

**ORGANIZATION OF
AFRICAN UNITY**

SECRETARIAT

P. O. Box 3243



ADDIS ABABA

**ORGANISATION DE L'UNITE
AFRICAIN**

SECRETARIAT

B. P. 3243

COUNCIL OF MINISTERS

Nineteenth Ordinary Session

Rabat, June 1972

CM/446

REPORT OF THE ADMINISTRATIVE SECRETARY-GENERAL

ON OAU OBSERVER STATUS

REPORT OF THE ADMINISTRATIVE SECRETARY-GENERAL
ON OAU OBSERVER STATUS

In paragraph 2 of the enacting terms of its decision CM/Dec.150 (XVI) the Council of Ministers requested:

".... that the Administrative Secretary-General should submit to the Council of Ministers, proposals regarding the objectives and criteria to be observed when granting Observer Status to various organizations".

At the origin of these directives were to be found, essentially, two realizations: on the one hand the influx of demands with a view to benefiting by OAU observer status and, on the other hand, the increasingly marked tendency on the part of the organizations benefiting from the said status to take advantage of their quality of observer to request subsidies from the Council of Ministers. There was even an impression that certain of these organizations only requested or request the benefits of observer status with the sole aim of subsequently being able to ask for subsidies. Whence a growing concern within the Council of Ministers at the financial burden, for the OAU that could be represented by these requests for ever-increasing subsidies on the part of an ever-increasing number of organizations.

If this tendency were maintained, could result in the complete negation of what appeared to be the spirit in which observer status at the OAU was elaborated: the necessity for this organization to cooperate as closely as possible with all the organizations, whether African or not, national or international, which work in the same sense at itself. To render this necessary cooperation more effective it was indispensable to give it clear legal bases that were known and accepted by all.

If such were the case, the granting by the OAU of subsidies to certain organizations benefiting from observer status should be made exceptional, each request being considered on its own merits alone; in any case the eventual granting of the subsidy should not be compulsory merely because other organizations enjoying the same status had, in the past, requested and obtained subsidies. Otherwise this would be to admit in principle that it was the right of an organization benefiting from observer status to automatically receive a subsidy each time it made a request for one, or at least once.

The Council of Ministers, sovereign both in granting subsidies and granting observer status, should find some means or other to completely dissociate the granting of observer status and that of subsidies to the organizations requesting them. One way of achieving this could be to include in OAU observer status new/provision clearly indicating that the granting of this status to an organization laid no obligation on the Council of Ministers to grant that same organization a subsidy if it subsequently requested one.

In fact the present provisions of observer status indicated neither directly nor indirectly that the benefit of observer status automatically derived from the right to obtain subsidies, since the prerogatives attributed to the OAU observer, which are defined in Article 8 and the following Articles on observer status, do not include the right to a subsidy.

Another way would be to specify in the actual decision of the Council granting the benefit of observer status to an organization, that this decision in no way prejudiced the decision reserved for an eventual request for subsidy from the interested organization.

The two proceedings mentioned above do not mutually exclude one another and can thus be used concurrently.

At another level, and to stem the influx of requests with a view to benefiting by OAU observer status, one could extend to non-governmental African organizations the provisions of paragraph 2 of Article 1 of observer status. Thus the requests with a view to benefiting by observer status by non-governmental African organizations, requests emanating from the statutablely competent bodies of these organizations, could be sponsored by the Governments of the States in whose territory their headquarters was to be found.

As to the requests with a view to benefiting from observer status submitted for examination to the Council of Ministers during its 19th ordinary session, these were six in number and proceed from the following organizations:

- The Society of African Culture (SAC)
- Association for the advancement of agricultural sciences in Africa (AAASA)
- The Development Consultants Association (Deveconsult)
- The Regional Secretariat of Catholic Education for Africa and Madagascar (RSAM)
- Pan-African Federation of Cinematographers
- African Training and Research Centre in Administration for Development (CAFRAD)

All these requests, save one, that of the African Training and Research Centre in Administration for Development (CAFRAD) were old ones, had already figured on the agenda of the Council and had been subject to examination and decision by the Council.

The last decision of the Council relating to requests with a view to benefiting by observer status by the Society of African Culture, the Association for the Advancement of agricultural sciences in Africa, the Development Consultants Association, and the Regional Secretariat of Catholic Education for Africa and Madagascar, was decision CM/Res.250 (XVI) by the terms of which the Council postponed examination of these requests until the interested organizations supplied the information required by the Council during its fourteenth and fifteenth ordinary sessions.

