

African Convention on the Conservation of Nature and Natural Resources (1968)
Entry into Force: 16 June 1969

Preamble

We, the Heads of State and Government of Independent African States,

Fully conscious that soil, water, flora and faunal resources constitute a capital of vital importance to mankind;

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

Fully conscious of the ever-growing importance of natural resources from an economic, nutritional, scientific, educational, cultural and aesthetic point of view;

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

Accepting that the utilization of the natural resources must aim at satisfying the needs of man according to the carrying capacity of the environment;

Desirous of undertaking individual and joint action for the conservation, utilization and development of these assets by establishing and maintaining their rational utilization for the present and future welfare of mankind;

Convinced that one of the most appropriate means of achieving this end is to bring into force a convention;

Have agreed as follows:

Article I

The Contracting States hereby establish an African Convention on the Conservation of Nature and Natural Resources.

Article II. FUNDAMENTAL PRINCIPLE

The Contracting States shall undertake to adopt the measures to ensure conservation, utilization and development of soil, water, flora and faunal resources in accordance with scientific principles and with due regard to the best interests of the people.

Article III. DEFINITIONS

For purposes of the present Convention, the meaning of the following expressions shall be as defined below:

1. "Natural Resources" means renewable resources, that is soil, water, flora and fauna.
2. "Specimen" means an individual example of a species of wild animal or wild plant or part of a wild plant.
3. "Trophy" means any dead animal specimen or part thereof whether included in a manufactured or processed object or otherwise dealt with, unless it has lost its original identity; also nests, eggs and eggshells.
4. "Conservation area" means any protected natural resource area, whether it be a strict natural reserve, a national park or a special reserve;
 - a) "strict nature reserve" means an area:
 - i) under State control and the boundaries of which may not be altered nor any portion alienated except by the competent legislative authority,
 - ii) throughout which any form of hunting or fishing, any undertaking connected with forestry, agriculture or mining, any grazing, any excavation or prospecting, drilling, levelling of the ground or construction, any work tending to alter the configuration of the soil or the character of the vegetation, any water pollution and, generally, any act likely to harm or disturb the fauna or flora, including introduction of zoological or botanical species, whether indigenous or imported, wild or domesticated, are strictly forbidden.
 - iii) where it shall be forbidden to reside, enter, traverse or camp, and where it shall be forbidden to fly over at low altitude, without a special written permit from the competent authority, and in which scientific investigations (including removal of animals and plants in order to maintain an ecosystem) may only be undertaken by permission of the competent authority;
 - b) "national park" means an area:
 - i) under State control and the boundaries of which may not be altered or any portion alienated except by the competent legislative authority,
 - ii) exclusively set aside for the propagation, protection, conservation and management of vegetation and wild animals as well as for the protection of sites, land-scapes or geological formations of particular scientific or aesthetic value, for the benefit and enjoyment of the general public, and
 - iii) in which the killing, hunting and capture of animals and the destruction or collection of plants are prohibited except for scientific and management purposes

and on the condition that such measures are taken under the direction or control of the competent authority;

iv) covering any aquatic environment to which all of the provisions of section (b) (1-3) above are applicable.

The activities prohibited in "strict nature reserve" under the provisions of section (a) (2) of paragraph (4) of this article are equally prohibited in national parks except in so far as they are necessary to enable the park authorities to implement the provisions of section (2) of this paragraph, by applying, for example, appropriate management practices, and to enable the public to visit these parks; however, sport fishing may be practised with the authorization and under the control of the competent authority;

c) "special reserve" means other protected areas such as:

i) "game reserve" which shall denote an area a) set aside for the conservation, management and propagation of wild animal life and the protection and management of its habitat, b) within which the hunting, killing or capture of fauna shall be prohibited except by or under the direction or control of the reserve authorities, c) where settlement and other human activities shall be controlled or prohibited;

ii) "partial reserve" or "sanctuary" which shall denote an area a) set aside to protect characteristic wildlife and especially bird communities, or to protect particularly threatened animal or plant species and especially those listed in the Annex to this Convention, together with the biotopes essential for their survival, b) in which all other interests and activities shall be subordinated to this end;

iii) "soil", "water" or "forest" reserve shall denote areas set aside to protect such resources.

