



**ORGANIZATION OF  
AFRICAN UNITY**

Secretariat  
P. O. Box 3243

منظمة الوحدة الأفريقية  
السكرتارية  
ص. ب. ٣٢٤٣

**ORGANISATION DE L'UNITE  
AFRICAIN**

Secrétariat  
B. P. 3243

AdJis Ababa \* \* \* ادیس ابابا

**COUNCIL OF MINISTERS**

Thirty-Sixth Ordinary Session

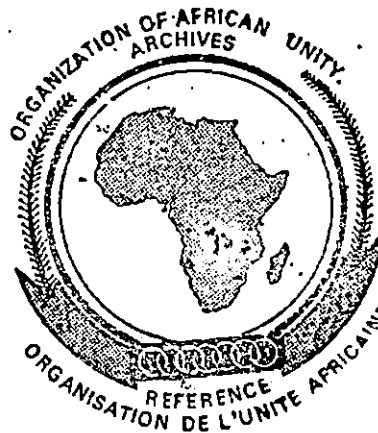
23 February - 1 March 1981

Addis Ababa, Ethiopia.

CM/1111 (XXXVI)

Part I & II

APPLICATIONS FOR OBSERVER STATUS SUBMITTED BY THE AFRICAN  
CULTURAL SOCIETY (ACS) AND THE INTERNATIONAL ASSOCIATION  
OF WORLD FESTIVAL OF NEGRO ARTS  
(FESTAC)



CM-1111

MICROFICHE

Applications for observer status submitted by the African Cultural Society (ACS) and the International Association of World Festival of Negro Arts (FESTAC)

By letters dated 8 and 11 January, 1980, the Secretary-General of the African Cultural Society (ACS) and the International Association of World Festival of Negro Arts (FESTAC) has applied for OAU Observer Status for the two Organizations.

A. AFRICAN CULTURAL SOCIETY

1. Aims and objectives of the Society

The African Cultural Society aims at uniting, through bonds of solidarity and friendship, all men of culture of the Black World. It further aims at asserting, defending and enriching the African cultural values and civilization, more particularly, of the Black World. It is also the intention of the Society to coordinate and harmonise its activities with those of the Governments of Member States in the fields of Culture, Education and Science, in accordance with Article II of the OAU Charter.

With its 23 years of experience, the African Cultural Society could serve as a useful instrument of culture for the OAU in so far as:

- OAU places increasing emphasis on the major problem of the development and growth of the African culture;
- UNESCO has, for some time now, been attaching an over-riding importance to Negro-African culture;
- considering further the recommendations of the Monrovia symposium on African culture and noting the identity of the objectives and principles of the African Cultural Society with those contained in Part 1 of the African Cultural Charter, the African Cultural Society pursues objectives and undertakes cultural activities conforming to the basic principles and objectives enunciated in the OAU Charter.

For the future and necessary development of culture and Afro-Arab cultural cooperation, the Society, in collaboration with the Association of the League of Arab States for Science and Culture (ALESCO), can effectively contribute to the development and strengthening of cultural exchanges beneficial to the two Arab and Negro-African worlds.

## II. Registered Headquarters of the African Cultural Society:

The Headquarters of the Society is in Dakar (Senegal), 19 Rue Vincent (Tel: 21.10.14). Attached to this report is the Headquarters Agreement signed on 25 October, 1978 between the Government of the Republic of Senegal and the African Cultural Society.

## III. Membership of the African Cultural Society

As provided for in its statutes, there are two categories of members:

### a) Active Members

Every man of culture of African origin may become active member of the Society.

### b) Associate Members

Every man of culture who wishes to work in cooperation with the Society, for the renaissance, development and propagation of Culture and Negro-African civilization may become an associate member of the Society provided his application is appropriately submitted and approved by the Executive Council.

## IV. Financial Resources of the Society

The African Cultural Society draws its financial resources from:

a) contributions from its members, representing a total of CFA Frs. 2,000,000;

b) annual subventions from African Governments, representing a total of CFA Frs. 48,000,000;

- c) subventions from UNESCO, representing a total of CFA Frs. 2,000,000.

As can be noted, the African Cultural Society with its CFA Frs. 52,000,000, has financial resources of African origin, which are no doubt limited but relatively adequate; because they have always helped in carrying out independent and useful cultural activities in Africa. The only non-African source from which the Society obtains subvention is UNESCO which granted an observer status to the Society several years ago (Category A - Non-Governmental Organizations - NGO).

#### V. Summary of the Activities of the African Cultural Society

Attached, as Annex III is the document on the cultural achievements of the Society and covering over thirty colloquium, seminars and round table conferences... organised since its inception, on the different aspects of the Negro-African culture.

#### A. INTERNATIONAL ASSOCIATION OF WORLD FESTIVAL OF BLACK ARTS (FESTAC)

##### 1. Aims and objectives of the International Association of World Festival of Black Arts

The main aims of the Association are:

- to organise in any country of the Black World, in cooperation with UNESCO, any other cultural institution and under the sponsorship of the African Cultural Society, periodic festival devoted to Black African Arts and Civilization. To this end, the Association has set itself the following objectives in accordance with para (a), (b) and (c) of Article 31 of the African Cultural Charter;
- to bring together black artists on the continent and those living elsewhere in the world, to facilitate cultural exchanges and return to the origin;
- facilitate the promotion of culture among Black Artists;

- high-light all the contributions made by Black culture to the international trend of thought, Arts and Science;

- finally, ensure a better international and inter-racial understanding (See Annex IV on the Statutes of the Association).

## II - Registered Headquarters of the Association

The Headquarters of FESTAC is in Dakar, Senegal, 19 Rue Vincent. Attached as Annex V, is the document relating to the Headquarters Agreement signed on 8 June, 1977, between the Government of the Republic of Senegal and the International Association of World Festival of Black Arts.

## III. Composition of the Association

a) The bodies of the Association are:

- The General Assembly
- The Executive Committee (33 members)

The Bureau, composed of:

- One Chairman: Aimé Césaire
- First Vice-Chairman: Wole Soyinka
- Second Vice-Chairman: James Bodwin
- Third Vice-Chairman: to be appointed
- Secretary-General; to be appointed following the sad death of Alioune Diop)

b) Members of the Association:

The Association provides for two types of members:

- honorary members
- full members

## IV. Financial Resources of the Association

The Association draws its financial resources from:

- a) contributions from members;
- b) subventions from African Governments;

- c) subventions regularly received from African public institutions, and possibly international institutions (i.e. UNESCO);
- d) part of proceeds from cultural activities and publications, the amount and modes of allocation of which will be specified in a Convention.

The Association has been granted the Status of a Non-Governmental Organization - NGO - Category A by UNESCO.

#### V. The activities of the Association

The activities of both the African Cultural Society and FESTAC are contained in the document attached to this report as Annex.III.

#### Conclusions:

IS IT IN THE INTEREST OF THE OAU TO COOPERATE WITH THE AFRICAN CULTURAL SOCIETY AND THE FESTAC?

- 1) The OAU Charter stipulates, among its objectives, the importance of education and culture as well as the need to harmonize the activities of member States in this field;
- 2) The African Cultural Charter adopted by our Heads of State during the Port Louis Summit in 1976 emphasised the assertion of cultural identity as a factor for development and rapprochement among the African peoples;
- 3) The final report of the Monrovia Symposium recalls the need to "Encourage in schools and professional and political circles as well as within the public in general, revival of African cultural values, solidarity, mutual respect and the love for the environment".

All these texts support the future actions of the OAU Secretary-General in the field of economic development, in accordance

with the Resolution of the 33rd Session of the Council of Ministers relating to the promotion of culture:

- one symposium of experts
- one conference of African Ministers of Culture
- one meeting of the African Cultural Council to be convened, if possible, in September, in Gabon.

It would be in the interest of the OAU General Secretariat to associate institutions such as the African Cultural Society and FESTAC to this gigantic and exciting task. Therefore, the joint contributions of the Society and FESTAC would help to a large extent to the achievements of the cultural objectives of the OAU.

The OAU's cooperation with UNESCO has indeed been beneficial. Consequently, the General Secretariat, in the light of the various criteria required for the granting of observer status, recommends that the Council of Ministers, consider favourably the applications submitted by the African Cultural Society and the International Association of World Festival of Black Arts.

PART I:

The African Cultural Society (SAC)

- Annex I: Criteria for granting OAU Observer Status.
- Annex II : Copy of application for Observer Status addressed to the OAU General Secretariat.
- Annex III : Statutes of African Cultural Society.
- Annex IV : Headquarters Agreement between the Government of Senegal and the SAC.
- Annex V : Financial Report of the SAC on the period 1979/1980
- Annex VI ; List of members of the Executive Committee
- Annex VII: Copies of 3 supporting letters from the Governments of Rwanda, Gabon, and Botswana.

