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ORGANISATION DE L'UNITE
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Secretariat
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REPORT ON INTER-AFRICAN TECHNICAL CO-OPERATION



CM/513

MICROFICHE

Report on Inter-African Technical Co-operation

1. It will be recalled that it was following the Ninth Session of the Council that the problem first arose concerning the setting up of a system of Inter-African technical co-operation. The interest shown in this matter by the Council of Ministers and the Assembly led the Secretariat to submit a study on the position of African countries with regard to trained personnel, conditions of non-African technical aid and the organization of a system of Inter-African technical co-operation. Upon being requested to continue its efforts in this field, the General Secretariat strengthened its co-operation with the ECA Secretariat in this connexion. Thus both Secretariats submitted to the Fourteenth Session of the Council of Ministers, for approval, a joint memorandum on Inter-African Technical Assistance (Document CM/316 Part.7 Add.1). It should be recalled that the aim of this memorandum was to examine the possibility of bringing about co-operation among African countries by making use of the common pool of African specialists with experience of development problems so as to speed up the process of economic and social expansion of the Continent. The General Secretariat has, ever since, been exerting unceasing efforts with a view to speedily bringing into operation a system for the utilization of African specialized personnel on a permanent basis.

2. In dealing with the problem of setting up a system of Inter-African Technical Co-operation, the general feeling was that priority should be given, whenever possible, to the manpower resources available in the Continent with a view to reducing the extremely high cost of non-African technical assistance and the dangers this represents for each of the member countries. This, of course, does not imply that the OAU plan is in any way aimed at restricting Member States' freedom of choice as regards possible resort to non-African technical assistance.

3. The Council having decided that the memorandum should be transmitted to Member States for comment. This was done. The sunday comments received by the General Secretariat from only eight Member

States constituted the first part of document CM/399, submitted to the Seventeenth Ordinary Session of the Council of Ministers in June 1971. Annexed to this document was a draft convention setting up an African programme of technical co-operation. This draft was drawn up both on the basis of observations supplied by those attending the Fifteenth Session and on the basis of comments received from Member States on the joint OAU/ECA memorandum.

4. After consideration of the draft, the Council deemed it necessary to give Governments of Member States further time for a detailed study of the text submitted by the two Secretariats. In its circular letter ECO 60/2/1/869-71 of 9 August 1971, the General Secretariat communicated the draft convention to all Member States. Governments were earnestly requested to forward their comments to the Secretariat by 30 November 1971 at the latest. Despite numerous reminders from the General Secretariat, only three Governments (the Republic of Niger, the Republic of Uganda and the Republic of Senegal) forwarded comments on the draft convention up to the time of the Nineteenth Session of the Council.

5. As a result it was decided that the draft convention should once again be transmitted to those Member States whose comments had not yet been received by the General Secretariat. The countries concerned were invited to forward any possible comments to the General Secretariat by 31 August 1972 at the latest. These comments, like those already received by the Secretariat, were intended to assist the Committee of Experts in carrying out the mission that had just been assigned to it.

6. Indeed, in Rabat, during the Nineteenth Ordinary Session, the Council of Ministers once again renewed its support for the principle to establish a system of Inter-African Technical Co-operation. But it deemed that the initial draft convention was very rigid and too detailed. It stressed the need to draw up an outline leaving it to Member States to conclude bilateral agreements with a view to settling matters of detail. Attention was drawn to the fact that the OAU convention should as far as possible ensure that all the costs of the operation were not borne by the recipient country alone.

7. In the course of the discussions, there was general support for the creation of a common fund of technical co-operation. Consideration was also given to ensuring that the outline convention should contain provisions relating to the rights of the Government of the Expert's country upon initial recruitment and the end of service. The recommendation of the African Labour Ministers aimed at the creation, within the General Secretariat of OAU, a technical assistance bureau received unanimous support. The Council then adopted resolution CM/Res.275 (XIX) in which it was decided that: "the Draft Inter-African Convention instituting a system of technical co-operation should be communicated to Member States who have not yet responded to the request of the General Secretariat for their comments". Member States concerned were requested to "convey their comments to the General Secretariat not later than 31 August 1972".

8. In the same resolution, the Council also decided to set up an Expert Committee on matters of technical co-operation composed of the following countries: Algeria, Cameroon, Dahomey, Egypt, Ghana, Lesotho, Nigeria, Uganda, Senegal, Chad, Zaire and Zambia. This Committee would be entrusted with the task of drawing up a new draft convention on technical co-operation. The General Secretariat was requested to convene members of the Expert Committee in Addis Ababa during the month of October 1972.

9. It should be mentioned here that the Conference of African Labour Ministers also played an important part in the study and development of this matter even since it was considered at OAU level. Thus in its Tenth Ordinary Session, held in Kampala, Uganda, from 6 to 9 March 1972, this conference examined the report submitted by the General Secretariat of OAU on Inter-African technical assistance. It recognized that such an achievement would be capable of speeding up co-operation among African peoples and, as a result, strengthen unity and solidarity between peoples of the Continent. The Conference adopted resolution MAT/Res.2 (X) requesting the Council of Ministers of OAU to set up, within the General Secretariat of the Organization of African Unity, an Office of Inter-African Technical Co-operation.

10. The functions of this Office would consist in collecting and distributing, in collaboration with the Executive Secretariat of ECA, any information which might increase the effectiveness of a system of technical co-operation among African countries, and in communicating African candidatures to International Agencies from which African countries seek technical co-operation personnel. Furthermore, the same resolution requested Governments of Member States to furnish the General Secretariat with any assistance it might require to promote Inter-African Technical Co-operation and, in particular, to submit their comments on the draft convention and on their resources in specialized African personnel.

11. In implementation of all these decisions, the General Secretariat first, in its notes ECO 60/2/1/626-72 and ECO 60/2/1/655-72 on 6 and 18 July 1972 respectively, forwarded the text of the draft convention to those Member States who had not yet transmitted their comments. It was pointed out that these comments were intended to enable the Expert Committee to dispose of a wide range of opinions as to the form and content of the new draft convention to be drawn up. Furthermore, those Member States, in conformity with paragraph III of the disposition of resolution CM/Res.275 (XIX), appertaining to the Expert Committee, were earnestly requested to indicate to the General Secretariat the names and qualifications of the Experts they proposed to send to attend the meetings of the Committee in question.

12. The General Secretariat next, in its Note ECO 60/2/1/858-72 of 12 September 1972, invited Member States of the Expert Committee to attend the meeting of the Committee in question to take place in Addis Ababa from 23 to 30 October 1972. This Note was followed up by Cable 246/1 of 7 October 1972, in which the General Secretariat once again earnestly requested members of the Expert Committee to inform it by 16 October 1972 at the latest, of their decision regarding their attendance at the meeting thus arranged. It should be observed here that co-operation between members of the Expert Committee and the General Secretariat has not been very close. Indeed, despite the 16 October 1972 deadline, when, in accordance with current OAU practice, the decision concerning the required quorum for holding the meeting was to be taken, the General Secretariat had to wait

until 18 October in the hope of receiving the overdue replies of Committee members. Unfortunately, only 4 countries (Algeria, Cameroon, Egypt and Nigeria) announced that they would attend the meeting.

