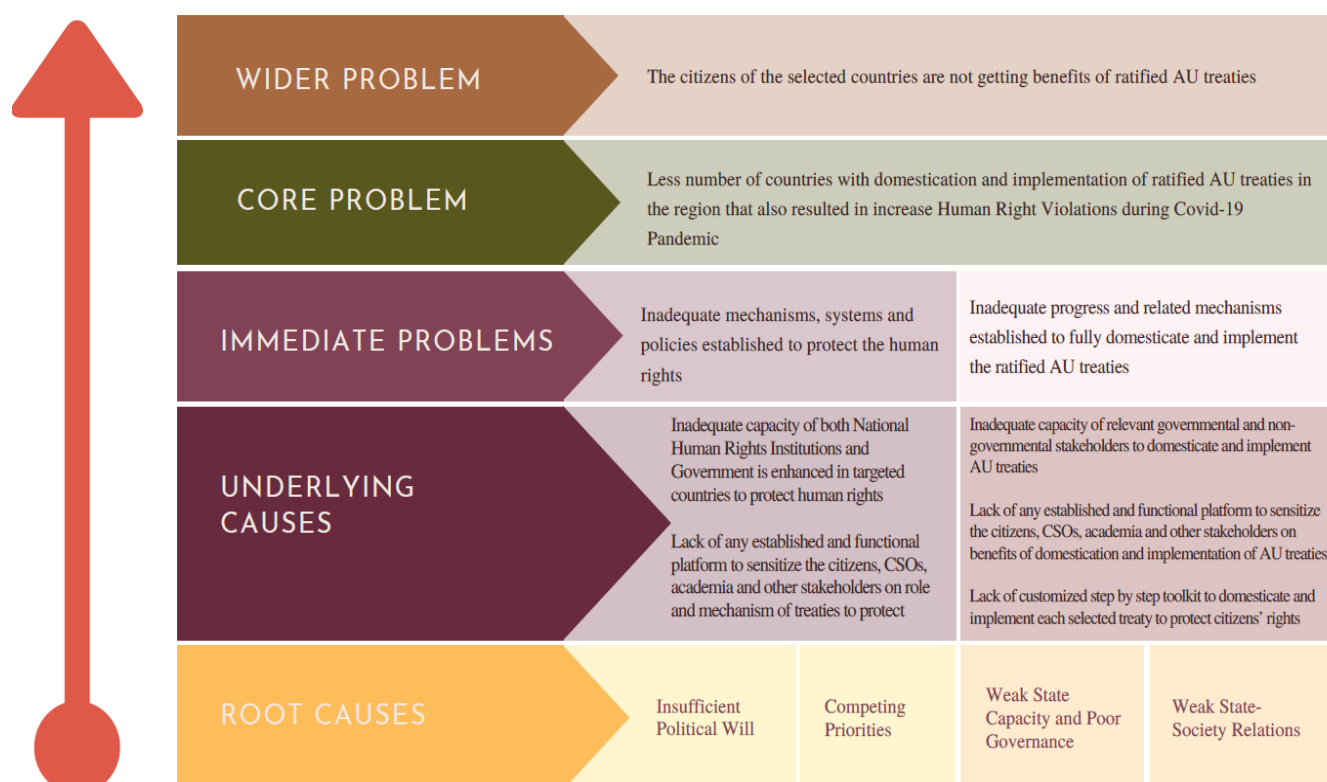
The MTE also recommended mitigating the risks identified by increasing the range of stakeholders and increasing partnerships with civil society organizations. This revised project document therefore seeks to incorporate these elements and is guided by the Problem Analysis elaborated in the next section.

5. Problem Analysis

The conclusion from the MTE and stakeholder consultations is that without optimum domestication and implementation, the ratified treaties will remain an unfinished task with no practical benefits to the citizens. Correlated to this fact, it is vital to address two key reasons at the country level:

- i) Inadequate mechanisms, systems and policies established to protect the human rights.
- ii) Inadequate progress and related mechanisms established to fully domesticate and implement the ratified AU treaties.

Figure I: Problem Tree– Limited capacity at AUC and Member States levels to ratify, domesticate and implement AU Treaties



³ Africa Union Commission – Strategic Plan 2009 – 2012

https://reliefweb.int/sites/reliefweb.int/files/resources/08D09FE21F9917E8492575F500211460EX%20EnglishCL%20501_XV_%20%20-%20Strategic_Plan%20Rev%209%20_b2_.pdf

6. Scope and Scale of The Revised Project

The revised project will continue to support efforts of the six countries (Kenya, Tunisia, Senegal, Burkina Faso, Mozambique and Sao Tome and Principe), the AU (Office of the Legal Counsel, Directorate of Information and Communication (DIC), The Banjul Commission, African Governance Architecture (AGA), Regional Economic Communities (RECs) along with other critical stakeholder (Network of African National Human Rights Institutions -NANHRI, Office of the High Commissioner for Human Rights -OHCHR) and civil society in the domestication and implementation of selected ratified 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 public. The project is therefore 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, domestication, and implementation of the selected treaties.

At the regional level, while the OLC 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 AU Office of the Legal Counsel is short staffed and would require to boost its capacity to better able to effectively support Member States to ratify and domesticate treaties.

The RECS are increasingly involved in coordinating AU Member States' interests in wider areas such as peace and security, development, and governance. The RECs are closely integrated with the AU's work and serve as its building blocks. SADC, ECOWAS, and EAC have been selected in the interest of regional balance and because they are the most advanced at producing their own treaties and protocols.

At the Member States level, ensuring and accelerating the ratification, domestication, and implementation of the three treaties is vital. It will enable Member States across the continent to collectively realize their developmental potential and for the rights of citizens to be protected.