PART II :

FESTAC

- Annex I. Criteria for granting OAU Observer Status.
- Annex II Copy of application for Observer Status addressed to the OAU General Secretariat.
- Annex III : Statutes of International Association of the World Festival of Negro Arts.
- Annex IV Headquarters Agreement between the Government of Senegal and the FESTAC.
- Annex V Financial Report of the FESTAC on the period 1979/1980.
- Annex VI List of members of the Executive Committee.
- Annex VII Copies of 3 supporting letters from the Governments of Rwanda, Gabon and Botswana.



COUNCIL OF MINISTERS

Thirty-sixth Ordinary Session

23rd February to 1st March 1981

Addis Ababa, Ethiopia

CM/1111 {XXXVI} Annex I  
CM/1112 {XXXVI} Annex I  
CM/1113 {XXXVI} Annex I  
CM/1114 {XXXVI} Annex I  
CM/1115 {XXXVI} Annex I

CRITERIA FOR GRANTING OBSERVER STATUS WITH THE OAU

CM/1111 (XXXVI) Annex I  
CM/1112 (XXXVI) Annex I  
CM/1113 (XXXVI) Annex I  
CM/1114 (XXXVI) Annex I  
CM/1115 (XXXVI) Annex I

CRITERIA FOR GRANTING OBSERVER STATUS WITH THE OAU

At its Fourteenth Session, the Assembly of Heads of State and Government approved the following criteria for granting Observer Status with the OAU:-

a) Any organization applying for Observer Status with the OAU will show its genuineness; its credibility; its pan-Africanism; the impossibility of being influenced by forces external and inimical to Africa. If it is a professional Organization, it should include all various disciplines of the wider profession. For instance an Association of Engineering, civil and mechanical, for the whole Africa. Any organization 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 would be African, excluding South Africa, Rhodesia and South West Africa, while minority Racist 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 are to be clearly disclosed.

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

CM/1111 (XXXVI) Annex I  
CM/1112 (XXXVI) Annex I  
CM/1113 (XXXVI) Annex I  
CM/1114 (XXXVI) Annex I  
CM/1115 (XXXVI) Annex I

Page 2

- 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 a non-governmental organization, the particulars of at least five Member States of the OAU, who have intimate knowledge of the Organization, and who are prepared to sponsor it. One of those States should be that where the Organization has its registered headquarters.

3. 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.

4. 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 (Ref. CM/784 (XXVIII)).

CM/1111 (XXXVI) Annex I  
CM/1112 (XXXVI) Annex I  
CM/1113 (XXXVI) Annex I  
CM/1114 (XXXVI) Annex I  
CM/1115 (XXXVI) Annex I

Page 3

5. The Assembly also stipulated that :-

The granting of Observer Status to an Organization entails no obligation on the Organization of African Unity to grant subsidy to that organization. The granting of subsidy to any organization can be envisaged only in certain cases, in exceptional and urgent circumstances, when such subsidy represents a temporary and vital addition to the budget of the Organization enjoying Observer Status.

PART II      OBSERVER PARTICIPATION IN THE PROCEEDINGS OF THE OAU

6. a) All observers may be invited to be present in the public galleries for the inaugural and closing meetings of all OAU Conferences;

- (b) An observer at a meeting on OAU institution may participate in the proceedings of that institution only in accordance with the conditions laid down in Part III under.

7. Observer may have access to OAU documents provided that they are:

- (a) Not of a confidential nature;
- (b) Ones not dealing with matters of interest to the observer concerned.

Distribution of OAU documents shall be against payment in those cases where there is no reciprocity.

8. Observers may be expressly invited to attend private meetings during discussion of a subject in which they are concerned.

9. With the express authorization of the Chairman, observers may participate in the proceedings of meetings to which they are invited. Although they may participate in the proceedings, observers shall not have the right to vote.

10. Observers may be authorised by the Chairman of the Conference to make a statement on a matter on which they are concerned, subject to the text of the statement being communicated beforehand to the Conference Chairman, through the medium of the Secretary-General.

11. The Conference Chairman may give the floor to observers in order to enable them to reply to questions which might be addressed to them by Member States.

PART III: SPECIAL PROVISIONS DEALING WITH PARTICIPATION OF OBSERVERS  
IN THE WORK OF OAU SPECIALIZED COMMISSIONS.

12. Observer Status shall be granted under the following categories:

A. Category A shall include:

- (i) Governments in exile and the liberation movements of African territories under colonial domination recognized by the OAU. International organizations or their specialized agencies which have signed a co-operative or consultative agreement with the OAU;
- (ii) African inter-governmental organizations which have important interest in most of the activities of OAU Member States and which comprise a large number of OAU Member States.

B. Category A observers may:

- (i) Attend all public sessions;
- (ii) Request the inclusion of certain items of particular interest to them in the provisional agenda;
- (iii) Make a written or oral statement on a matter of special interest to them, subject to the prior approval of the Chairman of the Session.

13. A. Category B shall cover African inter-governmental organizations having a specialized competence, and having an interest in substantial activities of the OAU.

CM/1111 (XXXVI) Annex I  
CM/1112 (XXXVI) Annex I  
CM/1113 (XXXVI) Annex I  
CM/1114 (XXXVI) Annex I  
CM/1115 (XXXVI) Annex I

Page 6

B. Category B observers may:

- (i) Attend all public sessions;
- (ii) Make a written or an oral statement to the Specialized Commissions on a matter of special interest to them, subject to the approval of the Chairman of the session;
- (iii) Reply to questions which the Commission, or Member States, might address to them.

14. A. Category C shall include:

- (i) Inter-African non-governmental organizations associations or unions;
- (ii) Inter-African non-governmental institutions.

B. Category C Observers may:

- (i) Attend the public sessions of the OAU Specialized Commissions during discussion of a matter concerning them;
- (ii) Communicate a written declaration to the Commission through the medium of the Administrative Secretary-General, and after approval by the Chairman of the session.

CM/1111 (XXXVI) Annex I  
CM/1112 (XXXVI) Annex I  
CM/1113 (XXXVI) Annex I  
CM/1114 (XXXVI) Annex I  
CM/1115 (XXXVI) Annex I

Page 7

PART IV: FINAL PROVISIONS

15. The provisions of the General Convention on Privileges and immunities, and those relating to the Headquarters Agreement of the OAU, shall not be applicable to observers, save for those regarding facilities provided for the granting of visas.

16. Observers shall themselves be responsible for expenses incurred as a result of their travel to and from, and their stay at the venue of the Conference.

17. These Rules may cease to apply to any institution enjoying the advantages of observer status should the Council of Ministers consider that this institution has ceased to satisfy the requirements laid down in these criteria.

(Ref. CM/162/Rev.2)

PART IV: FINAL PROVISIONS

15. The provisions of the General Convention on Privileges and immunities, and those relating to the Headquarters Agreement of the OAU, shall not be applicable to observers, save for those regarding facilities provided for the granting of visas.

16. Observers shall themselves be responsible for expenses incurred as a result of their travel to and from, and their stay at the venue of the Conference.

17. These Rules may cease to apply to any institution enjoying the advantages of observer status should the Council of Ministers consider that this institution has ceased to satisfy the requirements laid down in these criteria.



CM/1111(XXXVI)

Annex II

Part I

APPLICATION FOR OBSERVER STATUS FOR  
AFRICAN CULTURAL SOCIETY

CM/1111(XXXVI)

Annex II

Part I

Mr. Edem KODJO

Secretary General of the OAU

P.O. Box 3243

Addis Ababa (Ethiopia)

Ref: ESCAS/EC/64.2/79 of 22.11.79

Subject: Application for Observer Status for ACS

Your Excellency,

With reference to your letter quoted above, I have the honour to submit hereto the documents (in English) you require to enable you grant OAU observer Status to ACS.

Please accept, Your Excellency, the expression of my highest consideration.

I. KAKA-LOBE

Administrative Secretary of ACS

COUNCIL OF MINISTERS

Thirty-Sixth Ordinary Session

23rd February to 1st March 1981

Addis Ababa, Ethiopia.

CM/1111(XXXVI)Part I

Annex II I

STATUTES OF THE SOCIETY OF AFRICAN CULTURE

I - AIMS

Article 1

The aim of the SOCIETY OF AFRICAN CULTURE is to unite, by bonds of solidarity and friendship, the men of culture of the Black World.

Article 2

These men, conscious of their mission, will:

- a) create or approve, in the present crisis, the conditions necessary to make their own cultures flourish in the independent African countries and among Negro people in other countries;
- b) co-operate in the development and purification of universal culture.

II - MEMBERSHIP AND SECTION

A - MEMBERSHIP

Article 3

- A) All Negro men of culture may become active members of the Society.
- B) All men of culture interested in the Negro World may become associate members.
- C) There will be no ideological or religious discrimination in the recruitment of members.
- D) Members undertake to uphold the aims of the Society to the best of their ability, by their cultural activity, general behaviour and collaboration in public by expressing the opinions of the Society and strengthening its esteem in the public eye to enable it to carry out its plans.