13. In view of this situation, the General Secretariat, lacking a quorum, and with the utmost regret, had to postpone the Expert Committee in its Cable No.251/1 of 18 October 1972. It proposed that the meeting be held in Addis Ababa from 27 to 30 November 1972. And the Expert Committee did actually meet in Addis Ababa on these dates. Annexed to the present report are: the report of the Rapporteur of the Expert Committee (Annex.1), and the Inter-African Draft Convention drawn up by the Expert Committee in question (Annex II). The Draft Convention drawn up by the Expert Committee was communicated to all Member States as from 25 January 1973 by Note ES/SOC/48/15. In this Note, Member States were earnestly requested to forward their comments by 31 March 1973 at the latest. Up to the time of the present report, only the Government of the Kingdom of Swaziland had forwarded to the General Secretariat its comments, which are reproduced in Appendix III to this document. However, it is only fair to state that, while the Expert Committee was meeting, seven member countries (CAR, Ghana, Nigeria, Sierra Leone, Sudan, Tanzania and Zambia) had forwarded their comments to the General Secretariat. The Democratic and Popular Republic of Algeria had, for its part, submitted amendments to the initial draft to the General Secretariat. This was in reply to the appeal by the Council of Ministers, which called upon Member States who had not already forwarded their comments on the draft convention submitted by the Secretariat, to do so by 31 August 1972 at the latest.

14. During its meetings, the Committee duly took note of all the comments thus presented, as well as the amendments subscribed by Algeria and Senegal. It likewise took note of the guidelines laid down by the Council of Ministers, namely:

- "a) the OAU Convention should be an outline Convention laying down the general principles and leaving it to Member States to settle questions of detail by means of bilateral agreements;

"b) the Convention should contain provisions concerning the establishment of a joint Technical Co-operation Fund".

15. Generally speaking, it can be asserted that the concerns of Member States were judiciously respected by the Expert Committee. However, the Secretariat is duty-bound to point out that the study relating to the setting up of a joint technical co-operation fund, as provided for in article 25 of the draft convention drawn up by the Experts, can only be submitted to one of the coming sessions of the Council of Ministers. Indeed, the many obligations of the Secretariat on the eve of the 10th Anniversary of OAU have prevented it from tackling this particular problem.

16. Moreover, it should be recalled that the Council of Ministers, in its above-mentioned resolution, decided that "matters relating to Inter-African Technical Co-operation should be entrusted to an Office especially established for that purpose within the Economic and Social Affairs Department of the OAU General Secretariat which will be entrusted with Inter-African Technical Co-operation". It is encouraging to note that, in accordance with this provision, the Office of Inter-African Technical Co-operation has been set up, its working budget having been approved for the 1973/74 Financial Year. The General Secretariat is at present in search of competent and experienced personnel in the field of technical co-operation capable of being assigned the task of implementing the work falling to this Office. The General Secretariat hopes that, in collaboration with Member States, the Office will be speedily staffed and thus be in a position to undertake the necessary research with a view to fulfilling its mission.

17. Article 24 of the draft convention drawn up by the Expert Committee assigns the Office of Inter-African Technical Co-operation the following attributes:

- a) To collect, classify and distribute information on specialists available for the programme;
- b) To centralize demands for Experts from Member States;

- c) help to choose candidates from the lists and transmit their curriculum vitae to Member States;
- d) facilitate all negotiations between the Expert's country of origin and the host country.

18. All these tasks can only be successfully accomplished if each Government undertakes to co-operate closely with the General Secretariat by supplying it with the needful information. Here it should be recalled that resolution CM/164 (XI) recommended to Member States that they not only conclude bilateral agreements on technical co-operation, but also, and above all, earnestly calls upon them to co-operate closely with the General Secretariat by placing at its disposal, for distribution to all Member States concerned, information relating to the trained personnel available to them or which they might require. Implementation of this resolution by Member States has not, so far met with much success.

19. The same goes for decision CM/Dec.212 (XIX), in which the Council of Ministers requested the Secretariat to make a complete list of all experts available in the African countries, complete with their private and business addresses. It was made clear in the afore-mentioned decision that this list was to be established on the basis of information provided by the Governments themselves so as to avoid the recruitment of adventurer and brain-drain. The General Secretariat, desiring to make this decision an effective one, had, in its Note ECO/60/2/1/1071-72 of 13 November 1972, forwarded to all Governments of Member States 30 copies of the questionnaire drawn up to that end. To date, the General Secretariat has only received 5 forms, duly filled in and signed, which were returned to it by the Governments of Cameroon, the Gambia and Senegal. Certain Member States (Malawi and Rwanda) stated that they disposed of no trained personnel to place at the disposal of OAU. Others did not even acknowledge receipt of the forms in question. Under these circumstances, the drawing up of an inventory of African specialists may well take considerable time.

20. In conclusion, it should be recalled that the problem of the setting up of an OAU programme of technical co-operation has been pending since the Ninth Session of the Council of Ministers. The draft convention drawn up to this effect has been given sufficient consideration by Member States. An Office of technical co-operation has been set up and the funds necessary for it to begin work are at the disposal of the OAU General Secretariat. That being the case, the time seems opportune for a final decision to be taken concerning the adoption of the draft convention. For only if this basic document is adopted will the Office of technical co-operation be able to function regularly and take the necessary action vis-a-vis all Member States with a view to carrying out its mission. Consequently, to postpone the draft convention drawn up by the Expert Committee would be tantamount to curbing the normal starting of the activities of the Office, for which funds were voted by the Council of Ministers itself.

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ANNEX I

REPORT OF THE RAPPORTEUR



MEETING OF THE COMMITTEE OF EXPERTS CHARGED WITH DRAWING
UP THE DRAFT INTER-AFRICAN CONVENTION ON TECHNICAL CO-OPERATION

1. The Meeting of the OAU Committee of Experts on Inter-African Technical Co-operation was opened on Monday, 27 November 1972 at 11:45 a.m., by His Excellency J.D. BULIRO, Assistant Secretary-General of OAU in charge of Cultural Affairs. Mr. BULIRO made an important speech in which he reminded the Committee of the mandate given him by the Heads of State and Government. He also gave a historical account of the plan to set up an African Technical Assistance Programme from 1967 up to the present. Mr. BULIRO brought to light the fact that some African countries had a surplus of cadres which other countries went outside Africa to seek. He reviewed the advantages to African countries of the creation of an African Technical Assistance Programme as well as the cost of extra-African assistance to African countries.
2. Mr. BULIRO particularly stressed the loss of time resulting from the adaptation period needed by the Expert to settle down and familiarize himself with the problems with which he would have to deal. By the end of this period, the Expert's contract expires and the work done by him is very little. Similarly, the majority of foreign Experts had, in the past, shown very little interest in the countries employing them. They busied themselves solely with their own interests, giving scant attention to the tasks assigned them.
3. Furthermore, the speaker went on, many foreign Experts were paid by countries other than their host country and were thus influenced by those countries whose policies they were supposed to support and propagate in the host country. This caused a certain amount of friction particularly when the policies of the host country differed from theirs.
4. He appealed to African countries to share the training facilities at their disposal. As regards training resources, he said it was particularly necessary for African countries whose resources were limited, to share training resources so as to avoid useless repetitions. He said it was therefore necessary to bring about exchanges of qualified and specialized personnel between countries lacking such personnel, and between the countries still under foreign domination. To this end, the Committee of Experts was called upon to formulate and make provisions for the setting up of a joint fund for technical assistance. The full text of his address is annexed to the present Report.

