



ORGANIZATION OF  
AFRICAN UNITY

Secretariat

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ORGANISATION DE L'UNITE  
AFRICAINNE

Secretariat

B. P. 3243

Addis Ababa أديس ابابا

COUNCIL OF MINISTERS  
Forty-third Ordinary Session  
25 February - 4 March, 1986  
Addis Ababa, Ethiopia

Cm/1356 (XLIII)

PRELIMINARY REPORT OF THE COMMITTEE OF FOURTEEN  
ON THE OAU STRUCTURAL REFORM



Cm/1356

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PRELIMINARY REPORT OF THE COMMITTEE OF FOURTEEN  
ON THE OAU STRUCTURAL REFORM

The Second Session of the Ad-Hoc Committee on the Structure of the OAU Secretariat resumed its deliberations on 12 February, 1986, at 10:30 a.m.

2. In his opening remarks, the Chairman recalled the circumstances that led to the premature adjournment of the First Session of the Committee in November 1985, and regretted the fact that three months after the First Session, the Secretariat had not been able to distribute all the documents requested by the Committee. He underlined both the importance and the urgency of the task assigned to the Committee and urged the Secretariat to co-operate fully with the Committee to ensure the speedy accomplishment of its task as spelt out in the Resolution CM/1234 (XL).

ADOPTION OF THE AGENDA

3. With reference to the Agenda which the General Secretariat had proposed, the Chairman expressed no objection to its contents but told the Committee that he had proposed changes in the order in which the items were to be discussed and invited the Committee members to examine his text of the Agenda. After a short discussion, the Committee agreed to follow the agenda as arranged by the Chairman and adopted it as follows:

- I.       (a) Official Opening;  
         (b) Election of Vice-Chairman for the Committee;  
         (c) Organization of Work;  
         (d) Adoption of the Agenda.
- II.       Review of the OAU present Staff Rules and Regulations.  
  
          (Ref: Rev.Doc. UNDP Project RAF)  
  
          (a) RAF/82/003 dated March 1985;  
          (b) Section 4.5 of the initial report;  
          (c) Page 104 of final Report STR/Refr/Cttee.14/2 Rev.2)
- III.      Drawing up a scheme of service detailing the career prospects  
            of Staff Members (Ref : Initial Report 4.3)
- IV.      Review of the criteria for recruitment as well as of  
            existing recruitment policies and practices  
            (Ref : Initial Report 4.201 - 4.205)
- V.       Review of the service conditions of all staff of the OAU  
            Secretariat, including other benefits and pensions  
            (Ref : Initial Report 4.101 - 4.143).

Related issues are:

- (a) Overall level of remuneration;
- (b) Post Adjustment;
- (c) Housing Allowance;
- (d) Education Allowance;
- (e) Dependency Allowance;
- (f) Recommendation for GS Group;
- (g) Pensions.

- VI. Regrading reclassification and harmonizing of posts, particularly at the technical and supportive levels with a view to ensuring fair remuneration, taking into account qualifications, efficiency and experience. (Ref. Initial Report 4.4).
- VII. Review of the existing structure within the Secretariat with an overall view of making its activities programme-oriented and avoiding duty over-lapping, wasteful duplication and, as far as possible, ensure equitable distribution of duties and responsibilities regarding established departments.
- VIII. Review of the relationship between the General Secretariat and Regional Offices in the lights of the responsibilities entrusted to the General Secretariat under the Lagos Plan of Action and its Final Act and the priorities of the recovery programme 1986/1990. (Ref : Initial Report 3.1 - 3.333).
- IX. Any other business.

#### ELECTION OF VICE-CHAIRMAN:

- 4. H.E. Lt. Gen. Benjamin N. Mibenge, Ambassador of the Republic of Zambia, was unanimously elected the Vice-Chairman of the Committee.

#### ORGANIZATION OF WORK:

- 5. The Committee agreed on the following hours of work:  
 10:00 hrs to 13:00 hrs  
 16:00 hrs to 19:00 hrs

#### PROGRAMME OF WORK:

- 6. The Committee agreed on the following programme for the accomplishment of its work:
  - (a) Second Session of the Committee : 12 to 20 February, 1986
  - (b) Third Session of the Committee : April/June, 1986
  - (c) Fourth Session of the Committee : September, 1986
 National Experts in attendance

- (d) Fifth Session of the Committee : October/November, 1986
- (e) Sixth Session of the Committee : December 1986/January, 1987  
Finalisation of Report of  
to Council.
- (f) Seventh Session of the Committee : To be fixed according to  
the directives given by the  
Council of Ministers in its  
Forty-fifth Ordinary Session.