Article 4 - Active members

- A) Applications will be submitted to the Executive Council either by National Sections or directly by individuals living in places where no National Section exists. Individuals may also apply when their National Section has not admitted them. These people will be known as International Active Members.
- B) Membership will be forfeited when resignations are submitted with reasons or when individuals are excluded by the Executive Council.

Article 5 - Associate members

- A) No Negro can be an Associate Member.
- B) Applications must be made through National Sections.
- C) Candidates will be subject to conditions of recruitment and standards of responsibility and competence as laid down by National Sections. They will not be elected or have voting rights.
- D) Associate Members have no rights of attendance, taking the floor or voting at International General Assemblies. They may, however, be invited to International Congresses and apply to the Executive Council to have scientific papers read to the Congress.

B - NATIONAL, REGIONAL AND LOCAL SECTIONSArticle 6

Members whose candidatures have been approved by the Executive Council and who live in the same country, constitute a National Section.

Article 7

The President of the Section is responsible to the Executive Council and will submit a report of activities during the three months preceding the General Assembly.

Article 8

International Active Members are attached to the Paris Section and may not create another National Section.

III - ORGANS OF THE SOCIETYA - GENERAL ASSEMBLYArticle 9

The General Assembly is the chief organ of the Society.

Article 10 - Meetings

The General Assembly of Members meets in ordinary session every two years at a place and time proposed by the preceding Assembly to the Executive Council.

An Extraordinary Session may be called by two-thirds of the total membership or by the Bureau.

Article 11 - Votes

- A) Active Members vote by National Sections. Protectorates, Departments, Colonies and Territories in Africa or the West Indies have one vote each, as do independent nations.
- B) Decisions are taken by simple majority except those which have previously been decided otherwise.
- C) At the beginning of the session, the Assembly will decide its internal organization (Agenda, language to be used, etc..).
- D) The Assembly may only vote on questions shown on the Agenda.
- E) Refusal of admission and exclusion by the Executive Council can be appealed again in front of the Assembly but can only be reversed by a two-thirds majority.

Article 12 - Tasks

The Assembly will hear Reports given by the President, the Secretary General and the Treasurer.

Article 13

The Assembly will elect an Executive Council of sixty-five members.

B - EXECUTIVE COUNCIL

Article 14

The Council is elected for six years and members are eligible for re-election. Places falling vacant may be filled by co-option. Co-opted members must be confirmed by the ensuing Assembly.

Article 15 - Votes

The Council makes its decision by a two-thirds majority. Postal voting is permitted.

Article 16 - Tasks

- A) The Council approves or rejects applications for membership.
- B) The Council carries out decisions and recommendations made by the Assembly and is responsible to it.

Article 17

The Council, meeting in full session, delegates its powers to an Executive Committee formed by a total of fifteen members resident in the town where the Society of African Culture has its headquarters. The Committee will act for the Council when the latter is not in session.

Article 18

The Council elects its President, seven Vice-Presidents, the Secretary General and the Treasurer, who form the Bureau.

C - EXECUTIVE COMMITTEE

Article 19

The Committee is the organ of the Executive Council and is elected for six years by the latter. It renders a report of its activities and is responsible to the Council.

D - BUREAU

Article 20

The Bureau is formed by the President, Vice-Presidents, the Secretary General and Treasurer who are elected for six years by the Council.

Article 21 - The President and Vice-Presidents

If the President resigns, a new President will be elected during the ensuing Assembly. In the interim, he will be replaced by a Vice-President designated by the Council.

Article 22

The President or, in his absence, one of the Vice-Presidents, presides over the Assemblies and is charged by the Executive Council to represent the Society at other international or national organizations.

Article 23

During the Assembly, the President, having received reports from Sections, aided by the Council and the Secretary General, presents his report of the Society's activities during the preceding period and outlines the Society's future programme.

Article 24 - The Secretary General

The Secretary General is the Society's legal representative.

Article 25

With the aid of the Council, he presents a general report on "The Present Conditions of Culture in the Negro World". This report highlights actions and events considered worthy of determining new cultural or general trends because of their relative importance.

Article 26

He carries out the decisions of the General Assembly, the Executive Council and the Executive Committee and submits any important decision he has to take, to the Committee.

Article 27

Through the Bureau, he arranges the Agenda of Assemblies. These must show all subjects proposed in writing by at least one-fifth of all members.

Article 28 - The Treasurer

The Treasurer maintains the Society's accounts, receives subscriptions and presents a Financial Report to the Assemblies.

IV - TASKS OF THE SOCIETY

Article 29

Tasks are set during the course of Ordinary Assemblies. The Society at all times undertakes to ensure that Ordinary and Extraordinary Assemblies will be ran in accordance with the Statutes.

Article 30

Following the Assembly, the Society holds a Congress on a subject proposed by the Executive Council, during which reports will be presented by members and Black men of culture who are not members but who have been invited to do so by the Council.

Article 31

During the Assembly, where possible in a town representative of Black culture, members of the Society living in the town will organize exhibition, plays and film shows, etc.. which will awaken an even deeper sense of our mission as men of Black culture in the face of our own people and the world.

V - HEADQUARTERS

Article 32

The Society's Headquarters are established in Paris at the offices of the review "Présence Africaine" which is the Society's official organ and situated at 18, rue des Ecoles, 75005 Paris.

Article 33

French and English are the official languages. In the case of dispute, the French text is to be considered as authentic.



VI - FINANCES

Article 34

The Society is financed by members' contributions, authorized grants and private gifts.

Article 35

- A) Subscriptions are determined by, and payable to, Sections.
- B) In agreement with the Executive Council, each Section determines an International Subscription Rate which cannot be less than 25% of the National Rate. This sum is deducted from national subscriptions and forwarded to the Society's Treasurer.
- C) Members living in countries which do not yet have a National Section will forward a subscription to the Treasurer, the rate of which is determined by the Council.
- D) Each National Section must provide for the distribution of "Présence Africaine" and contribute to its cost in agreement with the Council.

VII - FINAL PROVISIONS

Article 36

Any modification of the States can only be discussed if shown on the Assembly's Agenda and can only be decided by a two-thirds majority of the members present, provided that the votes cast are not less than half of the registered membership.

Article 37

The dissolution of the Society can only be pronounced in General Assembly by a three-quarters majority of the members present, provided that the votes cast are not less than half of the registered membership.

Article 38

Following liquidation, the Bureau guarantees that all assets remaining after expenses have been met will be given to African charitable societies.

-----  
-----  
-----  
-----  
-----  
-----

CM/1111 (XXXVI) Part 1

Annex IV

AGREEMENT CONCERNING THE HEAD OFFICE BETWEEN THE GOVERNMENT  
OF THE REPUBLIC OF SENEGAL AND THE SOCIETY OF AFRICAN CULTURE

THE REPUBLIC OF CHINA AND THE UNITED STATES OF AMERICA  
JOINT COMMUNIQUE ON THE SINKING OF THE TAIWAN AIRCRAFT

Agreement concerning the Head Office between the Government  
of the Republic of Senegal and the Society of African Culture

The Government of the Republic of Senegal, hereafter designated as the "Government", represented by Mr. Moustapha NIASSE, Minister of Foreign Affairs and

the Society of African Culture, hereafter designated as the "SAC", represented by its Secretary-General, Mr. Alioune DIOP,

desirous of regulating by the present Agreement the questions relating to the establishment in Dakar of the head office of the "SAC'S" Regional African Bureau,

have come to the following agreement:

LEGAL PERSONALITY OF THE "SAC"

ARTICLE I

The "Government" recognizes the legal personality of the "SAC" within the framework of its activities and, consequently, the entitlement

- a) to contract;
- b) to acquire and transfer personal and real estate in the conditions provided for by Senegalese legislation in the matter;
- c) to go to law.

THE HEAD OFFICE

ARTICLE II

The head office of the Bureau of the "SAC" includes, stricto sensu, the grounds and buildings the Society occupies or would occupy for reasons of its activity.

ARTICLE III

The head office of the Bureau is placed under the authority and control of the "SAC".

The "SAC" will have the right to establish internal rules applicable to the whole area of the Bureau and intended to establish the conditions required for its functioning.

Subject to the provisions of the present paragraph, the national laws and regulations will be applicable to the head office of the Bureau of the "SAC".

ARTICLE IV

The Head office of the Bureau of the "SAC" is inviolable. Agents and officials of the Senegalese Government will only be able to enter the head office to exercise their official duties with the consent of, or on the invitation of, the Secretary-General of the "SAC" or his appointed representative.