5. The following countries participated in the deliberations of the Committee: Algeria, Cameroon, Dahomey, Egypt, Ghana, Nigeria, Uganda, Senegal, Zaire, and Zambia. Following the opening address, the Committee, chaired by Mr. BULIRO, proceeded to elect its officers. At the proposal of Cameroon, supported by Senegal and Zambia, the following Officers were elected:

- Chairman: Mr. AYITE KPAKPO, Dahomey
- Vice Chairman: Mr. P.P. OFWONO, Uganda
- Rapporteur: Mr. ROUABAH NED SEGHIR, Algeria
- Lesotho and Chad were absent.

The new Chairman then took up his duties.

ADOPTION OF THE AGENDA

6. The draft Agenda presented by the Secretariat was unanimously adopted without amendment.

ORGANIZATION OF THE SESSION

7. With regard to the organization of the session, some members of the Committee, notably those working in Addis Ababa, suggested that the afternoon sessions should begin at 4:00 p.m. instead of 3:00 p.m. to enable them to call at their offices before coming to the meeting. Others felt that this would bring about delays, and suggested that the Committee begins its deliberations at 9:00 a.m. in order to conclude them on Thursday, 30 November at noon. After further endeavour, the Experts agreed to fix their working hours as follows:

From 10:00 a.m. to 1:00 p.m., and

From 4:00 p.m. to 7:00 p.m.

8. The second meeting was devoted to consideration of the preamble. Following the proposal of a member of the Committee to add to the first preambular paragraph the words: "in ordinary session", with the explanation that the detail was necessitated by the fact that the Heads of State and Government might also sometimes meet in extraordinary session, some members felt that this was unnecessary because the Assembly of Heads of State and Government was the Organization's supreme Organ. They saw in it a secret intention by the Secretariat to attempt to force the hand of the Heads of State and Government. The amendment was adopted after the Secretariat had explained that that was certainly not the case.

9. The second paragraph of the preamble was adopted without discussion. On the other hand, paragraph 3 resulted in a lengthy and fruitful discussion. Indeed, some members of the Committee felt that the terms "social" and "labour" were too limited, and should be replaced by a general term. Others observed that these same terms, despite the restrictive character attributed to them by the Committee, had been maintained in the text of the preamble of the amendments made to the Secretariat's initial draft by Algeria and Senegal. They wondered whether, under the circumstances, the amendments should be considered at all, since their originators cast doubt on them. A delegate replied that the fact that a country had presented a text did not oblige it to stick to it unalterably and that consequently, although his own country had chosen those terms, it had a perfect right to study them in greater detail with a view to enriching the text.

10. The representative of the General Secretariat intervened to explain that this provision stemmed from resolution A adopted by the First Assembly of Heads of State and Government on social and labour matters. He suggested that if members of the Committee wished to find a different wording, they could, for instance, employ "in the field of human resources".

11. A delegate declared that he would not comment on this paragraph of the preamble, because the text he had received from his Government did not include a preamble. Others felt that since this provision should not be altered, because it originated from a resolution of the Heads of State and Government. This argument was objected on the grounds that the Committee was not obliged to retain this provision in the preamble to the draft convention. Another delegate proposed the following wording, which was accepted by all members of the Committee: "Considering the fact that co-operation among African countries in the deployment of their human resources is vital and will contribute to the promotion of closer solidarity and economic development among their peoples".

12. During consideration of the fourth paragraph, members of the Committee felt that since there was already understanding among Member States of the Committee, the aim should not be to create but to strengthen it. In the same way, this understanding ought to be mutual and not reciprocal as between only two countries. Finally, that part of the sentence "which is a universally desired" was considered, unnecessary and deleted. In order to take account of the new paragraph 3, members of the Committee felt that paragraph 5 had become unnecessary; they decided to delete it.

13. The old paragraph 6 was the subject of lengthy discussion. Some felt there should be no mention of "African countries still under foreign domination", but only of "independent African countries". They suggested stopping at "African countries" and making a provision clearly indicating that the use of experts should be submitted to the approval of their Governments. Other speakers supported this view, pointing out that an OAU Bureau for the placement of refugees already existed. They pointed out that the existence of experts in African countries was not limited to some of them but that the situation varied from country to country. Furthermore, there should be Inter-State co-operation and countries needing experts should be able to apply for them while countries with superfluous cadres should not impose them upon those lacking them.

14. Others found a positive aspect in all these proposals concerning matters such as the maintenance of Experts within the national framework, their promotion, the social security systems to be applied to them, and so on. For the rest, however, it appeared to them that the proposals that had been made discriminated between Experts from independent African States and those from African territories still under foreign domination. Indeed, introducing the word "States" meant that only independent States with a government were to be considered. They therefore agreed that it discriminated between Experts and proposed the following wording: "considering that in some African countries, there are a number of specialists who could be employed by other countries suffering from the shortage of specialized personnel".

15. This proposal was not accepted by members of the Committee, who rejected the conditional "could". It was intimated that if the Secretariat wished to employ nationals of territories still under colonial or foreign domination, clauses to that effect could be provided for. It was pointed out that there were already bilateral technical assistance agreements between African countries, but that what was needed was an original work which went beyond those bilateral agreements and enhanced the OAU's prestige. Others felt that in using the words "some African countries", provision had been made for the future since obviously, the expression "some African countries" also included the present dependent African territories.

16. The representative of the Secretariat explained that two things were affirmed in this provision: firstly the existence of superfluous cadres in certain fields and in some African countries and secondly, their

readiness to go and work elsewhere. He said this had been noted by the joint OAU/ECA studies as well as the study of specialized African personnel conducted by the ECA since 1967. In an attempt to satisfy everyone, he proposed the following expression which was accepted by the Committee: "who could be of service" to replace "who could be employed". With this amendment, the Committee adopted paragraph 5 of the preamble.

17. Paragraph 7 was adopted with a slight amendment consisting in the deletion of the word "best" and the introduction of the following words: "...the most appropriate method...." Finally, paragraph 7 of the preamble gave rise to no remarks.

18. Owing to the obligations of members of the Committee residing in Addis Ababa, the Committee agreed to adjourn its work half an hour before time, making it up next day with 15 extra minutes during the morning session and 15 minutes during the afternoon. Whereupon the session rose at 6:40 p.m.

19. The Committee resumed its work on Tuesday, 28 November at 10:30 a.m. and considered Chapter 1: "Aims and Objectives of the Programme." A member of the Committee asked why the observations of his country had not been included in the document. The representative of the OAU Secretariat replied that all the observations in the document "Comments and Observations" were those received from Member States since the Rabat Meetings, whereas the comments and observations from the country of the Expert who had asked the question had reached the Secretariat before those meetings and had been embodied in the document submitted during the previous sessions since 1971.

20. A member of the Committee suggested that the word "Region" in Article I should be replaced by the word "Africa", but another delegate proposed, for the purpose of greater clarity, the inclusion of the words: "inside or outside the Region". Another member, however, improved on the latter proposal and suggested, "inside our outside the continent" instead of Region. This was unanimously adopted by the Committee.

