

African Union, African Regional Bodies

General Convention on the Privileges and Immunities of the Organization of African Unity

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General Convention on the Privileges and Immunities of the Organization of African Unity
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African Union

General Convention on the Privileges and Immunities of the Organization of African Unity

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CONSIDERING it necessary that the Organization of African Unity should enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its purpose;

CONSIDERING it necessary that the representatives of the Members of the Organization of African Unity and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization;

NOW THEREFORE the Assembly adopted the following convention:

A

Article I

1. The Organization of African Unity shall possess juridical personality and shall have the capacity:
 - (a) To enter into contacts including the rights to acquire and dispose of movable and immovable property;
 - (b) To institute legal proceedings.

B

Article II – Property, funds, assets and transactions of the Organization of African Unity

1. The Organization of African Unity its premises buildings, assets and other property wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in any particular case the Organization of African Unity has waived such immunity in accordance with the provisions of this General Convention. It is, however, understood that no waiver of immunity shall extend to any measure of execution.
2. The premises and buildings of the Organization of African Unity shall be inviolable. The property and assets of the Organization of African Unity, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation

- and from any other form of interference, whether by executive, administrative, juridical or legislative action.
3. The archives of the Organization of African Unity and in general all documents belonging to it or held by it shall be inviolable wherever located.
 4. Without being restricted by financial controls, regulations or moratoria of any kind;
 - (a) The Organization of African Unity may hold funds, gold or currency of any kind and operate accounts of any currency;
 - (b) The Organization of African Unity shall be free to transfer its funds, gold or currency from one country to another or within any country and to convert any currency held by it into any other currency.
 5. It is provided, however, that in exercising its right under paragraph 4 hereabove, the Organization of African Unity shall pay due regard to any representations made by the Government of any Member insofar as it is considered that effect can be given to such representations without prejudicing the interests of the Organization of African Unity.

Article III – Tax exemptions

1. The Organization of African Unity, its income assets and properties shall be exempt:
 - (a) From all direct taxes, except that the Organization of African Unity will not claim exemption from taxes or dues which are no more than charges for public utility services;
 - (b) From import and export duties, prohibitions and quantitative restrictions on imports and exports in respect of articles imported or exported by the Organization of African Unity intended for and used for its official purpose. It is provided, however, that articles imported under such exemption shall not be sold with or without consideration in the country into which they were imported except under conditions agreed upon by the appropriate authorities of the Government of that country;
 - (c) From customs duties, prohibitions and restrictions on imports and exports in respect of its publications.
2. While the Organization of African Unity will not, as a general rule, claim exemption from excise duties and from transaction taxes on the sale of movable and immovable property which form part of the price to be paid, nevertheless when the Organization of African Unity is making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, Members will enact the necessary provisions or make appropriate administrative arrangements for the remission or refund of the amount of duty or tax so charged.

Article IV – Facilities in respect of communications

1. For its official communication and the transfer of all its documents the Organization of African Unity shall enjoy in the territory of each Member State treatment not less favourable than that accorded by the Government of that Member to any other international Organization as well as any Government, including its diplomatic mission, in matters of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telephones and other communications, as well as press rates for information to the press and radio.

Official correspondence and other official communications of the Organization of African Unity shall not be subject to censorship.

2. The Organization of African Unity shall have the right to use codes and to despatch and receive its official correspondence, either by courier or in sealed bags which shall have the same immunities and privileges as diplomatic couriers and bags.