The enforcement of court decisions, including the seizure of personal chattels, can only take place with the consent of, and in conditions approved by, the Secretary-General of the "SAC" or his appointed representative.

Without interfering with the provisions of the present Agreement, the "SAC" will not allow its head office to be used as a refuge for a person wanted for the enforcement of court decisions or for a person in flagrante delicto or a person against whom a legal warrant or deportation order has been issued by the Senegalese authorities. Nor will the "SAC" house materials and objects extraneous to its mission or which can compromise the security of the Senegalese State or public order.

The "Government" ensures the protection of the head office of the Bureau of the "SAC" and the maintenance of order in its immediate vicinity.

ARTICLE V

The "Government" will ensure in equitable conditions and in conformity with the requests made to it by the Secretary-General of the "SAC", the provision of such necessary public utilities as postal, telephone and telegraph services, electricity, water and gas, public transport, drainage, the collection of rubbish and fire protection services.

For all the public utilities supplied by the "Government" or by organizations controlled by the latter, the "SAC" will benefit from the reduced rates accorded to Senegalese public administrations.

ACCESS TO THE HEAD OFFICEARTICLE VI

Subject to the provisions of Article IV, paragraph 3, the "Government" will not obstruct the movement to and from the Bureau of the "SAC" of persons called upon to exercise their official duties there or invited to go there by the "SAC". However, in certain particular cases where the presence of one of these persons risks disturbing public order, the "SAC" will firstly request permission from the "Government".

During the whole period of their duty or mission, these persons can only be compelled by the Senegalese authorities to leave the national territory in the case of their having knowingly abused their privileges of residence by pursuing an activity having no bearing on their duty or mission within the "SAC".

Nevertheless, these persons are not exempt from the application of quarantine or public health regulations.

## ARTICLE VII

To the degree compatible with the stipulations of international conventions, regulations and arrangements, the "Government" will grant the "SAC" for its postal, telephone, telegraph, radio-telephone and radio-telegraph communications a treatment as favourable as that granted by it to other organizations installed in Dakar concerning priority, tariffs and charges on mail, cablegrams, telegrams and radio-telegrams as well as preferential charges for press and radio releases.

The "Government" will also facilitate by all possible means the releases that the Secretary-General of the "SAC" and his principal aides might be called to make through the press and radio.

## ARTICLE VIII

The inviolability of the official correspondence of the "SAC" is guaranteed.

Official communications cannot be censored.

This immunity is extended to publications, photographic film, films, photographs and sound and visual recordings addressed to the "SAC" or sent by the Society, as well as the material of exhibitions that it might organize.

The "SAC" will also have the right to use codes.

## PROPERTY, FUNDS AND GOODS

## ARTICLE IX

1. The property and goods of the "SAC" are exempt from confiscation, requisition and expropriation and from all forms of

constraint, subject to the respect of the laws and regulations in force in Senegal.

2. The records of the "SAC" and, in a general manner, all documents belonging to it, or held by it, are inviolable.

3. The "SAC", its goods and reserves and other property are exonerated from all direct taxation.

4. The "SAC" is exonerated from

a) paying all dues and charges, other than the public utility charges collected by the "Government", and from all import and export prohibitions with respect to objects imported or exported by the Society for its official and exclusive use. Nevertheless, it is understood that imported duty-free goods will not be sold on Senegalese territory unless this be done in conditions approved by the "Government";

b) paying all dues and charges, other than the public utility charges collected by the "Government", with respect to publications and cinematographic films imported or edited by it within the framework of its activities, provided that these are not sold.

5. The "SAC" may

a) open bank accounts in no matter what currency and receive and hold therein funds and currency of all kinds;

b) transfer from these accounts, funds and currencies within Senegalese territory, from Senegal to other countries and inversely, provided that these transfers are not in contravention with Senegalese regulations in the matter.

6. The "SAC" may not, in any form, undertake activities extraneous to its object, notably commercial or realty activities.



PERSONNEL STATUS, FACILITIES, PRIVILEGES AND IMMUNITIES

1. The Secretary-General of the "SAC" or his appointed representative, the members of the head office of the Bureau of the "SAC", provided, that they are not Senegalese, will enjoy on the territory of Senegal, in the discharge of their duties, the immunities and privileges provided for by the present Agreement, likewise the persons on mission at the head office of the Bureau of the "SAC" and persons participating in meetings convened by the "SAC" in the head office of the Bureau of the "SAC" in Dakar.
2. Their spouses and dependent children may also enjoy these privileges and immunities in the same conditions.
3. The "SAC" will in due course communicate to the "Government" the names of the persons concerned by paragraph 1 of the present Article.
4. The persons concerned by paragraph 1 of the present Article, if they are of Senegalese nationality, will not be able to claim any immunity in Senegalese law-courts with respect to act involving legal proceedings.

ARTICLE X

1. The Secretary-General of the "SAC" or his appointed representative, the agent-members of the head office and the persons on official mission at the head office of the Bureau of the "SAC":
  - a) will be exempt, if they are not of Senegalese nationality, from direct taxation on the salaries and emoluments paid to them by the "SAC";

- b) will enjoy immunity with respect to all legal proceedings for acts committed by them in their official capacity (including words and writings);
- c) will not be subjected, just as their spouses and dependent members of their family living with them, to restrictive immigration measures nor to the formalities of alien registration;
- d) will enjoy, with regard to foreign exchange, the same facilities as those accorded to members of diplomatic missions accredited to the "Government", provided that they are not Senegalese or nationals of countries belonging to the Franc Zone;
- e) will enjoy, just as their spouses and dependent members of their family living with them, if they are not Senegalese, the same facilities of repatriation as those accorded to members of foreign diplomatic missions accredited to the "Government";
- f) will enjoy, if they have previously resided abroad, the right to import free of duty furniture and personal effects, on the occasion of their establishment in Senegal, within six months of their first installation;
- g) may import, within the six months of their first installation and in conditions to be determined by the "SAC" and the "Government", certain goods, effects and equipments the definition of which, just as the conditions of resale on the territory of Senegal, will be the subject of an agreement between the "Government" and the "SAC";

- h) may import on a temporary basis, if they are not of Senegalese nationality, within the six months of their first installation, their motor vehicles free of duty within the limit of one motor vehicle per agent-member of the head office of the Bureau of the "SAC";

2. The Senegalese agents of the head office of the Bureau of the "SAC" are not exempt from obligations relating to military service or any other obligatory service in Senegal.

3. These privileges and immunities are accorded to agents of the "SAC" in the interest of the "SAC" and not to ensure personal advantage. The Secretary-General of the "SAC" or his appointed representative will consent to the lifting of the immunity accorded to an agent of the "SAC" in the case where he estimates that this immunity would impede the action of justice and that it could be lifted without prejudice to the interests of the "SAC";

4. The "SAC" will constantly co-operate with the competent authorities with a view to facilitating the good administration of justice, to ensuring the enforcement of police regulations and to avoiding all forms of abuse which the immunities and facilities provided for in this Agreement could give rise to.

#### ARTICLE XI

The Secretary-General of the "SAC" or his appointed representative, the agents assigned to the head office of the Bureau of the "SAC" and other agents on official missions to, or invited to visit, the head office of the Bureau of the "SAC" must be in possession of a valid passport issued by their country of origin.

SETTLEMENT OF DIFFERENCESARTICLE XII

Any difference between the "SAC" and the "Government" bearing on the interpretation or application of the present Agreement will, if not settled by negotiation or any other means of settlement agreed upon by the two Parties, be submitted, with a view to obtaining a final decision, to a court composed of three arbitrators the first of whom will be designated by the "Government", the second by the "SAC" and the third by the two Parties. A delay of three months will be required to designate the arbitrators.

If this delay is exceeded and the third arbitrator is not designated, the President of the International Court of Justice at The Hague will be entitled to designate him in place of the two Parties. The decision of the Court will be definitive.

FINAL PROVISIONSARTICLE XIII

The present Agreement will come into effect on the date that the "Government" will inform the "SAC" of the approbation of the said Agreement.

The present Agreement can be denounced at any moment by the "Government" and the "SAC".

The denunciation will take effect six months after the date on which it will have been received by the "SAC" or the "Government".

At the request of either of the two Parties, the present Agreement will be able to be modified by means of negotiation. Any subsequent amendment will be applicable after an exchange of Notes.

CONFIRMATION OF THE AGREEMENT

DAKAR, OCTOBER 25, 1978.

FOR THE SOCIETY OF AFRICAN CULTURE FOR THE GOVERNMENT OF THE  
RÉPUBLIQUE DU SÉNÉGAL

Alioune DIOP

Moustapha NIASSE

COUNCIL OF MINISTERS

Thirty-Sixth Ordinary Session

23rd February to 1st March 1981

Addis Ababa, Ethiopia.