The many postponements of the Society of African Culture's request with a view to benefiting by observer status all had the same motive; before granting it the benefit of observer status, the Council had suggested that the Society of African Culture on the one hand transfer its headquarters to an African country, and on the other delete from its statutes the reference to "black culture", the resort to this notion not being, in the opinion of the Council, in perfect harmony with the Charter of the Organization of African Unity, which accepted no discrimination of any description and, in particular, that based on colour.

Although the Society of African Culture, in two letters which were communicated to the Member States in note No.ORG/100/2/1076-71 of 6th September 1971 undertook, in any case, to transfer its headquarters to an African country during 1971, it on the other hand intimated that its Executive Council, competent in the matter, was not prepared to agree to the deletion of the word "black" in its statutes.

In the two letters above-mentioned, the General Secretariat of the Society of African Culture explained the reasons which led the Executive Council of SAC to take this stand.

In reports CM/386- Part 1, submitted to the Council during its fifteenth ordinary session, the Secretariat had already drawn the attention of the governments of the member States to the fact that the files of requests with a view to benefiting by observer status of the Development Consultants Association (Deveconsult) and of the Association for the advancement of agricultural sciences in Africa (AAASA) included all the documents required for these requests to be submitted for the examination of the Council. Since the 15th session, there had not been any new elements to submit for the Council's approval in connection with these requests,

Concerning the request with a view to benefiting by observer Status by the Regional Secretariat of Catholic Education for Africa and Madagascar, it was to be recalled that examination of it had been postponed to a later session because the Council of Ministers wished to dispose of precise information concerning RSAM's relations with the International Office of Catholic Education. In reply to this request for information from the Council, the RSAM communicated to the Secretariat a memorandum explaining the exact nature and scope of its connections with the International Office of Catholic Education. This document was communicated to member States by note ORG/100/2/294-71 of March 18th 1971.

As for the Pan-African Federation of Cinematographers, it was necessary to point out, on the one hand, that its file had been submitted by the government of the Republic of Senegal and on the other, that the request provided for in the first and following Articles of OAU observer Status had not been included in the documents of the said file. With the exception of this formal request, which was missing, all the other documents required had already been communicated to the member States by note ORG/5/2/482-71 of April 23rd 1971.

Finally the request with a view to benefiting by observer Status by the African Training and Research Centre in Administration for Development (CAFRAD), submitted for the first time for examination by the Council, was accompanied by all the documents required by the provisions for OAU observer Status. It could thus be examined by the Council.

The African Training and Research Centre in Administration for Development (CAFRAD), which was an inter-governmental African organization to which thirteen OAU member States had already adhered, in the domain to which it had assigned itself, that is to say the training and administrative research designed to favour the economic and social development of the African States, with aims in perfect harmony with the objectives of the OAU, could, in the opinion of the Administrative Secretary-General, be a very useful instrument of cooperation between the member States.

The Administrative Secretary-General felt, under these conditions, that the request by CAFRAD with a view to benefiting by observer Status deserved to be examined with all the benevolent attention of the Council.

Centre Africain de Formation
et de Recherche Administratives
pour le Développement

CM/446/Part 1

Date 3 Dec.1971.

COI/15/3460

Sir,

CAFRAD is recognised under international law as an "African regional institute", it is our wish to forge useful links with all organizations whose aim is to promote development in Africa.

Consequently, in accordance with the decisions of the Executive Committee of CAFRAD, 30th November 1971, I am writing to you to ask that the Centre be accorded Observer Status with your Organization.

In view of CAFRAD's activities, which are essentially devoted to research and staff development in the field of development administration, we are asking for Category "B" observer status with the Economic and Social Council of the OAU.

I am enclosing the following documents.

- A copy of CAFRAD Founders' Convention, 18th December 1967.
- The list of our Member States.
- A copy of the Headquarters Agreement between the Centre and the Royal Moroccan Government.
- A memo on the activities and projects at CAFRAD.

I will be very glad to forward to you any further documentation which you might feel would help to support our request.

I have the honour to be, Sir, Your most obedient Servant.

J.E.Kariuki
Director-General

The Secretary General,
Organization of African Unity,
(OAU),
P.O.Box 3243
ADDIS ABABA
Ethiopia

A N N E X

BACKGROUND

The African Training and Research Centre in Administration for Development (CAFRAD) was founded through the initiative of the Government of Morocco supported in the General Conference of Unesco by ten African States covering the major regions of the continent. Its legal existence rests upon an agreement signed on 13 May, 1964, between Unesco and Morocco. The first meeting of the Governing Board in July 1965 determined CAFRAD's work and objectives and its general organisational framework. In December 1967 a Permanent Multilateral Agreement was signed by eleven Member States.

Legally, the Centre is an "African regional institution" under international law, open to the membership of all African States and located at Tangier, Morocco. It provides services to all African States, both Members and non-Members.