C

Article V – Representatives of Member States

1. Representatives of Member States to the principal and subsidiary institutions, as well as to the Specialized Commission of the Organization of African Unity, and to conferences convened by the Organization, shall, while exercising their functions and during their travel to and from the place of meetings, be accorded the following privileges and immunities;
 - (a) Immunity from personal arrest or detention and from any official interrogation as well as from inspection or seizure of their personal baggages;
 - (b) Immunity from legal process of every kind in respect of words spoken, written or acts performed or votes cast by them for and in the exercise of their functions;
 - (c) Inviolability for all their papers and documents and the right to use codes and to receive papers or correspondence by courier or in sealed bags;
 - (d) Exemption in respect of themselves and their spouse from immigration restrictions, aliens registration and from national service obligations in the state they are visiting or through which they are passing for and in the exercise of their functions;
 - (e) The same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;
 - (f) The same immunities and facilities in respect of their personal and official baggages as are accorded to diplomatic envoys;
 - (g) Such other privileges, immunities and facilities not inconsistent with the foregoing as diplomatic envoys enjoy, except that they shall have no right to claim exemption from customs duties on goods imported (otherwise than as part of their personal baggage) or from exercise duties or sales taxes.
2. In order to secure, for the representatives of Members to the principal and subsidiary institutions as well as to Specialized Commission of the Organization of African Unity and to Conferences convened by the Organization, complete freedom of speech and independence in the discharge of their duties, the immunity from legal process in respect of words spoken, written or votes cast, and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer the representatives of Members.
3. Where the incidence of any form of taxation depends upon residence, periods during which the representatives of Members to the principal and subsidiary institutions as well as to the Specialized Commission of the Organization of African Unity and to Conferences convened by the Organization of African Unity are present in a State for the discharge of their duties shall not be considered as periods of residence.
4. Privileges and immunities are accorded to the representatives of Members not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connection with the Organization of African Unity. Consequently, a Member not only has the right but is under a duty to waive the immunity of its representative in any case where in the opinion of the Member the immunity would

impede the course of justice, and it can be waived without prejudice to the purpose for which the immunity is accorded.

5. The provisions of paragraphs 1, 2, and 3 of Article V are not applicable as between a representative and the authorities of the State of which he is a national or of which he is or has been the representative.
6. In this article the expression "representatives" shall be deemed to include all delegates, deputy delegates, advisers, technical experts and secretaries of delegations.

D

Article VI – Officials of the Organization of African Unity

1. The Administration Secretary General will specify the category of officials to which the provisions of this Article and Article VIII shall apply. He shall submit these categories to the Assembly. Thereafter these categories shall be communicated to the Governments of all Members. The names of the officials included in these categories shall from time to time be made known to the Government of Members.
2. Officials of the Organization of African Unity shall:
 - (a) Be immune from legal process in respect of words spoken, written and all acts performed by them in their official capacity;
 - (b) Be exempt from taxation on the salaries and emoluments paid to them by the Organization of African Unity;
 - (c) Be immune from national service obligations;
 - (d) Be immune, together with their spouses and relatives residing with and dependent on them, from immigration restrictions and alien registration and finger printing;
 - (e) Be accorded the same privileges in respect of exchange facilities as are accorded to the officials of comparable ranks forming part of diplomatic missions to the Government concerned;
 - (f) Be given, together with their spouses and relatives residing with and dependent on them, the same repatriation facilities in time of international crisis as diplomatic envoys;
 - (g) Have the right to import free of duty their furniture and effects at the time of first taking up their post in the country in question.
3. In addition to the immunities and privileges specified in paragraph 2 of this Article, the Administrative Secretary General and all Assistant Secretaries General shall be accorded in respect of themselves, their spouses and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law.
4. Privileges and immunities are granted to officials in the interests of the Organization of African Unity and not for the personal benefit of the individuals themselves. The Administrative Secretary General shall have the right and the duty to waive the immunity of any official in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Organization of African Unity. In the case of the Administrative Secretary General, the Council of Ministers shall have the right to waive immunity.
5. The Organization of African Unity shall co-operate at all times with the appropriate authorities of Members to facilitate the proper administration of justice, secure the

observance of police regulations and prevent the occurrence of any abuse in connection with the privileges, immunities and facilities mentioned in this Article.

