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**ORGANISATION DE L'UNITE
AFRICAINNE**

SECRETARIAT

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**COUNCIL OF MINISTERS
NINTH ORDINARY SESSION
KINSHASA - SEPTEMBER, 1967.**

CM/168 (Part 10)

THE ESTABLISHMENT

OF AN AFRICAN CIVIL AVIATION ORGANIZATION



This document was originally prepared for the consideration of the third session of the Economic & Social Commission, scheduled to meet in May 1967. The meeting having been postponed, the same document is now submitted to the Council of Ministers.

Economic & Social Commission
Transport and Communication Commission

ECOS/12 (III)

Joint Session
Addis Ababa, May 8 - 13, 1967.

Agenda Item 15

Air Transport and the Creation
of an African Civil Aviation Organization

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Air Transport and the Creation of an
African Civil Aviation Organization

1. It would be recalled that in July 1964, the first session of the Assembly of Heads of State and Government meeting in Cairo, U.A.R. passed a resolution (AHG/Res.20 (I)) which established the Transport and Communications Commission of the O.A.U. The terms of reference of this commission as embodied in AHG/Res. 20 (I) was that the Assembly decided to establish the Commission with a view of "drawing up plans and coordinating action for telecommunications and Postal Services as well as for Air, Land and Maritime Transport."
2. The conference of Pan-African and Malagasy Post and Telecommunications which was scheduled to be held in Cairo in October 1964, was thus transformed into the first Session of the Transport and Communications Commission of the O.A.U. However, due to the circumstances leading up to this first session, its deliberations were concentrated in the area of communication. Regarding transport, there was only one resolution calling for the establishment of a bureau of transport in the General Secretariat of the O.A.U.
3. In spite of this, immediately after the establishment of the Transport and Communication Commission, the General Secretariat of the O.A.U. took the initiative to engage itself in the area of transport. In this area one of the preoccupations of the General Secretariat has been "Action Required to develop Air Transport in Africa."
4. It would also be recalled that in November 1964, the African Air Transport Conference was convened in Addis Ababa jointly by the Economic Commission for Africa and the International Civil Aviation Organization (ICAO). Twenty six African States attended the conference which, among other things on its agenda, dealt with the Study of Air Transport and Action Required to develop Air Transport in Africa. Under the latter item were discussed: -
 - A - Study of air transport requirements
 - B - Development action by African airlines.
 - C - Establishment of small new airlines
 - D - Establishment of major international airlines in the sub-regions, absorbing existing national airlines.

5. After long deliberations on these topics the conference adopted various recommendations. In view of the desirability of cooperation between African Governments in all these matters, one of the recommendations which were adopted was in respect of the establishment of an African Civil Aviation Organ. This was recommendation No.3 which reads:

"Recommendation No.3
An African Civil Aviation Organ

The Conference

Having studied, the requirements of the development of African air transport and

Observing that the OAU has established a Transport and Communications Commission with terms of reference including air transport, and

Noting the actual cooperation which exists between the OAU and the ECA,

Recommends: that ICAO and ECA consult with OAU with the object of submitting to Member States, by mutual agreement, a study aimed at the establishment of an African Civil Aviation Organ in order that a conference may be convened to establish such an Organ as soon as possible."

6. As can be seen, the operative paragraph of Recommendation No.3 states clearly that "ICAO and ECA consult with OAU with the object of submitting to Member States, by mutual agreement, a study aimed at the establishment of an African Civil Aviation Organ..."

7. Following this the President of the Council of the ICAO visited the General Secretariat of the OAU and discussed with both the Administrative Secretary-General and the Assistant Secretary-General in charge of Transport and Communications the principles embodied in Recommendation No. 3. An agreement was reached to the effect that the ICAO would proceed to prepare a draft constitution and Rules of Procedure of the envisaged African Civil Aviation Organ.

8. Meanwhile, at its seventh session in February 1965, the Economic Commission for Africa endorsed the report of the African Air Transport Conference and requested its Secretariat, to convene a conference jointly with the ICAO and in consultation with the OAU, to establish an African Civil Aviation Organ.
9. Furthermore, the ECA made arrangements with a consultant to prepare a draft constitution, terms of reference and rules of procedure of the Organ. This fact was communicated to the President of the ICAO by a letter dated 10 June 1966 in which the ECA stated that it will make available to ICAO the draft prepared by the consultant and hoped to receive ICAO's draft for examination, so as to present an agreed text to the African Governments for their consideration. It was also agreed that the ECA and ICAO would send their draft proposals to the OAU so that a text agreed upon between the three organizations could be circulated to the African countries.
10. Contrary to the letter and spirit of Recommendation No.3, ICAO took unilateral action by circulating its draft proposals to the African countries without consultation or clearance with OAU or ECA. This happened in December 1966, ICAO then sent a copy of its proposals to the OAU and to the ECA.
11. In spite of this, the OAU undertook a critical study of the draft constitution and Rules of Procedure of the proposed African Civil Aviation Commission (AFCAC) which was prepared by ICAO. In the process of this study the General Secretariat felt that this draft did not wholly fulfill the letter and spirit of Recommendation No.3. In fact the summary of the discussions which led to the adoption of Recommendation No.3 was recorded as follows:-

The conference gave careful consideration to methods by which cooperation between African Governments could best be arranged. All delegates agreed that such cooperation would be essential for the orderly development of African Air Transport and that it would be necessary for Ministers responsible for Civil Aviation or their representatives to be able to meet regularly within the framework of the OAU. For this purpose it was felt that it would be necessary to establish a permanent Civil Aviation Organ.

