



**ORGANIZATION OF  
AFRICAN UNITY**  
Secretariat  
P. O. Box 3243

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**ORGANISATION DE L'UNITE  
AFRICAIN**  
Secretariat  
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اديس ابابا ° Addis Ababa

COUNCIL OF MINISTERS  
THIRTY-FOURTH ORDINARY SESSION  
Addis Ababa, February 1980

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SECRETARY-GENERAL'S REPORT ON THE CREDENTIALS  
COMMITTEE OF THE COUNCIL OF MINISTERS

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COMMITTEE OF THE COUNCIL ON MINISTERS

1. At its Thirty-Second Session, the Council of Ministers directed the Secretariat to submit to the Council at its Thirty-Third Session, a legal paper to guide Member States in complying with the requirements for the Council's newly established Credentials Committee.
2. The Council had considered a Secretariat's report on the credentials Committee at its Thirty-Third Session.
3. "During the discussions it was pointed out that the document of the Secretariat was too detailed and would thereby create problems for the Council in its consideration. The Council therefore decided that the report be withdrawn, for a further scrutinizing and requested the General Secretariat to submit the issue again to the Thirty-Fourth Session of the Council. The Secretariat has therefore pruned the report of passages it considered may give rise to problems and resubmits the report in the following for the consideration of the Council.
4. In Resolution CM/Res. 633(XXXI), the Council of Ministers established a Credentials Committee of the Council. In doing so, it recalled articles XII to XV of the OAU Charter, and conscious of the need to abide by these provisions, and to ensure legitimate representation of Member States, observed the omission to establish a Credentials Committee. The Council was mindful of the immense importance of its Charter responsibilities, and the need for it to live up to them. In order

that the responsibilities are discharged with the efficiency and diligence required the level of its composition should conform with Article 12 (i) of OAU Charter which provides:

"The Council of Ministers shall consist of Foreign Ministers or such other Ministers as are designated by the Government of Member States."

5. The Foreign Ministers or such other Ministers as are designated by the Government of Member States are therefore charged with the considerable responsibilities enunciated in Article ~~XIII~~ of the Charter.

#### Scope of Activities of the Credentials Committee

6. The Credentials Committee is charged with the responsibilities of:

- i) examining the Credentials of delegates to the Sessions of the Council of Ministers to ensure that participants in the sessions are legitimate representatives of Member States and are as stipulated in Article XII of the Charter;
- ii) ensuring that the Credentials are rendered in accordance with law i.e. in keeping with the form stipulated in Rule 5 of the Rules of Procedure of the Council of Ministers;
- iii) submitting a report on its findings for the consideration of the Plenary of the Session.

Form of Credentials

7. Rules 5 (bis) of the Rules of Procedure of the Council of Ministers requires that "Credentials shall be issued either by the Head of State and Government or by the Minister for Foreign Affairs". In order to satisfy the word "issue" the Credentials, besides being signed by the Head of State and Government or the Minister of Foreign Affairs should bear their seals of office. This will authenticate the Credentials and confirm that they are properly issued. However, while, the Heads of State and Government of Member States may generally be empowered to maintain seal of office, in some countries, the Ministers of Foreign Affairs may not have such powers, and it would be difficult for them to append a seal to the Credentials they have signed. In such cases, it may suffice that the Ministers append their signatures only. Where a Foreign Minister is to issue Credentials, it is not enough that a Minister or a Minister of a State in the Foreign Office issues them. Where a Minister issues, in order to satisfy the law it should also be indicated that the Minister is in charge of Foreign Affairs. To facilitate the work of the Committee, Member States may wish inform the Secretariat of the composition of their Governments and any subsequent changes.

8. There are cases where lists of delegates are attached to a letter signed by a Minister of Foreign Affairs or a Head of State and Government, and both the letter and list are meant to satisfy the requirements of Rule 5. Obviously, the attached lists can be altered with ease by an unauthorized person. Therefore such attached lists cannot be said to be properly issued by the Foreign Minister or Head of State and Government. For

a list of delegates to be properly issued it, should bear the signature (and seal) of the Foreign Minister or Head of State and Government. Where the list runs into several pages, each page should necessarily bear the signature (and seal) in order to be authentic.

9. By Article XIII of the Charter, only the Foreign Minister or a Minister designated by the Government of a Member State is a member of the Council of Ministers. But for speedy transaction of business, Committees of the Council are established to undertake preliminary discussions of subjects which thereafter will be decided upon by the plenary in which the Ministers are taking part. Thus the Credentials list may consist of the Foreign Ministers or a Minister designated, and other persons who will assist the Minister in the Committees for preliminary discussions of matters before the Council.

