
**CONSTITUTION OF THE AFRICAN MINISTERIAL CONFERENCE ON THE
ENVIRONMENT (AMCEN)**

CONSTITUTION

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PREAMBLE

The African Ministerial Conference on the Environment (AMCEN)

Recalling resolution 1/1 on environmental cooperation in Africa adopted by the African Ministerial Conference on Environment (AMCEN) in December 1985 which decided to strengthen cooperation between African Governments in economic, technical and scientific activities, with the prime objective of halting and reversing the degradation of the African environment in order to satisfy the food and energy needs of the people of the continent;

Recalling also that the conference decided to develop and strengthen cooperation between the technical and research institutions of African states through the exchange of information in respect of the environment and ecodevelopment;

Recalling further that the conference decided to apply available African skills and experience to seek economically feasible, environmentally sound and socially acceptable solutions to the complex problem of grassroots development;

Bearing in mind the decisions of the Fifth Session of the Conference which adopted a new policy orientation to disengage the conference from operational projects and programmes and focus primarily on enhancing capacities for sound environmental policy formulation and implementation at the national, sub-regional, regional and global levels as well as concentrate on the review, monitoring and coordination of environment and sustainable development programmes at the national, subregional and regional levels;

Conscious of the need to make all efforts to address the problem of Africa's poor economic performance and the unsustainable pressure on the carrying capacity of natural resource base thus making sustainable development difficult;

Recognizing the initiatives undertaken by the African States to address the deteriorating social, economic, environmental and developmental conditions, including African Convention on Conservation of Nature and Natural Resources (1968); the Lagos Plan of Action for the implementation of the Morrovia Strategy for the Economic Development of Africa (1980); African Priority Programme for Economic Recovery (1985); United Nations Programme of Action for African Economy Recovery and Development (1985); the Kampala Agenda for Action on Sustainable Development (1985); the Bamako Convention on the Ban of the Import into Africa and Control of Transboundary Movements of All Forms of Hazardous Wastes within Africa (1991); and the Treaty Establishing the African Economic Community (1991) which contains provisions relating to the environment and enjoins African States to address and implement measures for effective environmental management;

Recognizing also that African initiatives to achieve regional cooperation for sustainable development have led to the establishment of sub-regional economic groups

which are a sound foundation for African Economic Community and for the Conference's programmes;

Aware of the new global environmental and sustainable developmental issues, challenges and imperatives since the institutionalization of the Conference;

Recalling the initiatives that the Conference has taken in contributing to the global environment and development momentum, notably, in organizing the First African Regional Conference on Environmental and Sustainable Development in Kampala, Uganda, after the report of the World Commission on Environment and Development, which adopted the Agenda for Achieving Sustainable Development in Africa;

Recalling also the convening of United Nations Conference on Environmental and Development in Rio de Janeiro in June 1992 and the adoption of the Rio Declaration and Agenda 21, and the contribution to the preparations for the Conference, notably the inputs contained in the African Common Position on Environment and Development and thereafter the follow up, particularly the African Strategies for Implementation of Agenda 21;

Conscious that the opportunity offered by the United Nations Conference on Environment and Development calls for a new spirit of international and regional cooperation for a common approach to tackling the challenges of achieving sustainable development at the regional and global levels through sound environmental management;

Noting the initiative of the African Ministers responsible for Social and Economic Development and Planning for adopting the African Strategies for the implementation of Agenda 21 by its resolution 744 (xxviii) of May 1993 and the support that they have continued to offer to the Conference;

Noting further the establishment of the United Nations Commission on Sustainable Development (CSD) as a global mechanism for monitoring and reviewing the outcomes of the United Nations Conference on Environment and Development;

Determined to participate actively in support of the work of the United Nations Commission on Sustainable Development in developing the necessary parameters and procedures for monitoring and evaluating the programmes made in the implementation of the outcomes of the United Nations Conference on Environment and Development in Africa and to adapt and utilize such parameters for national, sub-regional and regional programmes for sustainable development;

Aware that the implementation of Agenda 21 requires the revitalization of environment and development programme management mechanisms at the level of member states and at sub-regional and regional level, in order to provide the necessary enabling environment capacity for adaptation of Agenda 21 and other outcomes of the United Nations Conference on Environment and Development to the sub-regional and regional specificities of Africa;

