



**ORGANIZATION OF
AFRICAN UNITY**

Secretariat
P. O. Box 3243

منظمة الوحدة الافريقية
السكرتارية
ص. ب. 3243

**ORGANISATION DE L'UNITE
AFRICAIN**

Secretariat
B. P. 3243.

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COUNCIL OF MINISTERS
Forty-second Ordinary Session
10 - 16 July, 1985,
Addis Ababa, Ethiopia

CM/1335 (XLII) Rev. I
ANNEX I

DRAFT STATUTE OF THE SPECIAL EMERGENCY
ASSISTANCE FUND FOR DROUGHT AND
FAMINE IN AFRICA

DRAFT STATUTE OF THE SPECIAL EMERGENCY ASSISTANCE
FUND FOR DROUGHT AND FAMINE IN AFRICA

PREAMBLE

The Assembly of Heads of State and Government of the Organization of African Unity, meeting in its Twenty-first Ordinary Session in Addis Ababa, Ethiopia from 18 - 20 July 1985,

Recalling the principles and objectives of the Charter of the Organization of African Unity (OAU),

Recalling further the recommendation in the Lagos Plan of Action (LPA) on the setting up of an African Food Relief Support,

Recalling further its Resolution AHG/Res.133 (XX) adopted at its Twentieth Ordinary Session held in Addis Ababa in November 1984, by which it established a Special Emergency Assistance Fund for Drought and Famine in Africa,

Aware of the necessity to spell out in greater detail the provisions governing the said Special Emergency Assistance Fund for Drought and Famine in Africa:

ADOPTS the Statute for the Special Emergency Assistance Fund for Drought and Famine in Africa with the following provisions:

CHAPTER I
TERMS

ARTICLE I: Unless otherwise specified, the following terms shall mean:

- a) "Member States" the Member States of the Organization of African Unity (OAU);
- b) "Bank" the African Development Bank (ADB);
- c) "Fund" the Special Emergency Assistance Fund for Drought and Famine in Africa;
- d) "General Secretariat" the General Secretariat of the Organization of African Unity;
- e) "Secretary-General" the Secretary-General of the Organization of African Unity, etc.....;
- f) "Assembly" Assembly of Heads of State and Government of the OAU;
- g) "Committee" Policy Committee of the Fund.

CHAPTER II
OBJECTIVES AND FUNCTIONS

ARTICLE 2: OBJECTIVES

The principal objectives of the Fund shall be:

- (i) To provide emergency assistance to African countries affected by drought and/or famine;
- (ii) To provide immediate financial and material assistance in support of national activities and programmes which are designed to reduce the impact of drought and/or famine in Africa;
- (iii) To mobilize financial resources in and outside Africa and to channel such resources to areas that need emergency assistance for drought and famine.

ARTICLE 3: FUNCTIONS

In order to attain its objectives, the Fund shall give emergency relief assistance by way of grants and/or loans at the request of Member States affected by drought and famine. Such grants or loans shall be used for:

- (i) Food acquisition as well as the financing of other goods and services required to that effect;
- (ii) Financial support to beneficiary countries for projects aimed at combating drought and famine as well as for the development of food production.

CHAPTER III

ARTICLE 4: MEMBERSHIP

All Member States of the Organization of African Unity are members of the Fund.

CHAPTER IV

ARTICLE 5: RESOURCES

1. The resources of the Fund shall consist of:
 - (i) Voluntary financial contributions from Member States of the Organization of African Unity;
 - (ii) Contributions from the Organization of African Unity;

The Secretary-General shall be the General Manager of the Fund. He shall be responsible for the management of the Fund and shall be assisted by a Board of Directors. The Board of Directors shall be composed of representatives of the Member States and shall be elected by the Committee for Administrative and Financial Matters. The financial resources of the Fund shall be expressed in United States Dollars.