It was pointed out, however, that the establishment of such an Organ was a rather political matter and that the Organization of African Unity had already set up a Transport and Communications Commission with terms of reference including air transport. The conference therefore adopted Recommendation No.3.

12. It was also felt that the draft prepared by ICAO needed a considerable revision, notably, for example, Point 3 (c) of the draft constitution which put down that one of the objectives of the African Civil Aviation Commission is "To supplement, as required, the work of ICAO in the African region." This was neither in the contents of the discussions which led to the adoption of Recommendation No.3, nor in the Recommendation itself. Furthermore, as regards the Organization and working arrangements of the Secretariat of the (AFCAC) point 12 suggest that the Secretariat services of AFCAC, for studies, meetings, maintenance of records and the like, shall be performed by the ICAO Secretariat. This gives ICAO the upper hand regarding the whole work of AFCAC and transforms AFCAC to merely a branch of ICAO, a situation which is not only undesirable by both OAU and ECA, but which does not help in safe-guarding the African interest regarding air transportation.

13. Consequently, with the spirit of cooperation which animates the relations between the OAU and the ECA, responsible officers in both organizations met together in sessions for a complete examination of the proposals of the ICAO, a copy of which appears as Annex 1 of this document. As a result of this examination, a joint OAU/ECA alternative draft, particularly of the constitution, taking full advantages of the preliminary work of the ICAO, was prepared. A copy of which appears as Annex 2 of this document.

14. The alternative OAU/ECA proposals were sent to all the Member States on January 5th 1967. A copy was also sent to the President of the ICAO.

15. In the opinion of the General Secretariat of the OAU, ICAO's role should be confined to the technical aspects of development of Civil Aviation only, and that the Economic Aspects for the development of air transport should be handled by the OAU and the ECA since their responsibilities are clearly defined to cover this field. This, appears

to be the surest way to have a civil aviation organ truly African in the spirit which gave birth to the OAU. It also appears to be the best arrangement that safe-guards the interest of the African people and the African people only with regard to air transport.

16. An African Civil Aviation Commission dominated and directed by ICAO alone, can never be effective in handling the three most important aspects of air transport which are of vital importance to the Africans and which do not enter genuinely in the field of competence of ICAO.

These three main aspects of air transport are as follows:

A - Routing and linking of air routes in such a way that makes it possible for Africans to move their goods or travel from one African city or market to another without being forced to pass through a non-African city. This aspect of air transport is not basically ICAO's. Rather it is an IATA field.

B - Fares and rates, covering all phases of passenger, baggage and cargo traffic. It is in the opinion of the Secretariat that this aspect of air transport has its drastic effects on accelerating the process of Unity among African countries. If the passenger fare from one African capital to another is unreasonably higher than the fare from that African capital to a European one, then the natural result would be that movement among the two African capitals would be less than that among any of them and Europe. Unfortunately this is what is happening.

This aspect of negotiating international fares and rates is not basically in ICAO's field. Rather it is an IATA field. Strangely enough ICAO does not seem to welcome strong ties between the envisaged AFCAC and IATA.

C - Cooperation among African airlines and amalgamation of the small ones as a means of meeting competition from the huge Foreign air-lines. This is becoming more and more a must as a result of technological advance in the field of air transport. It is a common knowledge that in four or five years huge supersonic aircrafts will be in use by the big airline

corporations on their scheduled routes. It is also a common knowledge that each supersonic aircraft costs now from 40 - 50 million American dollars. A sum which is beyond the capacity of any single African airline. Thus it becomes a necessity for African Airlines, in order to survive and meet the competition, to cooperate or amalgamate. This task is not of genuine interest to ICAO.

17. It is because of all this that the General Secretariat of the OAU feels strongly that any African Civil Aviation Organ should neither be a branch of ICAO nor an organ dominated by ICAO. Rather it should be a truly African Organ performing under the auspices of the OAU and the ECA and taking advantage of the services of the ICAO to the maximum. It is also because of this that it is in the opinion of the General Secretariat of the OAU that the alternative joint draft prepared by the OAU and the ECA would meet best the needs of Africa in the field of air transport. The Commission is sincerely requested to give the matter its utmost consideration and to decide that the draft prepared by the OAU and the ECA, rather than the one prepared by ICAO should be considered as the principle document in the formation of the envisaged African Civil Aviation Commission (AFCAC). It is worth mentioning that when the American States started few years ago to establish their own Civil Aviation Organ, the whole matter was handled by the Organization of American States and ICAO was always present as an observer.

ANNEX I

ICAO's Proposals

CONSTITUTION

1. The African Civil Aviation Commission (AFCAC) is composed of the States invited to be members¹ of the 1967² African Air Transport Conference together with such other African States as the AFCAC may unanimously admit as members.
2. The functions of AFCAC shall be consultative and its conclusions and recommendations shall be subject to acceptance by each of the governments.