CM/1111(XXXVI)Annex V

Part I

FINANCIAL REPORT OF THE AFRICAN CULTURAL  
SOCIETY. 1979 - 1980

FINANCIAL REPORT OF THE AFRICAN CULTURAL  
SOCIETY, 1979 - 1980

Salaries, Fees, Social Services charges	822,230.00 FF
Missions, receptions	76,490.00
Transport expenses	197,838.00
Office supplies - maintenance	19,491.00
Rent, charges, Tele. E.D.E., TELEX	154,296.00
General Documentation	11,467.00
Bank and postal charges	20,350.00
Miscellaneous expenses, equipment	
fixtures and fittings, temporary staff	<u>17,161.00</u>
TOTAL.....	<u><u>1,319,323.00 FF</u></u>

I, the undersigned, Jean DACHARY, State Chartered Accountant and Auditor, registered at the Appeal Court of Paris, hereby testify to the veracity and exactitude of this financial report prepared in accordance with the entries in the Society's Account Books.

Done at Cotignac, 24 December,  
1979.

Jean DACHARY.

CM/1111 (XXXVI)

Annex VI - Part I

COMPOSITION OF THE BUREAU OF THE  
AFRICAN CULTURAL SOCIETY



MEMBERS OF THE BUREAU OF THE  
AFRICAN CULTURAL SOCIETY

Chairman : Dr. Eric WILLIAMS (Trinidad and Tobago)

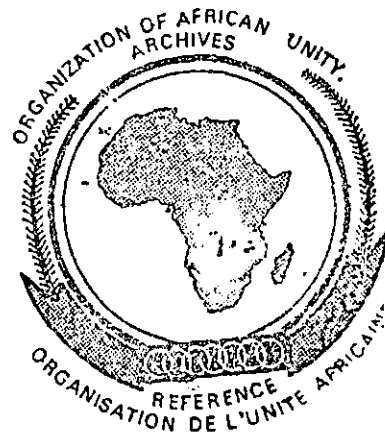
Vice-Chairman : James IVY (USA)  
Emile SAINT-LOT (Haiti: deceased)  
Dr. Kofi A. BUSIA (Ghana: deceased)  
Dr. S. O. BIOBAKU (Nigeria)  
Peter ABRAHAMS (South Africa in exile)  
Davidson NICOL (Sierra-Leone)  
DE GRAFT JOHNSON (Ghana: deceased)

Secretary-General : Alioune DIOP (Senegal)

Treasurer : Edouard ANDRIANTSILANIRIVO (Madagascar)

Members

Louis-Thomas ACHILLE (Martinique)	Birago DIOP (Senegal)
Marian ANDERSON (Mme) (USA)	Catherine DUNHAM (Mme) (USA)
Abbe ANDRADE (Angola)	Pasteur Thomas EKOLLO (Cameroun)
Amadou Hampate BA (Mali)	Cyprien EKWENSI (Nigeria)
Aime CESAIRE (Martinique)	Ben ENWONWU (Nigeria)
Mercer COOK (USA)	A. PALACIOS (Colombia)
W. FONTAINE (USA)	Jacques RABEMANANJARA (Madagascar)
Paul Hazoume (Benin)	Paul ROBESON (USA : deceased)
Ferdinand OYONO (Cameroun)	Robert SASTRE (Eveque) (Benin)
Dr. DUDJOE (Ghana)	Gerard SEKOTO (South Africa in exile)
John DAVIS (USA)	Leopold Sedar SENGHOR (Senegal)
Rene DEPESTRE (Haiti)	Amos TUTUOLA (Nigeria)
Camara LAYE (Guinee)	Cheikh ANTA DIOP (Senegal)



CM/1111(XXXVI)

Annex VII - Part I

COPIES OF 3 LETTERS OF SUPPORT FROM THE GOUVERNEMENT  
OF RWANDA, GABON AND BOTSWANA

REPUBLIC OF BOTSWANA

8

The President's Private Office

S.H. 18/1/2 I

18th February, 1980

Dear Mr. Secretary General,

This is to acknowledge your letter of January 25, 1980.

Let me assure you that Botswana will be more than willing to consider your request at the next OAU Summit. It is then that our support or otherwise for your request will be indicated.

Yours sincerely,

L.J.M.J. Legwail

SENIOR PRIVATE SECRETARY TO THE PRESIDENT

Mr. Alioune Diop  
The Secretary General  
Société Africaine de Culture  
18, Rue des Ecoles 75005  
Paris,  
FRANCE.

REPUBLIC OF GABON

CM/1111(XXXVI)

Annex VII - Part I

<sup>B</sup>  
Libreville, 21 February 1980

President of the Republic of Gabon  
Head of Government

His Excellency the Secretary-General of the  
African Cultural Society,  
18, Rue des Ecoles  
750005 PARIS (FRANCE)

I wish to acknowledge receipt of your letter dated 25 January 1980 relating to an application for OAU Observer Status.

The constant desire to develop the cultural values of the Black World and promote dialogue among people is shared by all African Countries. This therefore justifies your application.

To this end, I confirm on behalf of my Government, our total support for your organization's application. We have no doubt that with the support of other States, the OAU will give your request the attention it deserves.

EL HADJ OMAR BONGO

CM/1111(XXXVI)

Annex VII - Part I

C  
Kigali, 26 March 1980

No.489/01.21

SECRETARY-GENERAL

OFFICE OF THE PRESIDENT OF THE REPUBLIC

Mr. Alioune DIOP,  
Secretary-General of the  
African Cultural Society,  
18, Rue des Ecoles,  
75005 Paris (FRANCE).

Application for OAU Observer Status

Your Excellency,

His Excellency the President of the Republic of Rwanda  
wishes to acknowledge receipt of your letter dated 25 January 1980  
on the above subject.

He has instructed me to inform you that he very much appreciates  
the activities of your society in the promotion of the cultural values  
of the Black World and in strengthening the bonds of solidarity and  
friendship among peoples. The Government of Rwanda will therefore  
support, with pleasure, your application for OAU Observer Status  
for the African Cultural Society.

Please accept, Your Excellency, the assurance of my high  
consideration.

Lt. Col. BUREGEYA Bonaventure  
SECRETARY-GENERAL  
OFFICE OF THE PRESIDENT

COUNCIL OF MINISTERS

Thirty-sixth Ordinary Session

23rd February to 1st March 1981

Addis Ababa, Ethiopia

CM/1111 (XXXVI) Annex I

CM/1112 (XXXVI) Annex I

CM/1113 (XXXVI) Annex I

CM/1114 (XXXVI) Annex I

CM/1115 (XXXVI) Annex I

CRITERIA FOR GRANTING OBSERVER STATUS WITH THE OAU

CM/1111 (XXXVI) Annex I  
CM/1112 (XXXVI) Annex I  
CM/1113 (XXXVI) Annex I  
CM/1114 (XXXVI) Annex I  
CM/1115 (XXXVI) Annex I

CRITERIA FOR GRANTING OBSERVER STATUS WITH THE OAU

At its Fourteenth Session, the Assembly of Heads of State and Government approved the following criteria for granting Observer Status with the OAU:-

a) Any organization applying for Observer Status with the OAU will show its genuineness; its credibility; its pan-Africanism; the impossibility of being influenced by forces external and inimical to Africa. If it is a professional Organization, it should include all various disciplines of the wider profession. For instance an Association of Engineering, civil and mechanical, for the whole Africa. Any organization 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 would be African, excluding South Africa, Rhodesia and South West Africa, while minority Racist 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 are to be clearly disclosed.

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

CM/1111 (XXXVI) Annex I  
CM/1112 (XXXVI) Annex I  
CM/1113 (XXXVI) Annex I  
CM/1114 (XXXVI) Annex I  
CM/1115 (XXXVI) Annex I

Page 2

- 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 a non-governmental organization, the particulars of at least five Member States of the OAU, who have intimate knowledge of the Organization, and who are prepared to sponsor it. One of those States should be that where the Organization has its registered headquarters.

3. 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.

4. 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 (Ref. CM/784 (XXVIII)).



CM/1111 (XXXVI) Annex I  
CM/1112 (XXXVI) Annex I  
CM/1113 (XXXVI) Annex I  
CM/1114 (XXXVI) Annex I  
CM/1115 (XXXVI) Annex I

Page 3

5. The Assembly also stipulated that :-

The granting of Observer Status to an Organization entails no obligation on the Organization of African Unity to grant subsidy to that organization. The granting of subsidy to any organization can be envisaged only in certain cases, in exceptional and urgent circumstances, when such subsidy represents a temporary and vital addition to the budget of the Organization enjoying Observer Status.

PART II OBSERVER PARTICIPATION IN THE PROCEEDINGS OF THE OAU

6. a) All observers may be invited to be present in the public galleries for the inaugural and closing meetings of all OAU Conferences;

- (b) An observer at a meeting on OAU institution may participate in the proceedings of that institution only in accordance with the conditions laid down in Part III under,

7. Observer may have access to OAU documents provided that they are:

(a) Not of a confidential nature;

(b) Ones not dealing with matters of interest to the observer concerned.