Anxious to strengthen Africa's participation in the global collaboration in the implementation of the outcomes of the United Nations Conference and Development for sustainable development and effectively promote the integration of mutual concerns into global programmes;

Further determined to mobilize African regional and subregional intergovernmental and nongovernmental organizations to enhance Africa's participation in regional and global environment and sustainable development issues;

Expresses appreciation for the continuous support given to Africa's concern by the Governing Council of the United Nations Environment Programme, particularly the initiative that led to the establishment and institutionalization of the African Ministerial Conference on the Environment and in the implementation of its programme;

Expresses appreciation also of the support given to the Conference by the Organization of African Unity and by the United Nations Economic Commission for Africa;

HEREBY decides to formalize the African Ministerial Conference on the Environment as an African Ministerial Intergovernmental body constituted in accordance with this Constitution.

CHAPTER I

THE INSTITUTION

ARTICLE 1

NAME

The African Ministerial Conference on the Environment, herein referred to as AMCEN, is hereby constituted as an African Permanent Intergovernmental Institution.

ARTICLE 2

USE OF TERMS

For the purpose of this Agreement:-

"The Conference" means the Ministerial Conference on the Environment,.

"Ecosystem Committees" mean the Committees on Forests and Woodlands; Seas, Deserts and Arid Lands; River and Lake Basins, and Island Ecosystems established under Article 16 of this Agreement.

"Officers of the Conference" mean the officers elected at the commencement of each session of the Conference to guide the deliberations of the Conference.

"Permanent Bureau" mean the officers of the Conference and the Chairpersons of the Standing Ecosystem Committees.

"Permanent Secretariat" means the staff of the Secretariat of the Conference established pursuant to article 25.

ARTICLE 3

GENERAL PRINCIPLES

1. The African peoples have an inalienable right to
 - i) the basic necessities for a life of dignity and good health;
 - ii) sovereignty over their natural resources and right to their sustainable exploitation and utilization for their social, economic and cultural development;
 - iii) intergeneration equity which allows for the development, sustainable exploitation and utilization of natural resources for the present generation without compromising that of the future generations;
 - iv) demand of their governments to defend and support these rights and the enabling environment to achieve them;

- v) demand of their governments the promotion of equally enabling environment to facilitate the participation of major groups in all activities and programmes to eradicate poverty, halt environmental degradation and achieve economic growth and sustainable development; and
 - vi) demand also that their governments honour all commitments that shall foster global sustainable environmental and economic development and participate in international dialogue in defence of these mutual interests in a common future.
2. The achievement of environmentally sound sustainable development is dependent upon concerted actions by the national, sub-regional, regional and international communities based upon common initiatives that respect national sovereignty within the framework of interdependence.

ARTICLE 4 **SCOPE AND OBJECTIVES**

1. The Conference shall be open to all African States.
2. The objectives of the Conference shall be-
 - i) to promote the harmonization and coordination of African environment and sustained development programme policies in collaboration with the governments and non-governmental organizations, international organizations and private sector, including the business and industrial sectors;
 - ii) to facilitate the harmonization of Africa's consensus and common position on global environment and development issues of concern to the continent;
 - iii) to enhance Africa's participation in global dialogue and action for interdependence towards the achievement of mutual environment and sustainable development interests.

ARTICLE 5 **FUNCTIONS**

1. The Conference shall provide the framework for policy guidance on environment and sustainable development matters in Africa.
2. The activities of the Conference shall be undertaken concurrently at the national, sub-regional and regional levels. To this end the Conference shall:
 - a) collaborate with national institutions responsible for environment and development matters to:

- i) promote strategies for capacity - building, integration of environment and development and strengthen the participation of non-governmental organizations as well as youth/women organizations in sustainable development;
 - ii) ensure greater harmonization of the activities of non-governmental organizations with those of the government and support popular participation in decision-making.
 - b) Collaborate with sub-regional intergovernmental organizations and institutions, such as the Permanent Inter-State Committee for Drought Control in the Sahel (CILSS), Intergovernmental Authority on Drought and Development (IGADD), Southern African Development Community (SADC), The Common Market for Eastern and Southern Africa (COMESA), the Economic Community of West African States (ECOWAS), the Economic Community of Central African States (CEEAC) and Arab Maghreb Union (UMA) and the Indian Ocean Commission (IOC) as well as African Subregional Environment Groups (SREGS) to promote and harmonize strategies for sustainable development.
 - c) Collaborate with competent African institutions, organizations and bodies such as the Organization of African Unity (OAU), African Development Bank (ADB) and African Centre for Meteorological Applications to Development (ACMAD) and others with potential to assist in the implementation of the Conference decisions on review, assessment and monitoring major actions, policies and programmes having an impact on the African environment.
 - d) Collaborate with UN organizations particularly United Nations Environment Programme and the Economic Commission for Africa in the implementation of the programmes and activities of the Conference.
3. The Conference shall, consistent with paragraph 1 of this Article
- i) promote the signing and ratification of relevant conventions and protocols by African states and the implementation of global conventions and international agreements of relevance to Africa particularly African conventions;
 - ii) promote the participation of non-governmental organizations (NGOs) and the private sector in the implementation of environment and developmental programmes, including the sharing of information on the implementation of African initiatives and commitments in the field of environment and development.
4. Mobilize the necessary resources for achieving the objectives of the Conference.

ARTICLE 6
STRUCTURE

The Conference shall be the principal policy making organ and shall have the following subsidiary bodies:

- i) The Conference Bureau
- ii) The Ecosystems Committees
- iii) Sub Regional Environment Groups (SREG)
- iv) Expert Groups
- v) The Permanent Secretariat

CHAPTER II
FUNCTIONING OF THE INSTITUTIONS
ARTICLE 7
RESPONSIBILITIES OF THE CONFERENCE

1. The Conference shall be the policy making body of the AMCEN
2. During each ordinary session, the Conference shall elect its officers who shall constitute the Bureau of the Conference. The officers shall be ministers elected on an equitable geographical distribution representing the five African subregions, namely one each from West Africa, East Africa, Central Africa, North Africa and Southern Africa. They shall be elected as:-
 - i) President
 - ii) Five Vice Presidents
 - iii) The Rapporteur
3. During its first session the Conference shall adopt its rules of procedure
4. Besides the bodies established in Article 6 the Conference shall decide on:-
 - i) subsidiary bodies in accordance with article 6;
 - ii) set up any other bodies and determine their functions and other matters as it may decide;
 - iii) areas of focus relating to such subsidiary organs.

ARTICLE 8
THE PRESIDENT OF THE CONFERENCE

1. The President shall be elected at each session of the Conference and shall hold office until the next Ordinary Session.
2. The President shall preside over the sessions of the Conference. In his absence one of the Vice Presidents shall preside.
3. The President shall also preside over the meetings of the Bureau of the Conference. In his absence one of the Vice Presidents shall preside.
4. The President shall conduct the affairs of AMCEN between the Ordinary Sessions of the Conference.

**ARTICLE 9
SESSIONS OF THE CONFERENCE**

1. The Conference shall hold its Ordinary Sessions once every two or three years. It may also hold Extraordinary and Special Sessions as and when necessary.
2. The Ordinary Sessions of the Conference shall be preceded by the meeting of the Bureau.
3. The sessions of the Conference shall be held in a member state upon invitation. Failing such invitation the session shall be convened at the location of the Secretariat.
4. When the Conference is held outside the location of the Secretariat, the hosting state shall bear the cost of travel and stay of the staff of the secretariat servicing the conference as well as for the conference facilities and services.

**ARTICLE 10
EXTRA-ORDINARY SESSIONS**

The Conference may convene Extra-Ordinary Sessions in between Ordinary Sessions. The conditions for holding an Extra-Ordinary session shall be detailed in the Rules of Procedure.

**ARTICLE 11
SPECIAL SESSIONS**

The Conference may solicit, in consultation with relevant inter-governmental bodies, the convening of African Summit on Environment and sustainable development.

**ARTICLE 12
MEMBERSHIP OF THE CONFERENCE**

1. The Conference shall consist of ministers who may designate heads of highest national institutions responsible for environmental matters to assist them.
2. Other Ministers designated by respective member States shall be ex-officio members of the Conference.

**ARTICLE 13
OBSERVERS**

1. The Conference may decide to invite as observers the following:
 - i) National Chambers of Commerce and Industry or their equivalent;
 - ii) Any inter-governmental or any non-governmental organizations the activities of which are related to the environment and sustainable development including institutions mentioned in Article 2 5(b) and (c);

- iii) International organizations involved in providing assistance related to environment and sustainable development in Africa.
2. The Secretary General of the Organization of African Unity, the Executive Secretary of the Economic Commission for Africa and the Executive Director of United Nation Environment Programme and the President of the Africa Development Bank shall be invited to participate as observers.
3. Such observers may participate in meetings of the Conference without the right to vote and may present to the Conference any information or reports relevant to the objectives of the Conference.
4. The conditions for the admission and participation of observers shall be set in the Rules of Procedure of the Conference.