OBJECTIVES

3. The objectives of AFCAC are:
 - a) To provide to the African civil aviation authorities the framework within which to discuss and plan all the required measures of co-ordination and co-operation for their civil aviation activities.
 - b) To promote the co-ordination, the better utilization and the orderly development of African air transport.
 - c) To supplement, as required, the work of ICAO in the African Region by:

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1. These are the States finally invited as members of the conference convened by ICAO for the purpose of establishing AFCAC. They are the ICAO States invited by the ICAO Council plus other States the conference may wish to add. In accordance with usual practice the ICAO Council only invites as members ICAO States and in the present case they will be the ICAO States invited as members of the 1964 Addis Ababa Conference; one of the first actions of the conference will be to extend invitations to other African States which it may wish to add as founding members of the Commission.
 2. The name of the city where the conference is held will be inserted in this space.

- i) Organizing studies of regional or sub-regional air transport economic problems and co-ordinating these studies with broader economic studies prepared by other bodies.
- ii) Encouraging the application of ICAO Standards and recommendations on Facilitation and supplementing them by further measures aimed at greater facilitation of the movement by air of passengers, cargo and mail.
- iii) Fostering arrangements between States whenever this will contribute to the implementation of ICAO regional plans for air navigation facilities and services and of ICAO specifications in the fields of airworthiness, maintenance and operation of aircraft, licensing of personnel and aircraft accident investigation.
- iv) Fostering arrangements for the training of personnel for all civil aviation occupations.

4. To achieve the objectives indicated above, AFCAC will, inter alia:
 - a) Maintain close liaison with ICAO in order to ensure the co-ordination and consistency of its activities with the world-wide and regional policies, plans and activities of ICAO.³
 - b) Maintain a consultative relationship with the United Nations Economic Commission for Africa and the Organization of African Unity and co-operate with, and render assistance and advice to, these bodies in the field of civil aviation whenever this may contribute to the economic, social and cultural progress of the region.

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3. If desired, the following words could be added at the end of this paragraph:

"... including the work of the ICAO Regional Offices that serve Africa."

- c) Establish relations, as required, with any other governmental or non-governmental international organizations concerned with African civil aviation and African airlines.⁴
- d) Study the need for collective arrangements for technical assistance in the region with a view to obtaining the best possible use of all available resources, particularly those provided by ICAO within the framework of the United Nations Development Programme.

ORGANIZATION AND WORKING ARRANGEMENTS

5. The AFCAC will meet in ordinary plenary session at least once every three years.⁵
6. At each ordinary plenary session, the AFCAC will elect its President and⁶ Vice-Presidents, who will constitute the Bureau of AFCAC.
7. Extraordinary plenary meetings may be convened by the Bureau and must be convened if the Bureau receives a request from a majority of the AFCAC members.

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4. The reference to African airlines has been introduced here in order to satisfy the views expressed to ICAO by the Executive Secretary of ECA that the African civil aviation organ should have some association with any body which the African governments may eventually establish to deal with airlines and the co-ordination of air services.
 5. A period of three years may prove to be too long at the beginning of the activities of AFCAC. Perhaps plenary meetings every 18 months or 2 years may be more desirable for the first four or five years of existence of AFCAC. However, this provision only establishes a maximum and, in the light of the work programme to be approved at the first meeting of AFCAC, the date of the following plenary will be determined.
 6. The number of Vice-Presidents to be elected has been left blank, because it is a matter of opinion, influenced by many considerations. A minimum of 5 Vice-Presidents would seem necessary because of the large number of States who will belong to the Commission (over 35); at the same time, if a larger number is desired, it should not be so large as to make it difficult for the Bureau to function efficiently. The work of the Bureau will require frequent and rapid correspondence between its members, supplemented by short meetings approximately every six months. In sending their comments to ICAO on the present draft, it would be desirable that States indicate their views as to the number of Vice-Presidents who should be elected.

8. At each ordinary plenary session, AFCAC will establish its work programme⁷ for the period until the following ordinary plenary session.
 9. The direction, co-ordination and steering of the work programme between ordinary plenary sessions will be the responsibility of the Bureau of AFCAC.
 10. The AFCAC shall determine its own internal organization, arrangements and procedure, including the formation of groups of limited membership, under a Rapporteur,⁸ to study and discuss matters presenting special interest to a group of its members only, and of committees of experts to deal with specific aspects of African air transport.
 11. States should be represented at meetings of AFCAC by delegates suitable in number and rank for handling the problems to be discussed, it being understood that heads of delegations will be civil aviation officials⁹ of high level.
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7. The work programme should be carefully studied in order to avoid the inclusion of items which do not present a genuine interest to a sufficient number of African States. Unless a constant control is exercised, the work programme may become difficult to handle and very costly to all States.
 8. The work of the Rapporteurs is similar in nature to that of the Secretary of a Group. ICAO will, on request, assist them in the reproduction of documents, translations, etc., but the substantive work is their responsibility. The use of Rapporteurs, in addition to permitting a division of work among a larger number of people, has the advantage of providing the selected Rapporteurs and excellent opportunity to gain experience in this kind of work and, eventually, of taking up Secretariat functions for AFCAC.
 9. This text is identical with the one existing for the European Civil Aviation Conference. Its purpose is to ensure that the heads of delegations are very familiar with the civil aviation problems to be discussed at each meeting and are also in a position to discuss matters of policy. It would be desirable that at plenary meetings the heads of delegations be the highest officials who are directly responsible for all civil aviation activities within each country. These may be, in certain cases, Directors General of Civil Aviation, in others, Assistant Secretaries (Aviation), in others, Principal Secretaries. If it is desired to make a distinction between Plenary and other meetings, the following text could replace the one now appearing: "States should be represented at meetings of AFCAC by delegates suitable in number and rank for handling the problems to be discussed, it being understood that the heads of delegations at plenaries should normally be the highest official directly responsible for civil aviation in his country and, for other meetings, civil aviation officials of high level."

