

**Burkina Faso**  
**Ministry of Environment, Green Economy and Climate Change**

**Note**

**Conference of Heads of State and Government of the African Union**

**THE MAPUTO CONVENTION ON THE CONSERVATION OF NATURE AND  
NATURAL RESOURCES**

August 2019

## I. Origins and history of the Convention: the way towards Maputo 2003

### 1. The 1900 and 1933 London Conventions

The first initiative of a regional convention for the protection of nature and natural resources of the African continent was taken by the colonial powers<sup>1</sup>, which adopted in 1900 the Convention for the Preservation of Wild Animals, Birds and Fish in Africa (The 1900 London Convention of). Signed in London on May 19, 1900, this Convention was intended to prevent the uncontrolled killing of wild animals and the conservation of specific species. It has never come into force because most of its signatories haven't ratified it.

Following the failure of the 1900 London Convention, an international congress on the nature protection of was held in Paris in 1931 to prepare the organization of an international conference for the adoption of a new text. On November 8, 1933, the Convention Relative to the Preservation of Fauna and Flora in the Natural State (London Convention of 1933) was adopted. Entered into force on January 14, 1936, the London Convention of 1933 was the first legally binding instrument to provide for the establishment of protected areas in Africa, such as national parks or nature reserves.

After the Second World War, in the light of experience, a conference was convened in Bukavu to revise the 1933 Convention. One of the main recommendations of this conference was to draw up another convention that would lay down essential elements of a global policy on the protection of nature in Africa, taking into account the overriding interests of the African people. In 1957, a group of experts met in order to study the modalities for implementing these recommendations. However, these efforts were interrupted by the decolonization process of the African continent.

### 2. The Algiers Convention of 1968

As African countries became independent, the need for a new treaty related to nature conservation was first expressed in the 1961 Arusha Manifesto. Then, in 1963 was adopted the African Charter for the Protection and Conservation of Nature. Thereafter, in 1964, the United Nations Economic Commission for Africa and UNESCO recommended that the London Convention of 1933 be revised and that the Organization of African Unity (OAU) request the assistance of IUCN (International Union for Conservation of Nature) to prepare a draft text in collaboration with FAO and UNESCO. The OAU commissioned IUCN and, after several meetings of experts and review of a draft text by the OAU member States, the Convention on the Conservation of Nature and Natural Resources was adopted at Algiers by the OAU on September 15, 1968.

### 3. The necessity of reviewing the Algiers Convention

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<sup>1</sup>Germany, Belgium, Spain, France, Italy, Portugal and United Kingdom.

The Algiers Convention was signed by 45 African States and ratified by 32 of them. It encouraged newly independent African States to make progress in the area of natural resource conservation.

However, the Convention has not established institutional structures that would have facilitated its effective implementation. Nor has it created the mechanisms to ensure that Parties complies and applies it. In addition, the decade following its adoption was a fruitful phase in the development of international environmental law, with the adoption of several multilateral environmental agreements.

For all of these reasons, together with the rapid advancement of scientific knowledge of the environment and subsequent developments of the Law, it was necessary to revise the Algiers Convention.

#### **4. The revised Convention, adopted in Maputo in 2003**

The governments of Nigeria and Cameroun have asked OAU to review and update the Algiers Convention. In 1981, at the request of OAU, IUCN has submitted a draft revision of the Convention. Meetings and consultations took place until 1986, but the review process could not be completed.

In 1986, the government of Burkina Faso requested OAU to resume the review process. In 1999, OAU solicited the collaboration of IUCN, the United Nations Environment Program (UNEP) and the United Nations Economic Commission for Africa for the preparation of a new text, adapted to the current state of international environmental regulation, concepts and scientific approaches and contemporary politics. In 2000, an inter-agency process was initiated. The following year, a draft revision was draw up. A consultation of the African Ministers of Environment and Foreign Affairs was then held and its results were considered at a governmental meeting of experts organized by the OAU in Nairobi in 2002. On this occasion, the draft revision was discussed, commented and amended.

The revised draft was then transmitted by OAU to the African Ministerial Conference on the Environment (AMCEN) in 2002. AMCEN recommended the completion of the process as soon as possible. Thenceforth, the revised African Convention on the Conservation of Nature and Natural Resources was adopted one year later, in Maputo, on July 11, 2003, by the Head of States and Governments during the African Union Summit.

The development of the Maputo Convention benefits from the strong support and assistance of UNEP- represented by its Program on the Development of Law and Institutions in Africa (PADELIA) - of IUCN - represented by its Program on environmental Law - and the African Union.

## **II. The coming into force of the Maputo Convention**

In 2003, after the adoption on the Maputo Convention, it took no less than 13 years for it to enter into force on July 10 2016, after the deposit of the required 15th ratification instrument. In comparison, the initial Algiers Convention rapidly entered into force in the early 1969, only one year after its adoption.