21. As regards sub-paragraph (a), an Expert was of the opinion that the word "redundant" suggested superfluity of unused experts, in other words, that there were too many African specialists and that a lot of them were idle. He also pointed out that psychologically, the Experts would feel somewhat worried because, considered "redundant" in their countries, they would think they had been exiled. Despite the explanations given by the

General Secretariat, it was felt that the word "redundant" should be replaced by an appropriate expression. This proposal was supported and the Committee's attention was drawn to that part of the preamble where the Committee had avoided making a distinction between independent African countries and the dependent ones since their situation was only temporary.

22. In the course of the discussions, constant note was taken of the comments and observations submitted by seven member countries since the end of the Rabat meetings. A speaker, however, pointed out that the main idea behind sub-paragraph (a) was a matter of shortage and excess of skilled personnel in some countries and that the Committee should therefore, deal only with the question of their re-distribution between countries. Several proposals were made, among which, the Committee accepted the following which epitomized all the views that had been expressed: "to enable African countries with a sufficiency of skilled personnel to make this available to African countries which need them".

23. With regard to Article 1, sub-paragraph (b), some members of the Committee disagreed with the use of the word "exchange" as it implied bilateral technical assistance and gave the idea of reciprocity which was not intended in the Convention. In support of their argument, they said a country could give assistance to another country without necessarily receiving any assistance whatsoever from the latter. After the explanation given by the General Secretariat, other members, however, agreed to maintain sub-paragraph (b) as worded. Others still suggested the deletion of the word "exchange" and its substitution with "exchange of experiences".

24. The representative of the OAU Secretariat informed the Committee that the decisions taken at the Rabat Meetings favoured "the exchange and comparison of experiences" and that the paragraph should consequently be left as it had been proposed. Some delegates said that if the word "exchange" was the cause of misunderstanding, then it would be preferable to delete it without changing the substance of the paragraph. Finally, the Committee adopted the following amendment: "to facilitate comparison of scientific and technological knowledge....".

25. As regards Article 1(c), a slight amendment was made which consisted in deleting the phrase "experts and civil servants with specialist training" and replacing it by the word: "Experts". The Committee decided that the words "host countries" should replace the term "assisted States". It was felt that this latter term implied the idea of technological superiority or generosity.

26. The Committee decided to use the word "co-operation" instead of "mutual assistance" in Article 1(d). Whereupon, it adopted this subparagraph.

27. A member of the Committee suggested that a list of African Experts which could, if the need arises, be used for reference, should be established by the OAU Secretariat and distributed to all Member States. A similar proposal was also made by the Government of the Republic of Sierra-Leone. The representative of the Secretariat explained that it had been decided in Rabat to draw up such a list with the assistance of African Governments and that pursuant to that decision, the Secretariat had already taken the necessary measures.

28. The Committee then proceeded with consideration of Article 2. An Expert declared that it was unnecessary to mention "senior cadres with university degrees or equivalent qualifications" in the first paragraph of that Article. He therefore proposed "Senior officials", but his proposal was not accepted. A heated debate ensued as to whether, in Article 2, the word "Experts" should include senior officials with or without university education or equivalent qualifications, semi-professional staff and skilled workers. It was wondered whether university qualifications alone were enough to make one an Expert without taking into consideration the person's knowledge or experience in the field.

29. The Secretariat was also asked whether this programme did not include only senior officials and not qualified intermediate cadres. The reply was that the Programme included cadres of all levels taking into account the real and various needs of Africa and especially the needs for intermediate cadres. It was suggested that the Committee should be consistent and not contradict itself by talking of "Experts" vis-a-vis skilled intermediate cadres who were also experts in their jobs by African standards. The Committee rejected a suggestion by a delegate to replace the word "Expert" by "worker".

30. After a lengthy discussion, it was concluded that in the African context, there were two types of Experts, hence the need to extend the appellation to cover all standards of cadres. The term "expert" should not be taken in its purely limited technological sense. The Committee decided to add the words "professional experience" to the first sentence and to replace the second one by "semi-specialized staff". Article 3 was adopted with slight amendments by Zambia. The Meeting rose at 1:15 p.m.

31. The Committee held its fourth meeting on Tuesday, 28 November at 4:15 p.m. It began consideration of Article 4 concerning types of contract. After considering the observations made by Member States on the question, it was proposed to provide for 3 types of contract, namely a short-term contract (less than 6 months), a medium-term contract (from 6 months to 1 year) and a long-term contract (over one year). The proposal put forward by the Government of Nigeria to add to sub-paragraph (b) of Article 4 of the draft the words "subject to renewal", was felt suitable to Article 7. After a brief discussion on the renewal and extension of contract, Article 4 was adopted.

32. Articles 5 to 7 were adopted with slight formal amendments with the exception of Article 7 where the word "renewal" was added in the light of Nigeria's suggestion.

33. Discussion of Article 8 gave rise to a lengthy debate as to whether there should be a provision enabling the host Government to terminate an Expert's contract before its expiry in consultation with the Government of the Expert's country of origin since the contract would be signed by the two Governments. Others proposed that the wording providing for consultation was acceptable, but it should be specified that this would deprive the host country of the right to terminate the contract.

34. A speaker took the floor to draw the Committee's attention to the fact that it was a matter of terminating the contract and not of expelling the Expert. His intervention was meant to satisfy some members of the Committee who wished that, should the Expert become undesirable, the host country should be given the right to expel him. Finally, the Committee adopted the Article, retaining "in consultation with the Government of his country of origin" and adding "or the Secretary-General of OAU, should the expert be a national of a country still under (foreign) domination". Similarly, the provision in the amendment submitted by Senegal that the Secretary-General be informed of measures taken against the Expert was adopted.

35. Articles 9 and 10 were also adopted without difficulty. However, the words "not on any account" in Article 10 were considered unacceptable; the Committee decided to delete them. A new sentence was thus added which gave the Government of the Expert's country of origin the right to recall the Expert before the expiration of his contract if necessitated by exceptional circumstances. Besides a few formal corrections, the Committee also adopted Articles 11 and 12.

36. The fifth meeting was opened on 29th November at 10:20 a.m. The Chairman reminded members of the Committee that in view of the short time at their disposal and the volume of work to be accomplished, they had to work at a faster pace to enable the Secretariat to finalize its work, especially the Rapporteur's report and the final text of the Convention. The Committee then proceeded to deal with Article 13 Chapter IV - "Privileges and Immunities". A participant proposed the deletion of the word "African". This proposal was accepted by the Committee and Article 13(a) was thus adopted.

37. A member of the Committee observed that sub-paragraph (b) of Article 13 presented some danger and could be abusively used by the Experts who, authorized to enter and leave the country at any time, could even abandon their contract. They felt that the phrase "at any time" gave too much liberty to the Experts and should be deleted. The representative of the OAU Secretariat explained that there was nothing to fear about authorizing the Experts to enter and leave at any time because in every country, entries and departures were controlled by the National Security.

38. Some members of the Committee disagreed with the views of the representative of the Secretariat and suggested that "with the agreement of the host country, the Expert with or without his family may enter and leave the country at any time". This proposal was supported by other members of the Committee who proposed the addition of the term "on the basis of the contract". The Chairman, however, disagreed with these views. He felt that the privileges and immunities contained in this Article were too many and could be abused by the Expert or Experts.

39. In the opinion of other participants, the Committee should take into consideration the possibility of situations arising whereby the Expert would have an urgent matter to deal with in his country; the host country should not in such cases be inhuman as to refuse the Expert exit and entry visas. Another representative stressed the importance of providing Experts with all entry and exit facilities in accordance with the country's laws and regulations in force. He therefore suggested that this Article should be drafted on that basis. The Committee finally agreed on the following formulation: "to authorize the Expert and his family to enter and leave the country at any time and supply him with work and residence permits free of charge".