12. Subject to the concurrence¹⁰ of the Council of ICAO, Secretariat service for AFCAC, for studies, meetings, maintenance of records and the like, shall be performed by the ICAO Secretariat.

FINANCIAL MATTERS

13. At each ordinary plenary session, AFCAC will prepare and approve approximate estimates of the direct costs of its activities, as indicated in the work programme for the ensuing years, up to and including the latest year in which the next ordinary plenary session is expected to be held.

14. The Bureau of the AFCAC will be authorized to revise these estimates after consultation with all member States, provided that, if the estimates are to be increased, no objection is made by the majority of these States.

15. The direct costs incurred by ICAO which are attributable to the AFCAC activities shall be apportioned¹¹ among the member States of AFCAC in proportion to the number of units of their contribution to the ICAO budget for the year for which the costs were incurred.

16. These direct costs shall be recovered from the member States of AFCAC in U.S. dollars or in such other currency as the Secretary General of ICAO may be able to arrange, in the form of a contribution supplementary¹² to that which the AFCAC States pay toward the costs of ICAO.

10. At the time of writing the ICAO Council has only given approval in principle to the provision of assistance to AFCAC and will consider the matter again after AFCAC has been constituted. It is anticipated that if the constitution, objectives and working arrangements of AFCAC are similar to those of ECAC, the Council will give its approval to the provision of secretariat assistance on a similar basis. Once this has been done, paragraph 12 will be annotated, indicating the date and terms of the ICAO Council's decision. In addition to the ICAO Secretariat services, AFCAC may explore, after the first years of activity, the possibility of obtaining the services of experts made available by member governments at no cost.

11. There are at present 33 ICAO States which will be members of AFCAC. Of these 33, and using as a basis the ICAO scale of assessments for 1966, there are 30 whose ICAO assessment is 0.13%. Their AFCAC Assessment would be 2.77%. In other words, for every U.S.\$10,000 of AFCAC direct costs, each of those States would have to contribute U.S.\$277. Of the remaining 3 States, one would have to contribute U.S.\$450, another \$480 and the third one U.S.\$750.

12. This arrangement greatly facilitates the formalities which each member State has to follow in order to make its payments, since they are added to the contribution to be paid to ICAO, without the need to obtain separate approval for contribution to another organization.

RULES OF PROCEDURE FOR PLENARY MEETINGS
OF THE AFRICAN CIVIL AVIATION COMMISSION

(For its subordinate bodies, the AFCAC decides, on each occasion, which are the applicable rules)

Meetings

Rule 1

The African Civil Aviation Commission (AFCAC) will meet in ordinary plenary session at least once every three years. (Constitutional Resolution¹). It shall be convened by the President of AFCAC at a suitable time and place, and subject to any directives given by the Commission.

Rule 2

Extraordinary plenary meeting of AFCAC may be convened by the Bureau and must be convened if the Bureau receives a request from a majority of the AFCAC members. (Constitutional Resolution²).

Delegations

Rule 3

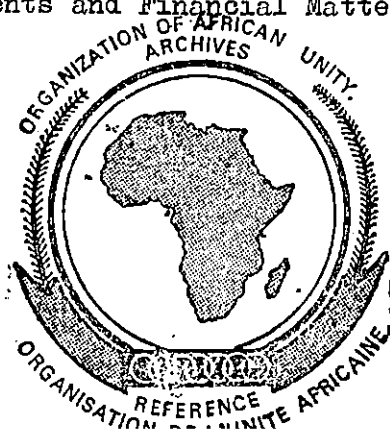
All AFCAC members shall have an equal right to be represented at the sessions of the Commission. No person shall represent more than one State.

Rule 4

Delegations of member States may be composed of delegates, alternates and advisors. One of the delegates shall be designated as the Chief Delegate. In case of his absence the Chief Delegate may designate another member of his Delegation to serve in his stead.

1 & 2

The expression "Constitutional Resolution" refers to the resolution to be adopted by AFCAC determining the Constitution, Objectives, Organization and Working Arrangements and Financial Matters, when the Commission is created.



Rule 5

Non-member States and international organizations duly invited by the Bureau, or by the AFCAC itself, to attend a session of the Commission may be represented by observers. Where a Delegation consists of two or more observers, one of them shall be designated as "Chief Observer".

CredentialsRule 6

- 1) Delegations shall be provided with credentials signed on behalf of the State or organization concerned, by a duly authorized person, specifying the name of each member of the Delegation and indicating the capacity in which he is to serve. The credentials shall be deposited with the Secretary of the AFCAC.
- 2) The Secretary of the AFCAC shall examine the credentials and report thereon to the Commission without delay.
- 3) Delegates, alternates, advisors and observers shall be entitled, pending the presentation of a report on credentials by the Secretary of the AFCAC and action thereon by the Commission, to attend meetings and participate in them, subject, however to the limits set forth in these Rules.
- 4) The Commission may debar from further participation in the meetings any delegate, alternate, adviser or observer whose credentials it finds to be defective.