Article IV. SOIL

The Contracting States shall take effective measures for conservation and improvement of the soil and shall in particular combat erosion and misuse of the soil. To this end:

a) they shall establish land-use plans based on scientific investigations (ecological, pedological, economic, and sociological) and, in particular, classification and land-use capability;

b) they shall, when implementing agricultural practices and agrarian reforms,

i) improve soil conservation and introduce improved farming methods, which ensure long-term productivity of the land,

ii) control erosion caused by various forms of land-use which may lead to loss of vegetation cover.

Article V. WATER

1. The Contracting States shall establish policies for conservation, utilization and development of underground and surface water, and shall endeavour to guarantee for their populations a sufficient and continuous supply of suitable water, taking appropriate measures with due regard to:

- i) the study of water cycles and the investigation of each catchment area,
- ii) the co-ordination and planning of water resources development projects,
- iii) the administration and control of all water utilization, and
- iv) prevention and control of water pollution.

2. Where surface or underground water resources are shared by two or more of the Contracting States, the latter shall act in consultation, and if the need arises, set up inter-State Commissions to study and resolve problems arising from the joint use of these resources, and for the joint development and conservation thereof.

Article VI. FLORA

1. The Contracting States shall take all necessary measures for the protection of flora and to ensure its best utilization and development. To this end the Contracting States shall:

- a) adopt scientifically-based conservation, utilization and management plans of forests and 'rangeland, taking into account the social and economic needs of the States concerned, the importance of the vegetation cover for the maintenance of the water balance of an area, the productivity of soils and the habitat requirements of the fauna;
- b) observe section (a) above by paying particular attention to controlling bush fires, forest exploitation, land clearing for cultivation, and over-grazing by domestic and wild animals;
- c) set aside areas for forest reserves and carry out afforestation programmes where necessary;
- d) limitation of forest grazing to season and intensities that will not prevent forest regeneration; and
- e) establish botanical gardens to perpetuate plant species of particular interest.

2. The Contracting States also shall undertake the conservation of plant species or communities, which are threatened and/or of special scientific or aesthetic value by ensuring that they are included in conservation areas.

Article VII. FAUNAL RESOURCES

1. The Contracting States shall ensure conservation, wise use and development of faunal resources and their environment, within the framework of land-use planning and of economic and social development. Management shall be carried out in accordance with plans based on scientific principles, and to that end the Contracting States shall:

- a) manage wildlife populations inside designated areas according to the objectives of such areas and also manage exploitable wildlife populations outside such areas for an optimum sustained yield, compatible with and complementary to other land uses; and
- b) manage aquatic environments, whether in fresh, brackish or coastal water, with a view to minimising deleterious effects of any water and land use practice which might adversely affect aquatic habitats.

2. The Contracting States shall adopt adequate legislation on hunting, capture and fishing, under which:

- a) the issue of permits is properly regulated;
- b) unauthorized methods are prohibited;
- c) the following methods of hunting, capture and fishing are prohibited:
 - i) any method liable to cause a mass destruction of wild animals,
 - ii) the use of drugs, poisons, poisoned weapons or poisoned baits,
 - iii) the use of explosives;
 - iv) the following methods of hunting and capture are particularly prohibited:
 - 1. the use of mechanically propelled vehicles;
 - 2. the use of fire;
 - 3. the use of fire arms capable of firing more than one round at each pull of the trigger;
 - 4. hunting or capture at night; 5. the use of missiles containing detonators;
- d) the following methods of hunting or capture are as far as possible prohibited:

- i) the use of nets and stockades,
 - ii) the use of concealed traps, pits, snares, set-gun traps, deadfalls, and hunting from a blind or hide;
- e) with a view to as rational use as possible of game meat, the abandonment by hunters of carcasses of animals, which represent a food resource, is prohibited.

Capture of animals with the aid of drugs or mechanically propelled vehicles, or hunting or capture by night if carried out by, or under the control of, the competent authority shall nevertheless be exempted from the prohibitions under (c) above.

Article VIII. PROTECTED SPECIES

1. The Contracting States recognize that it is important and urgent to accord a special protection to those animal and plant species that are threatened with extinction, or which may become so, and to the habitat necessary to their survival. Where such a species is represented only in the territory of one Contracting State, that State has a particular responsibility for its protection. These species which are, or may be, listed according to the degree of protection that shall be given to them are placed in Class A or B of the Annex to this Convention, and shall be protected by Contracting States as follows:

- 1) species in Class A shall be totally protected throughout the entire territory of the Contracting States; the hunting, killing, capture or collection of specimens shall be permitted only on the authorization in each case of the highest competent authority and only if required in the national interest or for scientific purposes; and
- 2) species in Class B shall be totally protected, but may be hunted, killed, captured or collected under special authorization granted by the competent authority.