ARTICLE 14 THE PERMANENT BUREAU

1. A Permanent Bureau, herein referred to as "the Bureau" is hereby established.
2. The Bureau of the Conference shall be responsible for the implementation of the decision of the Conference as well as the relations between the Conference and the member states and observers between the sessions.
3. The Bureau shall meet in an Ordinary Session once annually and at any other time that circumstances may warrant.
4. The hosting of sessions of the Bureau shall be in accordance with the provisions of Article 9, paragraph 3 and 4 of this Constitution.
5. The Rules of Procedure of the Conference shall apply to the meetings of the Bureau.

ARTICLE 15 MEMBERSHIP OF THE BUREAU

1. The Bureau shall be composed of officers of the Conference and the Chairpersons of the Ecosystems Committees.
2. The President of the Conference shall be the Chairperson of the Bureau and the Rapporteurs of the Conference shall be an officer of the Bureau.
3. The ex-officio ministers referred to in Article 12 (2) from the member states of the countries on the Bureau may also be invited to participate in the meetings of the Bureau.
4. The Bureau may also invite observers referred to in Article 13 to participate in its deliberations.

5. The Secretary General of the Organization of African Unity (OAU), the Executive Secretary of the Economic Commission for Africa (ECA), the Executive Director of the United Nations Environment Programme (UNEP) and the President of the African Development Bank (ADB) or their representative shall be invited to participate as observers.

ARTICLE 16 ECOSYSTEM COMMITTEES

1. The following Ecosystem Committees are hereby established. These are
 - i) The Committee on Desert and Arid Lands
 - ii) The Committee on River and Lake Basins
 - iii) The Committee on Forests and Woodlands
 - iv) The Committee on Seas
 - v) The Committee on African Island Ecosystems
2. Within the scope and objectives of the Conference, the Committees shall coordinate, monitor and report to the Conference on environment and development activities, including the implementation of conventions, protocols and agreements relevant to their respective ecosystems.
3. The Committees shall promote the ratification and implementation of conventions, protocols and agreements within their areas of activity.
4. The Committees shall facilitate and coordinate the exchange of information with other relevant institutions as well as between the Conference and the member states.
5. The Committees shall review the results of monitoring activities in their area of competence and make the necessary reports to the Bureau.
6. Each Committee shall hold an ordinary session at least once a year and may hold extra-ordinary sessions at any other time as circumstances may warrant.
7. At each meeting, the Committee shall elect a Rapporteur.
8. The venue and financing of the meeting of the Committees shall be in accordance with Article 9(3) and (4) above.
9. The Rules of Procedure of the Conference shall apply to the meetings of the Committees.

ARTICLE 17
REPORTING OF THE ACTIVITIES OF THE CONFERENCE

The Chairpersons of the Committees shall submit the report of their activities to the ordinary session of the Conference.

ARTICLE 18
COMPOSITION OF THE COMMITTEES

1. The Committees shall be composed of government experts in the different areas of the mandates of the Committees.
2. Experts from other relevant ministries may also be coopted in the Committees.
3. Observers referred to in Article 13 with relevant competence may also be invited to participate in the work of the committees.

ARTICLE 19
AFRICAN SUB-REGIONAL ENVIRONMENT GROUPS

1. Each member state shall designate experts to serve as focal points and to constitute a scientific and technical group of experts which will become the African Sub-Regional Environmental Groups (SREGS) to advise the Ecosystem Committees on sub-regional and regional issues.
2. They shall play lead roles in the networking of institutions and experts and assist the Conference Secretariat in promoting and coordinating the implementation of the Conference decisions.

ARTICLE 20
COMPOSITION OF THE AFRICAN SUB-REGIONAL ENVIRONMENT GROUPS

1. The member states in each sub-region shall designate National Director or Senior Official of the Ministry of Environment to serve as members of the African Sub-regional Environmental Groups.
2. They may also coopt experts from other relevant Ministries.