OfficersRule 7

At each ordinary plenary session, AFCAC will elect its President and Vice Presidents, who will constitute the Bureau of AFCAC. (Constitutional Resolution). During any unavailability of the President, his functions will devolve upon the Vice-Presidents in order of seniority. The new officers shall assume office at the closing of the ordinary plenary session and shall continue until the end of the next ordinary plenary session. At each ordinary plenary session at least ³ new Vice-Presidents shall be elected.

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3. The number should be about 1/3 of the total number of Vice-Presidents.

AgendaRule 8

1) Provisional Agenda Before each ordinary plenary session of the Commission, the Bureau, in consultation with the States members of the Commission and with the Council of the International Civil Aviation Organization, shall determine the Provisional Agenda. The Provisional Agenda for an ordinary plenary session shall be made available to all AFCAC members not less than two months before the opening date of that session.

2) Final Agenda. The Commission shall adopt the final Agenda at the beginning of each plenary session.

3) The Commission may, at any time, add any item to the Agenda of an ordinary plenary session or otherwise amend it.

Rule 9

The agenda of extraordinary plenary meetings of AFCAC convened by the Bureau shall be confined to items specified by the Bureau and, for extraordinary meetings convened at the request of States, to the items specified in their request. The Agenda for an extraordinary session shall be made available to all States members of the Commission not less than one month before the opening date of that session.

Committee and subordinate organsRule 10

1) At each ordinary plenary session, the Commission shall establish an Executive Committee and may establish such committees open to all States members of the AFCAC, groups of limited membership and committees of experts, as it may consider to be necessary or desirable, with such functions as it may specify.

2) The Chairman of the Executive Committee shall be the President of AFCAC.

3) The Chairman of Committees shall be elected by the plenary and the Vice-Chairmen, by the Committees themselves.

4) Groups of limited membership and committees of experts shall appoint their own chairmen, and, if necessary vice-chairmen.

5) A committee or group may establish such subordinate organs as it may deem fit.

Secretariat

Rule 11

The senior member of the Secretariat of the International Civil Aviation Organisation designated by the Secretary-General of ICAO to attend a plenary session or any other committee or meeting shall act as Secretary thereof.

Conduct of Business

Rule 12

Plenary meetings of the Commission shall be held in public unless the Commission decides that any of its meetings shall be held in private. Meetings of the Committees and working groups shall be held in private unless the body concerned decides otherwise.

Rule 13

Members of delegations of member States not represented in a body of limited membership may attend and participate without voting, or the right to make or second proposals, in the meeting of such body.

Observers

Rule 14

Observers shall have the right to attend all public meetings and private meetings of Committees, except the Executive Committee, unless the body concerned decides otherwise. Observers may attend meetings of working groups if so decided by the group concerned. Observers shall have the right to participate in discussions of the meetings that they are allowed to attend and to present documents, but not to vote or to make or second proposals.

QuorumRule 15

1) A majority of the member States of AFCAC shall constitute a quorum for plenary sessions of the Commission.

2) A majority of the States represented at a plenary session shall constitute a quorum for meetings of the Executive Committee.

3) The Commission shall determine the quorum for the committees and groups, if in any case, it is considered necessary that a quorum be established for such bodies.

Powers of the presiding officerRule 16

The presiding officer of the Commission or of any body concerned shall declare the opening and closing of each meeting, direct the discussion, ensure observance of these Rules, accord the right to speak, put questions and announce decisions. He shall rule on points of order and, subject to these Rules, shall have complete control of the proceedings of the body concerned and maintain order at its meetings.

SpeakersRule 17

1) The presiding officer shall call upon speakers in the order in which they have expressed their desire to speak. He may call a speaker to order if his observations are not relevant to the subject under discussion.

2) Generally, no Delegation may speak a second time on any question, except for clarification, until all other Delegations desiring to speak have had an opportunity to do so.

3) At plenary meetings of the Commission, the Chairman of a committee or group of experts may be accorded precedence for the purpose of explaining the conclusions arrived at by the body concerned. In meetings, of a committee or group of experts, similar precedence may, for the same purpose, be accorded to the Chairman of any other organ of the Commission.

Time limit on speechesRule 18

A presiding officer may limit the time allowed to each speaker, unless the body concerned decides otherwise.

Points of orderRule 19

1) Notwithstanding the provisions of Rule 17, a delegate may at any time raise a point of order, and the point shall immediately be decided by the presiding officer.

2) Any delegate may make a motion appealing against such decision. In that case, subject to the provisions of Rule 20, the procedure specified in Rule 21 (2) shall be followed. The decision given by the presiding officer under paragraph(1) shall stand unless overruled by a majority of the votes cast.

Motions and amendmentsRule 20

1) A motion or amendment shall not be discussed until it had been seconded.

2) Motions and amendments may be presented and seconded only by members of the Delegations of States members of the Commission.

3) No motion may be withdrawn if an amendment to it is under discussion or has been adopted.

4) Proposals for formal action shall not be discussed until 24 hours after they shall have been submitted in writing, except in the absence of objection to earlier discussion.

