



ADDIS ABABA

COUNCIL OF MINISTERS

Sixteenth Ordinary Session

Addis Ababa - February/March 1971

CM/366/Rev.1

REPORT OF THE ADMINISTRATIVE SECRETARY-GENERAL ON
THE FINANCIAL IMPLICATIONS OF SETTING UP A COMMITTEE
OF EXPERTS COMPOSED OF NINE MEMBERS TO SUBMIT TO THE
COUNCIL OF MINISTERS A DRAFT CONVENTION OR CONVENTIONS ON
CO-OPERATION IN LEGAL MATTERS

(CM/Dec.127 (XV))



CM0366

MICROFICHE

Since the Eighth Ordinary Session of the Council of Ministers, the problem of the concluding a convention on inter-African legal co-operation has been placed on the agenda of the Council regularly.

In accordance with the discussions held on this matter by the Ninth Ordinary Session of the Council of Ministers, resolution CM/Res.107 was adopted, stipulating inter alia:

- "2) Recommends that the Ethiopian proposal, as complemented by the debate which extended the scope of the subject to cover the whole body of inter-African co-operation in legal matters, be transmitted, with all other proposals relating to this question to Member States at the close of the present Session;
- "3) Invites the Member States to proceed to make an urgent study of these various proposals and to convey their observations and suggestions to the General Secretariat;
- "4) Entrusts the General Secretariat with the tasks of compiling the observations and suggestions, and of communicating them again to Member States, which are requested to convey their opinions to the General Secretariat before the end of June 1968;
- "5) Finally charges the Administrative Secretary-General with making a report synthesizing the various opinions of the Member States of this assembly to the Council of Ministers prior to the next Assembly of the Heads of State and Government".

From the Tenth up to the Fourteenth Session, the Council of Ministers has had to postpone each time after a thorough discussion on legal co-operation to its next session because not enough Member States had sent their observations and suggestions on inter-African legal co-operation as requested by operative paragraph 3 of Resolution CM/Res.107 (IX).

After taking note of this situation, the Fourteenth Ordinary Session decided to postpone, once more, the discussion on this matter to its next session; that time however, it requested the Secretary-General to prepare, for the Governments of Member States, a questionnaire to determine the fields of co-operation and the problem, including extradition, that could possibly serve as a basis for a convention on inter-African legal co-operation.

In accordance with the Council's decision, the General Secretariat prepared the questionnaire on the various aspects of a possible convention on inter-African co-operation in legal matters and communicated it to all Member States through its note ORG.120/1/847-70 of 29 June 1970.

After realizing that the situation remained the same as during previous sessions, the Fifteenth session:

- (1) decided to defer consideration of the question of concluding a treaty on legal co-operation between OAU Member States until its Seventeenth Ordinary Session;
- (2) Earnestly requested Member States, that had not yet done so, to forward to the General Secretariat, as far as possible, before the Sixteenth Session, their comments and suggestions on the draft convention on legal co-operation, in conformity with decision CM/Dec.108 (XIV);

- (3) recommended the constitution of a Committee of Experts composed of nine members to study the synoptic report of the Secretariat and to submit to the Council a draft convention or conventions on co-operation in legal matters.
- (4) Requested the General Secretariat to prepare a report on the financial implications of setting up the above-mentioned Committee of Experts for the Sixteenth Session of the Council.

With regard to the financial implications of setting up a committee of nine members to study the synoptic report to be prepared by the Secretariat on legal co-operation, as suggested by the Fifteenth Ordinary Session, a certain number of factors will have to be taken into consideration.

First, an agreement should be reached as to where the Committee would meet if it is finally set up. Secondly, one will have to determine whether the General Secretariat or Member States will bear the costs of the work required of the said committee.

As regards the venue of the meeting of the nine experts, the Secretariat feels that it would be easier for the committee to meet at the Organization's Headquarters, that is to say in Addis Ababa where it would have the immense advantage of being able to use the Secretariat's technical services.

As to the expenses incurred for the work of the committee, there are two possible solutions:

- either the Organization could bear all the expenses, or
- it could defray the costs of the technical assistance furnished by the Secretariat for the holding of the meetings of the Committee of Experts.

If the first solution is chosen, in other words, if the Organization is to bear the total costs, the need for fair representation of the four different traditional geographic regions recognised by OAU, will have to be taken into consideration.

Thus, should the Council feel, as the Secretariat has suggested, that it is preferable for the Committee of Experts to meet in Addis Ababa and that the Organization should defray the expenses incurred for the establishment, recommended by the Fifteenth Ordinary Session of the Council of Ministers, and the functioning of the Committee of Experts, the Organization would have to spend approximately the sum of US.\$6,254.20. The Council of Ministers will find below a detailed statement of estimated costs:

(1) Air fare

- Algiers-Addis Ababa-Algiers - for two persons	US.\$1,323.20
- Accra-Addis Ababa-Accra - for three persons	US.\$1,699.20
- Lusaka-Addis Ababa-Lusaka - for two persons	US.\$ 852.80
- Kinshasa-Addis Ababa-Kinshasa - for two persons	US.\$ 849.00

(2) Per diem

US.\$17 x 10 x 9 = US.\$1,530.00

This is on the assumption that the meeting of the Committee of Experts would last not longer than 10 days.

The criteria taken by the Secretariat for the above-estimates do not exclude the possibility of the Government of a Member State inviting the Committee to meet in its country. In that case, in conformity with current practice, the said Government will defray all additional expenses, incurred for the servicing and holding of the meeting of the Committee of Experts outside Addis Ababa, the headquarters of the Organization of African Unity.

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Report of the Administrative Secretary-General on the financial implications of setting up a Committee of Experts composed of nine members to submit to the Council of Ministers a draft convention or conventions on co-operation in legal matters (CM/Dec. 127(XV))

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