

ORGANIZATION OF
AFRICAN UNITY

ORGANIZAÇÃO DA
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REPORT OF THE SECRETARY-GENERAL ON THE DRAFT
COOPERATION AGREEMENT BETWEEN THE OAU AND THE
INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC)

CM/1702



MICROFICHE

**REPORT OF THE SECRETARY-GENERAL ON THE
DRAFT COOPERATION AGREEMENT BETWEEN THE
OAU AND THE INTERNATIONAL COMMITTEE OF
THE RED CROSS (ICRC)**

1. *The International Committee of the Red Cross (ICRC) is an independent humanitarian institution that was founded in Geneva, Switzerland, in 1863. In conformity with the mandate conferred on it by the International Community of States through universally ratified international treaties, ICRC acts as a neutral intermediary to provide protection and assistance to the victims of international and non-international armed conflicts.*

2. *Indeed, the four Geneva Conventions of 12 August, 1949 for the protection of war victims, to which 166 States are party, and their two Additional Protocols of 1977 explicitly establish the role of the ICRC as a neutral and impartial humanitarian intermediary.*

3. *In the event of international armed conflict, the mandate of ICRC is to visit prisoners of war and civilians protected by the fourth Geneva Convention, in accordance with the provisions of the Geneva Conventions relative to the treatment of prisoners of war (third Convention), the Geneva Convention relative to the Protection of Civilian Persons in Time of War (fourth Convention) and the Additional Protocol to the Geneva Conventions of 12 August, 1949 and relating to the protection of victims of international armed conflicts (Protocol I). In situations of non-international armed conflict, ICRC bases its requests for access to persons deprived of their freedom on account of the conflict on Article 3 common to the Geneva Conventions and on the Additional Protocol to the Geneva Conventions of 12 August 1949 and relating to the protection of victims of non-international armed conflicts (Protocol II).*

4. *In situations other than those covered by the Geneva Conventions and their Additional Protocols, ICRC may avail itself of its statutory right of initiative to propose to Governments that it be granted access to persons deprived of their freedom as a result of internal disturbances and tension.*

5. *The purpose of ICRC visits to persons deprived of their freedom is exclusively humanitarian: ICRC delegates observe the treatment afforded to prisoners, examine their material and psychological conditions of detention and, whenever necessary, request the authorities to take steps to improve the detainees' treatment and living conditions. ICRC never expresses an opinion on the grounds for detention. Its findings are recorded in confidential reports that are not intended for publication.*

6. *In the event of armed conflicts and internal disturbances, ICRC provides material and medical assistance, with the consents of the Governments concerned, and on condition that (a) it is allowed to assess the urgency of victims' needs on the spot; (b) to carry out surveys in the field to identify the categories and the number of people requiring assistance; and (c) to organize and monitor relief distributions.*

7. *The statutes of the International Red Cross and Red Crescent Movement, as adopted by the International Conference of the Red Cross and Red Crescent, in which the States parties to the Geneva Conventions take part, require ICRC to spread knowledge and increase understanding of international humanitarian law and promote the development thereof. The statutes also provide that ICRC shall uphold and make known the Movement's fundamental principles, namely, humanity, impartiality, neutrality, independence, voluntary service, unity and universality.*

8. *It was at the initiative of ICRC that the original Geneva Convention for the amelioration of the Condition of the Wounded in Armies in the Field was adopted by Governments in 1864. Ever since, ICRC has endeavoured to develop international humanitarian law to keep pace with the evolution of conflicts.*

9. *In order to fulfil the mandate conferred on it by international humanitarian law, the resolutions of the International Conference of the Red Cross and Red Crescent and the statutes of the Movement, ICRC has concluded with many States headquarters agreements governing the status of its delegations and their staff. In the course of its work, ICRC has concluded other agreements with States and inter-governmental organizations.*

10. *The competence to conclude agreements subjected to the rules of international public law and, consequently, the international legal capacity of ICRC, derive from the mandate conferred on it by the international community in the 1949 Geneva Conventions and their additional protocols of 1977, as well as in the statutes of International Movement of the Red Cross and the Red Crescent. The functional legal personality of ICRC therefore finds its justification in the nature of the competence assigned to it by the above legal instruments and the international law.*

11. *With 52 delegations composed of several delegates, ICRC in 1990 undertook activities in almost 90 African, Latin American and European Countries in the form of protection of and assistance to victims of armed conflicts, pursuant to the Geneva Conventions and, with the consent of the governments concerned, victims of international troubles and tensions.*

Africa is the continent where ICRC is strongly represented by 20 delegations. Almost half of the total operational strength of these institution are active on this continent, in other words, over 250 delegates and over a thousand local staff. Through these delegations, ICRC carries out regularly its activities in favour of hundreds of victims of conflicts. Very large scale operations had been undertaken in recent years in Angola, Ethiopia, Liberia, South Africa, Somalia, Mozambique, Uganda and the Sudan. On several occasions, ICRC had directed medical equipment and food to several African countries.

ICRC continued its activities in 1991 in several African countries notably, Ethiopia, the Sudan, Somalia, Angola, South Africa, Namibia, Mozambique, Zaire, Rwanda, Uganda, Chad, Liberia, Sierra-Leone, Mali, etc.

12. *There already exist close links of complementarity and cooperation between the OAU and the ICRC in the humanitarian field.*

It would be pointed out also that ICRC has been invited on several occasions to the Ordinary Sessions of the Council of Ministers and the Assembly of Heads of State and Government of the OAU.