The late entry into force of the Maputo Convention is due to the slow pace of its ratification, sparingly. It has so far been ratified by only 17 African states - less than a third of the continent's countries - and quite sporadically, as shown in the following table. Here again, the comparison with the Algiers Convention is instructive: it has 32 States Parties, nearly double than those who have subscribed to the Maputo Convention.

#### Chronology of ratifications of the Maputo Convention

1	Comoros	2004
2	Lesotho	2004
3	Rwanda	2004
4	Mali	2005
5	Lybia	2006
6	Niger	2006
7	Burundi	2007
8	Ghana	2007
9	South Africa	2013
10	IvoryCoast	2013
11	Angola	2014
12	Liberia	2014
13	Democratic Republic of Congo	2014
14	Chad	2015
15	Benin	2016
16	Burkina Faso	2016
17	Gambia	2019

### III. Implementation of the Convention

As the Maputo Convention is now in force, it still needs to become fully operational in order to ensure its effective implementation. To this end, it is important to convene as soon as possible the first meeting of the Conference of the Parties (CoP-1), without which the institutional machinery to support the implementation of the Convention cannot be triggered<sup>63</sup>

As a vital decision-making body, the CoP will need, among other essential functions, to adopt its rules of procedure, ensure the implementation of the Convention and set the Parties' contributions to the Convention budget (Article XXVI of the Convention). At its first meeting, the CoP will also have to make an important choice regarding the Secretariat functions of the Convention: either to designate an existing organization to exercise those functions, or to establish a specific Secretariat to the Convention (Article XXVII-2). This shows how much the convening of CoP-1 is as indispensable as it is urgent.

Moreover, CoP-1 should have been held in 2017, since under the Convention it must be convened "not later than one year" after its entry into force by the President of the African Union Commission (Article XXVI-1). As the Convention entered into force on July 10, 2016, CoP-1 should have taken place by July 10, 2017.

Therefore, it is to be hoped that COP-1 will be invited to meet without further delay.

### IV. Advocacy for the Maputo Convention at AMCEN 2018

At the 7th extraordinary session of AMCEN held in Nairobi from 17 to 19 September 2018, at the initiative of and at the request of the governments of Burkina Faso, Guinea and Chad, the African Convention on the Conservation of Nature and Natural Resources -Convention of Maputo was included in the agenda.

The governments of these three countries, through their Ministers in charge of the Environment, led on this occasion a high-level advocacy, making the following recommendations:

### **Recommendations**

**1. Member States of the African Union that haven't yet ratified the Maputo Convention on the Conservation of Nature and Natural Resources are urged to do so as soon as possible.**

**2. The African Union Commission is invited to organize, as soon as possible, the first Conference of the Parties (CoP-1) to the Maputo Convention, which will enable its operational mechanisms to be implement.**

**3. The African Union Commission is invited to undertake high-level consultations with the International Union for the Conservation of Nature on prospects and modalities of support for the holding of CoP-1 and the exercising the functions of Maputo Convention Secretariat.**

**The African Union Commission is also invited to request the technical and financial support of UN Environment in the process of implementation of the Maputo Convention.**

**4. The African Union Commission is requested to present a review of the above recommendations to the 2019 session of the African Ministerial Conference on the Environment.**

This initiative was supported by the IUCN World Commission on Environmental Law and UN Environment.

The 7th Session of AMCEN welcomed the above recommendations.

It was then envisaged to organize the COoP-1 of the Maputo Convention in 2019. In this perspective, the UN Environment, which provides the secretariat of AMCEN, and the African Union Commission have considered the possibility of link CoP-1 with the 2019 session of AMCEN.

## **V. Side Event on the Maputo Convention at AMCEN 2019**

As this option couldn't be pursued, the UN Environment and the African Union Commission finally suggested organizing a side event on the Maputo Convention at the 2019 session of AMCEN in November 2019 in South Africa, in order to facilitate the convening of CoP-1 as soon as possible. To this end, a roadmap should be adopted at the side event.

Under the leadership of Burkina Faso, the governments of Burkina Faso, Guinea and Chad are jointly preparing for this side event, together with UN Environment, the African Union Commission and IUCN.

## **VI. Expectations of the Conference of Heads of State and Government of the African Union**

For the forthcoming Conference of Heads of State and Government of the African Union, it is highly recommended that:

- 1. Member States of the African Union that have not yet ratified the Maputo Convention shall do so as soon as possible.**
- 2. The African Union Commission shall promptly engage in high-level consultations with UN Environment, IUCN and other partners in order to convene in 2020CoP-1 of the Maputo Convention, , which will set up its operational bodies.**