By September, 1971, the number of States that had joined CAFRAD totalled sixteen : Morocco, Algeria, Tunisia, Mauritania, Libya, U.A.R., Sudan, Senegal, Ivory Coast, Cameroon, Zambia, Central African Republic, Somalia, Togo, Ghana and Kenya. In June, 1971, it became a UN Special Fund Project.

The functions of CAFRAD as defined by the 1967 Agreement are as follows :

- to undertake, promote and coordinate comparative studies and research on administrative problems connected with social and economic development in Africa;

- to organise scientific meetings, seminars and in-service training courses for high-ranking officials from the public and private sectors in African countries who play a significant role in development;
- to compile, analyse and disseminate documentation on the structure, organisation and administrative methods of the different African countries;
- to publish appropriate material;
- to act as host and as a scientific liaison body for the particular benefit of institutions and schools of administration, universities and, more generally, any other agencies whose activities come within the scope of the competence of the Centre.

Recent developments and the expressed needs of African Governments require that CAFRAD shall embark on a dynamic programme of providing at Tangier, and throughout Africa, short high-level training and staff development seminars for senior administrators and teachers of development administration, as well as expand its research, documentation and publication activities in order to give support to, and supplement the work of, national public administration institutions.

In June 1971, a UNDP Special Fund Project was approved for CAFRAD. The purpose of the Special Fund project is to increase the ability of CAFRAD in helping to solve the practical administrative problems of African Governments through training, research and documentation, in accordance with their needs and wishes. CAFRAD has proposed, with the advice of African Governments, a programme for 1971-74 which will emphasise the management aspect of the public sector activity - that is on an inter-disciplinary and innovative approach to the problems of combining resources and technology and action programmes leading to rapid economic and social development. In presenting its programmes CAFRAD expects to cooperate at the regional, sub-regional and national level with other interested international organisations and agencies, and particularly the national training institutions.

Under the CAFRAD Agreement the Governing Board is composed of all Member States; Organisations and institutions supporting its work are represented at the meetings of the Governing Board as appropriate.

WORK PROGRAMME 1971/74

Introduction : By the beginning of 1972, CAFRAD expects to have the minimum resources needed to launch a full work programme. It is hoped that these resources can be augmented through various means including grants and other forms of assistance from governments and international organisation and agencies.

Meanwhile, CAFRAD has started work on the preliminary operations needed to facilitate the launching of the main programme, including the recruitment of additional staff, the preparation of training materials and the organisation of workshops of experts to help in the design of the various parts of the programme.

Although we hope that all our activities will be so integrated that every part will support and sustain the growth of every other, it is necessary for the sake of clarity to indentify the various parts that make the whole.

It is important to emphasise that what is presented as a CAFRAD programme will take place not only in Tangier, but also at the sub-regional and national level, and in collaboration with relevant institutions all over Africa, international organisations, agencies and foundations.

PART A

Regular Programme :

(1) "Programme de Perfectionnement." It is envisaged that two main staff development activities will take place at Tangier,

followed by similar activities at the sub-regional or national level as may be desired by member states. These are :

- (a) Annual institutes for training of trainers ;
- (b) Annual Executive development programmes for increasing the effectiveness of senior managers ;

It will be necessary for CAFRAD to conduct a supporting programme so that the above activities can be made really effective ; this will consist of :

- (a) production of new teaching and other relevant materials;
- (b) collaboration with such organisations and agencies as are interested in developing evaluation techniques for use by ENA's, IPA's and CAFRAD;
- (c) co-operation with the UN Division of Public Administration, the Unesco, the ECA, and agencies and institutions in establishing the development needs of senior administrators, and in devising ways and means of meeting their highlevel training requirements.

(2) Research, Documentation, Publication, Consultancy. The activities listed below will be conducted in support of both PART A above and PART B below, and also as an important aid to the increased efficiency and effectiveness of national ENA's and IPA's :

- developing a revised research programme based on the needs of PARTS A and B;
- encouraging research exchanges and collaboration between institutions;
- preparing case studies, comparative studies, teaching materials and assisting ENA's and IPA's in the same;

- producing OAFRAD's publications (notes, abstracts, monographs, etc.);
- serving as an information clearing house in the field of development administration for ENA's and IPA's and African governments and agencies;
- giving support to Africans doing advanced administrative research;
- encouraging intra-African communication through the organisation of meetings and the provision of bilingual publications;
- providing consultants to sub-regional and national programmes in order to enhance growth at the local level.

PART B

"Programme de Perfectionnement" on selected themes, and providing ad hoc services to training institutions and African Governments as may be required.

Three themes have been identified for the period 1971-1974, as follows :

Late 1971-1972 : "Problems of human resource development and management for the African Public Sector".

1972-1973 : "Problems of managing rural and urban development in Africa".

