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**ORGANISATION DE L'UNITE
AFRICAIN**
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Addis Ababa •••••

COUNCIL OF MINISTERS

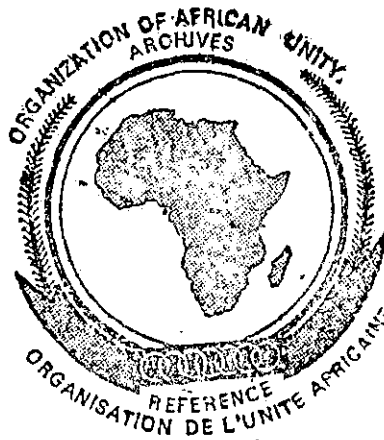
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CM/784(XXVIII)

REPORT OF THE ADMINISTRATIVE SECRETARY-GENERAL ON CRITERIA FOR
GRANTING OBSERVER STATUS WITH THE OAU



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OBSERVER STATUS WITH THE OAU

At its 27th Session, the Council of Ministers in its Resolution CM/Res.483(XXVII) on New Criteria (Annex I) for granting Observer Status with the OAU requested Member States that had any amendments or comments for inclusion in the Report on the Criteria, to transmit them to the OAU General Secretariat, which would submit a comprehensive report to the 28th Ordinary Session of the Council of Ministers.

The General Secretariat in its CAB/LEG/117/125 of 12 August 1976 called the attention of Member States to the Council of Ministers Resolution and for their comments. Comments as contained in Annex II have accordingly been received. The New Criteria as contained in Annex I were generally approved, with minor observations. The Council may now approve that these observations be incorporated in the New Criteria.

NEW CRITERIA FOR GRANTING OBSERVER STATUS (Extracted from CM/752(XXVII))

Member States have centred their objections to the criteria as contained in CM/162/Rev.2 on the grounds that:

- (a) there are no sufficient information regarding applicants for Observer Status,
- (b) applicants are seeking the status with the OAU, for the main reason of getting subventions,
- (c) membership of the applicant includes South Africa,
- (d) membership includes non-African elements,
- (e) sources of finance of the Applicants include sources external to Africa,
- (f) applicants are professional. The granting of the status will lead to a proleferation of such application,
- (g) applicant is a religious body,
- (h) applicant is not pan-African in scope,

- (i) application has not been made in accordance with the rules, as it is introduced at the Session, and members have not got the time to study it,
- (j) the granting of Observer Status was unnecessary as any African Organisation could still contribute to the progress of Africa without first obtaining Observer Status with the OAU.

Grounds (c), (d), (e), (f) and (j) are further elucidated hereunder:

- (c) Membership of applicant includes South Africa: Members maintain that since the Government of South Africa practices apartheid, membership of any organisation in that country which will certainly cater for the whites, will be organised in the lines of apartheid, a course of action extremely detrimental to Africa. Such membership cannot be in the interest of Africa.
- (d) Membership of the applicant includes non-African elements. Here members fear influences external and detrimental to Africa, especially where such membership has voting rights.
- (e) Sources of Finance of the applicant include ones external to Africa. Just as in (d) above, members fear that powers inimical to the cause of emerging Africa could infiltrate the ranks of the Organisation and thereby exert influences wholly detrimental to Africa.
- (f) Applicant Organization is one of professionals, and as there are innumerable professionals, the granting of such status will unleach a large number of application from professional Organizations.
- (j) The granting of Observer Status was unnecessary as any African Organization could still contribute to the progress of Africa, without first obtaining Observer Status with the OAU. This ground of objection arose from the ever-increasing number of applications for Observer Status with the OAU. Members hold that they saw no reason why African Organizations cannot contribute to the cause of African progress without first obtaining Observer Status with the OAU. From experience, it is clear that why African Organizations seek Observer Status

with the OAU is simply because they seek financial assistance. Members contend that the OAU has meager financial resources, and cannot afford to pursue a course of action that will add to its financial burden.

Although all above grounds are reasonable, it should be mentioned that where a number of members are well disposed towards an applicant Organisation, its application will be favourably considered, inspite of the fact that a number of the above grounds of criticism are applicable to it. This gives the impression that members, are in any case, well disposed to the granting of Observer Status to African Organizations, an impression which casts doubts on ground of objection (f). Besides there are the following strong reasons for continuing granting Observer Status to deserving African Organizations:

- (a) There is the need for the OAU to conduct its activities within adequate publicity limits. It is advisable for the OAU to consider all Organizations to which it wishes to maintain continuous links, and then to grant its Observer Status with a view to facilitating the Organizations' presence during OAU Meetings.
- (b) It will not be possible for the OAU to extend its activities to cover all fields of valuable services to Africa. Certainly there must be African Organizations with sound credibility in their fields of activities which serve the cause of Africa, but which have not the financial resources to get on. The OAU being the parent and main body for African Unity as well as African progress, has the moral and financial responsibility to support such Organizations. In this case, it will not do for it to grant subventions only to the Organizations. It would necessarily grant Observer Status as well.