ITEM 2:

PROPOSED TEXT OF STAFF RULES AND REGULATIONS:

INTRODUCTION:

7. Opening debate on the text proposed by the UNDP Consultant, the Chairman sought the guidance of the Committee on whether the Organization intended to maintain use of the term "Regulations" and "Rules" as used by the OAU or as used by other International Organizations. The Committee was divided as follows:

8. Some members of the Committee expressed the view that the term should be applied as in other International Organizations. In the discussion that ensued the Legal Advisor informed the Committee that the French version of the Staff Rules and Regulations was clear.

9. The terms used were in line with their use in other International Organizations. The English version however was not consistent with the general usage. He explained that the Regulations as used in the French text referred to the superior part of the text and that "Rules" referred to the lower provisions.

10. Consequently, the Committee agreed to use the terms in the sense in which they are used by other International Organizations. It was, therefore, further agreed to amend the English version in such a way that it should refer Regulation to the superior provisions and "Rules" to the other provisions.

CHAPTER I - (SCOPE; & APPLICABILITY)

PRESENTATION:

11. The Committee discussed the manner in which the chapter should be presented, criticising the expert for having introduced titles which did not agree with the arrangement of the articles. Since a debate on this matter was time consuming the Committee decided to consider the substance of the articles on the chapter and later on find suitable sub-titles for them.

ARTICLE 1: (PURPOSE)

12. This article was presented by the Chairman and it was adopted without comment or amendment subject to referring to that "Regulations" instead of "Rules" in the English version.

ARTICLE 2: (RELATION TO STAFF RULES)

13. This article was also adopted on introduction by the Chairman without amendment with the same harmonization in the English text as above.

CHAPTER II - (DUTIES, OBLIGATIONS & RIGHTS)

NOTE:

14. The note was read and accepted by the Committee and the only amendment to be made was that the word "Rules" referred to "Regulations" in the English version.

ARTICLE 3: (STATUS OF STAFF MEMBERS)

STATUS OF STAFF MEMBERS

15. This article was introduced and debated and it was finally agreed by the Committee that although the expert's text was not very different from the existing Staff Rules, the Committee decided to retain the existing version of the Staff Rules which was more clear.

ARTICLE 4 - (OBLIGATIONS OF STAFF MEMBERS)

16. (a) This part of Article 4 was adopted by the Committee as proposed by the Consultant;
- (b) This part of the Article was adopted with an amendment to be made to the French version so as to read "... from any Governemnt ..." for the purpose of harmonising it with the English version;
- (c) and (d) These sub-paras were adopted without amendment;
- (e) Although this sub-para was adopted, the Committee agreed to add the following:- "Any misuse of or unauthorized extraction or destruction of official papers is strictly forbidden."
- (f) This sub-para was adopted without amendment.

ARTICLE 5 - (OATH OR DECLARATION OF OFFICE)

17. This Article was adopted after a long debate but the old preamble was retained.

ARTICLE 6 - (PROTECTION)

18. The Committee accepted the proposal of the Consultant while deleting the word "remuneration". The Article, after the Committee's amendment would read as follows:

- (a) "By virtue of the exercise of their functions, all staff members in the service of the Organization shall be entitled to protection";
- (b) "The Organization shall ensure the protection of staff members against threats, abuse, violence, assaults, insults, or defamation which they may be subjected by reasons of or in connection with the performance of their duties in the Organization. The Organization shall, where necessary, make good any damage suffered by staff members as a result of such acts";

- (c) Part C remains as proposed by the Consultant subject to verifying the legal notion of "professional fault". The Article reads as follows:

"The Organization shall assume full civil liability for any professional fault committed by a staff member in, or in connection with the performance of his official duties. In such case the Organization may take appropriate action against the staff member concerned; such action may include disciplinary measures to which the staff member has rendered himself liable."