13. *The signing of a cooperation agreement between the OAU and ICRC would enable the two Organizations to strengthen the already existing cooperation by harmonizing and further coordinating their activities in all areas of common interest.*

14. *In view of the aforementioned, it is strongly recommended that the Council of Ministers adopt the draft Cooperation Agreement between the OAU and ICRC.*

DRAFT CO-OPERATION AGREEMENT
BETWEEN
THE ORGANIZATION OF AFRICAN UNITY
AND
THE INTERNATIONAL COMMITTEE OF THE RED CROSS

The Organization of African Unity (hereinafter referred to as the "OAU") and the International Committee of the Red Cross (hereinafter referred to as the "ICRC"),

Whereas the OAU was created for the purpose, among other things, of co-ordinating and strengthening co-operation between African States, of promoting international co-operation while taking into due consideration its own Charter, the Charter of the United Nations and Universal Declaration of Human Rights, and, to this end, of co-ordinating and harmonizing the general policies of African States, in particular in certain specific areas;

Whereas Resolution CM/Res. 1059 (XLIV), adopted at the 44th Ordinary Session of the OAU's Council of Ministers, reaffirms the Council's desire that the OAU support the ICRC in its humanitarian work and grant it all the facilities needed to accomplish its missions;

Whereas the OAU, recognizing the humanitarian and apolitical nature of ICRC activities, wishes to improve and strengthen its co-operation with that institution;

Whereas the mandate conferred on the ICRC by the Geneva Conventions of 1949 and their Additional Protocols of 1977, the Statutes of the International Red Cross and Red Crescent Movement and the resolutions of the International Conferences of the Red Cross requires it to act on behalf of the victims of armed conflict - whether international or non-international - and of internal disturbances and tensions;



have reached the following agreement:

ARTICLE I

Co-operation and Consultation

In order to facilitate the achievement of the objectives set out in the basic legal texts pertaining to each of the two Organizations and to ensure effective co-ordination of their activities, the OAU and the ICRC agree to co-operate closely and to consult each other regularly on matters of mutual interest.

ARTICLE II

Representation

1. *The ICRC office in Addis Ababa, or any other representative duly mandated by the ICRC, shall maintain contact with the Secretariat-General of the OAU on all matters of mutual interest.*
2. *The Permanent Mission of the OAU in Geneva, or any other representative duly mandated by the OAU, shall maintain contact with the ICRC.*

ARTICLE III

Participation in conferences/meetings

1. *The ICRC may, in accordance with current OAU procedures, take part as an observer in the meetings of the OAU Council of Ministers and of the Assembly of Heads of State and Government, and*

may take part in conferences and technical meetings convened under OAU auspices during which matters of mutual interest are to be discussed.

2. *The OAU may, in accordance with the procedures applicable to such gatherings, take part as an observer in conferences and other meetings convened under ICRC auspices to discuss matters of interest to the OAU.*

ARTICLE IV

Convening of conferences and other meetings

1. *The OAU and the ICRC may, if necessary, agree to convene, under their joint auspices, conferences or other meetings on matters of mutual interest in accordance with procedures to be decided upon in each specific case.*

2. *In some cases, conferences or other meetings convened by one Organization may require the co-operation and participation of the other. The extent of such co-operation and participation shall be determined by an agreement between the two organizations.*

ARTICLE V

Joint activities

1. *The OAU and the ICRC may, in accordance with procedures established by mutual agreement, undertake joint activities to achieve common goals. The above-mentioned agreement shall determine the form that each Organization's participation shall take and any financial commitment by either of the two Organizations.*

2. *The OAU and the ICRC may, if necessary, set up commissions, committees or other joint bodies, in accordance with conditions to be fixed in each case, to advise them on matters of mutual interest.*

ARTICLE VI

Technical co-operation

Within the framework of their normal consultations and co-operation, the OAU and the ICRC shall provide each other with assistance, in particular by the exchange of technical opinions and studies that either may have on problems of mutual concern. Such co-operation may also consist of material or financial assistance.

ARTICLE VII

Exchange of information and documents

Subject to such arrangements as may be considered necessary to safeguard confidential material, the OAU and the ICRC agree to exchange documents and other information on matters of mutual interest. In addition, if one party formally so requests, the other party shall include in its publications the information supplied for this purpose by the former provided that the information is in keeping with the policy and procedures of each Organization regarding the publication of documents and other information.

ARTICLE VIII

Consultation on programme

When either the OAU or the ICRC undertakes a programme or activity in an area in which the other organization has an interest, information shall be exchanged about it and the two Organizations shall consult each other with a view to avoiding duplication of effort and ensuring optimum co-ordination.

ARTICLE IX

Entry into force - Amendment - Denunciation

1. *This Agreement shall enter into force on the date it is signed by the duly authorized representatives of the two Organizations. The Organizations may take additional administrative decisions for the implementation of the present Agreement should experience show that they are necessary.*
2. *This Agreement may be amended by mutual consent provided that the party proposing the amendment notifies the other in writing. The amendment shall enter into force as soon as it has been approved by both parties.*
3. *This Agreement may be denounced by either of the parties by giving written notice to the other of its decisions to do so. The Agreement shall be terminated 90 days from the date of such notice.*



IN FAITH WHEREOF, the duly empowered representatives of the OAU General Secretariat and of the ICRC have signed the present Agreement in its English and French versions, both being equally authentic.

Done in.....on.....

*For the Organization of
African Unity*

*For the International Committee
of the Red Cross*

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