Because of the above reasons, it will be necessary for the OAU to continue to consider and grant Observer Status and subventions to worthy African Organizations; and in order to ascertain which Organizations are worthy, it should establish sound criteria, which must be satisfied by an Organization applying for Observer Status. To this end the Council of Ministers may wish to consider the following criteria:

Generally an Organization applying for Observer Status with the OAU will show its genuineness; its credibility; its pan-Africanism; the impossibility of its being influenced by forces external and inimical to Africa; if it is a professional Organisation, it should include all various disciplines of the wider profession. For instance an Association of Engineer should include all Organizations of various disciplines of engineering, civil and mechanical, for the whole Africa. All organizations seeking Observer Status with the OAU should therefore:

1. Have its objectives and activities conform with the fundamental principles and objectives set forth in the Charter of the OAU;
2. Be an African Organization, registered in Africa with its headquarters in Africa. Membership should be African, excluding South Africa, Rhodesia and South West Africa, while minority Governments are still in power in these places. Membership external to Africa should not have voting rights;
3. Have sound financial basis. Sources of finance should be African Donors external to Africa,

To the above end, the Organization should be required to submit:

- (a) a written application and the following documents to the General Secretariat indicating its intention, at least six months before, it can be considered by the Council of Ministers, in order to allow for sufficient time for processing the application,
- (b) its Constitution or Charter, its list of up-to-date membership, sources of its finance, including copies of its most recent balance sheet, and Memorandum of activities all in the main languages of the OAU in sufficient quantity to facilitate circulation to Member States,

- (c) if anon-governmental organization, the particulars of at least two member States of the OAU, who have intimate knowledge of the Organization, and who are prepared to vouch for the genuineness and credibility of the Organization. One of these States should be that where the Organization has its registered headquarters.

No application for Observer Status shall be submitted for consideration of the Council of Ministers, unless it has been fully processed by the General Secretariat.

The Memorandum of Activities should contain the past and present activities of the Organization, its connections, including any connections external to Africa, and any other information, which will assist in determining the identity of the Organization, especially its scope of activities.

SYNOPSIS OF REPLIES FROM MEMBER STATES

MAURITANIA: No objections or amendments to the criteria.

SUDAN: Supports the report of the General Secretariat on the new criteria CM/752(XXVII) for granting observer status with the OAU, particularly as there is a great need for the Organization to play a more effective role in economic and technical cooperation. It maintains that the Organization's role should not be limited to granting observer status, but also to an effective role in unifying African institutions of similar objectives, thus consolidating the idea of African Unity and utilizing available potentials.

KENYA: No comments.

MALAWI: Approved.

TANZANIA: Agrees. While the Government of Tanzania agrees with CM/752(XXVII), it would recommend that the number of Organizations or institutions seeking observer status with the OAU be drastically minimized as such organizations or institutions could still promote the cause of Africa with or without having observer status with OAU. The Government of Tanzania hopes that the General Secretariat in collaboration with the Advisory Committee on Budgetary and Financial Matters will scrutinize such applications very critically before submitting them to the Ordinary Session of Council of Ministers for approval.

ETHIOPIA: Agrees with the criteria, however, it would like to point out the necessity for full appreciation of the new criteria and for strict adherence to the principles on which they are based.

SEYCHELLES: Acceptable.

TUNISIA: Comments as follow:

I. The activities of the Organization seeking OAU observer status should conform with the fundamental principles and objectives of the OAU Charter.

II. Be a non-governmental African Organization composed of nationals of OAU Member States with its headquarters in one of the capitals of the said States.

REMARKS: In proposing the deletion of the reference made to nationals of the countries under colonial and racist determination, Tunisia feels that if the Organizations's membership is limited to nationals of OAU Member States non-nationals are automatically eliminated while preserving the rights of African Liberation Movements as stipulated in the OAU Observer Status (CM/162/Rev.2).

III. Paragraph (3) of Annex I should be deleted because apart from the fact that it restricts freedom of action by the organization concerned, it gives the impression that the latter is placed under the OAU's control and this is never the case.

IV. PROCEDURE:

Delete sub-paragraphs (a), (b) and (c) of Annex I and have them replaced by the following.

(a) The organization concerned shall:

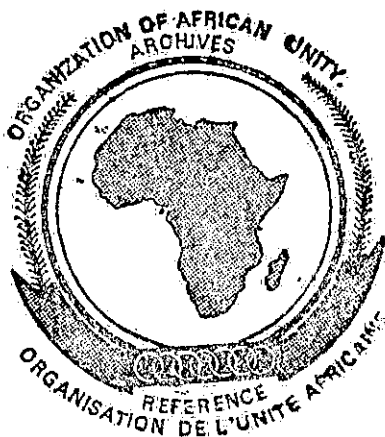
1. furnish the General Secretariat with the following papers:

- a written application
 - a copy of its constitution duly registered with the appropriate authorities of the host country
 - an up-to-date list of its members (names, occupation and nationality)
 - a memorandum giving its previous and current activities, its former and present programmes of action, its financial resources, its budget, its sphere of activities (countries - International Organizations) and, indicating in a specific manner, the reasons for applying for OAU observer status.
2. The above should be forwarded to the OAU General Secretariat through the Government of the host country at least six months before the Ordinary Ministerial Sessions of February and June of each year.
 3. No application for observer status should be submitted for consideration by the Council of Ministers if it has not been duly introduced by the General Secretariat.
 4. When the Secretary-General receives the applications from an organization in conformity with the prescribed procedure (sub-paragraph IV(a),

he shall:

a. Communicate the papers to:

- the Advisory Committee on Budgetary and Financial Matters for its opinion;
- to all OAU Member States, together with his own comments and those of the Advisory Committee.



- b. Include the application in the agenda of the Ministerial Session which is to consider it.
- c. Inform the Organization concerned of the outcome of the proceedings of the OAU Council of Ministers.

Paragraph (1) on page 5 (Annex I) to be deleted; since this text is included in the proposed amendments in paragraph IV (a) (3) (PROCEDURE).

Paragraph (2) on page 5 (Annex I) to be deleted, since this same text is more or less included in paragraph IV (1) (PROCEDURE).

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