



**ORGANIZATION OF  
AFRICAN UNITY**  
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**ORGANISATION DE L'UNITE  
AFRICAINNE**  
Secretariat  
B. P. 3243

Addis Ababa • اديس ابابا

COUNCIL OF MINISTERS  
Forty-second Ordinary Session  
10 - 16 July, 1985  
Addis Ababa, Ethiopia

CM/1335(XLII)  
Annexes 1 - 3

THE SPECIAL EMERGENCY ASSISTANCE FUND  
FOR DROUGHT AND FAMINE IN AFRICA

STATUTE ESTABLISHING  
THE SPECIAL EMERGENCY ASSISTANCE  
FUND FOR DROUGHT AND FAMINE IN AFRICA

PREAMBLE

The Assembly of Heads of State and Government of the Organization of African Unity, meeting in its Twenty-first Ordinary Session in Addis Ababa, Ethiopia, from 18 to 20 July, 1985,

Recalling the principles and objectives of the Charter of the Organization of African Unity (OAU),

Recalling further the recommendation in the Lagos Plan of Action (LPA) on the setting up of an African Food Relief Support,

Recalling further its Resolution AHG/Res.133 (XX) in which it decided at its Twentieth Ordinary Session held in Addis Ababa in November 1984, to establish a Special Emergency Assistance Fund for Drought and Famine in Africa,

Convinced that the establishment of a Special Emergency Assistance Fund for Drought and Famine in Africa, will enhance an effective African response to the Emergency situation created by drought and famine in the African Continent:

ADOPTS the Statute for the Special Emergency Assistance Fund for Drought and Famine in Africa with the following provisions:

CHAPTER I

TERMS

ARTICLE I:

Unless otherwise specified, the following terms shall mean:

- a) "Member States" the Member States of the Organization of African Unity (OAU);
- b) "Bank" the African Development Bank (ADB);
- c) "Fund" the Special Emergency Assistance Fund for Drought and Famine in Africa;
- d) "General Secretariat" the General Secretariat of the Organization of African Unity;
- e) "Secretary-General" the Secretary-General of the Organization of African Unity, etc ...;
- f) "Assembly" Assembly of Heads of Heads of State and Government of the OAU;
- g) "Committee" Policy Committee of the Fund.

CHAPTER II

OBJECTIVES AND FUNCTIONS

ARTICLE 2: OBJECTIVES

The principal objectives of the Fund shall be:

- (i) To provide emergency assistance to African countries affected by drought and/or famine;
- (ii) To provide immediate financial and material assistance in support of national activities and programmes which are designed to reduce the impact of drought and/or famine in Africa.

ARTICLE 3: FUNCTIONS

In order to attain its objectives, the Fund shall give emergency relief assistance by way of subvention, grants, and/or loans at the request of Member States affected by drought and famine. Such subvention, grants or loans shall be used for:

- (i) Food acquisition as well as the financing of services required to that effect;
- (ii) Financial support to beneficiary countries for projects aimed at combating drought and famine as well as for the development of food crop production.

CHAPTER III

ARTICLE 4: MEMBERSHIP

All Member States of the Organization of African Unity are members of the Fund.

CHAPTER IV

ARTICLE 5: RESOURCES

1. The resources of the Fund shall consist of:
  - (i) Voluntary financial contributions from Member States of the Organization of African Unity;
  - (ii) Contributions from the Organization of African Unity;
  - (iii) The other financial sources of the Fund shall consist of gifts and bequests of African and non-African origin which are approved by the Committee.
2. The financial resources of the Fund shall be expressed in United States Dollars.

ARTICLE 6: USE OF RESOURCES

The resources of the Fund shall be used for:

- (i) the provision of emergency grants to OAU Member States affected by drought and/or famine;
- (ii) the granting of subventions to OAU Member States to enable them combat drought and/or famine;
- (iii) the granting of loans to OAU Member States in respect of financing projects which are in conformity with the objectives of the Fund;
- (iv) approved payment by the Committee for administrative and other expenses involved in the operation of the Fund.

ARTICLE 8 MANAGEMENT OF RESOURCES

The financial resources of the Fund shall be deposited in a special account with the African Development Bank. The Secretary-General on behalf of the Fund, shall negotiate and sign a management agreement with the President of the African Development Bank in which the terms and conditions of management and disbursement of the financial resources shall be stipulated. The Policy Committee shall approve the management agreement.