Distribution of OAU documents shall be against payment in those cases where there is no reciprocity.

8. Observers may be expressly invited to attend private meetings during discussion of a subject in which they are concerned.

9. With the express authorization of the Chairman, observers may participate in the proceedings of meetings to which they are invited. Although they may participate in the proceedings, observers shall not have the right to vote.

10. Observers may be authorised by the Chairman of the Conference to make a statement on a matter on which they are concerned, subject to the text of the statement being communicated beforehand to the Conference Chairman, through the medium of the Secretary-General.

11. The Conference Chairman may give the floor to observers in order to enable them to reply to questions which might be addressed to them by Member States.

PART III: SPECIAL PROVISIONS DEALING WITH PARTICIPATION OF OBSERVERS  
IN THE WORK OF OAU SPECIALIZED COMMISSIONS.

12. Observer Status shall be granted under the following categories:

A. Category A shall include:

- (i) Governments in exile and the liberation movements of African territories under colonial domination recognized by the OAU. International organizations or their specialized agencies which have signed a co-operative or consultative agreement with the OAU;
- (ii) African inter-governmental organizations which have important interest in most of the activities of OAU Member States and which comprise a large number of OAU Member States.

B. Category A observers may:

- (i) Attend all public sessions;
- (ii) Request the inclusion of certain items of particular interest to them in the provisional agenda;
- (iii) Make a written or oral statement on a matter of special interest to them, subject to the prior approval of the Chairman of the Session.

13. A. Category B shall cover African inter-governmental organizations having a specialized competence, and having an interest in substantial activities of the OAU.

CM/1111 (XXXVI) Annex 1  
CM/1112 (XXXVI) Annex 2  
CM/1113 (XXXVI) Annex 1  
CM/1114 (XXXVI) Annex 1  
CM/1115 (XXXVI) Annex 1

Page 6

B. Category B observers may:

(i) Attend all public sessions;

(ii) Make a written or an oral statement to the Specialized Commissions on a matter of special interest to them, subject to the approval of the Chairman of the session;

(iii) Reply to questions which the Commission, or Member States, might address to them.

14. A. Category C shall include:

(i) Inter-African non-governmental organizations associations or unions;

(ii) Inter-African non-governmental institutions.

B. Category C Observers may:

(i) Attend the public sessions of the OAU Specialized Commissions during discussion of a matter concerning them;

(ii) Communicate a written declaration to the Commission through the medium of the Administrative Secretary-General, and after approval by the Chairman of the session.

CM/1111 (XXXVI) Annex I  
CM/1112 (XXXVI) Annex I  
CM/1113 (XXXVI) Annex I  
CM/1114 (XXXVI) Annex I  
CM/1115 (XXXVI) Annex I

Page 7

PART IV: FINAL PROVISIONS

15. The provisions of the General Convention on Privileges and immunities, and those relating to the Headquarters Agreement of the OAU, shall not be applicable to observers, save for those regarding facilities provided for the granting of visas.

16. Observers shall themselves be responsible for expenses incurred as a result of their travel to and from, and their stay at the venue of the Conference.

17. These Rules may cease to apply to any institution enjoying the advantages of observer status should the Council of Ministers consider that this institution has ceased to satisfy the requirements laid down in these criteria.

(Ref.CM/162/Rev.2)

CM/1111 (XXXVI)

Annex II

Part II

APPLICATION FOR OBSERVER STATUS OF THE  
WORLD FESTIVAL OF BLACK AFRICAN ARTS

CM/1111(XXXVI)

Annex II.

Part II

ASSOCIATION OF THE WORLD FESTIVAL OF  
BLACK AFRICAN ARTS,  
19, rue Vicens,  
P.O. Box 1,  
DAKAR

Mr. Edem KODJO  
Secretary-General  
OAU,  
P.O. Box 3243,  
Addis Ababa,  
Ethiopia.

Subject: APPLICATION FOR OBSERVER STATUS FOR THE ASSOCIATION  
OF THE WORLD FESTIVAL OF BLACK AFRICAN ARTS.

Your Excellency,

We have the honour to forward herewith the Headquarters Agreement  
(English Copy) of the Association of the World Festival of Black African  
Art in connection with the granting of OAU Observer Status.

We hope you have received all the required documents.

Please accept, Your Excellency, the expression of our high  
consideration.

Aliounr DIOP

Secretary General

Enclosures: 5 copies of the Headquarters Agreement/Festac.

CM/1111(XXXVI)Annex III  
Part II

STATUTES OF INTERNATIONAL ASSOCIATION OF  
THE WORLD FESTIVAL OF NEGRO ARTS



STATUTES OF INTERNATIONAL ASSOCIATION  
OF THE WORLD FESTIVAL OF NEGRO ARTS

The Men of Culture of the Black World.

PREAMBLE

- ~~Recalling the terms of the resolution adopted by the~~  
Committee of Arts of the Second Conference of black writers  
and Artists meeting in Rome under the aegis of the society of  
African Culture from 26th March to 1st April 1966, recommending  
the setting up of a Festival of Arts.
- Recalling the lucky initiative taken by Senegal to organize  
the 1st World Festival of Negro Arts.
- Considering the necessity to promote and preserve the  
cultural values of the Black World.

agreed upon the following :-

STATUTES

Heading I : General Provisions

Article 1.

There shall exist between the national associations adhering to these statutes and those which shall later belong an International Association to be known as :-

"INTERNATIONAL ASSOCIATION OF THE WORLD FESTIVAL  
OF NEGRO ARTS"

Article 2.

1. The Association's main object shall be to organize in any country of the Black World, with the Co-operation of UNESCO, of any other cultural institution, and the cultural sponsorship of the Society of African Culture, a periodic Festival devoted to negro art, in its highest and widest conception, that is the art of living or black civilization.

2. To reach this object, the Association shall adopt the following main objectives :-

- to bring together the black artists in the African continent and those living elsewhere in the world, in order to afford room for comparisons and return to the sources,

- to facilitate the human promotion of black artists.
- to bring out all the contributions of Negro-African culture to the great universal mainstreams of thought, art and science;
- to arrive at a better international and inter-racial understanding.

Article 3.

The Association's headquarters shall be located in Dakar.

Article 4.

The Association's duration shall be unlimited.

Article 5.

The Association's means of action shall mainly consist of the various events of the Festival which should be conceived in the spirit of the objectives laid down in Article 2.

These means shall also comprise the creation and dissemination of the information necessary for making the Festival's objectives known throughout the world.

The Association may organize celebrations, conferences, film shows, galas, lotteries, etc...in any country of the Black World in order to publicize these objectives or to support materially the activities of the Association.

Heading I - COMPOSITION

Article 6.

The Association shall include two kinds of members

- honorary members
- full members

Article 7.

Honorary members shall be those personalities nominated as such, with their consent, by the Managing Committee upon the proposal of the Bureau.

Article 8.

Full members shall be the representatives of the Festival's National Associations.

Article 9.

The rate of subscriptions shall be fixed yearly by the Managing Committee.

Article 10.

Membership of the Association shall be forfeited

1. by resignation
2. by dismissal decided by the Managing Committee

Article 11.

In each Country including men of Culture of the black world, these latter shall set up a "National Association of the World Festival of Negro Arts."

In the Statutes of these Associations, there should be explicit provisions concerning their adhesion to the International Association.

Heading III - Administration and functioning

Article 12.

The organs of the Association shall be :

- the general Assembly
- the Managing Committee
- and the Bureau.

Article 13.

The general Assembly shall consist of the representatives of the Associations, at the rate of one representative per country. The General Assembly may, moreover, co-opt representatives from Countries where an Association for the World Festival of Negro Arts has not yet been set up.

Article 14.

The Managing Committee shall comprise 33 members elected for five years by the general Assembly. The Managing Committee shall meet at least once a year, or whenever convened by the Bureau or at the request of a quarter of its members.

It shall be presided over by the Association's President, or in his absence by one Vice President.

The Secretariat work of these meetings shall be ensured under the authority of the Secretary-General.

Article 15.

The agenda shall be fixed by the Managing Committee upon the proposal of the Bureau. The proceedings of the Managing Committee shall be transcribed in a minute-book and signed by the President and the Secretary of the meeting.

Article 16.

The Managing Committee shall register and decide the admission of National Associations wishing to join. It shall approve the cultural programmes and the budget submitted by the Bureau.

Article 17.

The Managing Committee shall compulsorily discuss the activity report, the financial report and the rate of subscriptions.

Article 18.

The Managing Committee may, through the Bureau, ask important personalities to form the honorary Committee of the Association.

Article 19.