ARTICLE 7 - (IMMUNITIES AND PRIVILEGES)

19. There was a lengthy debate on this Article. Some Committee members did not agree with the explanation of the Article by the Legal Advisor. After several exchange of views, the Committee adopted the Consultant's proposal as follows:-

- (a) Regain Article 10 of the existing Rules;
- (b) Remains as proposed by the Consultant;
- (c) Amended to read: "These immunities and privileges shall not be involved to exonerate staff members who enjoy them from their private obligations or from observing laws and police regulations."
- (d) In any case, where these immunities and privileges are questioned, the staff members concerned shall immediately report to the Secretary-General with whom alone it rests to decide whether they all be waived.

CHAPTER III

ARTICLE 8 - (CLASSIFICATION OF STAFF AND POSTS)

20. The Article was adopted with the amendment of (a) to read "Elected Officials" instead of "Political Appointees"(Group I).

ARTICLE 9 - (CONDITIONS FOR APPOINTMENT)

21. After a short debate, the Article was adopted as follows:
- "No person shall be appointed as a staff member of the Organization of African Unity unless:
- (a) He is an African from a Member State of the OAU or from an African territory still under colonial and racist dominion;
  - (b) He possesses the required moral standards or has not been convicted for a criminal offence;
  - (c) He has been declared by a Medical Panel, physically fit to hold the post applied for and free from any mental illness, permanent or temporary;
  - (d) He meets the age requirement specified in the Staff Regulations.

ARTICLE 10 - (AUTHORITY FOR APPOINTMENT)

22. The Article was adopted as proposed by the Consultant but with slight amendments. The Article read as follows:-

"In accordance with Articles XVI and XVII of the Charter, Appointments of staff belonging to Group I (Elected Officials) shall be made by the Assembly of Heads of State and Government. The power of appointments of all other staff members rests with the Secretary-General. Upon appointment, each staff member shall receive a letter of appointment signed by the Secretary-General".

ARTICLE 11 - (EFFECT OF STAFF RULES AND REGULATIONS)

23. All appointments of staff members shall be governed by the provisions of the present Staff Rules and Regulations. A copy of these Rules and Regulations shall be provided to each staff member together with the letter of appointment. By accepting the offer of appointment, the staff member acknowledges that he has acquainted himself with and has accepted the conditions laid down in the Staff Rules and Regulations.



**ARTICLE 12 - (CRITERIA OF THE SELECTION)**

24. (a) This sub-para was adopted with an amendment so that it should read:

"Selection of Staff Members shall be made without distinction as to race, sex or religion and on a competitive basis according to the terms and conditions established by the Secretary-General";

- (b) This sub-para was adopted without amendment;

- (c) This sub-para was adopted with a slight amendment to read "in the second line: 'one of the qualifications and experience of persons...';

- (d) This sub-para was adopted without amendment;

- (e) This sub-para was adopted with a slight amendment so that it should read:

All staff members shall be appointed upon "written" notification ... by OAU;

- (f) This sub-para was not adopted on the advice of the General Secretariat which pointed out that the amended version brings about restriction with regard to what group of staff should be eligible for recall by their respective governments. It was pointed out that the new version limits Governments of Member States to recalling only those staff members on secondment, whereas the existing Regulations permits the recall of any national of a Member State.

25. The Committee, therefore, agreed that the existing Rule as expressed in Article 17 (b) be retained.

**ARTICLE 13 - (TYPES OF APPOINTMENT)**

26. The Committee was not in agreement with the text as presented by the Consultant. After a short debate, the Committee mandated the Legal Adviser to draft the Article. The Committee compared the Legal Adviser's draft with that of the Consultant.

- (a) The Committee adopted Article 13 (a) of the Consultant's text without amendments;

- (b) The Committee dwelt at length on this Article and came up with the following amendments:

"This initial contract may be renewed by the Secretary-General for another period of two years, if the services of the Staff Member are deemed satisfactory".

- (c) The Committee felt that after the initial contract the staff member should not automatically be given permanent status but that the contract should be renewed for a longer period. The Committee then adopted the following text:

"If on the expiry of the renewed contract, the services of the staff member are still satisfactory, the Secretary-General may renew his fixed term contract for further periods of two years each or grant him permanent appointment provided that there is a vacancy in his country's quota".