1973-1974 : "Major management problems in natural resource development/exploitation and accomplishment of technological transfer for African Development".

Each theme will start by a major meeting at Tangier, which will be followed by a number of more specialised meetings in Tangier and elsewhere in Africa.

As well as the above, CAFRAD will have to undertake, on an ad hoc basis, training and consultative activities which the governments of Africa may require. In other words, CAFRAD must remain flexible enough to respond quickly to the changing needs and priorities of African governments.

Programme Sources and Authorities

The programme proposed above is based on (a) the objectives of CAFRAD Agreement of 1967, (b) the recommendations in the Report of the ad hoc Committee of 1969, (c) those in the Report of the Workshop of the Heads of Personnel Agencies of April 1970, and (d) the contents of the Draft Work Programme prepared by CAFRAD which was itself based on (a), (b) and (c). It should be mentioned here that there are other subjects mentioned in the ad hoc Committee Report and Workshop Report which do not appear in this paper, such as the question of the solution of administrative problems and instituting administrative reform, and the need for training African staff for work in sub-regional and international organisations, but this is only because CAFRAD can handle only a limited number of activities at a time. Should the changing needs of governments indicate that CAFRAD should change priorities during the next three years, then it is hoped that such modifications as are desired will be implemented.

WORK PROGRAMME 1971/72

The following concrete activities are planned for 1971/72 :

1) December/January :

- a) Workshop of experts and practitioners to design the CAFRAD Executive Development Programme;
- b) Workshop to prepare for conference on the theme "Problems of Human Resource Development and Management for the African Public Sector".

2) Throughout the period :

- a) Preparation of country monographs (already under way) related to the theme "Problems of Managing Rural and Urban Development in Africa";
- b) Preparation of training material related to "Training of Trainers" (francophone) and organization of a number of related training courses in conjunction with ENAs.

3) May/June 1972 :

- a) Conference on "Reforming Governmental Institutions for Local Development."

4) July 1972 :

- a) First Executive Development Seminar.

5) August 1972 :

- a) Seminar on "Problems of Human Resource Development and Management for the African Public Sector."

6) September/October 1972 :

- a) Second (anglophone) Training Course of "The Teaching of Public Administration in Africa".

7) November/December 1972 :

- a) First course related to the theme "Problems of managing rural and urban development in Africa";
- b) Second Executive Development Seminar.

8) Décember 1972/January 1973 :

- a) Seminar of African Directors of ENAs and IPAs.

9) During the course of 1972 :

- a) The initiation of a Legal Studies Programme.

10) Throughout the period :

- a) The compilation of a roster of experts in development administration who can be hired to serve as consultants to CAFRAD's programmes as need arises.

11) Early 1972 :

Missions :

It is planned that CAFRAD's experts should make a systematic coverage of Africa through a series of missions intended to achieve the following :

- a) the promotion of studies initiated at CAFRAD in connection with the Draft work programme 1971/74 already approved by the Board of Governors, through personal explanations of the various parts to potential collaborators during visits to IPAs and ENAS and relevant government ministries;
- b) the identification of all accessible sources of documentation and the establishment of personal contacts during visits to those sources, and the seeking of the co-operation-on a long-term basis - of persons working at those sources by indicating to them the benefits they can derive from an all-African network of communications in the field of documentation, and specifically the role CAFRAD can play as clearing house in this respect;
- c) the familiarisation of CAFRAD's staff with African Administrative problems as they are actually viewed by scholars and experienced by administrators on the spot, with a view to enhancing their ability to produce studies which have a direct bearing on actual as opposed to theoretical problems of development in Africa.

.../...

It is intended that these missions should be made as soon as possible, provided the necessary funds can be raised; tentatively in the following groupings :

Senegal and Mauritania ;
Cameroon, Sierra Leone, Gambia and Liberia,
Uganda, Burundi, Rwanda and Congo-Kinshasa,
Congo-Brazzaville, Gabon, Equatorial Guinea,
Cameroon and Tchad;

Togo, Dahomey, Ivory Coast and Upper Volta;
Botswana, Lesotho, Malawi, Tanzania and Sudan,
Sierra Leone, Guinea, Mali and Niger.

It should be noted that the countries not appearing in the above groupings have been visited or are in the course of being visited.

12) Throughout the period :
Information clearing house :

The above mentioned missions should result in an important flow of documentation to CAFRAD, much needed to enhance the CAFRAD documentation Centre's ability to grow as an African clearing house in the field of development administration.