Scope of treaties

The following three treaties were selected because of their potential in fostering resilient societies, promoting the realization of rights of groups of people facing discrimination and marginalization: women, children, youth and enhancing the implementation of the SDGs and the AU Agenda 2063:

1. **The African Charter on Human and Peoples' Rights** – the Charter was adopted in 1981 and ratified by 54 countries except Morocco. It 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 community and international rights. The importance of the Charter is in the civil and political rights, economic, social and cultural

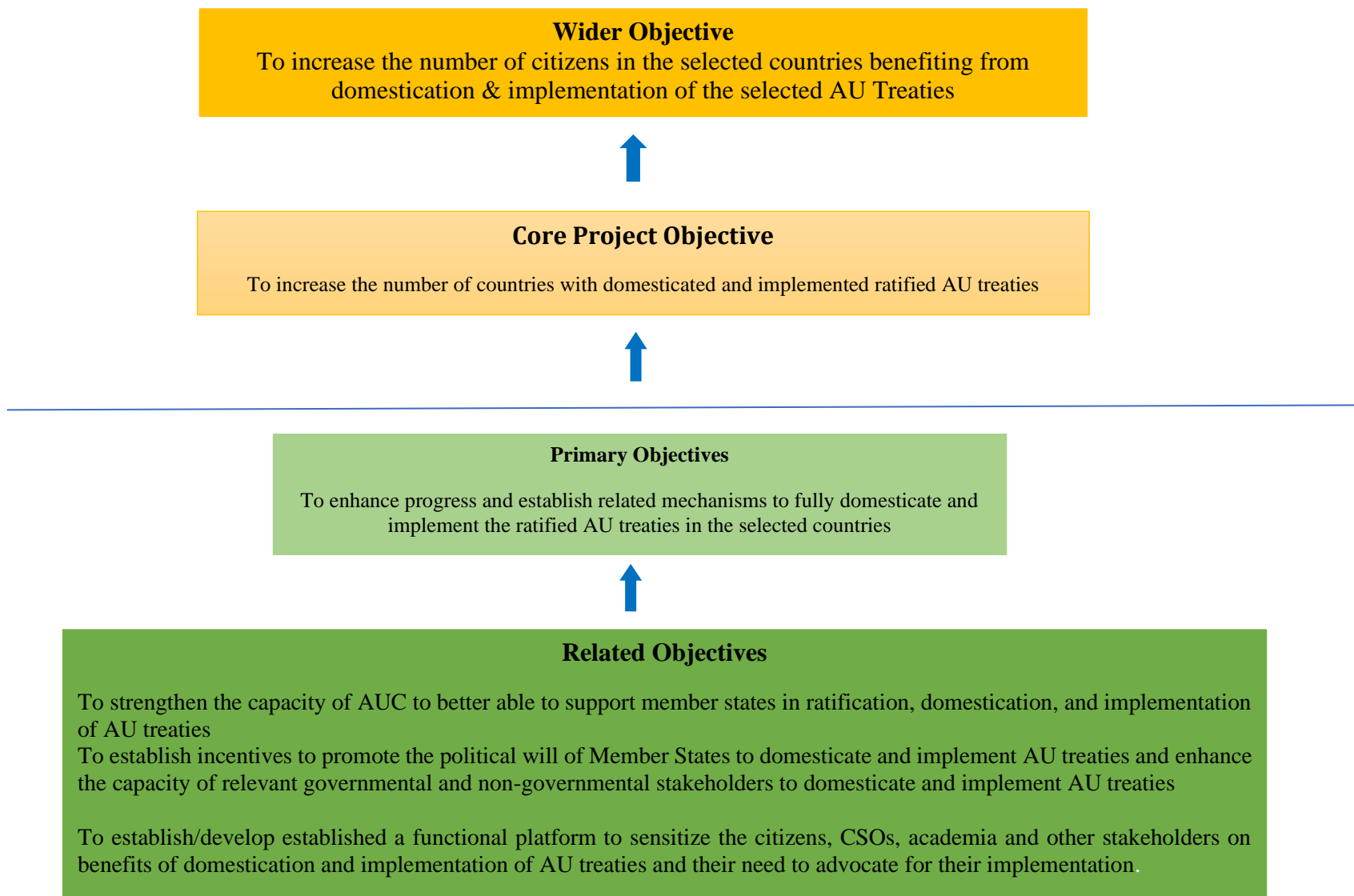
rights, as well as the recognition of group rights, besides individual rights, enshrined in the Charter.

2. **The African Charter on Democracy, Elections and Governance** – The Charter was adopted in 2007 and ratified by more than half of African countries (34 countries as of March 2021). The Charter entered into force on 15 February 2012. It 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 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.
3. **The African Convention on Preventing and Combating Corruption** - AU Convention on Preventing and Combating Corruption was adopted in 2003 and entered into force on 5 August 2006. It 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.

7. Project Objective

To support the African Union and six AU Member States in the establishment of mechanisms to domesticate and implement three ratified AU treaties. The first phase of this pilot project focused on the ratification and domestication of six AU treaties in six AU Member States. In this second phase of the pilot project, three of those ratified treaties are selected with a focus on ensuring their domestication and implementation in the six countries selected by this project. The main assumption of the project is that progress in domestication is hampered by the lack of political will from the Member States, limited capacity at the AUC and insufficient knowledge by citizens of the existence of these treaties and their role in pushing for their domestication and implementation. The project therefore tackles these three issues by providing incentives to Member States, the AUC through its capacity building initiative and sensitizing citizens, civil society groups, youth, and the business community of the value of the treaties and their role in advocating for their domestication and implementation.

Figure II: Project Objective: To support the AUC and Member States in the establishment of mechanisms to domesticate and implement three ratified AU treaties.



8. Project Strategy: Accelerating the Ratification, Domestication, And Implementation of African Union Treaties

8.1 Project Strategy Overview

This project will be realized in close collaboration and coordination with the AUC, RECs, NANHRI, UN Agencies (OHCR, UNICEF, and ILO), national governments, international development partners, civil society, and other relevant partners at the national level. The strategic focus of the project is now being revised to assist selected countries to domesticate and implement these treaties so that benefits of the treaties can reach to and accessed by citizens.