ARTICLE 21
AMCEN NETWORKS

1. AMCEN shall take measures to coordinate and strengthen the regional technical cooperation networks on environment and eco-development namely, Environmental Education and Training Network (EUNET); Soil and Fertilizer Network (SCFERNET); Climatology Network (CLIMNET); Science and Technology Network (SATNET); Energy Network (ENERNET); Biodiversity Network (BIDNET) and Water Resources Network (WATNET).

2. In accordance with their detailed terms of reference each network shall have the responsibility for:
 - a) Strengthening horizontal cooperation between national technical departments and scientific institutions, thus pooling the experience acquired continent-wide and ensuring the utilization of available national skills, capabilities and expertise on a regional basis;
 - b) Seeking solutions to environmental problems that transcend national boundaries;
 - c) Using scientific and technical tools to support development projects, through the mobilization of regional efforts (human, institutional, technical and financial);
 - d) Collecting, processing, storing and disseminating (as appropriate) basic data provided by national technical departments; and
 - e) Providing scientific and technical assistance to African countries (as requested) in analysis, collating and correlation of data.
3. The Secretariat shall submit a report on the activities of the networks, to the Conference at each ordinary session.

ARTICLE 22 THE PERMANENT SECRETARIAT

1. The Permanent Secretariat of the Conference hereunder referred as the Secretariat is hereby established.
2. The functions of the Secretariat shall be:
 - a) to assist the President of the Conference, its Bureau, the Committees and the Experts Group in the implementation of the decisions of the Conference;
 - b) to provide secretariat services to the Conference and to the Committees during their sessions;
 - c) to undertake organization of work during the sessions;
 - d) to undertake other co-ordination activities as shall be necessary for the smooth functioning of the Conference in the achievement of its objectives;
 - e) to prepare draft programmes of work and budget for consideration and approval by the Conference;
 - f) to prepare relevant activity and financial reports and other documentation as may be necessary for the deliberations of the Conference and its Committees;

- g) to ensure necessary coordination with the secretariat of other relevant sub-regional, regional and international bodies;
- h) to prepare Staff Rules and Regulations as well as financial regulations or amendments for the consideration and approval of the Conference.
- i) to perform such other functions as may be determined by the Conference.

**ARTICLE 23
STAFF OF THE SECRETARIAT**

1. The staff of the Secretariat shall be composed of:
 - i) Executive Secretary
 - ii) Professional/Technical Staff
 - iii) Support Staff
2. The terms and conditions of service of the staff including the mandate of the Executive Secretary shall be contained in the Staff Rules and Regulations.

**ARTICLE 24
EXECUTIVE SECRETARY OF THE PERMANENT SECRETARIAT**

1. The Executive Secretary shall be responsible for the functioning of the Secretariat in accordance with Article 24 of this constitution.
2. The Executive Secretary shall ensure that all functions outlined in Article 5 of this Constitution are carried out.
3. The Executive Secretary shall discharge the duties of the chief executive of the Secretariat of the Conference.

**ARTICLE 25
LOCATION OF THE SECRETARIAT**

1. The Secretariat of AMCEN shall be located at its headquarters at—
2. The host government shall provide adequate premises free of charge for the offices of AMCEN.
3. The premises of AMCEN shall be inviolable. The host government shall enter into a Headquarters Agreement with AMCEN which shall extend the necessary privileges and immunities to the organization and the senior international staff of the Secretariat and their families.

**CHAPTER III
FINANCIAL RESOURCES**

**ARTICLE 26
CONTRIBUTIONS**

1. The necessary financial resources for sustaining the activities of AMCEN shall be contributed by the member states through
 - i) assessed contributions to the budget as reflected in Annex II. The payment of member states shall be in convertible currency unless the Conference decides otherwise.
 - ii) other contributions as any member state may wish to make.