Member States of CAFRAD
as on 1st December 1971

MOROCCO

ALGERIA

TUNISIA

MAURITANIA

LIBYA

UNITED ARAB REPUBLIC

SUDAN

SENEGAL

IVORY COAST

CAMEROON

ZAMBIA

CENTRAL AFRICAN REPUBLIC

SOMALIA

TOGO

GHANA

KENYA

HEADQUARTERS AGREEMENT

Between

THE AFRICAN TRAINING AND RESEARCH CENTRE IN

ADMINISTRATION FOR DEVELOPMENT

(CAFRAD).

and

THE ROYAL GOVERNMENT OF MOROCCO

The African Training and Research Centre in Administration for Development (hereinafter referred to as "The Centre"), and the Royal Government of Morocco (hereinafter referred to as "The Government"),

In view of the initiative of His Majesty the King of Morocco to establish an African Training and Research Centre in Administration for Development located in Tangier,

Considering the Provisional Agreement of 13 May 1964 between the Moroccan Government and Unesco as well as the convention of 18 December 1967 between eleven African States establishing CAFRAD in Tangier, and which stipulates in Article X that the Centre will enjoy the legal status necessary to the performance of its duties and the realization of its aims on the territory of all Member States,

Desirous of concluding an agreement with a view to implementing Article X of the above-mentioned agreement, and supplementing, insofar as necessary, the Convention on privileges and Immunities of the United Nations to which the Royal Government of Morocco adhered on March 18, 1957,

Appointed as their representatives for this purpose :

The African Training Research Centre in Administration for Development :

The Royal Government of Morocco,

Who have agreed to the following provisions :

ARTICLE I - DEFINITIONS

Section I.

For the purposes of the present Agreement :

- (a) The term "Headquarters" shall mean the land, buildings, dependancies and installations occupied by the Centre.

- (b) The term "Convention" shall mean the Convention relating to the establishment of an African Training and Research Centre in Administration for Development signed 18 December 1967 in Tangier.
- (c) The term "Director" shall mean the Director of the Centre.
- (d) The term "General Convention" shall mean the convention on privileges and immunities of the United Nations approved by the General Assembly of the United Nations on February 13, 1946 and to which the Royal Government of Morocco adhered on March 18, 1957.

ARTICLE II - LEGAL CAPACITY AND IMMUNITIES

Section 2

In conformity with Article X of the Convention, the Government recognizes the legal personality of the Centre and its right to :

- (a) make contracts;
- (b) acquire real and movable property;
- (c) go to law;
- (d) enjoy the privileges and immunities set forth in the General Convention

ARTICLE III - SUPERVISION AND PROTECTION OF HEADQUARTERS

Section 3

The Headquarters shall remain inviolable and shall be under the supervision and authority of the Director of the Centre, or his deputy.

Section 4

- (a) The agents and officials of the Government shall not be able to enter the Headquarters on official business except with the consent of the Director or at his request.

- (b) The Centre shall prevent the Headquarters from being used as an asylum for persons attempting to escape arrest pursuant to a law of the Government, or claimed by the Government in order to be extradited, or who have attempted to escape from the notification of legal proceedings.

Section 5

- (a) The Government shall ensure that competent authorities take the necessary steps to avoid having the peace of Headquarters disturbed by groups of persons entering the premises without authorization, or by disorderly conduct in the immediate surroundings of Headquarters. To this end, it will ensure all necessary police protection in the area surrounding Headquarters.
- (b) At the request of the Director, the Government shall ensure the maintenance of order at Headquarters and, upon the instructions of the Director, shall have any person expelled from it whose presence he deems undesirable.

ARTICLE IV - ACCESS TO HEADQUARTERS

Section 6

- (a) The Government shall waive all fees for visas and in no way obstruct the travel to and from Headquarters;
- (i) of officials of the Centre and of members of their families;
- (ii) of persons, other than officials of the Centre, who shall carry out missions for the organization, and their spouses;
- (iii) of representatives of Governments attending meetings organized by the Centre, and all other persons invited by the Centre;

.../...

- (iv) of any representatives of the information media the Centre shall decide to accredit after due consultation with the Government;
- (b) The Director shall communicate to the Government, by way of information, the names of all persons covered by paragraphs (i), (ii) and (iii) above.
- (c) This section shall not be applicable to cases of general interruption of transport and shall not obstruct the execution of the law.
- (d) This section shall not dispense persons claiming the rights described herein from the obligation to produce satisfactory proof that they belong to the categories enumerated in paragraph (a).

ARTICLE V - REPRESENTATIVES OF GOVERNMENTS

Section 7

The representatives of Governments participating in the work of the Centre or of any Conference convened at the Headquarters of the Centre shall enjoy, on the territory of the Kingdom of Morocco, during their missions and in the course of their travel to and from the Headquarters of the Centre, the privileges and immunities granted to diplomatic envoys of equivalent rank.

