

**ORGANIZATION OF
AFRICAN UNITY**

SECRETARIAT

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ADDIS ABABA

**ORGANISATION DE L'UNITE
AFRICAINNE**

SECRETARIAT

B. P. 3243

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Annex 1.

COUNCIL OF MINISTERS

Seventeenth Ordinary Session

June, 1971.

D R A F T

INTER-AFRICAN CONVENTION ESTABLISHING AN

AFRICAN TECHNICAL ASSISTANCE PROGRAMME

(amended by Senegal)

DRAFT INTER-AFRICAN CONVENTION ESTABLISHING AN
AFRICAN TECHNICAL ASSISTANCE PROGRAMME

We, the African Heads of State and Government, meeting at Addis Ababa, Ethiopia, from to 197

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

Considering the fact that co-operation among African countries in the fields of Social Affairs and Labour is vital and will contribute to the promotion of closer solidarity among their peoples;

Convinced that contact between the experts of African countries will create a better climate of mutual understanding and contribute to the realization of African Unity which is a universally desired goal;

Conscious of the important role of human resources in economic and social progress;

Considering the fact that in some independent African States and in African countries still under (foreign) domination there are a number of specialists ready and willing to co-operate with other countries where there is a shortage of qualified staff;

Convinced that the establishment of an African Technical Assistance Programme is the best means of promoting the employment of African specialists by African States;

Have agreed to establish an inter-African Technical Assistance Programme (hereunder referred to as "The Programme") whose implementation shall be governed by the following provisions:

CHAPTER I

AIMS AND OBJECTIVES OF THE PROGRAMME

ARTICLE 1:

The African Technical Assistance Programme, without prejudice to other technical assistance programmes designed for Africa and organized by countries outside or inside the Region, shall seek to:

- (a) Foster the full use of specialized African manpower in the development of the Continent by making available to African countries where there is a shortage of skilled personnel, redundant specialists in other independent States in the Region and in African countries still under (foreign) domination;
- (b) Promote the exchange of scientific and technological knowledge as well as the comparison of experiments and experience relating to development among African countries;
- (c) Give African experts and civil servants with specialist training the possibility of further developing their expertise by tackling problems in assisted States;
- (d) Create and encourage the spirit of mutual assistance and solidarity among African countries.

ARTICLE 2:

An African Technical Assistance personnel (hereinafter referred to as "experts") which is the object of the programme shall include: senior cadres with university degrees or equivalent qualifications, semi-professional staff and skilled workers from independent African States and African countries still under (foreign) domination.

CHAPTER II

RECRUITMENT FORMALITIES AND DURATION OF SERVICE UNDER THE
PROGRAMME

ARTICLE 3:

Any country which is a party to the Convention and desires to secure the services of an African expert, shall submit a request in writing to the General Secretariat of OAU (hereinafter referred to as "the Secretariat") at least six months in advance. The request shall include the following:

- (a) A clear and precise description of the job to be performed by the expert;
- (b) An indication of the level of qualification and experience the expert is expected to have;
- (c) An indication of the place of assignment and the agencies and/or departments to which the expert will be attached;
- (d) An indication of the probable duration of the expert's services;
- (e) An indication of the service conditions.

The offer of services by the expert shall be accepted as valid by the OAU General Secretariat only if it is made through the Government of his country of origin and upon due notification by that Government.

Having regard to the above provisions, the recipient Government and the expert shall sign a contract governing their mutual relations. This contract shall be subject to the provisions of this Convention and a copy thereof, duly certified by the Government furnishing the expert, shall be communicated to the Secretary-General of OAU.

ARTICLE 4:

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

- (a) A middle-term contract (from 6 to 12 months).
- (b) A long-term contract (from 1 to 2 years).

ARTICLE 5:

Notwithstanding the provisions of Article 4 above, any country which is a party to the Convention may request the employment of an African expert for a period less than 6 months for assignment to a special mission or as a consultant.

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

ARTICLE 6:

Experts whose services are required by a Government under the terms of this Convention shall be expected to carry out the duties assigned them by that Government on its behalf.