40. With regard to Article 13(c) on the exemption of the Expert from customs duties, it was suggested that the words "including one car" should

be inserted after "personal effects," because personal effects did not include a car. On this issue, a member of the Committee wondered whether an Expert recruited for a period of one year should be given the privilege to purchase a car duty-free. It was explained that the draft text did not mention the six months to which the previous speaker had alluded. The Committee's attention was then drawn to Article 17 of the Algerian amendment (document CM/399 Annex 3) where the term "personal effects" used in Article 13 included the following articles: personal and household effects, private vehicle, instruments and equipment needed for the discharge of his duties.

41. Other speakers reminded the Committee of the case in which the Expert might not take his private vehicle and if he could, in that case, be authorized to buy a car duty-free. They observed that some Experts would come from very far and would be unable to take their cars with them. They, therefore, suggested that Article 13(c) should read "exempt the Expert from the payment of customs, import and export duties for personal effects including one car purchased, acquired or imported by him within six months of his arrival". A delegate deemed it appropriate to add the words "purchase tax" which concerns only cars and not other household goods purchased in the host country. This proposal was accepted because it enabled the Expert to buy or import a car not only within the six months of his arrival but even after that period.

42. A member of the Committee, however, went back on the period of six months within which experts were authorized to purchase a car duty-free. He pointed out that the problem arose in the event of transport and communications problems delaying the delivery of the imported car after the prescribed period of six months. He therefore suggested that the six-month period be prolonged. The Committee then adopted the following definition of personal effects: "personal and household effects, instruments and equipment needed for the discharge of his duties". It was also agreed that the "Expert" should be entitled to a duty-free private vehicle if he did not bring one with him.

43. Furthermore, the Committee agreed that "the six months' time limit shall be waived in exceptional cases". The Committee's attention was drawn to the fact that an Expert might live in a host country for over two-thirds of his scheduled period of stay and then decide to buy another car duty-free during the remaining six months of his stay. It was explained that the idea behind such exemption was to enable an expert to buy a car

duty-free in the host country; a duty he would have paid in his own country. It was therefore suggested that the expression "for long-term contracts" be added to the end of the sub-paragraph. This proposal was, however, rejected.

44. The Committee suggested that the OAU General Secretariat should issue the Expert with a special Laissez-Passer to protect him after accomplishing the duties assigned to him under the Programme. A delegate, however, reminded the Committee that he was studying the question of protection and assistance. To his mind, therefore, identification papers issued by the host Government should take precedence over the OAU Laissez-Passer. It was stressed that all the Experts recruited under the Programme should enjoy the privileges and immunities established by the OAU, and that Governments of the host country were free to add or withdraw some of those privileges.

45. It was observed that the two situations regarding the issuing of identification papers by the host Government and/or the OAU were tenable although the first proposal to issue the Expert with an OAU Laissez-Passer enabled him to obtain quickly a pass-port before entering the host country. A speaker, however, noted that it was necessary to add the following: "the issuing of a Laissez-Passer does not preclude the host Government from issuing special identification papers". The representative of the OAU intervened to say that this proposal was normal practice and should therefore be accepted by the Committee.

46. The Committee, as a result, adopted the following formation: "without prejudice to the issuing of special identification documents to the Expert by the host country, the General Secretariat of the OAU shall also devise and issue a Laissez-Passer to the Expert which would enable him to enjoy the protection of the national authorities in the exercise of his duties."

47. After the recess, the Committee considered the provisions of Article 14. Some members felt that the Article put the cart before the horse and proposed to re-word it as follows:

1. "In the event of death, of occupational illness or injury attributable to the performance of his official duties, the Expert or his next of kin shall be entitled to compensation by the host Government."

Others declared that their Governments were strongly convinced of the need to limit the responsibilities of the host Government and those of

the Expert. They went on to say that the version which had been wholly accepted by the Committee, gave the Expert too much liberty for misconduct.

48. Some delegates put forward a hypothetical situation where the damage is caused by the Expert and wondered whether the donor countries, in this case, should be held responsible for compensation. They added, however, that the Government of the host country should only be responsible for the Expert if there is proof that there had been an intent on the Expert's part. Sub-paragraph 2 of Article 14 was amended to read: "in the event of damage caused to a third party by an Expert in the discharge of the duties assigned to him under the Programme, the Government of the host country shall be entirely responsible in and on his behalf unless it is expressly proved that he has been guilty of a deliberate intent, a grave error or gross negligence".

49. The Committee proceeded to deliberate on Article 15. Several members took the floor during the discussions on sub-paragraph (a) of this Article. This led to a heated debate. Some were of the view that the Expert should be authorized to transfer 50% of his annual earnings to his country of origin throughout the duration of his contract. To some others, the term "per annum" in respect of the transfer of the Expert's earnings could create difficulties for the Expert if he was allowed to transfer 50% of his earnings only once a year. Another member noted that transfers made every month were mathematically the same as those made annually and would be easier.

50. Another delegate was of the view that an Expert should be allowed to transfer 50% of his salary and not his earnings. This, he said, should be done in accordance with the laws in force in the host country. This proposal was supported by another delegate who said an Expert could transfer part of his earnings in accordance with the regulations in force in the host country. Some other members expressed anxiety over the conditions under which savings of Experts from countries still under foreign domination could be transferred and proposed that these Experts could transfer their savings to any country of their choice. After a lengthy discussion, the delegates decided to adopt the version proposed by the Secretariat. The delegate of Algeria felt that the terms "earnings" and "savings" could mean more than the salary from which the transfer would be made. He expressed the reservations of his Government.

51. During discussions on Chapter V, Article 16, entitled: "Annual Leave and Home Leave", the representative of Algeria suggested that account

should be taken of the distance and geographical locations of the Expert's country of origin. A lengthy discussion ensued. Some members of the Committee held the view that leave-taking should start from the time the Expert left his station for his country of origin or elsewhere. To some others, note should not be taken of the time it took him to reach his destination. It behove the Expert to ensure that he arrived in time at his destination to start his leave.

52. Some representatives maintained that depending upon the status and level of the Expert, consideration should be given to the possibility of giving him more than one month's leave. It was, however, decided that this was a matter to be discussed in the event of bilateral agreements between countries. With regard to accumulation of annual leave, a member of the Committee suggested that the accumulation of leave should not be more than the annual leave given for two years of service. Concluding the discussions, the Committee agreed to take note of the geographical location of the Expert's country of origin and to specify that he should use the shortest route for his departure on home leave.

54. The Committee then proceeded to examine Article 19. This Article was studied very quickly; only the delegate of Algeria expressed the reservations of his Government on sub-paragraph (b) regarding the home leave of the Expert. Article 20 was adopted as worded by the Secretariat, except that the word "recipient" was deleted and replaced by the word "host". Sub-paragraph (b) of Article 21 was amended to read: "Any unforeseen but justified expenses in the course of the journey excluding expenses on excess baggage". The word "recipient" was replaced by "host" in the same Article and was adopted.

