



DIRECTORATE OF INFORMATION AND COMMUNICATION

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Midrand, South Africa 7 December 2011- The African Union has drafted a model national law on the ratification of treaties, which it presented today for discussion at a regional workshop on the ratification and domestication of OAU/AU treaties. The model national law aims at encouraging member states of the African Union to ratify treaties which they have adopted, work towards harmonization of procedures for ratification of treaties on the continent, and facilitate their effective implementation according to the legal systems of member states. It borrows heavily from best practices in some States on the continent, which have adopted national laws setting out binding procedures with time frames for the signing and ratification of AU instruments.

Another advantage of the model law lies in the practical solutions it proposes to member states on the implementation of international conventions to which they are parties, particularly concerning the drafting and presentation of periodic reports, implementation of recommendations made by mechanisms established by the treaties, and which are currently posing serious challenges for member states.

The presentation of the model law, made today by Mr Ibrahim Kane, in a session chaired by the AU Commission Legal Counsel Mr Ben Kioko, does not bind AU member states in any way, but is intended to be used and adapted by States to suit their needs while enacting domestic legislators. The Commission will, after the workshop, incorporate the substantive proposals made by the experts, and then follow the AU procedures to have the model rational law discussed, finalised and circulated to member states.

The drafting of the model law comes as a result of the realisation that the rate of ratification of AU treaties is slow. Of the 42 treaties adopted since the formation of the Organisation of African Unity (OAU) in 1963, only 25 have entered into force and three are in force provisionally. The rest are at various stages of ratification, hence the concern that the process of ratification is slow. The AUC Legal Counsel Mr Ben Kioko has told the workshop that, on average it takes 5 years for a treaty to get the 15 ratifications it needs to come into force. Indeed, the last report issued by the AU Commission indicates that "the pace of ratification (accession) has been lower than during the previous reporting period Only 7 instruments of ratification (accession) were deposited against 12 during the previous reporting period".

Ratification, domestication and implementation of the OAU/AU treaties is important because these instruments have direct relevance in fostering shared values and policies because of their standard setting and norm creating character for AU member states. All the major treaties adopted so far reflect the principle of inter linkage between peace, stability, development, good governance, respect for human rights, integration and cooperation in Africa.

Over 40 delegates from African Union member states from the central and southern regions, AU organs and the African Union Commission are attending the workshop, which will end on 8 December. The theme of the workshop is 'the ratification and domestication of OAU/AU treaties'.

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