- (d) The Committee debated at length on this sub-paragraph focusing on the percentage of permanent staff to be inserted. The decision on the percentage was deferred pending the availability of a list of professional and technical staff members, both permanent and contractual. The members argued that the quota as related to each Member State should be included in the Staff Regulations. (It was to be defined as well as those to be included). In conclusion, the Committee suggested that the issue of quota should be dealt with in Staff Regulations and modality should be spelt out in other sets of regulations, considering the quota of the Member States. The Committee then adopted the following text:

"The Secretary-General shall ensure that the number of permanent staff members does not exceed (X%) of the total number of staff of the Organization and that the percentage must be equitably distributed among the Member States of the Organization".

- (e) The provisions of paragraphs (a) - (d) above notwithstanding contracts for the duration of a specific mission may be granted, the date of expiration being specified on the letter of appointment. Such contracts may be renewed or extended for any additional period for the accomplishment of a specific mission."

#### ARTICLE 14 - (ADVANCEMENT AND PROMOTION)

27. (a) Article 14 (a) was adopted without amendment in the French text but with the following amendments in the English text:

"Shall be" to make it conform to a proper legal draft.

- (b) Article 14 (b) was adopted with an amendment so as to read:

"Advancement of a staff member within the same grade shall be subject to satisfactory records of performance."

(c) Article 14 (c) was adopted with amendments to read as follows:

"Promotion from one grade to another shall be by selection as specified in the Staff Regulations".

The rest of the Article as presented by the Consultant is to be transferred to an appropriate Article within the Staff Rules.

28. The Committee debated at length the Ghanaian proposal as amended by the Cameroon delegate with respect to promotion from Group III (GS) to Group II. The main thrust of the proposal was that inter-group crossing to the vacancies should be conditioned by the quota system, vacancies competitive system of recruitment to Group II posts and satisfactory performance of the employee. The main purpose of the Ghanaian proposal was to avoid the problem arising from automatic promotion from III to Group II which caused the over-representation of some countries, namely Ethiopia, whose representative held the General Secretariat responsible for such a situation. Upon Nigeria's appeal endorsed by the Committee, the proposal was withdrawn on the understanding that the Secretariat would stop promotions from Group III to Group II until a solution was found to the present problem and a convenient provision agreed upon and inserted in the Staff Rules and Regulations.

#### PROPOSED OAU PENSION SCHEME

29. Introducing his Report the Consultant referred to the UNDP Project RAF/82/003 on "the strengthening of the General Secretariat of the Organization of African Unity", under which he was appointed to draw up a Staff Pension Scheme for the OAU and informed the Committee that his Report was submitted to the General Secretariat of the OAU in November 1985.

30. In drawing up the Pension Scheme contained in the Report, the Consultant said he had had to study what was already in existence in the OAU, i.e. Pension Scheme.

31. After mentioning the various aspects of the Scheme, the Consultant described the present arrangement as a savings scheme and not a Pension Scheme. That was so because the existing arrangement allowed individuals to withdraw their contributions as well as the contributions of the employer after ten years service with the Organization, while with Pension Scheme withdrawals were only possible after retirement. Both the employer and the employee had to agree as to what exactly they wanted; a savings scheme or a Pension Scheme. In his opinion, since the very essence of the Scheme was to assure a certain minimum of standard of living of the employee after retirement, the Consultant recommended a Pension Scheme that also provided for withdrawal of individual contributions only at specified periods.

32. Commenting on the existing Agreement between the OAU and the American Life Insurance Company, the Consultant pointed out that the provisions of the Agreement were not only outdated but outrageous. The Agreement with ALICO, he said, was overwhelmingly one sided as it worked almost entirely to the advantage of ALICO which offered very low interest rates.

#### PROPOSED PENSION PLAN

33. According to the Consultant, the proposed Pension Plan is a defined benefit plan which covers all types of salaries employees of the OAU. The features of the plan are "defined-benefits" type or defined contributions. The first type is based on a formula for calculating pension benefits, and the cost of the Plan can only be estimated through periodic variations by professional actuaries. The second type specifies a contribution level depending, among other things on the investment earnings of the funds. These types of plans differ significantly with regard to targeted benefits and as assumption of the risks.