ARTICLE VI - OFFICERS OF THE CENTRE

Section 8

The officers of the Centre shall enjoy the following privileges and immunities on the territory of Morocco :

- (a) legal immunity for acts performed by them in their official capacity (including their spoken and written words) and within the limits of their responsibilities. This immunity shall continue to be granted to them even after they have ceased being officers of the Centre;

- (b) immunity from seizure of their personal or official luggage;
- (c) immunity from personal arrest or detention;
- (d) exemption from any taxes on the salaries and emoluments paid by the Centre;
- (e) exemption from any obligation pertaining to national drafting;
- (f) exemption for themselves and for members of their families from any restrictive measures related to immigration and from any alien registration formalities;
- (g) the same foreign exchange privileges as those granted to officials of other international agencies in Morocco;
- (h) the same repatriation facilities for themselves and for members of their families as are granted to diplomatic envoys;
- (i) the right to import, duty free, their furniture and personal belongings within a period of twelve months from the date they reach their post in Morocco;
- (j) the right to temporarily import their automobile duty free.

Section 9

All foreign officers of the Centre working in Headquarters shall receive a special identity card stating that they are officers of the Centre.

Section 10

- (a) The Government shall grant the Director and those of his close collaborators agreed upon by the Centre and the Ministry of Foreign Affairs, the privileges and immunities accorded to diplomatic envoys.

(b) To this end, the Ministry of Foreign Affairs shall subsume the Director and the officers mentioned in paragraph (a) above under the appropriate diplomatic categories and they shall benefit from those customs exemptions granted to the members of those categories in Morocco.

Section 11

The privileges and immunities set forth in this article shall be granted in the interests of the Centre and not for the personal advantage of the parties concerned. The Director of the Centre shall withdraw the immunity of any officer in all cases where, in his opinion and in that of the Moroccan Government, immunity may impede the course of justice and may be withdrawn without prejudice to the interests of the Centre.

Section 12

The Centre shall at all times cooperate with the competent Moroccan authorities in order to avoid any abuses which may be created by the privileges, immunities and facilities granted according to this article.

Section 13

The Government shall see to it that the Headquarters is provided, under equitable conditions, with the necessary public utilities. In the event that circumstances beyond control cause the suspension or partial suspension of these services, the Centre will enjoy the same privileges that are extended to other international organizations in Morocco.

ARTICLE VII - COMMUNICATIONS AND TRANSPORT

Section 14

the / For its official communications, the Centre shall enjoy same treatment as that which the Government grants to any other international organization or foreign legations in Morocco.

Section 15

Official correspondence and other communications of the Centre shall not be subject to censorship.

Section 16

For official purposes, the Centre shall have the right to use the means of transport of the Government at the same rates and under the same conditions as permanent foreign legations.

ARTICLE VIII - MAINTENANCE OF HEADQUARTERS

Section 17

The Centre shall issue passes permitting persons duly authorized by the Government, its services or agencies, to enter Headquarters in order to inspect, repair, maintain, install or alter plumbing (pipes, drains, sewers), electricity and telephone equipment etc...

ARTICLE IX - INTERPRETATION AND IMPLEMENTATION

Section 18

The present Agreement shall be interpreted in the light of its main purpose which is to enable the Centre to carry out its duties fully and efficiently, and to reach its goals.

ARTICLE X - SETTLEMENT OF DISPUTES

Section 19

Any dispute between the Centre and the Government in connection with the interpretation or implementation of the present Agreement or of any additional Agreement shall, if it is not settled by negotiations or by any other means of settlement agreed upon by the parties concerned, be submitted for final settlement to a court composed of three judges, one of whom shall be appointed by the Director of the Centre, another by the Government and the third by both parties or, failing this, by the President of the International Court of Justice.

ARTICLE XI - GENERAL PROVISIONS

Section 20

- (a) This Agreement may be revised at the request of either of the two Parties.

- (b) Except in the case of those clauses which may apply to the normal termination of the activities of the Centre in Morocco, the present Agreement shall cease to be operative twelve months after the date on which one of the Parties concerned has notified the other Party in writing of its decision to terminate it.

Section 21

The present Agreement shall come into force on the date on which the Government shall inform the Centre that it has approved the Agreement.

Done at Rabat in 2 original copies, 17 July 1970.