The Bureau of the Association shall be elected for five years by the Managing Committee - It shall include :-

- One President
- Three vice-presidents
- One Secretary-General

a) the President : He shall preside over the Association and may be represented by a vice president.

b) the Secretary-General : He shall be responsible for the Association's administration.

He shall order the expenses.

He shall be responsible for the drawing up of cultural programmes to be submitted for discussion and approval to the Bureau or the Managing Committee. The Secretary-General shall represent the Association in all civil and legal actions; Nevertheless, court actions should be authorized by the Managing Committee.

#### Heading IV - Financial resources.

#### Article 20.

The financial resources of the Association shall consist of:-

1. Subscriptions.
2. States' subsidies and those funds regularly accepted from public communities, other bodies and eventually from international institutions or Foundations.
3. Part of the returns from the events and the publications of the Festival according to rates and modalities to be fixed by a convention.

Heading V : Amendment of the Statutes and Dissolution

Article 21.

The statutes may be amended only by a special meeting of the general Assembly.

Article 22.

When the agenda of the General Assembly includes the dissolution of the Association, the opening quorum shall be the one laid down in the Rules of procedure.

Article 23.

In the event of dissolution, the General Assembly shall appoint one or several auditors in charge of winding up the Association's property.

It shall allocate the net assets to charitable works intended for helping African artists.

Heading VI - Rules of Procedure

Article 24.

Rules of Procedure, drawn up by the Bureau and approved by the Managing Committee, shall determine the necessary conditions for the enforcement of these statutes.



COUNCIL OF MINISTERS

THIRTY-SIXTH ORDINARY SESSION

23rd February - 1st March 1981

Addis Ababa, Ethiopia

CM/1111(XXXVI)Annex IV

Part II

HEADQUARTERS AGREEMENT

BETWEEN

THE GOVERNMENT OF THE REPUBLIC OF SENEGAL

AND

THE INTERNATIONAL ASSOCIATION OF THE WORLD  
BLACK AND AFRICAN FESTIVAL OF ARTS AND CULTURE

HEADQUARTERS AGREEMENT BETWEEN THE GOVERNMENT OF THE  
REPUBLIC OF SENEGAL AND THE INTERNATIONAL ASSOCIATION  
OF THE WORLD BLACK AND AFRICAN FESTIVAL OF ARTS AND  
CULTURE

Between the International Association of the World Black and African Festival of Arts and Culture and the Government of the Republic of Senegal.

The International Association of the World Black and African Festival of Arts and Culture, hereafter 'the Association', represented by Mr. Alioune DIOP, Secretary General,

and the Government of the Republic of Senegal, hereafter 'the Government', represented by Mr. Assane SECK, Minister of State, Minister of Foreign Affairs

Wanting, by this agreement, to settle the questions concerning the establishment, in Dakar, of the permanent headquarters of the 'Association', have agreed upon the following:

LEGAL PERSONALITY OF THE ASSOCIATION

ARTICLE I

The Government of the Republic of Senegal recognizes to the 'Association', within the limits of its object, legal personality and therefore the capacity :-

- a) to contract;
- b) to acquire and to alienate movable and immovable property under the conditions stipulated by the Senegalese legislation in this matter;
- c) to stand in justice.

ARTICLE II

The permanent headquarters of the 'Association' include stricto sensu, the grounds defined and delimited in the schedule to this agreement, as well as any building built or which would be built in the future on the aforesaid grounds.

ARTICLE III

The headquarters are placed under the authority and control of the Association.

The Association will have the right to establish internal regulations applicable in all the extent of the headquarters and in view of establishing the conditions necessary to its work.

Subject to the provisions of this paragraph, the legislative provisions and the regulations of the Republic of Senegal will be applicable in the headquarters of the Association.

ARTICLE IV

The headquarters of the 'Association' are inviolable. The agents or the civil servants of the Republic of Senegal will not be allowed to enter the headquarters in order to exercise their official functions, except with the approval or at the invitation of the Secretary-General of the 'Association' or of his appointed representative.

The execution of the procedural acts, including the distrainment of private property will take place only with the approval and under the conditions approved by the Secretary-General.

Without derogating from the provisions of this agreement, the 'Association' will not allow that its headquarters be used as a refuge by a person who would be wanted for the enforcement of a judicial warrant would have been issued or an expulsion order taken by Senegalese authorities. In the same way, the headquarters will not have the right to shelter any equipment or materials or objects irrelevant to its mission or which could jeopardize the security of the Senegalese State or be a threat to law and order.

The 'Government' ensures the protection of the headquarters of the 'Association' and the maintenance of public order in its immediate vicinity.

#### ARTICLE V

Under equitable conditions and in compliance with the requests made by the Secretary-General of the 'Association', the Government will ensure the necessary public utilities such as : postal, telephone and telegraph services, electricity, water and gas supply, public transport, water discharge, refuse disposal, fire-protection organization.

For the supplying of any public services, ensured by the 'Government' or by organizations controlled by the Government, the 'Association' will be granted the rate concessions allowed to Senegalese Public Offices.

ACCESS TO THE HEADQUARTERS

ARTICLE VI

Subject to the provisions stipulated in Article IV, paragraph 3, the 'Government' will put no obstacles to the transit to or from the headquarters of the 'Association' of those persons called to exercise their official functions or invited there by the 'Association'. However, in certain particular cases where the presence of one of those persons might be a threat to law and order, the Association will have to ask previously for the authorization of the 'Government'.

For all the duration of their function or mission, those persons will not be forced by the Senegalese authorities to leave Senegalese territory, unless they would have misused the privileges of residence that are recognized to them, by carrying on activities irrelevant to their functions or mission with the Association. However, those persons are not exempted from the application of health regulations.

ARTICLE VII

As far as it is compatible with the stipulations of the international conventions, settlements and arrangements, the 'Government' will grant to the 'Association' for its postal, telephone and telegraph, wireless and radiotelegraphic connections, the same favoured treatment as that granted by the Government to the other organizations based in Dakar, concerning priority, rates and taxes on mail, cablegrams, telegrams, radio telegrams as well as concerning press rates for information to the press and radio.

The 'Government' will also facilitate by all means the communications that the Secretary-General of the 'Association' and its main collaborators may be led to give through the press and radio.

ARTICLE VIII

The inviolability of the official correspondence of the 'Association' is guaranteed.

Its official communications will not be subjected to censorship.

This immunity includes the publication, photographic films, films, photographs and sound and visual recordings, sent to the 'Association' or sent by the 'Association', as well as the equipment for exhibitions organized by the 'Association'.

The 'Association' will also be entitled to make use of codes.

PROPERTY, FUNDS AND ASSETS

ARTICLE IX

1. The property and assets of the 'Association' are free from confiscation, requisition or expropriation or any other form of coercion, subject to the observance of the law and regulations effective in Senegal.

2. The records of the 'Association' and, generally speaking all the documents belonging to the 'Association' or held by the 'Association' are inviolable.
3. The 'Association', its assets and reserves and other property are exempt from any direct tax.  
However, the 'Association' pays the charges for services received.
4. The 'Association' is exempt from :
  - a) Duty and charges other than the charges for services received and collected by the 'Government' and from any ~~import or export prohibition~~, concerning the objects imported or exported by the 'Association' for its official and exclusive use. However, it should be clearly understood that the objects imported free of duties will not be sold on the territory of Senegal, unless under conditions agreed upon by the 'Government'.
  - b) Duty and charges other than the charges for services received collected by the 'Government', concerning the publications, cinematographic films that the 'Association' imports or edits as part of its official activities, provided that they are not sold.
5. The 'Association' may :-
  - a) hold banking accounts in any currency, receive and hold in these banking accounts any funds or foreign currency;

b) transfer from these accounts, funds and foreign currency within the Senegalese territory, from Senegal to other countries and conversely, provided that these transfers are made in compliance with Senegalese regulations in this matter.

6. The 'Association' is not allowed to undertake, in any form, activities irrelevant to its object, more particularly business or real estate activities.

STAFF CODE - FACILITIES - PRIVILEGES AND IMMUNITIES

1. The Secretary-General of the 'Association' or his appointed representative, the members of the Headquarters of the 'Association' provided they are not Senegalese, will enjoy on the territory of Senegal and while exercising their functions, the immunities and privileges stipulated by this Agreement, as well as the persons on mission to the Headquarters of the 'Association' and the participants to meeting organized by the 'Association' at the Headquarters of the Association in Dakar.
2. Their spouses and their dependent children will be allowed, under the same conditions, to enjoy these privileges and immunities.
3. The 'Association' will communicate in due time to the 'Government' the names of the persons referred to in the paragraph 1 of this Article.



4. The persons referred to in the paragraph 1 of this Article will not be allowed, if they are Senegalese Citizens, to avail themselves before the Senegalese tribunals of any immunity concerning facts giving rise to legal action.