55. The Committee then proceeded to consider the Chapter entitled: "Miscellaneous Provisions". In discussing Article 22, all the speakers decided against the establishment of an Advisory Committee in which the ECA, and the various African economic communities would be represented. It was felt that since all these communities did not have their headquarters in Addis Ababa, it would be difficult for them to take part in its meetings. Furthermore, it was believed that it would not be advisable to provide for the actual participation of any United Nations body. They all agreed to delete the phrase "it shall be...represented". They felt that the Bureau could, within the framework of co-operation agreement between OAU and other International Organizations, maintain relations of co-operation with these Organizations, if necessary. It was further suggested that the OAU draw up a model contract to guide Member States in the conclusion of their bilateral agreements.

56. The Committee made slight amendments to Article 23. Under Article 23(a), the words "African" and "officials" were deleted and in (b) the term "African specialists" was also deleted. Sub-paragraph (d) was amended as follows: "to facilitate all negotiations between the country of origin of the Expert and the host country."

57. An Expert proposed a point which later became the new Article 25. It was in connection with the setting up of a joint technical co-operation fund within the framework of OAU. In the last paragraph, the word "resolutions" was deleted and replaced by the word "decision". It was decided that the Advisory Committee on Budgetary and Financial Matters should study this detail and make recommendations to the Council of Ministers which, in turn, should submit its decision to the Assembly of Heads of State and Government.

58. The Committee then passed on to Article 24 of the draft relating to the settlement of disputes. There was a very heated discussion on this Article and especially, on the part which read: "arising directly or indirectly from the working conditions of the Expert". According to one of the representatives, this point had already been discussed and covered legally in Article 8(a) which gave the only motive for any possible dispute between the Expert and the host country, namely, if the Expert's services and conduct were unsatisfactory. In his opinion, the problem posed by that Article was already legally covered by Article 8. It would be necessary, however, to add an escape clause for disputes which might arise in the interpretation of the Convention.

59. The Committee pointed out that the Chairman of the OAU Commission of Mediation, Conciliation and Arbitration, in suggesting that this Commission be abolished, clearly indicated that disputes were usually settled outside this Commission. It had therefore, become necessary to find other ways and means of settling disputes between the Expert's country of origin and the host country. It was also suggested that since the Commission would not be functioning by the forthcoming Council of Ministers and the Assembly of Heads of State and Government, there was need to introduce, within the framework of the OAU Technical Co-operation Bureau, an Organ capable of settling disputes of this type. Finally, Article 26 was amended to read as follows: "Any disputes between the host Government and the Government of the Expert's country of origin, which cannot be settled by any other means shall, at the request of one of the parties to the dispute, be submitted to an appropriate body of the Organization of African Unity".

60. Article 27 was adopted without discussion but the words "shall be" were replaced by "is". Article 28 entitled: "Accession" was also adopted without discussion or amendment. The meeting rose at 7:05 p.m.

61. At the seventh meeting held on 30 November at 11:45 a.m., the Committee adopted the final draft of the Inter-African Convention Establishing an African Technical Co-operation Programme" with slight amendments for submission to the 21st Ordinary Session of the Council of Ministers in May 1973.

62. At its eighth and last session, the Committee studied the report of the rapporteur. The members of the Committee agreed on the substance of the report and decided to ask the Secretariat to put it in its final form. The Chairman took the floor to thank the experts who had attended the meeting for their laudable efforts which had made it possible to bring the mission entrusted to them by the OAU Assembly of Heads of State and Government to a successful conclusion. He said that the implementation of this Programme would make it possible to strengthen ties between Member States as well as the unity and solidarity of the African peoples. He also thanked the Secretariat and the technical staff whose efforts had facilitated the smooth running of the deliberations. The Committee concluded its work at 5:45 p.m.

CM/513 (XXI)

ANNEX II

INTER-AFRICAN CONVENTION ESTABLISHING AN AFRICAN TECHNICAL
CO-OPERATION PROGRAMME



INTER-AFRICAN CONVENTION ESTABLISHING AN AFRICAN
TECHNICAL CO-OPERATION PROGRAMME

We, the African Heads of State and Government, meeting in Ordinary Session at _____ from _____ to _____ 197

Having regard to the Charter of the Organization of African Unity particularly to Article 11(a) and (b);

Considering the fact that co-operation among African countries in the deployment of their human resources is vital and will contribute to the promotion of closer solidarity and economic development among their peoples;

Convinced that contact between the experts of African countries will reinforce the mutual understanding between the peoples of Africa and contribute to the attainment of African unity;

Considering that in some African countries, there are a number of specialists who could be of service to other countries suffering from the shortage of specialized personnel;

Convinced that the establishment of an African Technical Co-operation Programme is the most appropriate method of promoting the employment of African specialists by African States;

Have agreed to establish an Inter-African Technical Co-operation Programme (hereinafter referred to as "The Programme") whose implementation shall be governed by the following provisions:

CHAPTER I

AIM AND OBJECTIVE OF THE PROGRAMME

ARTICLE 1:

The African Technical Co-operation Programme, without prejudice to other technical co-operation programmes designed for Africa and organized by countries inside or outside the Continent, shall seek to:

- (a) Enable African countries with a sufficiency of skilled personnel to make this available to African countries which need them;
- (b) Facilitate comparison of scientific and technological knowledge as well as of experiments and experience relating to development among African countries;
- (c) Give African experts the possibility of further developing their expertise by tackling problems in the host countries;
- (d) Create and encourage the spirit of co-operation and solidarity among African countries.

ARTICLE 2:

An African Technical Co-operation personnel (hereinafter referred to as "experts") who are the object of the programme shall include:

- senior cadres with university degrees or equivalent qualifications, and professional experience;
- semi-specialized staff.

CHAPTER II

RECRUITMENT FORMALITIES AND DURATION OF

SERVICE UNDER THE PROGRAMME

ARTICLE 3:

Any Party to the present Convention which desires to secure the services of an expert, shall submit a request to the General Secretariat of OAU (hereinafter referred to as "the Secretariat") at least six months before the expert is due to begin work. The request shall include the following:

- (a) a clear and precise description of the job to be performed by the expert;
- (b) the qualifications and experience the expert should have;

- (c) the place of assignment and the agency and/or department to which the expert will be attached;
- (d) the probable duration of the expert's services;
- (e) conditions of service.

The offer of the expert's services may only be validly recorded by the General Secretariat of OAU after the agreement of the Government of which he is a national, and through this Government.

ARTICLE 4:

As regards the duration of the expert's services, there shall be two main types of contracts, as follows:

- (a) A medium-term contract (from 6 to 12 months).
- (b) A long-term contract (over 1 year).

Notwithstanding any Party to the present Convention may request the employment of an expert for a period of less than 6 months for assignment to a special mission or as a consultant.

The formalities and procedure governing these short-term contracts shall be identical with those set out in Article 3.

ARTICLE 5:

Any Government of an OAU Member State, Party to this Convention, that is desirous of using the services of an expert from another Member State shall conclude an agreement with the latter's Government determining the conditions of service of the expert. However, in the case of an expert from a country still under (foreign) domination, the agreement shall be signed between the recipient State and the Administrative Secretary-General of the OAU.

ARTICLE 6:

During their assignment and in discharging their duties, the experts shall be responsible ^{solely} to the Governments of States which have recruited them.

ARTICLE 7:

Subject to the formal agreement of the Government of the State which is the expert's country of origin, or that of the Secretary-General of OAU, should the expert be a national of a country still under (foreign) domination, the duration of the contracts governing the experts may be either renewed or extended.