Article VII – Experts on missions for the Organization of African Unity

1. Experts (other than officials coming within the scope of Article VI) performing missions for the Organization of African Unity shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions during the period of their missions, including the time spent on journeys in connection with their missions. In particular, they shall be accorded:
 - (a) Immunity from personal arrest or detention as well as any official interrogation and from inspections or seizure of their personal baggage;
 - (b) In respect of words spoken, written or votes cast and acts done by them in the course of the performance of their mission; immunity from legal process of every kind; the said immunities from legal process continue to be accorded notwithstanding that persons concerned are no longer employed on missions for the Organization of African Unity;
 - (c) Inviolability for all papers and documents;
 - (d) For the purpose of their communications with the Organization of African Unity, the right to use codes and to receive papers or correspondence by courier or in sealed bags;
 - (e) The same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign Governments on temporary official missions;
 - (f) The same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys.
2. Privileges and immunities are granted to experts in the interests of the Organization of African Unity and not for the personal benefit of the individuals themselves. The Administrative Secretary General shall have the right and the duty to waive the immunities of any expert in any case where, in his opinion, the immunity would impede the course of justice and it can be waived without prejudice to the interests of the Organization of African Unity.

Article VIII – Organization of African Unity Laissez-Passer

1. The Organization of African Unity may issue Organization of African Unity Laissez-Passer to its officials. These Laissez-Passer shall be recognized and accepted as valid travel documents by the authorities of Members, taking into account the provisions of paragraph 2 of this Article.
2. Applications for visas (where required) from the holders of Organization of African Unity Laissez-Passer, when accompanied by a certificate that they are travelling on the business of the Organization of African Unity, shall be dealt with as speedily as possible. In addition, such persons shall be granted facilities for speedy travel.
3. Similar facilities to these specified in paragraph 2 of this Article shall be accorded to experts and other persons who, though not the holders of Organization of African Unity Laissez-Passer, have a certificate that they are travelling on the business of the Organization of African Unity.
4. The Administrative Secretary General, Assistant Secretaries General and Directors travelling on Organization of African Unity Laissez-Passer on the business of the Organization of African Unity shall be granted the same facilities as are accorded to diplomatic envoys.

E

Article IX – Settlements of disputes

1. The Organization of African Unity shall make provisions for appropriate modes of settlement of:
 - (a) Disputes arising out of contracts or other disputes of a private law character to which the Organization of African Unity is a party;
 - (b) Disputes involving any official of the Organization of African Unity who by reason of his official position enjoys immunity, if immunity has not been waived by the Administrative Secretary General;
2.
 - (a) All differences arising out of the interpretation and/or application of the present Convention shall be referred for arbitration to the Commission of Mediation, Conciliation and Arbitration, unless in any case it is agreed by the parties to have recourse to another mode of settlement;
 - (c) All differences which may arise between the Organization of African Unity on the one hand, and a Member State on the other hand, with respect to the interpretation and/or application of the present Convention; failing settlement by negotiation or any other agreed method of settlement shall be submitted to a tribunal of three arbitrators; one to be named by the Administrative Secretary General of the Organization, one to be named by the Member State, the third to be chosen by the two arbitrators, and/or if they should fail to agree upon the third, then the third shall be chosen by the President of the Commission of Mediation, Conciliation and Arbitration.

[Please note: numbering as in original.]

Article X – Final provisions

1. This Convention is submitted to every Member of the Organization of African Unity for accession.
2. The accession provided for in paragraph 1 of this Article shall be effected by the signature of the Heads of State and Government; this signature implies the immediate entering into force of the General Convention on the Privileges and Immunities of the Organization of African Unity.
3. The Administrative Secretary General may conclude with any Member or Members supplementary agreements adjusting the provisions of this Convention so far as that Member or those Members are concerned. These supplementary agreements shall in each case be subject to the approval of the Assembly.

IN FAITH WHEREOF, WE, the Heads of State and Government have signed this Convention, done in the city of Accra, Ghana, this 25th day of October 1965.