2. The competent authority of each Contracting State shall examine the necessity of applying the provisions of this article to species not listed in the annex, in order to conserve the indigenous flora and fauna of their respective countries. Such additional species shall be placed in Class A or B by the State concerned, according to its specific requirements.

Article IX. TRAFFIC IN SPECIMENS AND TROPHIES

1. In the case of animal species to which Article VIII does not apply the Contracting States shall:

- a) regulate trade in and transport of specimens and trophies;
- b) control the application of these regulations in such a way as to prevent trade in specimens and trophies which have been illegally captured or killed or obtained.

2. In the case of plant and animal species to which Article VIII paragraph (1) applies, the Contracting States shall:

a) take all measures similar to those in paragraph (1);

b) make the export of such specimens and trophies subject to an authorization:

i) additional to that required for their capture, killing or collection by Article VIII,

ii) which indicates their destination, 3) which shall not be given unless the specimens or trophies have been obtained legally, 4) which shall be examined prior to exportation, 5) which shall be on a standard form, as may be arranged under Article XVI;

iii) make the import and transit of such specimens and trophies subject to the presentation of the authorization required under section (b) above with due provision for the confiscation of specimens and trophies exported illegally, without prejudice to the application of other penalties.

Article X. CONSERVATION AREAS

1. The Contracting States shall maintain and extend where appropriate, within their territory and where applicable in their territorial waters, the Conservation areas existing at the time of entry into force of the present Convention and, preferably within the framework of land-use planning programmes, assess the necessity of establishing additional conservation areas in order to:

i) protect those ecosystems which are most representative of and particularly those which are in any respect peculiar to their territories,

ii) ensure the conservation of all species and more particularly of those listed or which may be listed in the annex to this Convention;

2. The Contracting States shall establish, where necessary, around the borders of conservation areas, zones within which the competent authorities shall control activities detrimental to the protected natural resources.

Article XI. CUSTOMARY RIGHTS

The Contracting States shall take all necessary legislative measures to reconcile customary rights with the provisions of this Convention.

Article XII. RESEARCH

The Contracting States shall encourage and promote research in conservation, utilization and management of natural resources and shall pay particular attention to ecological and sociological factors.

Article XIII. CONSERVATION EDUCATION

1. a) The Contracting States shall ensure that their peoples appreciate their close dependence on natural resources and that they understand the need, and rules for, the rational utilization of these resources.

b) For this purpose they shall ensure that the principles indicated in paragraph (1):

i) are included in educational programmes at all levels,

ii) form the object of information campaigns capable of acquainting the public with, and winning it over to, the idea of conservation.

2. In order to put into effect paragraph (1) above, the Contracting States shall make maximum use of the educational value of conservation areas.

Article XIV. DEVELOPMENT PLANS

1. The Contracting States shall ensure that conservation and management of natural resources are treated as an integral part of national and/or regional development plans.

2. In the formulation of all development plans, full consideration shall be given to ecological, as well as to economic and social factors.

3. Where any development plan is likely to affect the natural resources of another State, the latter shall be consulted.

Article XV. ORGANIZATION OF NATIONAL CONSERVATION SERVICES

Each Contracting State shall establish, if it has not already done so, a single agency empowered to deal with all matters covered by the Convention, but, where this is not possible a co-ordinating machinery shall be established for this purpose.

Article XVI. INTERSTATE CO-OPERATION

1. The Contracting States shall co-operate:

a) whenever such co-operation is necessary to give effect to the provisions of this Convention and

b) whenever any national measure is likely to affect the natural resources of any other State.

2. The Contracting States shall supply the Organization of African Unity with:

a) the text of laws, decrees, regulations and instructions in force in their territories, which are intended to ensure the implementation of this Convention,

b) reports on the results achieved in applying the provisions of this Convention, and

c) all the information necessary for the complete documentation of matters dealt with by this Convention if requested.

3. If so requested by Contracting States, the organization of African Unity shall organize any meeting which may be necessary to dispose of any matters covered by this Convention. Requests for such meetings must be made by at least three of the contracting States and be approved by two-thirds of the States which it is proposed should participate in such meetings.