Requests for the renewal or extension of the duration of the expert's services shall be made by the Government of the host country, shall state the motives and give an indication of the proposed renewal or extension three months at least before the expiration of the initial contract.

The opinion of the Government of the expert's country of origin on the renewal or extension of the duration of the contract must be received at least a month before the expiration of the initial contract, failing which the conditions set out in the first sub-paragraph above shall be regarded as having been fulfilled.

ARTICLE 8:

The Government of the country which enjoys the services of an expert in consultation with the Government of his country of origin, or the Secretary-General of OAU, should the expert be a national of a country still under (foreign) domination, may terminate the expert's contract before the date of its expiration:

- (a) If the services and conduct of the expert are unsatisfactory;
- (b) If the expert participates in activities prohibited in the country;
- (c) If the expert's health is such that he can no longer discharge the duties for which he was employed.

The General Secretariat of OAU shall be kept informed of the arrangements made with regard to the expert.

ARTICLE 9:

Any expert recruited for a period of over a year shall, in the event of his contract being terminated before the date of its expiration, be given at least 60 days' notice in writing.

For contracts under a year but exceeding three months, the notice given shall be at least 30 days in advance.

In any event, the letter of notification shall state the reasons for breaking the expert's term of service.

ARTICLE 10:

Apart from the cases provided for in Article 8, any expert engaged for a given period shall complete the term of his contract. In particular the Government of the expert's country of origin may not recall him before the expiration of his contract. However, under exceptional circumstances and after approval of both Governments, the Government of the country of origin may recall the expert.

CHAPTER IIISALARIES - ALLOWANCES AND OTHER PERQUISITESARTICLE 11:

Any expert employed under the Programme shall be paid a salary commensurate with his qualifications and experience on the basis of common agreement between the two Governments.

ARTICLE 12:

Any Government which enjoys the services of an expert under the Programme, shall undertake to:

- (a) secure a furnished dwelling-house for the expert and his family or pay him a Housing Allowance which shall be established in advance.

- (b) Exempt the expert from the payment of tax and other fiscal charges that apply to emoluments paid by his country of origin;
- (c) Cover the cost of missions undertaken by the expert in the discharge of his duties or pay him the consequent daily allowances.

ARTICLE 13:

- (a) The expert is entitled to sick leave on full salary within the limits imposed under the terms and conditions established in the agreement between the recipient country and the donor country.
- (b) Medical care shall be made available to the expert and his dependants under the Programme or their medical expenses shall be reimbursed by the recipient Government.
- (c) The term 'dependant' shall be interpreted according to the host country's legislation.

CHAPTER IV

PRIVILEGES AND IMMUNITIES

ARTICLE 14:

Any Government enjoying the services of an expert under the Programme shall undertake to:

- (a) Exempt the expert from any obligation in connection with national service;
 - (b) Authorize the expert and his family to enter and leave the country at any time and supply him with work and residence permits free of charge;
 - (c) Exempt the expert from the payment of customs import and export duties for personal effects imported by him within six months of his arrival in the country subject to the re-exportation of these articles at the end of his term of duty.
- The term 'personal effects' shall include the following articles.

personal and household effects, instruments and equipment needed for the discharge of his duties. The six months' time limit shall be waved in exceptional cases.

- (d) Authorize the expert to import or purchase a duty-free car.
- (e) Without prejudice to the issuing of Special identification documents to the expert by the host country the General Secretariat of the OAU shall also devise and issue a Laissez-Passer to the expert which would enable him to enjoy the protection of the national authorities in the exercise of his duties.

ARTICLE 15:

1. In the event of injury, occupational illness or death arising out of and in the course of the performance of his duties, the expert or his nearest of kin, shall be entitled to compensation paid by the host Government.
2. In the event of damage caused to a third party by an expert in the discharge of the duties assigned to him under the Programme, the Government of the host country shall be entirely responsible in and on his behalf unless it is expressly proved that he has been guilty of a deliberate intent, a grave error or gross negligence.

ARTICLE 16:

Any expert engaged under the Programme shall have the right to transfer to his country of origin:

- (a) 50% of any local earnings per annum for the duration of his contract;
- (b) The full amount of any accumulated savings during service at the end of his contract.

The Government of the recipient country shall undertake to authorize the purchase of foreign currency necessary to carry out the transactions referred to above.

CHAPTER VANNUAL LEAVE AND HOME LEAVEARTICLE 17:

Any expert engaged under the Programme shall be entitled to a month's annual leave per annum. Leave-taking shall be subject to the exigencies of the service and the expert may be required to take his leave during a period determined by the authorities of the host country.

Provisions shall be made for delays en route according to the geographical position of the country of origin, it being understood that the expert shall take the most direct route.

Annual leave may be accumulated, but no expert may carry forward more than two months of annual leave.

ARTICLE 18:

Any expert serving under the Programme shall be entitled to home leave once in two years:

- (a) Provided he is employed for a period of three (3) years at least.
- (b) Provided, if he is engaged for a period of two (2) years, his contract is extended for another year at least.

The country where home leave is spent shall be the expert's country of origin, or in the case of experts from countries still under (foreign) domination, any country of their choice.

CHAPTER VITRAVEL EXPENSES OF THE EXPERT AND HIS DEPENDANTSARTICLE 19:

The country enjoying the services of an expert under the Programme shall pay or reimburse the travel expenses of the expert under the following circumstances:

- (a) On engagement;
- (b) When the expert goes on a mission;

- (c) When he proceeds on home leave;
- (d) When his services come to an end;
- (e) When the expert dies.

ARTICLE 20:

The host country shall pay or reimburse the travel expenses of the dependants of the expert engaged under the Programme:

- (a) On engagement provided the expert is recruited for a period of at least one year and the journey is undertaken by his dependants more than six months before the end of the expert's contract;
- (b) When the expert goes on home leave, provided his dependants accompany him or travel separately;
- (c) When the services of the expert come to an end.
- (d) When any one of his dependants dies.

ARTICLE 21:

The travel expenses to be met or reimbursed by the host country under this Convention shall be:

- (a) Transport costs (cost of ticket) plus ten kilogrammes of excess baggage;
- (b) Any unforeseen but justified expenses in the course of the journey excluding expenses on excess baggage.

Experts shall avoid any expenditure which an individual travelling on his own account deems unreasonable.

ARTICLE 22:

The host country shall meet or reimburse the expenses for the removal of an expert's personal effects:

- (a) on first contract of at least two years provided that the interested party has over a year's service still to run in the country after the expected date for the arrival of his personal effects;
- (b) when his services end, provided the interested party has been engaged for at least two years or has completed at least two years' continuous service and his personal effects are removed in the course of the year following the end of his service.

The maximum amount of personal effects for shipment, which will vary according as to whether the expert is alone or accompanied by his family, as well as the mode of transport, shall be determined by the recipient country in advance.

Personal effects shall be carried in the manner the host country deems most economical.

CHAPTER VII
MISCELLANEOUS PROVISIONS

ARTICLE 23:

A Bureau for this technical co-operation, hereafter referred to as "the Bureau" shall be established within the General Secretariat of the OAU. The Bureau shall undertake consultation with Member States, the UN and its specialized Agencies and the different Regional Economic Communities for the implementation of this programme.