CHAPTER V

Organization and Management of the Fund

ARTICLE 7: STRUCTURE OF THE FUND

1. The administration of the Fund shall be the responsibility of the Policy Committee which is the supreme organ of the Fund and responsible for:
  - (i) determining the policy of the Fund;
  - (ii) granting of emergency relief assistance, and subventions, as well as grants or loans, including the determination of their terms and conditions;
  - (iii) approval of administrative and other expenses related to the operation of the Fund;
  - (iv) the formulation of programmes of financial resource mobilization in and outside Africa;
  - (v) the control of the management of the resources of the Fund.
2. The Policy Committee shall establish its own rules of procedure.
3. Membership of the Policy Committee shall consist of thirteen Member States of the Organization of African Unity. Six Member States shall serve for a period of two years and the seven others for a period of three years.
4. The members of the Committee shall be elected by the Council of Ministers on the basis of rotation and the principle of equitable regional distribution.

5. The Secretary-General and his staff shall service the meeting of the Committee.
6. The Executive Secretary of the United Nations Economic Commission for Africa (ECA) and the President of the African Development Bank (ADB) or their appointed representatives shall attend the meeting of the Committee as observers.

#### ARTICLE 9:

The Secretary-General shall be the General Manager of the Fund. He shall be responsible for the management of the Fund in accordance with decisions taken by the Committee. In this regard, he is empowered to enter into any legal agreement which will facilitate the implementation of these decisions and to represent the Fund. He shall be answerable to the Committee.

#### CHAPTER VI

##### General Provisions

#### ARTICLE 10:

1. The Fund may terminate its operations by a two-thirds majority decision of Member States of the OAU. After termination of operations, the Fund shall forthwith cease all activities, except those which are incidental to the orderly realization, conservation and preservation of its assets and settlement of its obligations. The Fund shall remain in existence until a final settlement of its obligations and disposal of assets are completed.
2. In the event of dissolution, the liquidation of the Fund shall be effected by a Liquidator appointed by the Council of Ministers.
3. After the liquidation of the Fund, the Liquidator shall ensure that all its assets are transferred to the regular budget of the OAU.

#### CHAPTER VII

##### Privileges and Immunities of the Fund

#### ARTICLE 11:

1. The Fund, its assets, income and other earnings shall enjoy the privileges and immunities provided for in the General Convention on the Privileges and Immunities of the OAU.
2. Any dispute arising between the Fund and a third party relating to the supply of goods and services shall be settled amicably or, failing which, it shall be submitted to an Arbitrator acceptable to both parties.

CHAPTER VIII

Settlement of Disputes

ARTICLE 12:

All disputes arising between Member States as to the interpretation or application of the present statute shall be referred to the Assembly of Heads of State and Government through the Council of Ministers. The decision of the Assembly shall be final.

CHAPTER IX

Final Provisions

ARTICLE 13: AMENDMENTS

The present Statute may be amended by a two-thirds majority decision of the Member States.

ARTICLE 14: ENTRY INTO FORCE

This Statute shall enter into force from the date of its adoption by the Assembly of Heads of State and Government of the Organization of African Unity.

ADOPTED IN ADDIS ABABA This ...~~20th~~..... day of July 1985 in a single copy in the English, French and Arabic languages, all the three texts being equally authentic.

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Annex II

SPECIAL EMERGENCY ASSISTANCE FUND FOR

DROUGHT AND FAMINE IN AFRICA

CRITERIA AND CONDITIONS FOR APPROVAL

OF GRANTS AND/OR LOANS

THE SPECIAL EMERGENCY ASSISTANCE FUND FOR  
DROUGHT AND FAMINE IN AFRICA

THE CRITERIA AND CONDITIONS FOR APPROVAL  
OF LOANS AND/OR GRANTS

By its Resolution CM/Res. 962 (XLI) adopted at its 41st Ordinary Session, the Council of Ministers called on the Interim Policy Committee to inter-alia, draw up the criteria for approval of loans or grants, including their terms and conditions. During its first meeting held from 14 - 18 May, 1985, the Committee accordingly drew up the following conditions for approving grants and loans. In drawing up these criteria, the Committee was cognizant of the special and emergency nature of the Fund and of the necessity for flexibility and urgent action in consideration, approval and disbursement of the requested resources.