The overall strategy is based on increasing the capacity of regional institutions and political will of Member States through **capacity building** of key AU organs, government and non-government stakeholders, **strengthening the National Sectoral Committees**, utilizing the existing project mechanisms as well as building new partnerships.

Moreover, the capacity building strategy will be backed by **enabling mechanisms to transfer benefits of the AU treaties** directly to citizens by providing **specific platforms and voice to citizens** and CSOs to monitor as well as lodge issues related to human rights violations. The project will also **provide technical assistance** to the AU and member states to domesticate and implement treaties on sustainable basis.

Working with key partners (AU, REC, UN agencies, Civil Society Organizations and Government counterparts), the project will focus on the domestication and implementation of the three ratified treaties in the selected countries. The overall strategy to assist the AU and member states in this regard will include:

- Strengthening capacities of the OLC to effectively support Member States to increase ratification of treaties. The support will include the development of an open-data tracking and visualization tool to be used for transparency and monitoring processes and upgrading the human capacity of the OLC. It will also involve working with relevant AU organs/departments such as the AUABC, ACHPR, DPA/AGA, DIC, APRM to better able to support implementation of treaties in the 6 countries.
- Building capacities of national staff of Ministries/departments and agencies of government for ratification, domestication, and implementation, 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.
- Enhance the national level advocacy monitoring cell/platform that was designed in Phase 1 at national level comprising of citizen's voice (CSOs, academia) etc to sensitize the citizens about the benefits of the treaties as well as acting as an advocacy space, monitoring mechanism and watchdog on the implementation of the treaties.

- Develop a national level digital/online advocacy campaign and platform for each country to sensitize the citizens, CSOs, academia and other stakeholders on domestication and implementation of treaties as well as their benefits.

8.2 Theory of Change⁴

8.2.1 Framework

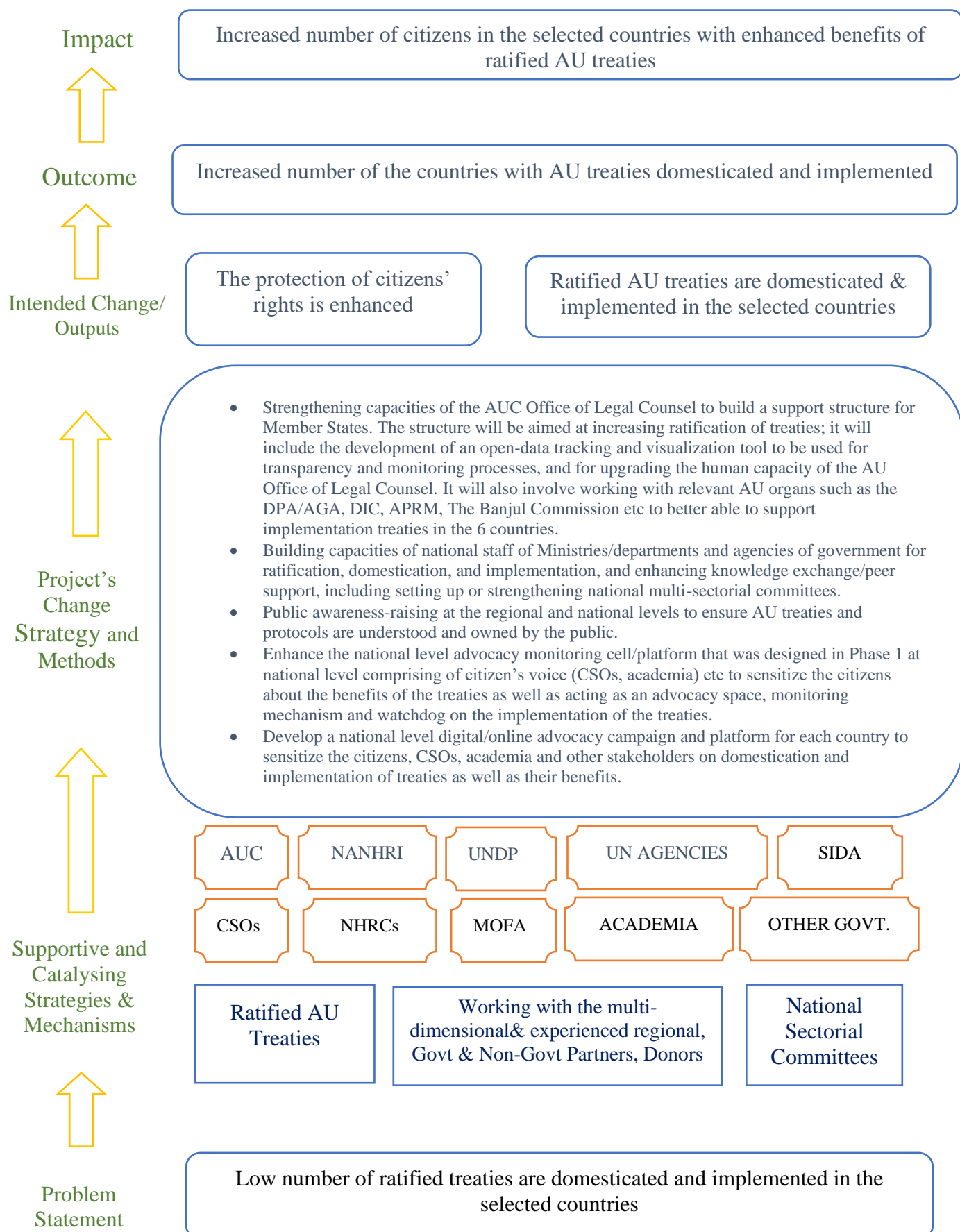
- Firstly, from a ratification perspective, the project targets three treaties that are most likely to have the most impact across the greatest number of citizens. For instance, the African Charter on Human and Peoples' Rights has been ratified by 54 Member States, one of the rare AU treaties with such high level of ratification.
- Secondly, from a domestication and implementation perspective, the project targets 6 countries which have already demonstrated a certain level of commitment to treaty domestication and/or implementation, and where the chances of domestication and/or implementation having a meaningful impact is greatest (see Annex 1).
- Thirdly, the project focuses on the immediate, underlying and root causes impacting ratification, domestication, and implementation of treaties in the 6 countries (see Figure Six: Problem Tree for more information):
 - The underlying causes include poor follow up/monitoring and evaluation mechanisms; limited human resources in the OLC 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; 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.