#### Submission of Credentials

10. Rule 5 (bis) of the Rules of Procedure of the Council of Ministers requires that "the Credentials and names of members of an accredited delegation shall be submitted to the Administrative Secretary-General before the opening of the meeting of the Council of Ministers". It is necessary that the Credentials of delegates be examined before or at the opening sittings so that delegations that have submitted defective Credentials would be informed to enable them make corrections as urgently as possible. It is therefore important that Credentials reach the Administrative Secretary-General in time before ordering the opening of each session for early transmission to the Credentials Committee which elected at the beginning of the Session, will start work immediately thereafter.

in order to report to the plenary as early as possible. Both the plenary and the Credentials Committee may sit simultaneously; but for obvious reasons, it is important that the Committee be in a position to report as early as possible during the session.

11. There may be circumstances in which a Member State may find it unavoidable to transmit the Credentials of its delegation by telegram to the Administrative Secretary-General. In these cases, the telegram should indicate that the Credentials in the form required by law will be transmitted before the end of the session. Although it is recommended that such irregular transmission be allowed, it should only be permitted where it is unavoidable. Its frequent use should however be discouraged.

#### Report of the Committee to the Plenary

12. The Report should clearly indicate
- a) the number of proper Credentials received;
  - b) the number of improper Credentials including the names of related Member States and the grounds of impropriety;
  - c) the number and names of Member States that did not submit Credentials.

The Committee may make references to the consequences of non-submission or submission of improper Credentials. It can however, make recommendations for facilitating the submission of Credentials to it. The plenary will consider the Report and adopt or reject it. On adoption, it becomes part of the Rapporteur's Report.

Consequences of Non-submission of Credentials or  
the Submission of defective Credentials.

11. The purpose of establishing the Credentials Committee is to ensure legitimate representation of Member States in the Sessions of the Council. The Charter requires that the execution of the responsibilities of the Council be at the level of ministers of Member States; and the Credentials Committee is to ensure this. Where therefore, a delegation does not submit its credentials or where it submits defective credentials such as would render its submission void, the participation of that delegation in the work of the Council in that particular session may not be valid in law.

The following are annexed:

- Annex I - CM/Res.633(XXXI)
- Annex II - Rule 5 of the Rules of Procedure of Council of Ministers.

Annex I

RESOLUTION ON THE ESTABLISHMENT  
OF THE CREDENTIALS COMMITTEE OF THE COUNCIL  
OF MINISTERS OF THE OAU  
(CM/Res.655(XXXI))

The Council of Ministers of the Organization of African Unity, meeting in its Thirty-first Ordinary Session in Khartoum, Democratic Republic of the Sudan from 7 to 15 July 1978,

Recalling the relevant provision of the Charter of the Organization of African Unity, in particular Articles 12 to 15,

Considering that the Rules of Procedure of the Council of Ministers approved by the Assembly of Heads of State and Government of the OAU in 1964, have made no provision for the establishment of a Credentials Committee of the Council of Ministers,

Considering further that Rule 5 of the Rules of Procedure of the Council of Ministers provides that the Government of each Member State shall communicate to the Council in advance, through the Administrative Secretary-General, the list of its duly accredited delegation,

Convinced of the need for the establishment of a Credentials Committee charged to examine the credentials of all delegates,

Conscious of the fact that such a Committee is a common feature in the machinery of many international organizations,



1. RESOLVES to establish a Credentials Committee of the Council of Ministers of the OAU;
2. DECIDES that the Credentials Committee shall be composed of Five Members selected at the beginning of every session in a way that ensures the geographical representation of all the sub-regions;
3. CALLS UPON Member States to comply with the provisions of Article 5 of the Rules of Procedure regarding the credentials of their delegations;
4. REQUESTS the OAU Secretary-General to follow scrupulously the implementation of this decision.

RULES OF THE CREDENTIALS COMMITTEE OF  
THE COUNCIL OF MINISTERS

Rule 5 of the Rules of Procedure of the Council of Ministers

The Government of each Member State shall communicate to the Council in advance, through the Administrative Secretary-General, the list of its duly accredited delegation.

RULE 5 (bis):

The credentials and names of members of an accredited delegation shall be submitted to the Administrative Secretary-General before the opening of the meeting of the Council of Ministers. The credentials shall be issued either by the Head of State and Government or by the Minister for Foreign Affairs.

CREDENTIALS COMMITTEE

RULE 5 (ter):

A Credentials Committee shall be appointed at the beginning of each session. The Committee shall consist of Five Members who shall be appointed by the Council of Ministers on the proposal of the Chairman. The Committee shall elect its own officers. It shall examine the credentials of accredited representatives and report thereon without delay to the Council of Ministers.

PROVISIONAL ADMISSION

RULE 5 (cater):

Any representative to whose admission a Member State has made objection shall be seated provisionally with the same right as other representatives until the Credentials Committee has reported and the Council of Ministers has given its decision.

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