For the African Training and Research
Centre in Administration
for Development

For the Royal Government
of Morocco

Joseph Elijah KARIUKI

Mohamed BENNANI SMIRES

AGREEMENT ESTABLISHING AN
AFRICAN TRAINING AND RESEARCH CENTRE IN
ADMINISTRATION FOR DEVELOPMENT

C. A. F. R. A. D.

CM/446/Part 1

Annex 4

THE CONTRACTING PARTIES,

In view of the initiative of His Majesty the King of Morocco to create an Institute for African Administrative Training and Research,

In view of the resolution presented by the Moroccan Government, supported by nine African countries (Algeria, Cameroon, Gabon, Guinea, Mali, Senegal, Sudan, Tunisia, and the United Arab Republic) and unanimously adopted at the 12th session of the Unesco General Conference, authorizing Unesco to cooperate in the establishment of the African Training and Research Centre in Administration for Development in Tangier,

In view of the agreement of 13th May 1964 between the Moroccan Government and the Director General of Unesco,

Considering that the aims of CAFRAD are to contribute to the study (and to the solution) of administrative problems inherent in the economic and social development of Africa,

Considering that the African States recognize the necessity of adapting their administrative structures not only to development requirements but also to their own special needs which may arise as a result of their recent accession to independence,

Convinced that the consolidation of a regional centre corresponding to these objectives is likely to make an essential contribution to the promotion of scientific cooperation in Africa,

.../...

AGREE AS FOLLOWS :

ARTICLE I

HEADQUARTERS

CAFRAD is an African regional institution with its headquarters in Tangier, Morocco.

ARTICLE II

MEMBERSHIP

The Members of CAFRAD are those States which become parties to the present agreement in conformity with article V, paragraph 1, and article XIV, below.

ARTICLE III

FUNCTIONS

The functions of CAFRAD are as follows :

- 1) to undertake, promote and coordinate comparative studies and research on administrative problems connected with social and economic development in Africa;
- 2) to organize scientific meetings, seminars and in-service training courses for high-ranking officials from the public and private sectors in African countries who play a significant role in development;
- 3) to compile, analyze and disseminate documentation on the structure, organization and administrative methods of the different African countries;
- 4) to publish appropriate material;
- 5) to act as host and as a scientific liaison body for the particular benefit of institutions and schools of administration, universities and, more generally, any other agencies whose activities come within the scope of the competence of the Centre.

STRUCTURE

The Centre has the following structure :

- 1) The Governing Board,
- 2) The Directorate, and
- 3) The Scientific Council

ARTICLE V

THE GOVERNING BOARD

1. The Governing Board consists of one representative from each of the Member States which participate in the Centre's activities and provide financial aid. Representatives are selected by reason of their competence in the field of activities covered by the Centre.

Non-African States and international organizations which have signed an undertaking to provide a substantial contribution for the operation of CAFRAD, as well as African States which are not members of CAFRAD, may each be represented by an observer.

2. The Governing Board is fully empowered to ensure the operation of the Centre, to draft the main outlines of its programme, to prepare its budget, and to make and maintain contacts with other organizations. It makes the Centre's administrative financial and staff regulations.

3. The Governing Board elects its Chairman and two Vice-Chairmen for a term of office of two consecutive years. They are eligible for re-election.

4. The Governing Board regulates its own procedure. Its decisions are made by a majority of members present and voting, with the exception of decisions governed by the provisions contained in articles VIII, XII, and XVI, below. Where there is an equality of votes, the Chairman has a casting vote.

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Annex 4
5. The Governing Board holds an ordinary meeting once a year, and may hold an extraordinary meeting at the request of the Chairman and the Director.
 6. The Governing Board appoints a Director of the Centre. It also nominates the Director of Studies and Research, the Secretary General, and the scientific staff, upon the proposition of the Director.
 7. In the period between meetings, research personnel and other members of the scientific staff are appointed by the Director after previous consultation with the Chairman of the Governing Board. Such appointments can only be made for one year; they are subject to confirmation by the Governing Board during its next meeting, when they can be extended.

ARTICLE VI

THE DIRECTORATE

1. The Director of the Centre is responsible for the execution of the decisions and directives of the Governing Board, for the presentation of the budget, the regulation of general administrative matters, and the execution of the Centre's programmes.

Under the Director's authority the Director of Studies and Research is responsible for the running of study and research activities. The Secretary General is responsible for the execution of all administrative decisions, in conformity with the instructions of the Director. The Director of Studies and Research deputizes for the Director when necessary.

2. The Director of the Centre appoints members of staff who do not come under article V, paragraph 6, and whose posts are included in the Centre's budget.

3. The Director prepares administrative, financial, and staff regulations for approval by the Governing Board.

ARTICLE VII

THE SCIENTIFIC COUNCIL

1. The Scientific Council includes not fewer than two, and not more than four, members appointed by the Governing Board upon the proposition of the Director from among specialists who are not members of the staff of the Centre and who are recognized as being competent in the field of public administration in Africa. They are appointed for four years, half of the appointments to be renewed every two years. They may be reappointed once only.

2. The Scientific Council meets once a year under the chairmanship of, the Director of the Centre. The Director of Studies and Research, together with other members of the scientific staff of the Centre invited by the Director, participates in its activities.