**ARTICLE 27
TRUST FUND**

1. A Trust Fund, hereby referred to as "the Fund" is hereby established. Contribution to the Fund by member States shall be obligatory.
2. Pledges to the Fund shall be made at each session of the Conference and the Fund shall be an agenda item of each Ordinary Session.
3. The observers shall also be encouraged to make voluntary contributions as they may be in a position to make.
4. The Fund shall be used for the following purposes:
 - a) To provide financial support, wholly or partially, for the functioning of the organs of the Conference and implementation of the activities of AMCEN, and
 - b) To cover the cost of
 - i) Staff salaries and other emoluments
 - ii) staff travel to meetings;
 - iii) publications;
 - iv) communications; and
 - v) consultancies both internal and external.
 - vi) implementation of decisions of AMCEN Ministers.
 - c) To cover the cost of participation of experts at the meetings of the Committees, sub-

regional environment groups (SREGS) and at meetings of the Bureau and sessions of the Conference

5. The Secretariat shall report on the status of the Fund at each Ordinary Session of the Conference

**ARTICLE 28
OTHER FINANCIAL RESOURCES**

1. Efforts shall be made to solicit financial resources from bilateral and multi-lateral sources to support the implementation of projects submitted through the Secretariat.

**ARTICLE 29
MANAGEMENT OF THE FINANCES**

1. The Executive Secretary of the Secretariat shall be responsible for the management of the Conference finances.
2. The financial records of the Conference shall be subject to external auditing once every year and the report submitted to the Bureau at its ordinary annual meeting.
3. The President may request for a financial audit of the finances of the Conference at any time if the circumstances calls for it.
4. Financial matters shall be an item on the agenda of each Ordinary Session of the Conference

**CHAPTER IV
INSTITUTIONAL RELATIONSHIPS**

**ARTICLE 30
COOPERATION**

1. In accordance with Article 5, paragraph 2 of this Constitution, the Conference shall collaborate with all African national, sub-regional and regional institutions active in the field of environment and sustainable development.
2. The Conference shall maintain working relations with the Council of Ministers of the Organization of African Unity, United Nations Environment Programme, Economic Commission for Africa and the Conference of Ministers responsible for Social and Economic Development and Planning.
3. The Conference shall also maintain working relations with regional and sub-regional banks, particularly the African Development Bank.
4. The Conference shall cooperate with the United Nations Commission on Sustainable Development, United Nations Environment Programme, the Conference of Ministers of Economic Commission for Africa responsible for Social and Economic Development and the Council of Ministers of the Organization of African Unity, to enhance the participation of African States in UNCED related conventions and programmes.
5. As an intergovernmental body, the Conference shall establish relationship with other institutions to facilitate the achievement of its objectives.

CHAPTER V

PROCEDURE AND FINAL PROVISIONS

ARTICLE 31

ENTRY INTO FORCE OF THE CONSTITUTION

1. This Constitution shall provisionally enter into force on adoption at a Special Session of Africa Ministerial Conference on Environment with the participation of not less than two third of the member states. The Constitution shall definitively enter into force after it is duly signed by representatives with full powers of not less than 51 percent of the member states.

ARTICLE 32

AMENDMENTS

1. Any member state may propose amendments to this Constitution.
2. Amendments to the Constitution shall be adopted at an Ordinary Session of the Conference. The text of any proposed amendment shall be communicated to the member state by the Secretariat at least twelve months before the meeting at which it is proposed for adoption. The Secretariat shall also communicate proposed amendments to the Depository.
3. The member States shall make every effort to reach agreement on any proposed amendment by consensus. If all efforts at consensus have been exhausted, the amendment shall be adopted only if two third of the member States representatives at that session so vote with at least two third member states participating.

ARTICLE 33

TRANSITIONAL PERIOD

The Executive Director of UNEP is requested to continue to provide all facilities to the Conference pending the AMCEN Trust Fund becoming operational in accordance with Article 27.

ARTICLE 34

DISPUTE SETTLEMENT

1. Disputes arising between any two or more member states concerning the interpretation or application of this Constitution shall be settled by negotiations or any other peaceful means of their own choice.
2. If the dispute is not satisfactorily settled, it may be submitted for arbitration in accordance with Annex 1.
3. Matters relating to delinquency in contribution and mismanagement of the finances of the Conference or other matters affecting the legal person of the Conference shall be dealt with by

a Special Committee set up for that purpose by the President of the Conference in consultation with members of the Bureau.

4. Disputes arising from staff matters shall be dealt with in accordance with the Staff Rules and Regulations.

**ARTICLE 35
DEPOSITORY**

The Executive Director of UNEP shall be the Depository of this Constitution.

**ARTICLE 36
DISSOLUTION**

1. The Conference may be dissolved by a resolution supported by two thirds of all members participating at the session in which at least two thirds of all members are represented.
2. In case of dissolution, the assets of the Conference shall be used to liquidate the liabilities and obligations of the Conference, including the completion of on-going projects.