8.2.2. 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.

⁴A 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

Figure III: Theory of Change



8.3 Gender Mainstreaming

The six countries have all ratified and are implementing the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol). In addition, for activities involving recruitment and supporting staff structures, gender will be mainstreamed through encouragement of applications from qualified women. Gender will be mainstreamed through active encouragement of participation by women. Where activities involve research such as collection of best practices, lessons learnt, or development of indicators, gender will be mainstreamed through ensuring that gender aspects are taken into account. 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. Finally, monitoring and evaluation of the project will take gender into account, including collection of sex-disaggregated data.

The Gender Marker of all outputs is GEN 2.⁵

8.4 Human Rights Based Approach (HRBA)

The project supports the realization of human rights and upholds the relevant international and regional standards by providing assistance to 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, domestication and implementation of the core human rights regional normative frameworks 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 principles guide the work with national committees, CSOs and other project partners.

8.5 UNDP and Partnerships

Why The United Nations Development Programme (UNDP)?

- UNDP is the lead development agency in the UN system with presence in 54 AU Member States and regional presence in Addis Ababa (Ethiopia), Pretoria (South Africa), Nairobi (Kenya) and Dakar (Senegal).
- 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

⁵ Activities that have gender equality as a significant objective should be rated 2

clearly with the areas covered by treaties, placing UNDP in a unique position to offer support to Governments to domesticate and implement treaties on a wide range of issues.

- UNDP has a unique mandate to support national development planning and capacity building across the continent; this project clearly falls under that remit.
- 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.

Partnerships

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. Several of the partners such as the DIC, DPA/AGA, AUABC, APRM, SADC, EAC, ECOWAS and OHCHR were actively involved in the implementation of the first phase of the project. There is ongoing consultation with NANHRI and OHCHR and priorities identified for partnership.

- **AUC:** The project has been designed in close collaboration with the AUC. The Office of the Legal Counsel (OLC) has been the lead partner from the AU for this endeavour since the project inception and they played a vital role in the ratification of treaties. While OLC will remain the key partner unit from AU, the following key departments and organs of AU will play more active and consistent role to assist selected countries in the domestication and implementation of relevant AU treaties through their existing political networks, mechanisms and systems.
 - i) **Directorate of Information and Communication (DIC)** – supports the OLC in creating awareness on the treaties.
 - ii) **Department of Political Affairs, Peace and Security/African Governance Architecture (AGA)** – responsible for tracking the implementation of the African Charter on Democracy, Elections and Governance being one of the priority treaties of the revised project.
 - iii) **African Union Advisory Board on Corruption (AUABC)** - The African Union Advisory Board on Corruption is an autonomous organ established within the African Union (AU), in terms of Article 22 of the African Union Convention on Preventing and Combating Corruption. The AUABC ensures that member states ratify and implement the Convention. The AUABC will be supported to assist member states implement the Convention particularly in the development and implementation of tools to track corruption by member states.
 - iv) **The Banjul Commission** – The African Commission on Human and Peoples' Rights was established by virtue of Article 30 of the African Charter to promote human and peoples' rights and ensure their protection in Africa. As the revised project focuses on the implementation of the African Charter on Human Peoples Right, the Banjul Commission will be supported to assist member states in the implementation and accountability for compliance with the Charter.

A coordination platform has been established representing each of these units/bodies to continue to interact on the implementation of the treaties.

Other partners will include the following:

- **The Regional Economic Communities** - 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. The Office of the Legal Council has set up dialogue platform for harmonizing treaties between the AU and the RECs. Annually, the OLC-RECs Dialogue is held to assess opportunities for collaboration and harmonization of their legal frameworks.
- **Network of African National Human Rights Institutions (NANHRI)** - The Network of African National Human Rights Institutions (NANHRI) is a regional umbrella body that brings together 46 African National Human Rights Institutions. The Network seeks to support and strengthen National Human Rights Institutions in Africa as well as to facilitate coordination and cooperation among themselves and between them and other key human rights actors at the regional and international level. NANHRI will be supported to help build capacity of National Human Rights Institutions in the 6 countries.
- **UN Agencies:** UNDP will work closely with the relevant UN agencies to domesticate and implement treaties in the selected countries. UNICEF, ILO, UN Women, UNODC and OHCHR are the main partner UN agencies to assist in implementation of the relevant treaties as well as in responding to human rights challenges.
- **Bilateral/multilateral actors:** This project will also build upon and collaborate with a wide range of bilateral/ multilateral and development partners already working/interested in working on issues related to the implementation of AU treaties.
- **Civil society, Think Tanks and academia:** At the national level 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. Deliberate efforts will be made to ensure the inclusion of women youth and minorities.

9. Outputs and Activities

The outputs and activities are designed to target dynamics at the regional and national levels in a mutually reinforcing manner to effectively respond to the multiple obstacles preventing more efficient ratification, domestication, and implementation of AU treaties in the 6 countries. The approach ensures coherence between regional and national activities and interventions.

Output 1 - The AUC is enabled to support treaty ratification, domestication, and implementation

Increased capacity within the AUC to better able to support the treaty making processes which allow Member States to tap into knowledge and capacities of the AUC to accelerate treaty ratification, domestication, and implementation. This will enable the AU to shift towards a more proactive role in assisting Member States to ratify, domesticate and implement treaties.