A. GRANTS

1. (a) Only Member States of the OAU affected by drought and/or famine shall be eligible for assistance from the Fund;
- (b) Member States seeking assistance from the Fund should do so in writing;
- (c) The requesting countries should give an undertaking to the Fund to the effect that grants provided will be used only for the purposes for which they are granted, which should exclude requests for developmental or income-generating activities, and within the time specified. There should also be an agreement between the Fund and the requesting countries that would authorize and facilitate inspection of the utilization of the Fund's resources;
- (d) The requesting countries having previously benefitted from grants by the Fund, should submit reports on how the grants had been utilized.

B. LOANS

- II. (a) The projects to be financed from loans by the Fund must be directly related to the production of food or the prevention, elimination or mitigating the impact of drought and/or famine;
- (b) The Fund shall provide loans for projects, directly related to the objectives of the Fund in the rural areas with the participation of rural population;



- (c) The projects should be developmental or income-generating in nature;
- (d) The decision to provide loans should be based on the nature of the requests or activities to be financed, as stated in (c) above, and should take into account a report which should be prepared on the situation in the requesting countries;
- (e) The requesting countries must agree to fulfill the conditions and terms to be stipulated, including the servicing of loans on schedule, repayment in full of the capital with interest if any; the provision of guarantees, and use of loans only for the purposes approved in the loans agreement; the provision of information on the general performance of the projects financed with the loans.

C. OPERATING PROCEDURES

III.

- (a) Member States seeking assistance from the Fund to tackle drought and/or famine should address their requests to the Secretary-General, stating in detail the nature and extent of the problem, as well as the type of assistance sought;
- (b) Upon receipt of the requests, the Secretary-General as soon as possible after consultation with the Chairman of the Committee, may, if deemed necessary, despatch fact-finding missions to the countries to undertake an on-the-spot assessment of the situation, and report back to him;
- (c) With the information provided on the situation of the countries, the Secretary-General shall contact the Chairman of the Committee with a view to convening as soon as practicable, the Committee to consider the matter;
- (d) The Committee will have to be satisfied that the situation in the requesting countries warrants the provision of grants or loans on the basis of an assessment of the capability and economic situation in the requesting countries, and upon available information;
- (e) Assistance from the Fund in the form of grants will be in case where requests are for the urgent provision of food for immediate consumption by the affected population;

- (f) The Secretary-General will immediately take steps to implement the decisions of the Committee generally as follows:
- (i) In the case of approved grants or loans, he will inform the countries concerned, draw-up the necessary instruments and ensure an early negotiation and signature. He will then request the African Development Bank with copies of the signed instruments, to make the approved grants or loans available to the countries concerned or their designated agents according to the amounts and conditions approved by the Committee;
  - (ii) In case of requests or applications that are turned down by the Committee, he will inform the countries concerned accordingly;
  - (iii) In other cases, he will take action as the Committee may direct;
  - (iv) The Secretary-General will ensure an effective monitoring of the utilization of the loans and grants approved by the Committee and prepare periodic evaluation reports on the effectiveness of the operation.

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Annex III

ORGANIZATION OF AFRICAN UNITY

RULES OF PROCEDURE OF THE POLICY COMMITTEE

OF

THE SPECIAL EMERGENCY ASSISTANCE FUND FOR DROUGHT AND FAMINE

IN AFRICA

RULES OF PROCEDURE OF THE POLICY COMMITTEE OF THE SPECIAL  
EMERGENCY ASSISTANCE FUND FOR DROUGHT AND FAMINE  
IN AFRICA

PREAMBLE:

The Interim Policy Committee meeting in its First Ordinary Session in Addis Ababa, Ethiopia, from 14 - 18 May 1985.

