

CHAPTER II
ESTABLISHMENT, PRINCIPLES, OBJECTIVES, GENERAL UNDERTAKING
AND MODALITIES

Article 2

Establishment of the Community

THE HIGH CONTRACTING PARTIES hereby establish among themselves an African Economic Community (AEC).

Article 3

Principles

THE HIGH CONTRACTING PARTIES, in pursuit of the objectives stated in Article 4, of this Treaty solemnly affirm and declare their adherence to the following principles:

- (a) Equality and inter-dependence of Member States;
- (b) Solidarity and collective self-reliance;
- (c) Inter-State co-operation, harmonisation of policies and integration of programmes;
- (d) Promotion of harmonious development of economic activities among Member States;
- (e) Observance of the legal system of the Community;
- (f) Peaceful settlement of disputes among Member States, active co-operation between neighbouring countries and promotion of a peaceful environment as a pre-requisite for economic development;
- (g) Recognition, promotion and protection of human and peoples' rights in accordance with the provisions of the African Charter on Human and Peoples' Rights; and
- (h) Accountability, economic justice and popular participation in development.

Article 4

第二章 建立、原则、目标、一般承诺和方式

第二条

共同体的建立

缔约各方特此在彼此之间建立非洲经济共同体（AEC）。

第三条

原则

缔约各方，为追求本条约第四条所述目标，庄严确认并声明遵守以下原则：

- (a) 成员国间的平等和相互依存；(b) 团结和集体自力更生；(c) 国家间合作、政策协调和计划一体化；(d) 促进成员国间经济活动的和谐发展；(e) 遵守共同体的法律制度；(f) 和平解决成员国间的争端，邻国间积极合作并营造作为经济发展先决条件的和平环境；(g) 根据《非洲人权和人民权利宪章》的条款承认、促进和保护人权及人民权利；以及(h) 问责制、经济公正和民众参与发展。

Article 4

Objectives

- 1. The objectives of the Community shall be:**
- (a) To promote economic, social and cultural development and the integration of African economies in order to increase economic self-reliance and promote an endogenous and self-sustained development;**
 - (b) To establish, on a continental scale, a framework for the development, mobilisation and utilisation of the human and material resources of Africa in order to achieve a self-reliant development;**
 - (c) To promote co-operation in all fields of human endeavour in order to raise the standard of living of African peoples, and maintain and enhance economic stability, foster close and peaceful relations among Member States and contribute to the progress, development and the economic integration of the Continent; and**
 - (d) To coordinate and harmonize policies among existing and future economic communities in order to foster the gradual establishment of the Community.**
- 2. In order to promote the attainment of the objectives of the Community as set out in paragraph I of this Article, and in accordance with the relevant provisions of this Treaty, the Community shall, by stages, ensure:**
- (a) The strengthening of existing regional economic communities and the establishment of other communities where they do not exist;**
 - (b) The conclusion of agreements aimed at harmonising and co-ordinating policies among existing and future sub-regional and regional economic communities;**
 - (c) The promotion and strengthening of joint investment programmes in the production and trade of major products and inputs within the framework of collective self-reliance;**
 - (d) The liberalisation of trade through the abolition, among Member States, of Customs Duties levied on imports and exports and the abolition, among Member States of Non-Tariff Barriers in order to establish a free trade area at the level of each regional economic community;**
 - (e) The harmonisation of national policies in order to promote Community activities, particularly in the fields of agriculture, industry, transport and communications, energy, natural resources, trade, money and finance, human resources, education, culture, science and technology;**
 - (f) The adoption of a common trade policy vis-à-vis third States;**
 - (g) The establishment and maintenance of a common external tariff;**
 - (h) The establishment of a common market;**

目标

- 1. 共同体的目标应为：**
- (a) 促进经济、社会和文化发展及非洲经济一体化，以提高经济自立能力并推动内生性和自我持续发展；(b) 在大陆范围内建立一个框架，以开发、动员和利用非洲的人力和物力资源，实现自立发展；(c) 促进人类各领域合作，以提高非洲人民的生活水平，维持并增强经济稳定，促进成员国间密切与和平的关系，并为非洲大陆的进步、发展和经济一体化作出贡献；(d) 协调和统一现有及未来经济共同体之间的政策，以逐步推动共同体的建立。**
- 2. 为促进实现本条第一款所述的共同体目标，并根据本条约的相关规定，共同体应分阶段确保：**
- (a) 加强现有区域经济共同体并在不存在共同体的地区建立其他共同体；(b) 缔结旨在协调和统一现有及未来次区域和区域经济共同体之间政策的协议；(c) 在集体自立框架内促进和加强主要产品及生产投入的联合投资计划；(d) 通过废除成员国间对进出口征收的关税及消除成员国间的非关税壁垒以实现贸易自由化，从而在每个区域经济共同体层面建立自由贸易区；(e) 协调国家政策以促进共同体活动，特别是在农业、工业、运输和通信、能源、自然资源、贸易、货币和金融、人力资源、教育、文化、科学技术等领域；(f) 对第三国采取共同贸易政策；(g) 建立并维持共同对外关税；(h) 建立共同市场；**