**ARTICLE 37
AUTHENTIC TEXT**

The original of this Constitution of which the Arabic, English and French texts are equally authentic shall be deposited with the Secretary General of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Constitution.

DONE At Dakar on this 28th day of November One Thousand Nine Hundred and Ninety Seven.

ANNEX 1 ARBITRATION

ARTICLE 1

The claimant party or parties shall notify the Secretariat that the parties have agreed to submit the dispute to arbitration in accordance with Article 34 paragraph 2 of this Constitution. The notification shall state the subject matter of arbitration, and include in particular, the article of this Constitution, the interpretation or application of which is at issue. The Secretariat shall forward all the information received to all parties to this Convention.

ARTICLE 2

The Arbitral Tribunal shall be composed of three members. Both the claimant party or parties and the other party or parties to the dispute shall appoint an arbitrator, and the two arbitrators so appointed shall designate by common agreement the third arbitrator, who shall be the President of the Arbitral Tribunal. The latter shall not be a national of one of the parties to the dispute, nor have his or her usual residence in the territory of one of these parties, nor be employed by one of them nor have dealt with the case in any other capacity.

ARTICLE 3

If the President of the Arbitral Tribunal has not been designated within two months of the appointment of the second arbitrator, the Executive Director of UNEP shall, at the request of either party to the dispute, designate the President within a further two-months period.

ARTICLE 4

If one of the parties to the dispute does not appoint an arbitrator within two months of the receipt of the request, the other party may so inform the Executive Director of UNEP, who shall designate the President of the Arbitral Tribunal within a further two months period. Upon designation, the President of the Arbitral Tribunal shall request the party which has not appointed an arbitrator to do so within two months. If it fails to do so within that period, the President shall inform the Executive Director of UNEP who shall make this appointment within a further two-month period.

ARTICLE 5

The Arbitral Tribunal shall render its decision in accordance with international law and in accordance with the provisions of this Constitution.

ARTICLE 6

The Arbitral Tribunal shall draw up its own rules of procedure.

ARTICLE 7

The decisions of the Arbitral Tribunal, both on procedure and substance, shall be taken by a majority vote of its members.

ARTICLE 8

The Tribunal shall take all appropriate measures to establish the facts.

ARTICLE 9

The parties to the dispute shall facilitate the work of the Arbitral Tribunal and in particular shall, using all the means at their disposal:

- a) provide the Tribunal with all the relevant documents, facilities and information;
- b) Enable the Tribunal, where necessary, to call witnesses or experts and receive their evidence.

ARTICLE 10

The parties to the dispute and the arbitrators shall protect the confidentiality of any information they receive in confidence during the proceedings of the Arbitral Tribunal.

ARTICLE 11

The Arbitral Tribunal may, at the request of one of the parties, recommend interim measures of protection.

ARTICLE 12

If one of the parties to the dispute does not appear before the Arbitral Tribunal or fails to defend its case, the other party may request the Tribunal to proceed with the proceeding and render its final decision. Absence of a party or failure to defend its case shall not constitute a bar to the proceedings.

ARTICLE 13

The Arbitral Tribunal may hear and determine counter-claims arising directly out of the subject-matter of the dispute.

ARTICLE 14

Unless the Arbitral Tribunal decides otherwise because of the particular circumstances of the case, the expenses of the Tribunal, including the remuneration of its members, shall be borne equally by the parties to the dispute.

ARTICLE 15

Any party to this Constitution, which has an interest of a legal nature in the subject matter of the dispute and which may be affected by a decision in the case may intervene in the proceedings with the

consent of the Tribunal.

ARTICLE 16

The Arbitral Tribunal shall render its decision within five months of the date on which it is established unless it finds it necessary to extend the time limits for a period which should not exceed five months.

ARTICLE 17

The award of the Arbitral Tribunal shall be accompanied by a Statement of reasons. It shall be final and binding upon all parties to the dispute. The award shall be transmitted by the Arbitral Tribunal to the parties to the dispute and to the Secretariat. The Secretariat will forward the information received to all the State parties.

ARTICLE 18

Any dispute which may arise between the parties concerning the interpretation or execution of the award may be submitted by either party to the Arbitral Tribunal which made the award, if the latter cannot be seized with the matter thereof, to another Tribunal constituted for the purpose in the same manner as the first.