- **Activity Result 1.1 Organize Annual High-Level summit on progress of treaties in partnership with the Ministerial Committee on the Challenges of Ratification/Accession and Implementation of OAU/AU Treaties.** Established by the Executive Council, the Committee is responsible for advocating for the ratification, domestication and implementation of OAU/AU treaties by all Member States. It is composed of 10 members, two from each region, who usually serve two-year terms. The Committee usually meets once a year on the margins of the Executive Council's. To advocate for political will, it is pertinent to engage the Ministers who have been given the mandate by the AU leadership to encourage member states to ratify, domesticate and implement the treaties.
- **Activity Result 1.2 – Support to OLC for translation, interpretation and knowledge generation and dissemination.** The OLC undertakes several activities prior, during and after the AU Summits which include translation of key documents, production of knowledge products in support of its mandate.
- **Activity Result 1.3 - Support the OLC to create and utilize a pool of experts on legal matters on sustainable basis.**
 - In this regard support the development of secondment programme to enable member state to deploy its high-profile staff on rotational basis to the OLC. The staff will be seconded by Member States for a limited period.
 - In addition, support the development of a sustainable internship programme with the OLC for a period not less than 3 months. This would be a cost-effective way to obtain additional staff, which is the OLC's most pressing need.
 - Create a database of experts on treaties. A complementary (though more cost-effective) measure would be to create a database of experts on treaties within the AUC, and among Member States more broadly. Approximations of such databases exist in a few AUC departments already, which have lists of Member States' officials that are responsible for the implementation of particular treaties. These databases could be used as a model, or a starting point, in developing a more exhaustive list of databases of experts on various treaties. Once developed, the experts could be recruited – or seconded – for short-term assignments to support other Member States in their efforts to ratify or domesticate a treaty.
- **Activity Result 1.4 - Support coordination meetings of AU agencies/departments and institutions on treaties ratification.** Due to the multidisciplinary character of AU treaties, their effective implementation requires the contribution of a variety of actors. The AU treaties covers a wide thematic range, from political and socio-economic to peace and security issues. Several AU structures, such as the Banjul Commission, the AU Advisory Board on Anti-Corruption, the African Court on Human and Peoples' Rights and the African Committee of Experts on the Rights and Welfare of the Child, are playing a critical role in the adoption and implementation of AU Treaties. The work of these structures has been recognized by the Executive Council in its Decision EX.CL/Dec.705 (XXI)). Besides, the Executive Council encouraged the different structures working on treaties to pursue their efforts. However, there

is little coordination between the efforts undertaken by the different AU structures. The Ministerial Committee on the challenges of ratification/accession and implementation of the OAU/AU Treaties in its progress report (EX.CL/950 (XXVIII)) critically raises the necessity of coordinating AUC efforts for the ratification and implementation of treaties. The objective of the meeting is to bring together all concerned actors to coordinate actions undertaken by the different AU structures/organs for the ratification, domestication and implementation of AU Treaties. It will provide a platform for information sharing between the AU structures to mutually reinforce joint activities.

- ***Activity Result 1.5 - Support annual dialogue between the AU Office of the Legal Counsel and the RECs.*** The Annual dialogue between OLC 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.
- ***Activity Result 1.6 – Support joint treaty ratification, domestication and implementation campaigns*** – Organize annual treaty awareness campaign, improve the AU Treaties webpage developed during the first phase, develop media advocacy materials to engage regional partners and member states.
- ***Activity Result 1.7 - Support the teaching of African Union treaties to students at Universities in Africa.*** The need for in-service training to enhance knowledge and capacity for the implementation of African Union laws cannot be overemphasized. UNDP will support an African University with ongoing training on AU laws to strengthen technical capacity AU and national staff.
- ***Activity 1.8. Support the AUABC to follow-up the implementation of AU Convention on Preventing and Combating Corruption*** as well as the RECs protocol against corruption and to assist the Member States to implement the recommendations to promote fighting corruption.
- ***Activity 1.9. Support the African Commission on Human and Peoples Rights*** to assist Member States to comply with the African Charter on Human and Peoples Rights to promote accountability and compliance with the Charter.
- ***Activity 1.10. Support the AU Commission for Political Affairs, Peace and Security*** to engage with Member States and advocate for ratification and implementation of ACDEG to achieve the preventive diplomacy vision of the Political Affairs, Peace and Security Commission.

Output 2 - Member States are able to rapidly and effectively ratify, domesticate and implement treaties to promote and protect human rights provisions in the respective treaties

Support will be provided to the six countries to increase political will, address the root cause of weak State-Society Relations, weak state capacity and challenging governance environment. In order to address the multiple challenges many Member States face at the national level to domesticate and implement AU treaties; support will be provided to government through capacity building and strengthening capacity of National Sectoral Committees.

- ***Activity Result 2.1 - Support the strengthening of National Sectoral Committees.*** Effective ratification and implementation of AU treaties is critical if they are to have an impact on national policymaking. 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. 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.” (EX/CL/Dec.128 (V)). The objective of the NSC is to achieve harmonized efforts among key stakeholders in assisting member states to ratify / accede to, domesticate and implement African Union treaties. Support will be provided to strengthen the NSCs established in Sao Tome & Principe, Mozambique, and Burkina Faso during the first phase while supporting Kenya, Tunisia and Senegal to establish the NSC.
- ***Activity Result 2.2 – Support the development of a national level digital/online advocacy campaign and platform*** for each country to sensitize the citizens, CSOs, academia and other stakeholders on domestication and implementation of treaties as well as their benefits to protect them during the Covid-19 Pandemic. The digital platform will also provide a monitoring tool to the government’s efforts to address human rights issues.
- ***Activity Result 2.3: Support the extensive training programmes for government staff.*** UNDP will engage in extensive capacity-building initiatives for legal staff at the government ministries to ensure they have the skills and knowledge to navigate the complexities of bureaucracy to be able to effectively support the domestication and implementation of treaties.
- ***Activity Result 2.4 - Support the development of step-by-step customized*** guidelines on how to domesticate and implement treaties in the selected countries (separate guideline for each country). It will assist in overall sustainability of the project as the toolkit can be used as benchmark beyond the duration of the project.
- ***Activity Result 2.5 – Support digitalization of the Treaty registry*** - The establishment of efficient the database and tracking system on all treaties adopted/ratified by the member state to facilitate public access and provide an online platform for questions and answers on public inquiries on treaty obligations by the member state.

