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Annex 1**

***ADDITIONAL PROTOCOL TO THE OAU GENERAL
CONVENTION ON PRIVILEGES AND IMMUNITIES***

ADDITIONAL PROTOCOL TO THE OAU GENERAL CONVENTION ON PRIVILEGES AND IMMUNITIES

The State Parties to the Present Protocol,

Convinced of the importance of granting adequate Immunities and Privileges, as well as the issue of the Organization of African Unity Laissez-Passer to personnel of the Organization of African Unity Specialized Agencies to enable them perform their functions efficiently in the territories of Member States of the Organization of African Unity,

Considering that the Organization of General Convention Privileges and Immunities (hereinafter referred to as the Convention) does not contain provisions for granting of Privileges and Immunities including the issue of the Organization of African Unity Laissez-Passer to officials and other staff members, and travel certificates to experts and non-nationals of the members of the OAU Specialized Agencies hereinafter referred to as Agencies,

Considering that such immunities and privileges as are granted to the Organization of African Unity officials will be adequate for the officials of the Agencies for the efficient performance of their functions in the territories of the Organization of African Unity Member States, have agreed as follows:

Article 1 Definition

For the purpose of this Protocol the word “Official” means any person employed on a permanent basis at professional level.

For the purpose of this Protocol the word “Expert” means any person other than an official who owing to his special qualifications is recruited on a temporary basis to perform a specific job.

Immunities and Privileges

(A) Officials of the Agencies nationals of OAU Member States

Article 2

1. The Secretary General of the Organization of African Unity shall in consultation with the Heads of the Agencies specify the categories of officials of the Agencies to which the provisions of this Article and Article 3 shall apply. He shall submit these

categories to the Organization of African Unity Assembly of Heads of States and Government. Thereafter the categories shall be communicated to the Government of all Member States. The names of officials included in those categories shall from time to time be made known to the Government of Member States.

2. Officials of the Agencies shall:

- (a) be immune from legal process in respect of words spoken, written and all acts performed by them in their official capacity,
- (b) be exempt from taxation on the salaries and emoluments paid to them by the Organization of African Unity Agencies;
- (c) be immune from arrest and detention;
- (d) be immune from national service obligation;
- (e) be immune, together with their spouses and the members of their immediate families residing with, and dependent on them including their personal employees, from immigration restrictions, alien registration and finger printing;
- (f) be accorded the same privileges in respect of exchange facilities as are accorded to the officials of comparable ranks forming part of diplomatic missions to the Government concerned;
- (g) be given, together with their spouses and relatives residing with, and dependent on them, the same repatriation facilities in time of international crisis as diplomatic envoys;
- (h) import free of duty their furniture and effects at the time of first taking up their appointment in the countries of OAU Member States.

3. The provisions of sub-paragraphs (b) – (h) may not apply to nationals in their country of origin.

4. In addition to the immunities and privileges specified in paragraph 2 of this article, the Secretary General and the Assistant Secretary General of the Agencies shall be accorded in respect of themselves, their spouses and children, the privileges and immunities, exemptions and facilities accorded to Diplomatic envoys in accordance with International Law.

5. Privileges and Immunities are granted to the Personnel of the Agencies in the interest of the Organization of African Unity, and not for the personal benefit of the individuals themselves. The Secretary General of the Organization of African Unity shall have the right and the duty to waive the immunity of any official of the Agencies in any case where in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Organization of African Unity.
6. The Organization of African Unity and the Agencies shall co-operate at all times with the appropriate authorities of Member States to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connection with the privileges, immunities and facilities mentioned in this article.

(B) Officials of the Agencies with Nationalities other than those of Organization of African Unity Member States and Experts on Mission for the Agencies

Article 3

Experts on Mission for the Agencies and the officials of the Agencies other than those holding the nationality of a Member State of the Organization of African Unity shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions during the period of their missions, including the time spent on journeys in connection with their missions. In particular, they shall be accorded:

- (a) immunity from arrest or detention;
- (b) immunity from legal process of any kind in respect of words spoken, written and all acts performed by them in the course of the performance of their mission;
- (c) inviolability for all official papers and documents for the purpose of their communication with the Specialized Agencies and the Organization of African Unity;
- (d) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;
- (e) the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys.

Article 4

Privileges and Immunities are granted to the Experts and Officials in the interest of the Organization of African Unity and not for the personal benefit of the individual themselves. The Secretary General of the Organization of African Unity shall have the right and the duty to waive the immunity of any expert or official in any case where in his opinion, the immunity would impede the course of justice and it can be waived without prejudice to the interest of the Organization of African Unity.