Procedural motionsRule 21

1) Subject to the provisions of Rule 20, any delegate may move at any time ~~the suspension or adjournment of the meeting, the adjournment of the debate on any question, the deferment of discussion on an item, or the closure of the debate on an item.~~

2) After such a motion or one under Rule 19 (2) has been made and explained by its proposer, only one speaker shall normally be allowed to speak in opposition to it and no further speeches shall be made in its support before a vote is taken. Additional speeches on such motion may be allowed at the discretion of the presiding officer. A delegate speaking on such a motion may speak only on that motion and not on the substance of the matter which was under discussion before the motion was made.

Order of procedural motions

Rule 22

The following motions shall have priority over all other motions, and shall be taken in the following order:

- a) to suspend the meeting;
- b) to adjourn the meeting;
- c) to adjourn the debate on an item;
- d) to defer the debate on an item;
- e) for closure of the debate on an item.

Reconsideration of proposals

Rule 23

Re-opening within the same body and at the same session of a debate already completed by a vote on a given item shall require a majority of votes cast. Permission to speak on a motion to re-open shall normally be accorded only to the proposer and to one speaker in opposition, after which it shall be immediately put to vote; when a large number of speeches are allowed by the presiding officer, priority of recognition shall be given to the leading participants in the debate affected by the motion, or in the sponsorship of or opposition to the proposal that would be affected. Speeches on a motion to re-open shall be limited in content to matters bearing directly on the justification of re-opening. Discussion of the substance of the question at issue will be in order only if, and after, the motion to re-open prevails.

Discussions in subordinate organs

Rule 24

A subordinate organ established by a committee or group of experts may conduct its deliberations informally, save that it may at any stage decide that these Rules shall be observed at its meetings.

Voting rights

Rule 25

Each State member of the Commission, if duly represented, shall have one vote at meetings of the Commission, committees, groups of experts or subordinate organs of which it is a member.

Voting of presiding officer

Rule 26

Subject to the provisions of Rule 25, the presiding officer of the Commission, committee, group of experts or subordinate organ shall have the right to vote on behalf of his State.

Majority required

Rule 27

1) Except as otherwise provided in these Rules, decisions shall be by a majority of the votes cast; provided that the affirmative votes of a majority of those present in the meeting where the vote is taken are required for the approval of recommendations and conclusions. An abstention shall not be considered as a vote.

2) Decisions regarding any amendments or additions to the Constitutional Resolution (Constitution, Objectives, Organization and Working Arrangements, and Financial Matters) shall require the affirmative vote of two-thirds of the States represented at the session, provided that the number of those affirmative votes should not be less than a majority of the States Members of AFCAC. An abstention shall not be considered as a vote.

Method of voting

Rule 28

1) Subject to paragraph 2 hereof, voting shall be by voice, by show of hands, or by standing, as the presiding officer may decide.

2) In meetings of the Commission and its committees there shall be a roll-call vote if requested by two States members of the Commission. The vote or abstention of each State participating in a roll-call vote shall be recorded in the minutes.

Divisions of motions

Rule 29

On request of any delegate, and unless the meeting otherwise decides, parts of a motion shall be voted on separately. The resulting motion shall then be put to a final vote in its entirety.

Voting on amendments

Rule 30

Any amendment to a motion shall be voted on before a vote is taken on the motion. When two or more amendments are moved to a motion, the vote should be taken on them in their order of remoteness to the original motion, commencing with the most remote. The presiding officer shall determine whether a proposed amendment is so related to the motion as to constitute a proper amendment thereto, or whether it must be considered as an alternative or substitute motion; this ruling may be reversed by a majority of votes cast.

Voting on alternative or substitute motions

Rule 31

Alternative or substitute motions shall, unless the meeting otherwise decides, be put to vote in the order in which they are presented, and after the disposal of the original motion to which they are alternative or in substitution. The presiding officer shall decide whether it is necessary to put such alternative or substitute motions to vote in the light of the vote on the original motion and any amendment thereto. Such decisions may be reversed by a majority of the votes cast.

Tie vote

Rule 32

In the event of a tie vote, a second vote on the motion concerned shall be taken at the next meeting, unless the Commission or body concerned decides that such second vote be taken during the meeting at which the tie vote took place. Unless there is a majority in favour of the motion on this second vote, it shall be considered lost.

Languages

Rule 33

English and French shall be the languages of AFCAC.

Reports

Rule 34

Reports prepared by meetings of the Commission shall be distributed to States members of the Commission, to observers which attended the meetings, to the ICAO Council, to ECA and OAU, and to other bodies that the Commission may decide.

Records of proceedings

Rule 35

- 1) Minutes of the plenary meetings of the Commission shall be prepared by the Secretariat and approved by the Commission.
- 2) Proceedings of committees, groups of experts and subordinate organs shall be recorded in summary form, except where the Commission directs otherwise in the case of committees dealing with matters of high importance.

Rule 36

- 1) Except in the case of Rules 1, 2, 3, 9, 15, 27 and 33, these Rules may be amended, or any portion of the Rules may be suspended, at any time by the Commission in plenary session by a majority of the members of AFCAC represented at the session.
- 2) Amendment or suspension of Rules 1, 2, 3, 9, 15, 27, and 33 shall require the affirmative vote of two-thirds of the States represented at the session, provided that the number of those affirmative votes should not be less than a majority of the States members of AFCAC. An abstention shall not be considered as a vote.