Output 3 – Citizens have improved knowledge of AU treaties and able to demand compliance and protection of their human rights

A greater awareness of AU treaties amongst the general public would create a much-needed link between treaty ratification, treaty domestication and treaty implementation which contribute to the improvement of lives of ordinary Africans, thereby fusing governmental accountability to the people with governmental responsibility to support the sustainability of the AU. 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 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. UNDP will support local CSOs and NANHRI to create the much-needed awareness on the 3 treaties.

- ***Activity Result 3.1 - 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 3.2 - 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 3.3 - Support NANHRI advocates for greater domestication/implementation of the ratified treaties.*** 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 and implementation of the ratified treaties.

9. Results and Resources Framework⁶

Results and Resource Framework (RRF): Accelerating the Ratification, Domestication& Implementation 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: <u>Tier 2, Outcome 2:</u> Accelerate structural transformations for sustainable development <u>Output 2.2.2:</u> Constitution-making, electoral and parliamentary processes and institutions strengthened to promote inclusion, transparency, and accountability
Relevant UNDP Strategic Plan (2018-2021) Indicators:
<u>Outcome Indicator 2.4:</u> <ul style="list-style-type: none"> Percentage of people who experienced a dispute and had access to a formal or informal dispute mechanism, considered affordable and just (disaggregated by sex) <u>Output 2.2.2 Indicators:</u> <ul style="list-style-type: none"> 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.

⁶ For M&E purposes, Year 0 ends in March 2021, Year 1 ends in March 2022, Year 2 ends in March 2023

Intermediate Project Outcome: Increased number of the selected countries with AU treaties domesticated and implemented and thus human rights protected				
Intermediate Project Outcome Indicator: Number of selected countries with the treaties domesticated and ratified Baseline: 4 Targets: 6 Year 1: 1 Year 2: 1				
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, Domestication and Implementation of African Union Treaties				
INTENDED OUTPUTS	OUTPUT TARGETS	INDICATIVE ACTIVITIES	RESPONSIBLE PARTIES	INPUTS (USD)
Output 1 - The AUC is enabled to support treaty ratification, domestication, and implementation Indicator 1.1 Number of new AU Policies/mechanism developed through project interventions/contributions to protect human rights and good governance.	At least 1 new policy/intervention in ACDEG, ACHPR, ACPCC developed /adopted 2 Staff seconded	Activity Result 1.1 Organize Annual High-Level summit on progress of treaties in partnership with the Ministerial Committee on the Challenges of Ratification/Accession and Implementation of OAU/AU Treaties.	UNDP OLC NANHRI OHCHR, DIC Government Departments	1,630,000

<p>Baseline: 1</p> <p>Target: 2</p> <p>Indicator 1:2 Number of treaties ratified and domesticated and implemented in the 6 countries</p> <p>Baseline:</p> <ul style="list-style-type: none"> • Kenya 5 • Tunisia 4 • Senegal 5 • Sao Tome & Principe 8 • Burkina Faso – 6 • Mozambique – 6 <p>Target:</p> <p>Kenya – 1</p> <p>Tunisia – 2</p> <p>Senegal 1</p> <p>Indicator 1.3: Number of National Sectoral Committees established</p> <p>Baseline: 3</p> <p>Target: 3</p> <p>Indicator 1.4 Number of staff seconded by member states</p>	<p>Database of experts launched</p> <p>Internship programme established</p>	<p>Activity Result 1.2 – Support to OLC for translation, interpretation and knowledge generation and dissemination.</p> <p>Activity Result 1.3 - Support the OLC to create a pool of experts on legal matters on sustainable basis.</p> <ul style="list-style-type: none"> ○ support the development of secondment programme to enable member states to deploy staff on rotational basis to the OLC. ○ support the development of a sustainable internship programme. ○ Create a database of experts on treaties. <p>Activity Result 1.4 - Support coordination meetings of AU agencies/departments and institutions on treaties ratification.</p> <p>Activity Result 1.5 - Support annual dialogue between the AU Office of the Legal Counsel and the RECs.</p>		
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Baseline: 0 Target: 2		<p>Activity Result 1.6 – Support joint treaty ratification, domestication and implementation campaigns</p> <p>Activity Result 1.7 - Support the teaching of African Union treaties to students at Universities in Africa.</p> <p>Activity 1.8. Support the AUABC to follow-up the implementation of AU Convention on Preventing and Combating Corruption</p> <p>Activity 1.9. Support the African Commission on Human and Peoples Rights</p> <p>Activity 1.10. Support the AU Commission for Political Affairs, Peace and Security</p>		
<p>Output 2 - Member States are able to rapidly and effectively ratify, domesticate and implement treaties</p> <p>Indicator 2.1 Number of National Sectoral Committees established.</p> <p>Baseline: 3</p>	<p>National staff of MDAs trained</p> <p>Online advocacy tools developed and put to use</p> <p>African Human Rights Index launched</p>	<p>Activity Result 2.1 - Support the strengthening of National Sectoral Committees.</p> <p>Activity Result 2.2 – Support the development of a national level digital/online advocacy campaign and platform</p>	<p>UNDP</p> <p>Kenya, Tunisia, Burkina Faso, Senegal, Sao Tome & Principe, Mozambique</p>	2,220,000