ARTICLE 24:

The functions of the Bureau shall be as follows:

- (a) To collect, classify, and disseminate information concerning specialists available for the Programme;
- (b) To post all applications for experts from the Member States;
- (c) To assist in the choice of candidates on the established lists and to make their curricula vitae available to the Member States;
- (d) To facilitate all negotiations between the country of origin of the expert and the host country.

ARTICLE 25:

A technical co-operation fund shall be set up at the level of the Organization of African Unity in order to achieve the aims and objectives of the Programme as defined in Article 1 of Chapter 1. Methods of endowment of management and the nature of the appropriations are to be governed by decision of the Assembly of Heads of State and Government.

ARTICLE 26:

Contracts that shall be signed between the host country and the country of origin concerning the recruitment of an expert shall be in four copies:

- one copy to be deposited at the General Secretariat
- one to be given to the Expert
- two others shall each be kept by the two Governments.

The two copies shall be originals.

CHAPTER VIII
SETTLEMENT OF DISPUTES

ARTICLE 27:

Any dispute between the host Government and the Government of the expert's country of origin, which cannot be settled by any other means shall, at the request of one of the parties to the dispute, be submitted to an appropriate Body of the Organization of African Unity.

CHAPTER IX
SIGNATURE AND RATIFICATION, ENTRY INTO FORCE

ARTICLE 28:

1. This Convention which shall be permanent is open for signature and adherence by all Member States of the Organization of African Unity and shall be ratified by the signatory States in accordance with their respective constitutional provisions. The instruments of ratification shall be deposited with the Administrative Secretary-General of the Organization of African Unity.

2. The Convention shall come into force 30 days after the date of the reception of the tenth instrument of ratification.

3. For all subsequent signatories, the entry into force shall be 30 days after the date of deposit of their instruments of ratification.

ARTICLE 29:

ACCESSION

1. All Member States of the Organization of African Unity may accede to this Convention.

2. Accession shall be by way of the deposit of an instrument of accession at the General Secretariat of the Organization of African Unity. It shall come into force 30 days after the date of the deposit .

ARTICLE 30:

TERMINATION OF ADHERENCE

Any Member State, party to this Convention, may decide to withdraw from this Convention by notice in writing to the Administrative Secretary-General of the Organization of African Unity. This withdrawal shall come into force six months after the date of the reception of the notice, by the Administrative Secretary-General of the Organization.

ARTICLE 31:

INFORMATION

The Administrative Secretary-General of the Organization of African Unity shall notify the Member States of the Organization of:

- (a) The reception of all instruments of ratification or accession;
- (b) The date on which this Convention comes into force;
- (c) All notices of withdrawal received by virtue of Article 27 of this Convention and the dates they take effect.

In witness whereof, we the African Heads of State and Government of the Member States of the Organization of African Unity have signed this Convention.

ALGERIA	DAHOMY
BOTSWANA	ETHIOPIA
BURUNDI	GABON
CAMEROON	THE GAMBIA
PEOPLES REPUBLIC OF THE CONGO	GHANA
IVORY COAST	EQUATORIAL GUINEA
UPPER VOLTA	GUINEA
MAURITIUS	RWANDA
KENYA	SENEGAL
LESOTHO	SIERRA LEONE
LIBERIA	SOMALIA
LIBYA	SUDAN
MADAGASCAR	SWAZILAND
MALAWI	CHAD
MALI	TOGO
MOROCCO	TUNISIA
MAURITANIA	UGANDA
NIGER	THE ARAB REPUBLIC OF EGYPT
NIGERIA	THE UNITED REPUBLIC OF TANZANIA
THE CENTRAL AFRICAN REPUBLIC	ZAMBIA
ZAMBIA	

Given at _____ this _____

in Arabic, French and English, all of which shall be equally binding.

49/73.

The Embassy of the Federal Republic of Nigeria presents its compliments to the Secretariat of the Organization of African Unity and has the honour to refer to the latter's Circular Note No.ES/SOC/48/15 of 25th January, 1973 inviting the comments of governments of Member States on both the new Draft Convention establishing an African Technical Cooperation Programme and the Report of the Rapporteur of the Committee of Experts which drew up the said Convention.

The Embassy attaches hereto for the Secretariat's information and for further necessary action, two copies of a paper containing the comments of the Federal Military Government on the Convention.

The Embassy of the Federal Republic of Nigeria avails itself of this opportunity to renew to the Secretariat of the Organization of African Unity the assurances of its highest consideration.

Addis Ababa, 3rd April, 1973.

The General Secretariat

O.A.U.

P.O. Box 3243,

Addis Ababa

COMMENTS OF THE FEDERAL MILITARY GOVERNMENT OF NIGERIA ON
INTER-AFRICAN CONVENTION ESTABLISHING AN AFRICAN TECHNICAL
CO-OPERATION PROGRAMME (CM/399 Annex 1/Rev.3)

CHAPTER I

AIM AND OBJECTIVE OF THE PROGRAMME

Article 1: No comments.

Article 2: The Federal Military Government of Nigeria notes the provision under this article but observes that "semi-specialized staff" is not properly defined. It recommends, however, that this cadre of experts be excluded.

CHAPTER II

RECRUITMENT FORMALITIES AND DURATION
OF SERVICE UNDER THE PROGRAMME

Article 3: The last sentence which reads "The offer of the expert's services may only be validly recorded by the General Secretariat of the OAU after the agreement of the Government of which he is a national, and through this Government" does not take account of experts who are nationals of a country still under foreign domination. The Federal Military Government of Nigeria, therefore, recommends that Article 3 should be expanded to include a provision covering this group of experts.

Article 4: No comments.

Article 5: The Federal Military Government of Nigeria wishes to invite attention to the inconsistency in the last sentence of Article 3, which does not appear to take into account an expert from a country still under foreign domination, and the provision for such an expert in Article 5.

Article 6: No comments.

Article 7: No comments.

Article 8: No comments.

Article 9: The Federal Military Government of Nigeria notes the stipulation in favour of the expert under this article and wishes to add that there should be a payment of two months' salary in lieu of notice to the recipient Government if any expert unilaterally breaks his service.

Article 10: No comments.

CHAPTER III

SALARIES - ALLOWANCES AND OTHER PERQUISITES

Article 11: The Federal Military Government of Nigeria notes the provision under this article but suggests that the evaluation of academic qualifications from Member States be undertaken in order to achieve the objective of this article.

Article 12: No comments.

Article 13: No comments.

CHAPTER IV

PRIVILEGES AND IMMUNITIES

Article 14: No comments.

Article 15: The Federal Military Government of Nigeria agrees with the provision of this article but recommends that the amount of compensation should be at a rate jointly determined and agreed upon by the receiving Government and the donor Government.

Article 16: No comments

CHAPTER V

ANNUAL LEAVE AND HOME LEAVE

Article 17: No comments.

Article 18: No comments.

CHAPTER VI

TRAVEL EXPENSES ETC.

Article 19: No comments.

Article 20(d): The Federal Military Government of Nigeria notes the intention of the provision under this article but observes that it is not clear whether the reimbursement will include the travelling expenses of the expert who may have to accompany the corpse of a dependent to his home country.

Article 21(a): The Federal Military Government of Nigeria recommends that the excess baggage allowed to an expert should be increased to 20 kilograms as an expert on secondment for a period not less than two years will need more than 10 kilograms.

Article 22: No comments.

Article 23-31: No comments.

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