- (i) The gradual removal, among Member States, of obstacles to the free movement of persons, goods, services and capital and the right of residence and establishment;
- (j) The establishment of a Community Solidarity, Development and Compensation Fund;
- (k) The granting of special treatment to Member States classified as least developed countries and the adoption of special measures in favour of land-locked, semi-land-locked and island countries;
- (l) The harmonisation and rationalisation of the activities of existing African multinational institutions and the establishment of such institutions, as and when necessary, with a view to their possible transformation into organs of the Community;
- (m) The establishment of appropriate organs for trade in agricultural and cultural products, minerals, metals, and manufactured and semi-manufactured goods within the Community;
- (n) The establishment of contacts and the promotion of information flow among trading organisations such as State commercial enterprises, export promotion and marketing bodies, chambers of commerce, associations of businessmen, and business and advertising agencies;
- (o) The harmonisation and co-ordination of environmental protection policies; and
- (p) Any other activity that Member States may decide to undertake jointly with a view to attaining the objectives of the Community.

Article 5

General Undertakings

- 1. Member States undertake to create favourable conditions for the development of the Community and the attainment of its objectives, particularly by harmonising their strategies and policies. They shall refrain from any unilateral action that may hinder the attainment of the said objectives.
- 2. Each Member State shall, in accordance with its constitutional procedures, take all necessary measures to ensure the enactment and dissemination of such legislation as may be necessary for the implementation of the provisions of this Treaty.
- 3. Any Member State, which persistently fails to honour its general undertakings under this Treaty or fails to abide by the decisions or regulations of the Community, may be subjected to sanctions by the Assembly upon the recommendation of the Council. Such sanctions may

(i) 逐步消除成员国间对人员、货物、服务和资本自由流动以及居住和设立权的障碍；(j) 设立共同体团结、发展和补偿基金；(k) 给予被列为最不发达国家的成员国特殊待遇，并采取有利于内陆、半内陆和岛屿国家的特别措施；(l) 协调和合理化现有非洲跨国机构的活动，并在必要时设立此类机构，以期可能将其转变为共同体机构；(m) 在共同体内设立适当的机构，负责农产品、文化产品、矿物、金属以及制成品和半制成品的贸易；(n) 建立贸易组织之间的联系并促进信息流通，这些组织包括国有商业企业、出口促进和营销机构、商会、商人协会以及商业和广告机构；(o) 协调和统一环境保护政策；以及(p) 成员国可能决定共同开展的任何其他活动，以实现共同体的目标。

第5条

一般承诺

1. 成员国承诺为共同体的发展及其目标的实现创造有利条件，特别是通过协调其战略和政策。它们应避免采取任何可能阻碍上述目标实现的单边行动。2. 各成员国应根据其宪法程序，采取一切必要措施，确保颁布和传播为本条约条款的实施所必需的此类立法。3. 任何成员国如持续未能履行其在本条约下的一般承诺，或未能遵守共同体的决定或规章，大会可根据理事会的建议对其施加制裁。此类制裁可

include the suspension of the rights and privileges of membership and may be lifted by the Assembly upon the recommendation of the Council.

Article 6

Modalities for the establishment of the Community

- 1. The Community shall be established gradually in six (6) stages of variable duration over a transitional period not exceeding thirty-four (34) years.
- 2. At each such stage, specific activities shall be assigned and implemented concurrently as follows:
 - (a) First Stage:
Strengthening of existing regional economic communities and, within a period not exceeding five (5) years from the date of entry into force of this Treaty, establishing economic communities in regions where they do not exist;
 - (b) Second Stage:
 - (i) At the level of each regional economic community and within a period not exceeding eight (ii) years, stabilising Tariff Barriers and Non-Tariff Barriers, Customs Duties and internal taxes existing at the date of entry into force of this Treaty; there shall also be prepared and adopted studies to determine the time-table for the gradual removal of Tariff Barriers and Non-Tariff Barriers to regional and intra-Community trade and for the gradual harmonisation of Customs Duties in relation to third States;
 - (ii) Strengthening of sectoral integration at the regional and continental levels in all areas of activity particularly in the fields of trade, agriculture, money and finance, transport and communications, industry and energy; and
 - (iii) Co-ordination and harmonisation of activities among the existing and future economic communities.
 - (c) Third Stage:
At the level of each regional economic community and within a period not exceeding ten (10) years, establishment of a Free Trade Area through the observance of the time-table for the gradual removal of Tariff Barriers and Non-Tariff Barriers to intra-community trade and the establishment of a Customs Union by means of adopting a common external tariff.
 - (d) Fourth Stage:

包括成员权利和特权的暂停，并可由大会根据理事会的建议予以解除。

第六条

共同体建立的模式

- 1. 共同体应在不超过三十四（34）年的过渡期内，分六个（6）阶段逐步建立，各阶段持续时间不一。2. 在每个阶段，应同步分配并实施以下具体活动：（a）第一阶段：加强现有区域经济共同体，并在本条约生效之日起不超过五（5）年的期限内，在尚未建立经济共同体的地区设立经济共同体；（b）第二阶段：（i）在各区域经济共同体层面，于不超过八（8）年的期限内，稳定本条约生效之日已存在的关税壁垒和非关税壁垒、关税及国内税；同时应编制并通过研究，确定逐步取消区域和共同体内部贸易的关税壁垒与非关税壁垒的时间表，以及逐步协调针对第三国的关税；（ii）在所有活动领域，特别是贸易、农业、货币和金融、运输和通信、工业与能源领域，加强区域和大陆层面的部门一体化；（iii）协调与统一现有及未来经济共同体之间的活动。
- (c) 第三阶段：
在每个区域经济共同体层面，并在不超过十（10）年的期限内，通过遵守逐步消除共同体内部贸易关税壁垒和非关税壁垒的时间表，建立自由贸易区，并通过采用共同对外关税来建立关税同盟。
- (d) 第四阶段：

Within a period not exceeding two (2) years, co-ordination and harmonisation of tariff and non-tariff systems among the various regional economic communities with a view to establishing a Customs Union at the continental level by means of adopting a common external tariff.

(e) Fifth Stage:

Within a period not exceeding four (4) years, establishment of an African Common Market through:

- (i) The adoption of a common policy in several areas such as agriculture, transport and communications, industry, energy and scientific research;**
- (ii) The harmonisation of monetary, financial and fiscal policies;**
- (iii) The application of the principle of free movement of persons as well as the provisions herein regarding the rights of residence and establishment; and**
- (iv) Constituting the proper resources of the Community as provided for in paragraph 2 of Article 82 of this Treaty.**

(f) Sixth Stage:

Within a period not exceeding five (5) years:

- (i) Consolidation and strengthening of the structure of the African Common Market, through including the free movement of people, goods, capital and services, as well as, the provisions herein regarding the rights of residence and establishment;**
- (ii) Integration of all the sectors namely economic, political, social and cultural; establishment of a single domestic market and a Pan-African Economic and Monetary Union;**
- (iii) Implementation of the final stage for the setting up of an African Monetary Union, the establishment of a single African Central Bank and the creation of a single African Currency;**
- (iv) Implementation of the final stage for the setting up of the structure of the Pan-African Parliament and election of its members by continental universal suffrage;**
- (v) Implementation of the final stage for the harmonisation and co-ordination process of the activities of regional economic communities;**
- (vi) Implementation of the final stage for the setting up of the structures of African multi-national enterprises in all sectors; and**
- (vii) Implementation of the final stage for the setting up of the structures of the executive organs of the Community.**

在不超过两（2）年的期限内，协调与统一各区域经济共同体之间的关税及非关税制度，以期通过采用共同对外关税在非洲大陆层面建立关税同盟。

(e) 第五阶段:

在不超过四（4）年的期限内，建立非洲共同市场，具体通过：

- (i) 在农业、运输和通信、工业、能源及科学研究等多个领域采取共同政策；(ii) 协调货币、金融和财政政策；(iii) 实施人员自由流动原则以及本条约中关于居留和设立权的规定；及(iv) 依照本条约第82条第2款的规定，构成共同体的适当资源。

(f) 第六阶段:

在不超过五（5）年的期限内：

- (i) 通过纳入人员、货物、资本和服务自由流动以及本条约关于居留和设立权的规定，巩固和加强非洲共同市场的结构；(ii) 整合经济、政治、社会和文化等所有领域；建立单一国内市场和泛非经济和货币联盟；(iii) 实施建立非洲货币联盟、设立单一非洲中央银行和创建单一非洲货币的最后阶段；(iv) 实施建立泛非议会结构并通过大陆普选选举其成员的最后阶段；(v) 实施协调和统一区域经济共同体活动的最后阶段；(vi) 实施在所有领域建立非洲跨国企业结构的最后阶段；以及(vii) 实施建立共同体执行机构结构的最后阶段。

- 3. **All measures envisaged under this Treaty for the promotion of a harmonious and balanced development among Member States, particularly, those relating to the formulation of multi-national projects and programmes, shall be implemented concurrently within the time period specified for the attainment of the objectives of the various stages outlined in paragraph 2 of this Article.**
- 4. **The transition from one stage to another shall be determined when the specific objectives set in this Treaty or pronounced by the Assembly for a particular stage, are implemented and all commitments fulfilled. The Assembly, on the recommendation of the Council, shall confirm that the objectives to a particular stage have been attained and shall approve the transition to the next stage.**
- 5. **Notwithstanding the provisions of the preceding paragraph, the cumulative transitional period shall not exceed forty (40) years from the date of entry into force of this Treaty.**

- 3. 本条约设想的为促进和谐所采取的所有措施
成员国之间均衡发展的措施，特别是涉及制定跨国项目和计划的措施，应在本条第二款所述各阶段目标实现所规定的时限内同步实施。
- 4. 从一个阶段向下一阶段的过渡应在
本条约设定的具体目标或大会为特定阶段宣布的目标得到落实且所有承诺履行完毕后确定。大会应根据理事会的建议，确认特定阶段目标已达成，并批准向下一阶段过渡。
- 5. 尽管有前款规定，累计
过渡期自本条约生效之日起不得超过四十年。