Considering Resolution AHG/Res. 133 (XX) of the Assembly of Heads of State and Government of the Organization of African Unity establishing a Special Emergency Assistance Fund for Drought and Famine in Africa,

Recalling Resolution CM/Res. 962 (XLI) by which the Council of Ministers decided to create an Interim Policy Committee of Twelve (12) Member States, defined its mandate and directed it to draw-up its rules and operating procedures in accordance with the report of the 41st Ordinary Session of the Council,

Guided by the Statute of the Fund;

ADOPTS the following Rules of Procedure of the Policy Committee on the Special Emergency Assistance Fund for Drought and Famine in Africa:

DEFINITIONS

Rule I: Unless otherwise specified the following terms shall mean:

- (i) "Committee": the Policy Committee on the Special Emergency Assistance Fund for Drought and Famine in Africa;
- (ii) "Fund": the Special Emergency Assistance Fund for Drought and Famine in Africa;
- (iii) "Secretary-General": the Secretary-General of the Organization of African Unity (OAU);
- (iv) "Bank": the African Development Bank;
- (v) "Council": the Council of Ministers of the OAU;
- (vi) "Member States": the Member States of the OAU.

COMPOSITION

- Rule 2: The Committee shall be composed of representatives of thirteen (13) Member States of the Organization of African Unity. Six Member States shall serve for a period of two years and the seven others for a period of three years.
- Rule 3: The Government of each of the thirteen Member States shall communicate to the Secretary-General, the name and designation of its duly accredited representative, and alternate: the representatives may be accompanied by advisors.
- Rule 4: The Committee is answerable to the Council of Ministers.

SESSIONS OF THE COMMITTEE

- Rule 5:
- (a) The Committee shall meet in Ordinary Sessions, once every six months, and in extra-ordinary Sessions as and when necessary at the request of the Chairman or at least by the absolute majority of Members of the Committee.
  - (b) In agreement with the Chairman, the Secretary-General shall notify Members of the Committee of the dates and venue of the Ordinary Sessions at least fifteen days, and in case of Extraordinary Sessions at least seven days, in advance.

VENUE OF MEETINGS

- Rule 6: Meetings of the Committee shall normally be held at the Headquarters of the OAU, except where a Member State of the OAU invites the Committee to meet in its country.

OPEN AND CLOSED MEETINGS

- Rule 7:
- (a) All meetings of the Committee shall be held in closed session unless otherwise decided by the Committee.
  - (b) The Secretary-General or his appointed representative shall be the Secretary to the Committee and shall provide technical and administrative support.
  - (c) The Executive Secretary of the United Nations Economic Commission for Africa (ECA) and the President of the African Development Bank (ADB) or their duly appointed representative shall attend the meetings of the Committee in a technical consultative capacity.

- (d) The Committee may invite Advisors and/or Experts to its meetings to assist in technical or operational matters.

WORKING LANGUAGES

Rule 8: The working languages of the Committee shall be the working languages of the Organization of African Unity.

ELECTION OF OFFICERS AND TERMS OF OFFICE

- Rule 9:
- (a) The Committee shall elect by consensus its officers composed of a Chairman and a Vice-Chairman, by rotation according to the French alphabetical order;
  - (b) The officers shall serve for one year.

- Rule 10:
- (a) The Chairman shall open, adjourn or close meetings; he shall direct the debate, grant the use of the floor, summarise the views advanced so as to arrive at a consensus or if necessary submit to a vote matters under discussion and announce the results;
  - (b) The Chairman, in consultation with the Secretary-General, shall report on the activities of the Committee to the Council;
  - (c) In the event of the absence of the Chairman, the Vice-Chairman shall act in his place. If both the Chairman and the Vice-Chairman are absent the Committee shall elect one of its members present to preside over its proceedings.

AGENDA

Rule 11: The provisional agenda of the Sessions of the Committee shall be drawn-up by the Secretary-General in consultation with the Chairman, and communicated to the Members of the Committee at least fifteen days before the dates fixed for the ordinary sessions, and seven days before the dates fixed for the Extraordinary Sessions.

QUORUM

Rule 12: A quorum shall be made up of two-thirds of the absolute majority of the Members of the Committee.

VOTING RIGHTS

Rule 13: Each Member shall have one vote.

MAJORITY REQUIRED

Rule 14: All decisions of the Committee shall be taken by consensus or whenever considered necessary, by a two-thirds majority of the members present on important issues and by simple majority of the Members present on procedural issues as well as on questions whether an issue is procedural or not.

METHOD OF VOTING

Rule 15: Votes shall be taken by show of hands unless the Committee decides otherwise.

MINUTES

Rule 16: The Secretary-General shall prepare the minutes of meetings of the Committee and circulate them to all the Members of the Committee.

AMENDMENTS

Rule 17: These Rules of Procedures may be amended by two-thirds (2/3) majority of the members of the Committee.

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