4. Any expenditure arising from this Convention, which devolves upon the Organization of African Unity shall be included in its regular budget, unless shared by the Contracting States or otherwise defrayed.

Article XVII. PROVISION FOR EXCEPTIONS

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

i) the paramount interest of the State,

ii) "force majeure",

iii) defence of human life.

2. The provisions of this Convention shall not prevent Contracting States:

i) in time of famine.

ii) for the protection of public health,

iii) in defence of property,

to enact measures contrary to the provisions of the Convention, provided their application is precisely defined in respect of aim, time and place.

Article XVIII. SETTLEMENT OF DISPUTES

Any dispute between the Contracting States relating to the interpretation or application of this Convention which cannot be settled by negotiation, shall at the request of any party be submitted to the Commission of Mediation, Conciliation and Arbitration of the Organization of African Unity.

Article XIX. SIGNATURE AND RATIFICATION

1. This Convention shall be open for signature immediately after being approved by the Assembly of Heads of State and Government of the Organization of African Unity.
2. The Convention shall be ratified by each of the Contracting States. The instruments of ratification shall be deposited with the Administrative Secretary General of the Organization of African Unity.

Article XX. RESERVATIONS

1. At the time of signature, ratification or accession, any State may declare its acceptance of this Convention in part only, provided that such reservation may not apply to the provisions of Articles II-XI.
2. Reservations made in conformity with the preceding paragraph shall be deposited together with the instruments of ratification or accession.
3. Any Contracting State which has formulated a reservation in conformity with the preceding paragraph may at any time withdraw it by notifying the Administrative Secretary General of the Organization of African Unity.

Article XXI. ENTRY INTO FORCE

1. This Convention shall come into force on the thirtieth day following the date of deposit of the fourth instrument of ratification or accession with the Administrative Secretary General of the Organization of African Unity, who shall inform participating States accordingly.
2. In the case of a State ratifying or acceding to the Convention after the depositing of the fourth instrument of ratification or accession, the Convention shall come into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.
3. The London Convention of 1933 or any other Convention on the conservation of flora and fauna in their natural state shall cease to have effect in States in which this Convention has come into force.

Article XXII. ACCESSION

1. After the date of approval specified in Article XIX paragraph (1), this Convention shall be open to accession by any independent and sovereign African State.

2. The instruments of accession shall be deposited with the Administrative Secretary General of the Organization of African Unity.

Article XXIII. DENUNCIATION

1. Any Contracting State may denounce this Convention by notification in writing addressed to the Administrative Secretary General of the Organization of African Unity.

2. Such denunciation shall take effect, for such a State, one year after the date of receipt of its notification by the Administrative Secretary General of the Organization of African Unity.

3. No denunciation shall, however, be made before the expiry of a period of five years from the date at which for the State concerned this Convention comes into force.

Article XXIV. REVISION

1. After the expiry of a period of five years from the date of entry into force of this Convention, any Contracting State may at any time make a request for the revision of part or the whole of this Convention by notification in writing addressed to the Administrative Secretary General of the Organization of African Unity.

2. In the event of such a request the appropriate organ of the Organization of African Unity shall deal with the matter in accordance with the provisions of section 3 of Article XVI of this Convention.

3.

(i) At the request of one or more Contracting States and notwithstanding the provisions of paragraph (1) and (2) of this Article, the annex to this Convention may be revised or added to by the appropriate organ of the Organization of African Unity.

(ii) Such revision or addition shall come into force three months after the approval by the appropriate organ of the Organization of African Unity.

Article XXV. FINAL PROVISIONS

The original of this Convention of which both the English and the French texts are authentic, shall be deposited with the Administrative Secretary General of the Organization of African Unity.

IN WITNESS WHEREOF we the Heads of State and Government of Independent African States, assembled at Algiers, Algeria, on 15 September 1968, have

signed this Convention.

[Annex listing species omitted]

Membership

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Open for accession by any independent African State. Instruments of accession to be deposited with the Secretary-General of OAU.

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Liberia	22.12.1978
Madagascar	23.10.1971
Malawi	6. 4.1973
Mali	3. 7.1974
Morocco	11.12.1977
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Niger	26. 1.1970
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Rwanda	6. 3.1980
Senegal	25. 2.1972
Seychelles	14.11.1977
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Togo	24.11.1979
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