In discharging their duties, the experts shall be responsible solely to the Government which has recruited them and shall be answerable to it alone. Except with the express authorization of the said Government, they may not render any account to any other Government, persons or organizations apart from the Government in whose interest they are employed, nor receive instructions from them.

ARTICLE 7:

Subject to the formal agreement of the Government of the expert's country of origin, the various types of contract governing African experts may be extended beyond their date of expiration.

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

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

ARTICLE 8:

The Government of the country which enjoys the services of an African expert in consultation with the Government of his country of origin, may terminate the expert's contract before the date of its expiration:

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

The OAU General Secretariat shall be kept informed of the steps taken in respect of the expert.

ARTICLE 9:

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

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

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

CHAPTER III

ARTICLE 10:

The status of the expert shall be subject to a special agreement between the donor State and the recipient State.

CHAPTER IV

SETTLEMENT OF DISPUTES

ARTICLE 11:

Any dispute between the recipient Government and an expert or between the recipient Government and the Government of the expert's country of origin, arising directly or indirectly from the working conditions of the expert, which cannot be settled by any other means shall, at the request of one of the parties to the dispute, be submitted to the Commission of Mediation, Reconciliation and Arbitration of the Organization of African Unity.

CHAPTER V

SIGNATURE AND RATIFICATION

ARTICLE 12:

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

ARTICLE 13:

The original instrument, drafted, if possible in African languages as well as French and English, each of the text being equally authentic, shall be deposited with the Administrative Secretary-General of the Organization of African Unity.

ARTICLE 14:

Any independent African State which is a member of the Organization of African Unity, may at any time notify the Administrative Secretary-General of the Organization of African Unity of its adherence to the Convention.

CHAPTER VI

EFFECTIVE DATE OF OPERATION

ARTICLE 15:

This Convention shall come into force as soon as a third of the Member States of the Organization of African Unity have deposited their instruments of ratification.

CHAPTER VII

AMENDMENT

ARTICLE 16:

This Convention may be amended or revised if a Member State submits such a request in writing to the Administrative Secretary-General subject, however, to the proviso that the proposed amendment shall not be submitted for scrutiny by the Assembly of Heads of State and Government unless all the Member States have been duly informed and a year has elapsed. Amendments shall not become effective until they have been approved by at least two-thirds of the Member States which are parties to this Convention.

CHAPTER VIII

NOTICE OF TERMINATION

ARTICLE 17:

Any Member State which is a party to this Convention may convey its decision to terminate its adherence to the provisions of the Convention by notice in writing to the Administrative Secretary-General.

A year after the date of such notification, provided such notification has not been withdrawn, the Convention shall cease to apply to the State in question.

CHAPTER IXGENERAL PROVISIONSARTICLE 18:

A specialized bureau of the OAU General Secretariat, hereinafter referred to as "The Office", with the co-operation of a Technical Assistance Advisory Committee on which ECA and the various African economic communities shall be represented, shall be responsible for implementing the Programme.

ARTICLE 19:

The duties of the Office shall be as follows:

- (a) To collect, classify and disseminate information on African specialists and civil servants available under the Programme;
- (b) To centralize requests of Member States for African experts and specialists;
- (c) To help in selecting candidates from (prepared) lists and communicating their curriculum vitae to Member States;
- (d) To facilitate various types of negotiation between the expert's country of origin and the recipient country.

ARTICLE 20:

The Technical Assistance Advisory Committee shall assist the Office in the discharge of the duties enumerated above.

It shall meet at least once a year.

ARTICLE 21:

As soon as this Convention becomes operative, the Administrative Secretary-General of OAU shall deposit it with the Secretary-General of the United Nations, in accordance with Article 102 of the Charter of the United Nations.

ARTICLE 22:

The Administrative Secretary-General of the Organization of African Unity shall notify all members of the Organization of:

- (a) Any signatures, ratification and adherence in accordance with Articles 12, 13, and 14;
- (b) The effective date on which the Convention becomes operative as provided for in Article 15;
- (c) Requests for amendment submitted under the terms of Article 16;
- (d) Notification of termination of adherence in accordance with Article 17.

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Draft Inter-African convention establishing an African Technical Assistance Programme (amended by Senegal)

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