<p>Target: 3</p>		<p>Activity Result 2.3: Support the extensive training programmes for government staff.</p> <p>Activity Result 2.4 - Support the development of step-by-step guidelines on how to domesticate and implement treaties in the selected countries (separate guidelines for each country).</p> <p>Activity Result 2.5– Support digitalization of the Treaty registry in the 6 countries.</p>		
<p><i>Output 3 – Citizens have improved knowledge of AU treaties and able to demand compliance</i></p> <p>Indicator 3.1: Number of CSOs referencing AU treaties in their work at national level. Baseline: TBD (Rapid assessment to be conducted within the first 3 months of the project)</p> <p>Indicator 3.2: Number of students and others professional people reached by outreach media campaigns. Baseline: 0 (Rapid assessment to be conducted within the first 3 months of the project) Target:</p>		<p>Activity Result 3.1: In-country media campaign developed and implemented (through radio, television, twitter, etc.).</p> <p>Activity Result 3.2: In-country outreach campaign implemented in schools, universities, public places, and through theatre and other engagements.</p> <p>Activity Result 3.3: Support NANHRI and CSOs to advocate for greater domestication/implementation of the ratified treaties.</p>	<p>UNDP NANHRI CSOs Kenya, Tunisia, Burkina Faso, Senegal, Sao Tome &</p>	<p>1,500,000</p>

10. Multi-Year Work Plan⁷

EXPECTED OUTPUTS	PLANNED ACTIVITIES	Planned Budget by Year			RESPONSIBLE PARTY	PLANNED BUDGET ⁸		
		2021	2022	2023		Funding Source	Budget Description	Amount
Output 1 - The AUC is enabled to support treaty ratification, domestication and implementation	1.1 Organize Annual High-Level summit on progress of treaties in partnership with the Ministerial Committee on the Challenges of Ratification/Accession and Implementation of OAU/AU Treaties.	50,000	50,000	50,000	UNDP OLC Ministerial Committee		Salaries, equipment, DSA, travel Conference, interpretation, translation	150,000
	1.2 Support to OLC for translation, interpretation and knowledge generation and dissemination.	25,000	50,000	25,000	UNDP OLC		Consultants' fees	100,000
	1.3 - Support the OLC to create a pool of experts on legal matters on sustainable basis.	50,000	100,000	50,000	UNDP OLC		Company fees, training costs, travel, DSA/ Honorarium,	200,000

⁷ 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.

⁸ 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 - Support coordination meetings of AU agencies/departments and institutions on treaties ratification.	40,000	40,000	40,000	OLC/AGA/ Banjul/AUABC/ DPA		Travels, DSA, conference, interpretation, translation	120,000
	1.5 - Support Coordination between the AU Office of the Legal Counsel and the Regional Economic Communities (RECs.	30,000	80,000	50,000	UNDP OLC		Travel, DSA, documentation, interpretation, translation	160,000
	1.6 – Support joint treaty ratification, domestication and implementation campaigns	50,000	50,000	30,000	UNDP DIC OLC		Production/diss emination of advocacy/IEC materials, DSA, Travel	130,000
	1.7 - Support the teaching of African Union treaties to students at Universities in Africa	30,000	80,000	50,000	UNDP/OLC/ University		Production of course materials, travel, fees, DSA/Honorari um,	160,000
	1.8. Support the AUABC to the implementation of AU Convention on Preventing and Combating Corruption	50,000	100,000	30,000	UNDP/AUABC		Travels, DSA, conference, interpretation, translation and consultancy	180,000

	1.9. Support the African Commission on Human and Peoples Rights	50,000	100,000	30,000	UNDP/Banjul Commission		Travels, DSA, conference, interpretation, translation, and consultancy	180,000
	1.10. Support the AU Commission for Political Affairs, Peace and Security	100,000	100,000	50,000	UNDP/PAPS		Travels, DSA, conference, interpretation, translation, and consultancy	250,000
	Sub-Total for Output 1							1,630,000
Output 2 - Member States are able to rapidly and effectively ratify, domesticate and implement treaties	2.1 - Support the strengthening of National Sectoral Committees	120,000	120,000	60,000	UNDP Kenya, Tunisia, Senegal, Sao Tome & Principe, Mozambique, Burkina Faso		Consultants' fees, travel, DSA, Interpretation	300,000
	2.2 – Support the development of a national level digital/online advocacy campaign and platform	300,000	120,000	60,000	UNDP Kenya, Tunisia, Senegal, Sao Tome & Principe, Mozambique, Burkina Faso		Consultants' fees, travel costs	480,000

	2.3 Support the extensive training programmes for government staff.	150,000	150,000	150,000	UNDP Kenya, Tunisia, Senegal, Sao Tome & Principe, Mozambique, Burkina Faso		Travel costs, conference costs	720,000
	2.4 - Support the development of step-by-step customized toolkit to domesticate and implement treaties in the selected countries (separate toolkit for each country).	120,000	120,000	60,000	UNDP Kenya, Tunisia, Senegal, Sao Tome & Principe, Mozambique, Burkina Faso		Consultants' fees, travel costs	300,000
	2.5 – Support digitalization of the Treaty registry in the 6 countries.	300,000	120,000		UNDP Kenya, Tunisia, Senegal, Sao Tome & Principe, Mozambique, Burkina Faso		Consultants' fees, travel costs	420,000
	Sub-Total for Output 2							2,220,000
Output 3 – Citizens have improved knowledge of	3.1: In-country media campaign developed and implemented (through radio, television, twitter, etc.).	180,000	120,000	60,000	UNDP National CSOs		Consultants' fees, production and publicity costs	360,000

AU treaties and able to demand compliance	3.2: In-country outreach campaign implemented in schools, universities, public places, and through theatre and other engagements.	160,000	120,000	60,000	UNDP National CSOs		Consultants' fees, travel, consultation costs, meeting costs	340,000
	3.3: Support NANHRI advocates for greater domestication/implementation of the ratified treaties.	300,000	300,000	200,000	NANHRI		Travel costs, meeting costs	800,000
	Sub-Total for Output 3							1,500,000
Total	(sub-total output 1 – 3)							5,350,000