Article 5

Organization of African Unity Laissez-Passer

1. The Organization of African Unity may issue Organization of African Unity Laissez- Passer to the officials of the Organization of African Unity Agencies. These Laissez- Passer shall be recognized and accepted as valid travel documents by the authorities of the Organization of African Unity Member States, taking into account the provisions of paragraph of this article.
2. Application for visas from holders of Organization of African Unity Laissez- Passer, when accompanied by travel authorization that they are travelling on the business of the Agencies for the Organization of African Unity, shall be dealt with as speedily as possible. In addition, such persons shall be granted facilities for speedy travel.
3. The Head of the Organization of African Unity Agencies and their deputies travelling on Organization of African Unity Laissez- Passer on the business of the Organization of African Unity shall be granted the same facilities as are accorded to diplomatic envoys.
4. The Organization of African Unity Laissez- passer may be issued by the Organization of African Unity Secretary General to the Agencies' officials on the application of the Heads of the Agencies.
5. On the termination of the appointment of an official of the Agencies who is a holder of the Organization of African Unity Laissez- Passer, the Agencies shall promptly return the Laissez- Passer to the Organization of African Unity Secretary General, who shall notify all Member States of the cancellation of the Laissez- Passer.

Article 6

Organization of African Unity Travel Certificate

1. The Organization of African Unity Travel Certificate may be issued to the officials of the Organization of African Unity Agencies who are not the nationals of the Organization of African Unity Member States, who hold a contract appointment of not more than six months duration with the Organization of African Unity Agencies, to Experts on the missions of the agencies for the Organization of African Unity and such other staff members as the Secretary General of the OAU may determine.
2. Application for visas from holders of OAU Travel Certificate when accompanied by travel authorization that they are travelling on the business of the Agencies for the Organization of African Unity shall be dealt with as speedily as possible. In addition such persons shall be granted facilities for speedy travel.
3. The Organization of African Unity Travel Certificate may be issued by the Secretary General on application from the Head of an Agency.
4. On the termination of the appointment of a holder of an Organization of African Unity Travel Certificate, the Agency shall return the certificate to the Organization of African Unity Secretary General for cancellation. If for any reason the Travel Certification is not returned, the agency shall inform the OAU Secretary General who shall notify all Member States of the Cancellation of the Certificate.
5. The Organization of African Unity Travel Certificates shall specify the following:
 - (a) full names of holder;
 - (b) nationality;
 - (c) date and place of birth;
 - (d) title;
 - (e) period of validity;
 - (f) general remark.

Article 7

Settlement of Disputes

Any disputes arising out of this Protocol shall be settled in accordance with the provisions of Section E Article IX of the General Convention on the Privileges and Immunities of the OAU.

Article 8 Amendment

1. Any state party to the present Protocol may propose an amendment and file it with the Organization of African Unity Secretary General, who thereupon shall communicate the proposed amendment to the State Parties to the present Protocol with a request that they notify him whether they favour a conference of State Parties for the purpose of considering and voting upon the proposal. In the event that at least one third of the State Parties favour such conference, the Secretary General shall convene the conference under the auspices of the Organization of African Unity. Any amendment adopted by a majority of the States Parties present and voting at the Conference, shall immediately come into force.
2. In the event, that a conference is not favoured, the Secretary General shall call upon State Parties to indicate to him in writing whether or not they are in favour of the proposed amendment. A simple majority of such indication immediately on receipt by the Secretary General shall bring the amendment into force.
3. When amendments come into force, they shall be binding on those States Parties which have accepted them; either States Parties still being bound by the provisions of the present Protocol and any earlier amendments which they have accepted.

Article 9 Denunciation

1. Any State Party may denounce the present Protocol at any time by a written notification addressed to the Organization of African Unity Secretary General. Denunciation shall take effect three months after the date of receipt of the notification by the Secretary General.
2. The Organization of African Unity Secretary General shall inform all Member States of the following particulars:-
 - (a) Accessions to the present Protocol;
 - (b) The date of entry into force of the present Protocol with respect to the Member depositing an instrument of accession and the date of entry into force of any amendments;
 - (c) Denunciations.

Article 10

Final Provisions

1. This Protocol is submitted to every Member of the Organization of African Unity for accession.
2. Accession shall be effected by the deposit of an Instrument of Accession with the Secretary General of the Organization of African Unity; and the Protocol shall come into force as regards such Member on the date of the deposit of its instrument of accession.
3. The Secretary General of the Organization of African Unity shall inform all Members of the Organization of African Unity of the deposit of each instrument of accession.
4. The Protocol shall continue in force as between the Organization of African Unity and every Member that has deposited an instrument of accession or until a revised Protocol has been approved by the Assembly of Heads of State and Government and that member has become a party to the revised Protocol.
5. The Head of an Agency may conclude with any member or members of the Organization of African Unity supplementary agreements adjusting the provisions of this Protocol with particular reference to the establishment of the agencies' offices, so far as that member or those members are concerned. These supplementary agreements shall in each case be subject to the approval of the Organization of African Unity Assembly of Heads of State and Government.

Article 11

1. The present Protocol of which the Arabic, English and French texts are equally authentic, shall be deposited in the archives of the Organization of African Unity.
2. The Organization of African Unity Secretary General shall transmit copies of the present Protocol to all States Parties.
3. The present Protocol is approved by the Organization of African Unity Assembly of Heads of State and Government at its Seventeenth Ordinary Session at Freetown, Sierra Leone on 3 July, 1980.

1980

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Organisation of African Unity

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