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COUNCIL OF MINISTERS

CM/432

Eighteenth Ordinary Session

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CM/432

REPORT OF THE ADMINISTRATIVE
SECRETARY-GENERAL ON THE DRAFT CONVENTION ON LEGAL
CO-OPERATION AND ON MERCENARIES



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SECRETARY-GENERAL ON THE DRAFT CONVENTION ON LEGAL
CO-OPERATION AND ON MERCENARIES

By its decision CM/Dec.145 (XVI), the Council of Ministers decided at its Sixteenth Ordinary Session to set up a Committee of Nine Experts to "prepare a draft convention or draft conventions on co-operation in legal matters" and instructed the . . . to appoint the experts and convene the meeting of that Committee.

Furthermore, the Council of Ministers decided at its Seventeenth Ordinary Session, by decision CM/Dec.158 (XVII) to entrust the same Committee with the additional task of preparing a draft convention on mercenaries.

The Council of Ministers further decided that the meeting of the team of nine legal experts should take place in October 1971.

In order to implement the above decisions of the Council, the Secretariat, through its notes POL/204/I/701/71 of 17 June 1971, POL/20/4/954/71 of 16 August 1971 and POL/20/4/1110/71 of 7 September 1971, requested Member States to submit candidatures with a view to forming the Committee of Nine Legal Experts set up by the Council of Ministers.

For reasons independent of the will of the Secretariat, the Committee of Nine Experts was unable to meet at the time indicated by the Council. Indeed, the Committee meeting convened by the Administrative Secretary-General was held from 10 to 26 January 1972.

It was composed of the following dignitaries :

- 1) Prof. AHMED FATHI MORSI (EGYPT)
Justice at the Supreme Court
- 2) H.E. Ato MOHAMED ABDURAHMAN (ETHIOPIA)
Minister of State in the
Ministry of Justice
- 3) Mr. MARCEL MARTIN (GUINEA)
Attorney General
- 4) Mr. OYEWOLA JEMIYO (NIGERIA)
Senior State Counsel
Federal Ministry of Justice
- 5) Mr. SAMBA MADEMBA SY (SENEGAL)
Counsellor at the Supreme Court
- 6) Mr. SAYED KHALAFALLA ELRASHED (SUDEN)
Advocate General
- 7) Mr. NIMROD MASOMA LUGOE (TANZANIA)
Legal Secretary at the Embassy of
the U.R. of Tanzania in Addis Ababa
- 8) Mr. FATHI ZOUIR (TUNISIA)
Vice-President of the National Assembly
- 9) Mr. A.M. MIS (ZAMBIA)
Legal Adviser on International Law

Professor Fathi Morsi was unable to attend the work of the Committee at the last minute. The other eight experts were all present.

It should be recalled that under decision CM/Dec.145 (XVI) of the Council the Committee of experts was supposed to prepare a draft convention on legal co-operation. The same Committee had been entrusted with preparing a draft convention on mercenaries by decision CM/Dec.158 (XVII).

As regards decision CM/Dec.145, in view of the time given them from the start and taking into consideration the complexity and difficulties regarding legal co-operation, the experts decided to confine the aim of their work to the preparation of a draft convention on extradition on the understanding that if the Council of Ministers felt that efforts should be pursued with a view to the conclusion between OAU Member States, of a convention on legal co-operation, the Committee could meet once more to discuss the other aspects of legal co-operation.

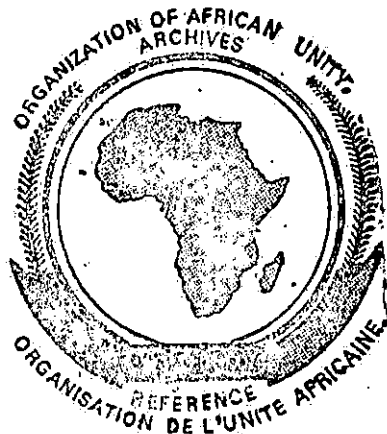
At the end of its work, the Committee produced two draft conventions, one on extradition and the other on the elimination of mercenaries in Africa which are now being submitted to the Council of Ministers.

The Committee of Experts had appointed two rapporteurs for each of the draft conventions. Since one of the rapporteurs reports in one language only reached the General Secretariat on 9 February 1972, the latter was unable to communicate to Member States, in the prescribed time-limit, the documents prepared by the Committee of Legal Experts.

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In view of the importance that the Council attaches to these two problems and the need for Governments of Member States to study the contents of these documents beforehand, the General Secretariat is of the opinion that the conditions are not yet fulfilled for a discussion in depth on the two drafts submitted to it.

In the circumstances, the General Secretariat suggests that discussion on the items concerning the draft conventions on legal co-operation and mercenaries be deferred to the nineteenth ordinary session of the Council of Ministers, in the hope that all the delegations attending that session will come with precise instructions from their respective governments and, that in the meantime, any government wishing to send, its comments, suggestions or amendments in respect of the drafts, to the General Secretariat for the attention of the other Government, may do so. All these preliminary measures will enable the nineteenth session of the Council to hold fruitful discussions on these two draft conventions take appropriate decisions with full knowledge of the facts.



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