ADMINISTRATION

Project Management

Project managed and monitored efficiently and effectively	Indicative Activities	Budget			Total
	Project Manager (P5)	276,587	276,587	69,146.75	622,321
	Programme Officer - Human Rights (P3)	205,372	205,372	51,342.97	462,087
	UNV (international)	65,000	65,000	16,250.00	146,250
	Project Officer (P2)	173,690	173,690	43,422.62	390,803
	Legal Drafter (P2)	173,690	173,690	43,422.62	390,803
	Legal Drafter (P2)	173,690	173,690	43,422.62	390,803
	Legal Drafter (P2)	173,690	173,690	43,422.62	390,803
	UNV - 6 national UNVs for the 6 countries	66,864	66,864	16,716.00	150,444
	Programme Officer – Human Rights (P3)	205,371	205,371	51,342.75	462,085
	Programme Associate	43,999	43,999	10,999.77	98,998
	Project Board Meetings	10,000	10,000	2,500.00	22,500
	Multi country monitoring mission	10,000	10,000	2,500.00	22,500
	Total	1,577,955	1,577,955	394,488.72	3,550,398

11. 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	March 2022 (1 year after the beginning of the project)	AU, NANHRI, SIDA, UNDP, UN AGENCIES, OTHER PARTNERS	
Project final evaluation	Outcome 2	Outcome 1	May 2023	AU, NANHRI, SIDA, UNDP, UN AGENCIES, OTHER PARTNERS	

12. 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 and is implemented under the Governance and Peacebuilding Team of the Regional Service Center for Africa. This Project was prepared under the leadership of the UNDP Regional Bureau for Africa (RBA) and AUC Office of the Legal Counsel through a consultative process involving, development partners, civil society, research, and academic institutions as well as it is revised as per the findings and recommendations of the Mid Term Evaluation conducted in August 2020.

12.1 Project Board

A Project Board is 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, NANHRI, 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 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 Governance and Peacebuilding Coordinator. The project

manager will be responsible for achieving the respective project outputs, which will also contribute to the overall Regional Programme Outcomes. To assist and support the project manager, Project Analyst, international UNV, National UNVs, JPOs and support staff will be contracted to support implementation of the project at regional and national levels throughout the duration of the project. UNDP Country Offices will be strengthened by recruiting professional contract-based staff (wherever required) with relevant technical/thematic expertise in the areas of treaties who can provide technical support to the Project implementation and coordination staff at the country offices. UNDP leadership at the CO is committed to the smooth implementation of the project by infusing the project into the CO Governance and Human Rights Unit and availing the services of the Unit staff to support project implementation.

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. On case by case basis, UNDP will determine transfer of resources to UNDP Country Offices and partners to fastrack project implementation. The Project will include initiatives at the Regional and Country Office level. The RSCA 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. More decentralized planning, implementing and administrative mechanisms will be established that should provide enough flexibility at country offices to implement country level activities. The right balance of centralized vs. decentralized planning will be adopted considering the time scale of the entire project, evolving contexts at country level as well as to achieve efficient results on time

12.2 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 on 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 regard 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).

13. 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.

#	Description and date identified	Type	Probability and impact	Countermeasures/ Management response	Status
Risks					
1	Low political will and institutional capacity among governments to domesticate and Implement AU Treaties Date identified: August 2020	Political & Institutional	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. Institutional capacity gaps will be identified and filled through the project interventions	
2	Inability to secure total funding due to lack of donor/partner interest Date identified: August 2020	Financial	P: Moderate I: Severe	A comprehensive fundraising strategy will be developed; the programme will be rolled out in phases to ensure effective implementation	
3	Ongoing Covid-19 Pandemic Date identified: March-August 2020	Other	P: Likely I: Severe	The Pandemic has put a halt on major physical activities across the globe. The project will be focused on key HR issues caused by the pandemic with focused interventions and more focus will be given to the non-physical activities in initial phase such as development of relevant digital platform, tool kits etc.	
4	Coordination with and Inadequate capacity and mechanisms of National Human Rights commissions in the Selected Countries	Political & Institutional	P: Moderate I: Moderate	Involving NANHRI as key stakeholder and partner to ensure coordinated effort to bring national human rights	

	Date identified: August 2020			commission together and more coherent capacity building measures to be taken	
5	Inability to adequately fund the project and/or increased costs Date identified: August 2020	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	
6	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: August 2020	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	
7	The challenges to AU Treaties domestication and implementation, outlined in the ProDoc, persist throughout project implementation Date identified: August 2020	Other	P: Moderate I: Moderate	All project efforts will implement a consultative approach. The project will ensure that activities are informed and aligned with the contextual analysis of each country, gaps and challenges to domesticate and implement treaties and guidelines to resolve them as per the planned toolkit. 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.	

14. Sustainability

The project sustainability will be based on its institutional, political and financial dimensions. Through the strategic partnership with the relevant government stakeholders such as Ministry of Foreign Affairs as well as presence of the key partners like AUC, NANHRI, UN agencies, the political and institutional sustainability will be ensured. Moreover it is expected that the project interventions like step by step customized tool kit for each country to domesticate and implement AU treaties, establishment of National Sectorial Committees, digital platform for citizens and enhanced capacity of the government and non-governmental stakeholders to domesticate and implement AU treaties will ensure long term sustainability beyond the time duration of the project For financial sustainability, a well-planned and targeted **‘resource mobilization strategy’ will be developed within the first three months to ensure timely financial sustainability of the project.**

15. 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.

16. Annex

ACCELERATING THE RATIFICATION, DOMESTICATION, AND IMPLEMENTATION OF AFRICAN UNION TREATIES

Kenya, Tunisia, Senegal, Mozambique, Burkina Faso and Sao Tome and Principe

Summary of the study conducted on the ratification, domestication, and
implementation of African Union Treaties to promote African Union Shared Values.

January 2021