3. The Scientific Council considers the draft scientific programme of CAFRAD before its submission by the Director to the Governing Board. It studies conditions for carrying out the programme and establishes a work plan, and in a more general way deals with any other measures likely to enable CAFRAD to operate satisfactorily on the scientific side.

ARTICLE VIII

FINANCIAL PROVISIONS

1. Apart from the employment of international procedures provided for under the United Nations Development Programme, the resources of CAFRAD are made up of annual contributions from Member States, and these amounts are fixed by the Governing Board.

2. The Governing Board may accept any other contributions, gifts and legacies from governments, from public or private institutions, and from private individuals.

3. The scale of contributions referred to in paragraph 1. above is fixed by the financial protocol annexed to this agreement and forms an integral part of it. Any change in this procedure has to be approved by a two-thirds majority of the members of the Governing Board present and voting.

ARTICLE IX

Relations with International Governmental Organizations.

CAFRAD will conclude a suitable agreement for cooperation with Unesco and may be party to any agreement for cooperation with international governmental organizations, and more especially with the United Nations Organization, with a view to providing a means of close and effective collaboration between itself and these organizations, particularly where help with research, the exchange of documentation and information, and the granting of reciprocal facilities are concerned.

ARTICLE X

LEGAL STATUS AND IMMUNITIES

1. While on the territory of any State party to this agreement, CAFRAD enjoys the legal status necessary for carrying out its functions and attaining its objectives.

2. The Government of Morocco will grant CAFRAD the privileges and immunities accorded to international inter-governmental bodies, similar to those provided for by the Convention on the privileges and immunities of specialized institutions adopted by the General Assembly of the United Nations on 21 November 1947, as well as all other advantages granted by the laws of that country to agencies pursuing cultural aims, in conformity with the agreement which will be concluded to this effect between the Government of Morocco and CAFRAD.

ARTICLE XI

WITHDRAWAL BY MEMBER STATES

1. Any party to the present agreement may withdraw from it at any time after a period of five years from the date of entry into force of the agreement.

2. Such withdrawal shall take effect at the end of the financial year following that in which the Director General of Unesco receives notification of it. This notification will be communicated by him to all Member States and to the Director of CAFRAD.

ARTICLE XII

AMENDMENTS

After the expiration of a period of five years from the date of its entry into force, the present agreement may be amended by the Governing Board, subject to a two-thirds majority of members present and voting.

ARTICLE XIII

RESERVATIONS TO THE AGREEMENT

No State may put forward any reservation to the present agreement.

ARTICLE XIV

FINAL PROVISIONS

1. The present agreement is open to signature and acceptance by any Member State of Unesco in Africa.

2. States may become parties to the present agreement by :

- a) signing it without reservation of acceptance at a later date; or
- b) signing it under reservation of acceptance, followed at a later date by such acceptance; or
- c) accepting it outright.

3. The depositing of an instrument of acceptance with the Director General of Unesco constitutes acceptance.
4.
 - a) The present agreement enters into force when Morocco and at least seven other States have become parties to it in conformity with the provisions of paragraph 2 of the present article.
 - b) On the date of entry into force of the present agreement; the assets of the Centre, established by the Agreement of 13th May 1964, are transferred as of right to CAFRAD.
5. The Director General of Unesco will inform the States party to the present agreement, as well as the United Nations Organisation, of its entry into force, and also of the dates on which other States become parties to the agreement.
6. In conformity with article 102 of the United Nations Charter, the present agreement will be registered, at the request of the Director General of Unesco, with the Secretariat of the United Nations.

In witness whereof, the undersigned representatives, duly authorized by their respective governments, have signed the present agreement.

Made at Tangier, 18th December 1967, in the Arabic, French and English languages, the three texts being equally authentic, in a single copy which will be deposited in the Unesco archives. Certified copies will be sent to all States mentioned in article XIV above, and to the United Nations.

FINANCIAL PROTOCOL

Scale of annual contributions
to the budget of CAFRAD

CATEGORY 1. -

Burundi, Botswana, Cameroun, République Centrafricaine,
Congo-Brazzaville, Côte d'Ivoire, Dahomey, Ethiopia,
Gabon, Gambia, Guinée, Haute Volta, Kenya, Lesotho,
Liberia, Libya, Madagascar, Malawi, Mali, Mauritania,
Niger, Ruanda, Sénégal, Sierra Leone, Somalia, Tanzania,
Togo, Tchad, Uganda, Zambia.

CATEGORY 1,25 -

Congo-Kinshasa, Sudan, Tunisia.

CATEGORY 1,75 -

Ghana

CATEGORY 2,25

Algérie

CATEGORY 4 -

Nigeria

CATEGORY 5,25 -

U. A. R.

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