ARTICLE 6: USE OF RESOURCES

The resources of the Fund shall be used for the following purposes: (i) the provision of emergency grants to Member States affected by drought and/or famine; (ii) the provision of grants to Member States to enable them to combat drought and/or famine; (iii) the granting of loans to Member States in respect of projects which are in conformity with the objectives of the Fund; (iv) approved payment by the Committee for administrative and other expenses involved in the operation of the Fund.

ARTICLE 7: MANAGEMENT OF RESOURCES

The financial resources of the Fund shall be administered and managed by the African Development Bank. The Secretary-General shall negotiate and sign a Trust Instrument with the ADB in which the terms and conditions of administration, management and disbursement of the financial resources of the Special Fund shall be stipulated. The Policy Committee shall approve the Trust Instrument. 2. Voluntary contributions in kind when decided by the Committee shall be channelled directly by the donors to the beneficiaries.

CHAPTER V: ORGANIZATION AND MANAGEMENT

ARTICLE 8: STRUCTURE OF THE FUND

The administration of the Fund shall be the responsibility of the Policy Committee which is the supreme organ of the Fund and responsible for: (i) determining the policy of the Fund; (ii) granting of emergency relief assistance, and subventions, as well as grants or loans, including the determination of their terms and conditions.

- (iii) approval of administrative and other expenses related to the operation of the Fund;
 - (iv) the formulation of programmes of financial resource mobilization in and outside Africa;
 - (v) the control of the management of the resources of the Fund.
2. The Policy Committee shall establish its own rules of Procedure;
 3. Membership of the Policy Committee shall consist of twelve Member States of the Organization of African Unity;
 4. The Secretary-General and his staff shall service the meetings of the Committee;
 5. The Executive Secretary of the United Nations Economic Commission for Africa (ECA) and the President of the African Development Bank (ADB) or their duly appointed representatives shall attend the meetings of the Committee in a technical consultative capacity.

ARTICLE 9: STATUS

The Secretary-General shall be the General Manager of the Fund. He shall be responsible for the management of the Fund in accordance with decisions taken by the Committee. In this regard, he is empowered to enter into any legal agreement which will facilitate the implementation of these decisions and to represent the Fund. He shall be answerable to the Committee.

CHAPTER VI

GENERAL PROVISIONS

ARTICLE 10:

1. The Fund may terminate its operations by a two-thirds majority decision of Member States of the OAU. After termination of operations, the Fund shall forthwith cease all activities, except those which are incidental to the orderly realization, conservation and preservation of its assets and settlement of its obligations. The Fund shall remain in existence until a final settlement of its obligations and disposal of assets are completed.

2. In the event of dissolution, the liquidation of the Fund shall be effected by a Liquidator appointed by the Council of Ministers;
3. After the liquidation of the Fund, the Liquidator shall ensure that all its assets are transferred to the regular budget of the OAU.

CHAPTER VII

PRIVILEGES AND IMMUNITIES OF THE FUND

ARTICLE 11:

1. The Fund and its properties shall enjoy juridical and operational immunities. It shall be immune from search, requisition, confiscation, expropriation and all forms of administrative, judicial and legislative constraints;
2. The Fund, its assets, income and other earnings shall be exempt from all fiscal duties, taxation and charges of equivalent effect;
3. Any dispute arising between the Fund and a third party relating to the supply of goods and services shall be settled amicably or, failing which, it shall be submitted to an Arbitrator acceptable to both parties.

CHAPTER VIII

INTERPRETATION AND ARBITRATION

ARTICLE 12:

All disputes arising between Member States as to the interpretation or application of the present statute shall be referred to the Assembly of Heads of State and Government through the Council of Ministers. The decision of the Assembly shall be final.

CHAPTER IX

FINAL PROVISIONS

ARTICLE 13: Amendments

The present Statute may be amended by a two-thirds majority decision of the Member States.

ARTICLE 14: Entering Into Force

This Statute shall enter into force from the date of its adoption by the Assembly of Heads of State and Government of the Organization of African Unity.

ADOPTED IN ADDIS ABABA This.....day of July 1985 in single original in the English, French and Arabic languages, all the three texts being equally authentic.

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