OAU/ECA PROPOSALS

CONSTITUTION

1. The African Civil Aviation Commission (AFCAC) shall be composed of the Independent African States.
2. The functions of AFCAC shall be consultative and its conclusions and recommendations shall be subject to acceptance by each of the governments.

OBJECTIVES

3. The objectives of AFCAC are:
 - a) To provide the Ministers responsible for civil aviation in the African Member countries with a framework within which to discuss and plan all the required measures of co-ordination and co-operation for their civil aviation activities.
 - b) To promote the co-ordination, the better utilization and the orderly development of African air transport.

FUNCTIONS

4. The functions of AFCAC will include, among other things, and in conjunction with ECA and OAU:
 - a) Setting out regional and sub-regional plans for the operations of air services in and outside Africa;
 - b) Studies of the feasibility of standardization of equipment;
 - c) Studies of possibility of integration of the policies of governments in all fields of aviation;
 - d) Programmes for the accelerated education and training of indigenous staff in the field of civil aviation;
 - e) Studies of intra-African fares and rates with a view to adopting a structure conducive to the rapid growth of traffic in Africa;
 - f) Encouragement of the application of ICAO standards and recommendations on facilitation and supplementing them by further measures aimed at greater facilitation of the movement by air of passengers, cargo and mail;

Credentials

Rule 6

- 1) Delegations shall be provided with credentials signed on behalf of the State or organization concerned, by a duly authorized person, specifying the name of each member of the Delegation and indicating the capacity in which he is to serve. The credentials shall be deposited with the Secretary of the AFCAC.
- 2) The Secretary of the AFCAC shall examine the credentials and report thereon to the Commission without delay.
- 3) Delegates, alternates, advisers and observers shall be entitled, pending the presentation of a report on credentials by the Secretary of the AFCAC and action thereon by the Commission, to attend meetings and participate in them, subject, however, to the limits set forth in these Rules.
- 4) The Commission may debar from further participation in the meetings any delegate, alternate, advisor or observer whose credentials it finds to be defective.

Officers

Rule 7

At each ordinary plenary session, AFCAC will elect its President and ... Vice-Presidents, who will constitute the Bureau of AFCAC. [Constitutional Resolution]. During any unavailability of the President, his functions will devolve upon the Vice-Presidents in order of seniority. The new officers shall assume office at the closing of the ordinary plenary session. At each ordinary plenary session at least + ... new Vice-Presidents shall be elected.

+ The number should be about 1/3 of the total number of Vice-Presidents.

Agenda

Rule 8

1) Provisional Agenda. Before each ordinary plenary session of the Commission, the Bureau, in consultation with the Member States of the Commission and with the Economic Commission for Africa and the Organization of African Unity shall determine the Provisional Agenda. The Provisional Agenda for an ordinary plenary session shall be made available to all AFCAC members not less than two months before the opening date of that session.

2) Final Agenda. The Commission shall adopt the final Agenda at the beginning of each plenary session.

3) The Commission may, at any time, add any item to the Agenda of an ordinary plenary session or otherwise amend it.

Rule 9

The Agenda of extraordinary plenary meetings of AFCAC convened by the Bureau shall be confined to items specified by the Bureau and, for extraordinary meetings convened at the request of States, to the items specified in their request. The Agenda for an extraordinary session shall be made available to all States Members of the Commission not less than one month before the opening date of that session.

Committees and sub-ordinate organs

Rule 10

1) At each ordinary plenary session, the Commission shall establish an Executive Committee and may also establish such sub-committees, open to all States members of AFCAC, sub-committees of limited membership and committees of experts as it may consider to be necessary or desirable, with such functions as it may specify.

2) The Chairman of the Executive Committee shall be the President of AFCAC.

3) The Chairman of Committees shall be elected by the plenary and the Vice-Chairmen, by the Committees themselves.

4) Sub-Committees of limited membership and committees of experts shall appoint their own Chairmen, and, if necessary, Vice-Chairmen.

5) A Sub-Committee may establish such subordinate organs as it may deem fit.

Secretariat

Rule 11

A senior member of the Secretariat of the Economic Commission for Africa designated by the Executive Secretary of ECA shall act as Secretary at each plenary session assisted by a representative of the Organization of African Unity designated by the Secretary-General of OAU.

Conduct of Business

Rule 12

Plenary meetings of the Commission shall be held in public unless the Commission decides that any of its meetings shall be held in private. Meetings of the Committees and working groups shall be held in private unless the body concerned decides otherwise.

Rule 13

Members of delegations of Member States not represented in a body of limited membership may attend and participate without voting, or the right to make or second proposals, in the meetings of such body.

Observers

Rule 14

Observers shall have the right to attend all public meetings and private meetings of Committees except the Executive Committee, unless the body concerned decides otherwise. Observers may attend meetings of working groups if so decided by the group concerned. Observers shall have the right to participate in discussions of the meetings that they are allowed to attend and to present documents, but not to vote or to make or second proposals.

Quorum

Rule 15

1) A majority of the Member States of AFCAC shall constitute a quorum for plenary sessions of the Commission.

2) A majority of the States represented at a plenary session shall constitute a quorum for meetings of the Executive Committee.

3) The Commission shall determine the quorum for the Committee and groups if, in any case, it is considered necessary that a quorum be established for such bodies.