34. In general, employees tend to react favourably to the features of the defined-benefit plan which provide a guaranteed level of benefits. This allows employee to plan for retirement. Employers, however, must deal with the uncertain costs of such plans. As often is the case, the costs associated with a group of beneficiaries will not be known for certain until after they have retired.

35. Employers favour the feature of the defined-contribution plans which guarantees the level of costs.

36. The proposed plans may involve many types of risks, but the two types that are most common are mortality risk and the investment risk.

37. The mortality risk can be understood by regarding it as a longevity risk, e.g. a specific level of contribution may provide very reasonable benefits to a group with average retirement life expectancy of 15 years. The same level of contributions would probably provide very inadequate benefits to a different group with average retirement life expectancy of 30 years.

38. The investment risk is related to the need to obtain specific level of investment income on the invested assets of the Pension Plan. A specific level of contributions may provide very reasonable benefits if the funds can earn interest at 8 per cent per annum. If however the funds earn only 5 per cent, then the assets accumulated at retirement will be insufficient to finance the assumed level of benefits. As an extreme case, the assets may be lost entirely through poor investment, in which case benefits may not be paid at all.

39. As regards the proposed Pension Plan of the defined-benefit type the Consultant told the Committee that the benefits are specified by the provisions of the Plan and do not depend on mortality or investment experience. The target benefit level is 70 per cent of pre-retirement base salary for a life time employee. This level was chosen in an effort to maintain the pre-retirement standard of living, considering the reduced expenses of retirement.

40. He added that the proposed Pension Scheme envisaged delayed retirement benefits which are calculated in an analogous manner. The regular formula is used to determine the benefits payable at age of 60. This amount is increased by 7 per cent for each year of delayed retirement and is reduced by the same for each year for an early retirement. However, he stated that those retiring after a certain age can exercise an option of either leaving their funds in the plan or withdraw them. In the event of death before retirement, the employee's and employer's contributions, with interest at the rate of 5 per cent per annum, would be paid to the beneficiaries. The provision would also apply in the case of death before the age of 60 or a terminated employee with a right to a deferred pension benefit.

41. It was pointed out by the Consultant that an active employee cannot withdraw funds from the Pension Plan for any reason, justifying that this forms an essential feature of any well-designed pension plan. He emphasized that the intended purpose of such a plan is to provide pensions, and that this purpose cannot be served if employees are permitted to withdraw from the plan.

42. On the other hand, he explained that Retirement Benefits may be in various optional forms available from the insurance issuing the plan annuities. Examples of such optional forms include annuities with guaranteed payment periods during which payments are made even if the beneficiary dies, and joint and survivor annuities may continue to be paid to a surviving spouse.

43. In answer to questions posed by the members of the Committee the Consultant observed that many Insurance Companies in the USA are fiercely competing for business; hence they charge low fees if any. He further said that at the moment, International contracts are tailor-made to meet the interests of customers and that they do not have to conform to the USA regulations. He underscored the fact that ALICO is based in Delaware where the insurance regulations are very liberal and that the insurance companies there can get away with many provisions detrimental to the customer.

44. He also informed the Committee that in case of termination of the present contract, there is a provision under which it may take up to ten years to get the money out of ALICO.

45. As to the benefits available to staff members on fixed term contracts, the Secretariat informed the Committee that staff members are paid 15 per cent after the contractual period in accordance with the provision of Article 25 of the Staff Regulations. The Secretariat further said that since the loopholes have been identified in the current Pension Plan the situation must be rectified; adding that the present rates of contribution would be maintained in the proposed pension scheme which would also take care of all the staff members of the Organization be they on permanent terms or on fixed term contracts.

46. The Representative of the Staff Association informed the Committee that ALICO was an outrageous company which is really exploiting the OAU and its staff members. To make the matters worse, ALICO did not bother to reply to OAU letters. He told the Committee that the Secretariat did not know the money they have committed to ALICO and he blamed the present state of affairs on the most senior officials in the OAU who took no interest in the welfare of the staff members. He said that this lack of interest had enabled ALICO to erode benefits of the staff members. ALICO short comings only came to light when staff members died in service and their survivors obtained a pittance in terms of benefits.