ARTICLE X

1. The Secretary-General of the 'Association' or his appointed representative, the agents members of the Headquarters and the persons on official missions to the Headquarters of the 'Association'.
- a) will be exempt, if they are not Senegalese Citizens, from any direct tax on the salaries and remuneration paid to them by the 'Association';
  - b) will enjoy immunity concerning any judicial proceedings for actions performed by them in their capacity of officials (including speech and documents);
  - c) will not be subject, as well as their spouses and the members of their family depending on them, to the restrictive measures on immigration or to the registration formalities for foreigners;
  - d) will have, concerning exchange, the same facilities as those that are granted to the members of diplomatic missions accredited to the 'Government', provided they are not Senegalese, or citizens of countries belonging to the Franc Area;

e) will have, as well as their spouses and the members of their family depending on them, if they are not Senegalese, the same rapatriation facilities as that granted to the members of foreign diplomatic missions accredited to the 'Government';

f) will enjoy the right, if they previously resided abroad, to, import duty-free their furniture and their personal belongings while establishing their residence in Senegal, within six months after their first establishment;

g) will be allowed, within six months after their first establishment, and under conditions to be determined between the 'Association' and the 'Government', to import certain property, belongings and equipment, whose definition as well as resale terms, on the territory of Senegal, will be dealt with in an agreement between the 'Government' and the 'Association';

h) will be allowed to import temporarily, if they are not Senegalese Citizens, within six months after their first establishment, their motor vehicles duty-free, within the limit of one vehicle per agent member of the Headquarters of the 'Association'.

2. The Senegalese agents of the Headquarters of the 'Association' are not exempt from the obligations concerning the military service or any other compulsory service in Senegal.

CM/1111 (XXXVI) Annex IV

Part II

Page 10

3. Those privileges and immunities are granted to the agents of the 'Association' in the interest of the 'Association' and not to give them any personal advantage.  
The Secretary-General of the 'Association' or his appointed representative will agree to the suspension of the immunity granted to an agent of the 'Association' in the cases where he would estimate that this immunity would obstruct the efficiency of justice and could be suspended without prejudice to the interests of the 'Association'.
4. The 'Association' will constantly co-operate with the competent authorities in order to facilitate the effective administration of justice, to ensure the enforcement of police regulations and to avoid any misuse concerning the immunities and facilities provided for in this Agreement.

ARTICLE XI

The Secretary-General of the 'Association' or his appointed representative, the agents assigned to the Headquarters of the Association and the other agents on official mission or invited to the Headquarters of the Association, must be in possession of a passport within its period of validity and issued by their country of origin.

SETTLEMENT OF DISPUTES

ARTICLE XII

Any dispute between the 'Association' and the 'Government' concerning the interpretation or the application of this Agreement will be, if not settled through negotiations or any other way agreed upon by both Parties, submitted for definitive decision to a tribunal of three arbitrators, the first of them being appointed by the Government, the second by the Association and the third one by both Parties. A three-month period will be necessary to appoint the arbitrators, after this period, the President of the International Court of Justice, in The Hague, will have full powers to appoint the third arbitrator, in the Parties' stead. The decision of the tribunal will be definitive.

FINAL PROVISIONS

ARTICLE XIII

This Agreement will come into force on the date on which the 'Government' will inform the 'Association' of the approval of the aforesaid Agreement.

Upon request of one of the two Parties, this Agreement will be modifiable through negotiation.

Any subsequent amendment will be applicable after exchange of notes.

Dakar, 8 - 6 - 1977.

For the International Association of  
the World Black and African Festival of  
Arts and Culture  
Alioune DIOP

For the Government of  
the Republic of Senegal;

Assane SECK

COUNCIL OF MINISTERS  
Thirty-Sixth Ordinary Session  
23rd February to 1st March 1981  
Addis Ababa, Ethiopia

CM/1111(XXXVI) Annex V  
Part II

FINANCIAL REPORT 1979/1980

CM/1111(XXXVI) Annex V  
Part II

Dakar, 14 August 1980

FINANCIAL REPORT 1979/1980

1. Salaries and social service charges	6,250,712	CFA
2. General expenses	1,443,378	CFA
3. Transport expenses and Missions	2,176,895	CFA
4. Payment on the 1978/79 Financial year ended	<u>5,000,000</u>	<u>CFA</u>
Grand total of expenses	<u>14,870,985</u>	<u>CFA</u>

I, the undersigned, Cheikh Moustapha SARR, Administrative Secretary, hereby testify to the veracity and exactitude of this financial report prepared in accordance with the entries in the Association's Accounts Books.

(SGD.) Cheikh Moustapha SARR

CM/1111 (XXXVI)

ANNEX VI - PART II

COMPOSITION OF FESTAC STEERING COMMITTEE

CM/1111(XXXVI)

Annex VI - Part II

COMPOSITION OF FESTAC STEERING COMMITTEE

President:

Presidents:                L. S. Senghor  
                              Eric Williams  
                              General Obasanjo

Chairman:                    Aime Cesaire

Vice-Chairman:            Wole Soyinka  
                              James Baldwin  
                              Bernard Dadie

Secretary-General:        Mme Yande Christiane Diop

Treasurer:                 Edouard Andriantsilaniarivo



CM/1111(~~XXVI~~)Annex VII  
Part II<sup>=</sup>

COPIES OF 3 LETTERS OF SUPPORT FROM THE  
GOVERNMENTS OF RWANDA, GABON, AND  
BOTSWANA

CM/1111(XXXVI)Annex VII  
Part II

COPIES OF 3 LETTERS OF SUPPORT FROM THE  
GOVERNMENTS OF RWANDA, GABON, AND  
BOTSWANA

CM/1111(XXXVI)Annex VII

Part II

REPUBLIC OF BOTSWANA

The President's Private Office

S.H. 18/1/2 I

18th February 1980

Dear Mr. Secretary-General,

This is to acknowledge your letter of January 25, 1980.

Let me assure you that Botswana will be more than willing to consider your request at the next OAU Summit. It is then that our support or otherwise for your request will be indicated.

Yours sincerely,

L.J.M.J. Legwail

SENIOR PRIVATE SECRETARY TO THE PRESIDENT

Mr. Alioune Diop  
The Secretary-General  
Societe Africaine de Culture  
18, Rue des Ecoles 75005  
Paris,  
FRANCE.

CM/1111(XXXVI) Annex VII  
Part II

REPUBLIC OF GABON

Libreville, 21st February 1980

President of the Republic of Gabon  
HEAD OF GOVERNMENT

His Excellency the Secretary-General of the  
African Cultural Society,  
18 Rue Des Ecoles  
75005 Paris (FRANCE)

I wish to acknowledge receipt of your letter dated 25 January, 1980 relating to an application for OAU Observer Status.

The constant desire to develop the cultural values of the Black World and promote dialogue among people is shared by all African Countries. This, therefore, justifies your application.

To this end, I confirm on behalf of my Government, our total support for your organization's application. We have no doubt that with the support of other States, the OAU will give your request the attention it deserves.

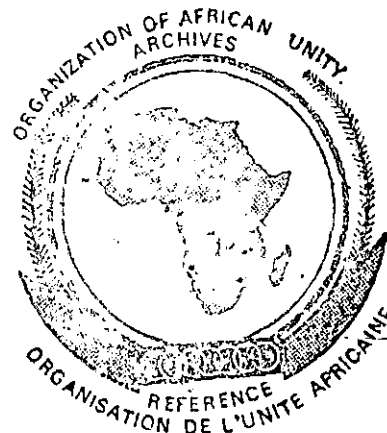
EL HADJ OMAR BONGO

Kigali, 26th March 1980

No. 489/01.21

Secretary-General's  
Office of the President of the Republic

Mr. Alioune DIOP,  
Secretary-General of the African Cultural Society  
18, Rue Des Ecoles  
75005, Paris (FRANCE)



APPLICATION FOR OAU OBSERVER STATUS

Your Excellency,

His Excellency the President of the Republic of Rwanda  
wishes to acknowledge receipt of your letter dated 25 January 1980  
on the above subject.

He has instructed me to inform you that he very much appreciates  
the activities of your society in the promotion of the cultural values  
of the Black World and in strengthening the bonds of solidarity and  
friendship among peoples. The Government of Rwanda will therefore  
support, with pleasure, your application for OAU Observer Status for  
the African Cultural Society.

Please accept, Your Excellency, the assurance of my high  
consideration.

LT. COL. BUREGEYA Bonaventure  
SECRETARY-GENERAL  
OFFICE OF THE PRESIDENT

1981-02

# Applications for Observer Status Submitted by the African Cultural Society (ACS) and the International Association of World Festival of Negro Arts (FESTAC)

Organization of African Unity

Organization of African Unity

---

<https://archives.au.int/handle/123456789/9852>

*Downloaded from African Union Common Repository*