Powers of the presiding Officer

Rule 16

The presiding officer of the Commission or of any body concerned shall declare the opening and closing of each meeting, direct the discussion, ensure observance of these Rules, accord the right to speak, put questions and announce decisions. He shall rule on points of order and, subject to those Rules, shall have complete control of the proceedings of the body concerned and maintain order at its meetings.

Speakers

Rule 17

1) The presiding officer shall call upon speakers in the order in which they have expressed their desire to speak. He may call a speaker to order if his observations are not relevant to the subject under discussion.

2) Generally, no Delegation may speak a second time on any question, except for clarification, until all other Delegations desiring to speak have had an opportunity to do so.

3) At plenary meetings of the Commission, the Chairman of a Committee or group of experts may be accorded precedence for the purpose of explaining the conclusions arrived at by the body concerned. In meetings of a Committee or group of experts, similar precedence may, for the same purpose, be accorded to the Chairman of any other organ of the Commission.

Time limit on speeches

Rule 18

A presiding officer may limit the time allowed to each speaker, unless the body concerned decides otherwise.

Points of order

Rule 19

1) Notwithstanding the provisions of Rule 17, a delegate may at any time raise a point of order, and the point shall immediately be decided by the presiding officer.

2) Any delegate may make a motion appealing against such decision. In that case, and subject to the provisions of Rule 20, the procedure specified in Rule 21 (2) shall be followed. The decision given by the presiding officer under paragraph (1) shall stand unless overruled by a majority of the votes cast.

Motions and amendments

Rule 20

1) A motion or amendment shall not be discussed until it had been seconded.

2) Motions and amendments may be presented and seconded only by members of the Delegations of States members of the Commission.

3) No motion may be withdrawn if an amendment to it is under discussion or has been adopted.

4) Proposals for formal action shall not be discussed until 24 hours after they shall have been submitted in writing, except in the absence of objection to earlier discussion.

Procedural motions

Rule 21

1) Subject to the provisions of Rule 20, any delegate may move at any time the suspension or adjournment of the meeting, the adjournment of the debate on any question, the deferment of discussion on an item, or the closure of the debate on an item.

2) After such a motion or one under Rule 19 (2) has been made and explained by its proposer, only one speaker shall normally be allowed to speak in opposition to it and no further speeches shall be made in its support before a vote is taken. Additional speeches on such motion may be

at the discretion of the presiding officer. A delegate speaking on such a motion may speak only on that motion and not on the substance of the matter which was under discussion before the motion was made.

Order of procedural motions

Rule 22

The following motions shall have priority over all other motions, and shall be taken in the following order:

- a) to suspend the meeting;
- b) to adjourn the meeting;
- c) to adjourn the debate on an item;
- d) to defer the debate on an item;
- e) for closure of the debate on an item.

Reconsideration of proposals

Rule 23

Re-opening within the same body and at the same session of a debate already completed by a vote on a given item shall require a majority of votes cast. Permission to speak on a motion to re-open shall normally be accorded only to the proposer and to one speaker in opposition, after which it shall be immediately put to vote: when a larger number of speeches are allowed by the presiding officer, priority of recognition shall be given to the leading participants in the debate affected by the motion, or in the sponsorship of or opposition to the proposal that would be affected. Speeches on a motion to re-open shall be limited in content to matters bearing directly on the justification of re-opening. Discussion of the substance of the question at issue will be in order only if, and after, the motion to re-open prevails.

Discussion in subordinate organs

Rule 24

A subordinate organ established by a committee or group of experts may conduct its deliberations informally, save that it may at any stage decide that these Rules shall be observed at its meetings.

Voting rights

Rule 25

Each State member of the Commission, if duly represented, shall have one vote at meetings of the Commission, committees, groups of experts or subordinate organs of which it is a member.

Voting of presiding officer

Rule 26

Subject to the provisions of Rule 25, the presiding officer of the Commission, committee, group of experts or subordinate organ shall have the right to vote on behalf of his State.

Majority required

Rule 27

1) Except as otherwise provided in these Rules, decisions shall be by a majority of the votes cast; provided that the affirmative votes of a majority of those present in the meeting where the vote is taken are required for the approval of recommendations and conclusions. An abstention shall not be considered as a vote.

2) Decisions regarding any amendments or additions to the Constitutional Resolution (Constitution, Objectives, Organization and Working Arrangements, and Financial Matters) shall require the affirmative vote of two-thirds of the States represented at the session, provided that the number of those affirmative votes should not be less than a majority of the States members of AFPCAC. An abstention shall not be considered as a vote.

Method of voting

Rule 28

1) Subject to paragraph 2 hereof, voting shall be by voice, by show of hands, or by standing, as the presiding officer may decide.

2) In meetings of the Commission and its committees there shall be a roll-call vote if requested by two States members of the Commission. The vote or abstention of each State participating in a roll-call vote shall be recorded in the minutes.

Division of motions

Rule 29

On request of any delegate, and unless the meeting otherwise decides, parts of a motion shall be voted on separately. The resulting motion shall then be put to a final vote in its entirety.

Voting on amendments

Rule 30

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2) Amendment or suspension of Rules 1, 2, 3, 9, 15, 27 and 33 shall require the affirmative vote of two-thirds of the States represented at the session, provided that the number of those affirmative votes should not be less than a majority of the States members of AFCAC. An abstention shall not be considered as a vote.



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