47. In conclusion he said that staff members would prefer a scheme which would envisage putting their money into a bank to earn interest instead of investing it into an Insurance Company. He felt the middle man, in form of an Insurance Company should be eliminated in view of the current exploitative situation perpetrated by ALICO. Besides, he felt that depositing the money into the bank would cut down the costs of managing the funds.

48. In response, members of the Committee called for an immediate termination of the contract with ALICO with subsequent withdrawals of the funds which amounted to US\$3.6 million as of 31st December, 1984, and put them in a bank. It was also felt on one hand, by some members of the Committee that the Committee had a mandate to legislate against continuation of the current pension scheme i.e. by terminating the contract and that in case ALICO refuses to release assets of the OAU on termination of the contract, the latter should pressurize through member states which host ALICO and through the Council of Ministers to release the assets of the OAU. On the other hand, other members were optimistic and felt that ALICO would favourably reconsider the OAU new proposals in view of the competition in the Insurance market.

49. The Committee therefore agreed that the OAU should form a panel of lawyers ..... with the USA Insurance Regulations to defend the Organization's interests.

50. In view of the foregoing, the Committee agreed not to decide to recommend immediate legislation on the proposed Plan by the Consultant for lack of adequate information.

51. It was, therefore, proposed that the following measures be taken :

- i) The Committee shall participate, on an observer basis, in the meeting of the Ad-Hoc Committee of 5 on 22/2/86 to get more information on their recommendations to the 43rd Ordinary Session of the Council of Ministers.

- ii) The Committee should seek a joint meeting with the Ad-Hoc Committee at a later stage, may be after the 43rd Ordinary Session of the Council of Ministers in order to decide upon the steps to be taken in accordance with the directives of the Council of Ministers.
- iii) To recommend the proposal of the Consultant to terminate the contract according to consequences of both solutions, which would be identified by the Legal Advisor of the OAU.

52. In conclusion, the Chairman thanked the Consultant for his comprehensive report both oral and written, and expressed the hope that at a later stage he will be required to undertake a further consultancy on the subject.

COUNCIL OF MINISTERS  
Forty-third Ordinary Session  
25 February - 4 March, 1986  
Addis Ababa, Ethiopia

CM/1356 (XLIII) Annex I

REVIEW OF STAFF REGULATIONS ARTICLE 1 TO ARTICLE 14  
REVISION 1



17. Mr. Mohamed Adam, Counsellor  
----- SUDAN Member
18. Mr. J.A. Tesha, Minister/Counsellor  
----- TANZANIA Member
19. Mr. Mohamed Kosso, 1st Secretary  
----- TCHAD Member
20. Mr. Juma Amere, Member of the Bureau  
----- JAMAHIRIYA Member

ABSENT

1. Representative of Zaire
2. Representative of Togo

OBSERVERS

1. Mr. Allioune Badara Kebe  
1st Counsellor SENEGAL
2. Mr. Rugwizangoga Wenceslas  
1st Secretary RWANDA
3. Mr. Mohamed Kosso  
1st Secretary TCHAD
4. Mr. Moukhtar Ardaly  
1st Secretary NIGER

OAU GENERAL SECRETARIAT

1. Dr. S. Nsanzimana  
Assistant Secretary-General (Administration)
2. Mr. A.N. Chimuka  
Assistant Secretary-General (Finance)
3. Mr. M. Diarra  
Director of Finance Department
4. Mr. F.X. Njenga  
Director of Political Department
5. Mr. Mfuni Tshiamanyanu  
Director of ESCAS Department

6. Dr. V.E. Djomatchoua-Toko  
Director of EDECO Department
7. Mr. A. Moukhtar  
Director of Administration a.i.
8. Miss F.T. Kaale  
Head of Personnel Division
9. Ambassador M. Bah  
Head of Afro-Arab Cooperation Division
10. Mr. P. Rwezahura  
Head of Budget Control Division-
11. Mr. Ngabishema Mutsinzi  
Acting Legal Adviser
12. Dr. Solomon Gomez  
President of Staff Association
13. Mr. E. Gasana  
Chief of Research & Planning Section
14. Mr. Mensa-Bonsu  
Chief of Decolonization Section
15. Dr. F.F. Mangeni  
Chief of Training Section
16. Mr. J.D. Malasa  
Chief of Personnel Section
17. Mr. A. Kouroma  
Coordinator, Afro-Arab Cooperation

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