

African Union, African Regional Bodies

Constitution of the Association of African Trade Promotion Organizations

Legislation as at 18 January 1974

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PDF created on 31 October 2024 at 09:36.

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FRBR URI: /akn/aa-au/act/1974/association-of-african-trade-promotion-organizations/eng@1974-01-18

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African Union

Constitution of the Association of African Trade Promotion Organizations

Published

Commenced on 28 March 2012

[This is the version of this document at 18 January 1974.]

Preamble

The Governments on whose behalf this Constitution is signed:

1. *Being aware* of the significant role that African trade promotion organizations have to play in the economic development of the region;
2. *Having regard* to the advantage for the region to be derived from the effective and continuous exchange of information and co-ordination of activities in the field of trade promotion especially as regards intra-African trade;
3. *Recognizing* that the creation of an Association of African Trade Promotion Organizations for the study, discussion and promotion of African trade matters would best serve these purposes;

Have agreed as follows:

Article I – Establishment of the Association

1. The Association of African Trade Promotion Organizations (AATPO) (hereinafter referred to as "the Association") is hereby established and shall operate and be governed according to the provisions of this constitution.
2. The Association shall operate under the aegis of the Organization of African Unity and the United Nations Economic Commission for Africa.

Article II – Objectives and functions

1. The main objectives of the Association shall be to foster contact and regular flow of information and communication between African countries in trade matters and to assist in the harmonization of the commercial policies of African countries in order to promote intra--African trade.
2. The Association shall serve as an instrument for the promotion of trade market research and export-oriented investments particularly within Africa.
3. For the purposes set out in paragraphs 1 and 2 of this Article the Association shall:
 - (a) provide for meetings of the Association and its organs;
 - (b) assist member States to establish national trade promotion organizations or associations;
 - (c) assist member States in the strengthening of their existing trade promotion organizations or association;
 - (d) promote the exchange of ideas and experience in trade promotion generally and intra-African trade in particular;

- (e) advise member States in the formulation of trade policies conducive to trade exchanges and increased intra-African trade;
- (f) make recommendations to member States on various aspects of African trade;
- (g) assist in organizing sub-regional trade information centres for the dissemination of trade information among member States;
- (h) arrange contacts and organize meetings for African businessmen concerned with intra-African trade and its various aspects; and
- (i) do all such other things as would enable the Association to achieve its objectives.

Article III – Membership

1. Membership of the Association shall be open to all African States which are members of the Organization of African Unity and the United Nations Economic Commission for Africa.
2. For the purposes of this Constitution, a member State may designate from within its territory, the national association or organization concerned with trade promotion by which it shall be represented, to exercise the powers of a member State prescribed in paragraph 1 of Article VII, taking into account the desirability of ensuring the development of intra-African trade.
3. Membership of the Association shall be acquired in accordance with the provisions of Article XV of this Constitution.

Article IV – Obligations of member States

1. Member States shall co-operate in every possible way to assist the Association in achieving its objectives. They shall in particular:
 - (a) facilitate the collection, exchange and dissemination of information;
 - (b) submit all necessary reports and information to the competent organs of the Association;
 - (c) make available training and research facilities on such terms and conditions as may from time to time be agreed with the appropriate organ of the Association;
 - (d) make available personnel on such conditions as may be agreed with the appropriate organ of the Association; and
 - (e) pay their annual contributions as assessed by the General Assembly and such special contributions as may be determined by the General Assembly.

Article V – Status, structure and organization of the Association

1. To enable it to achieve its purposes and to perform its functions, the Association shall in accordance with the laws of the country where its headquarters is established, seek and acquire legal capacity to acquire, hold, manage and dispose of land and other property, enter into contracts, accept and make loans, grants, gifts and contributions, and to sue and be sued.
2. The organs of the Association shall be:
 - (a) the General Assembly and its Bureau;
 - (b) the Sub-regional Conferences;
 - (c) the Secretariat;

- (d) the National Associations; and
- (e) such other bodies as are established by the General Assembly and the Sub-regional Conferences.

Article VI – Facilities, immunities and privileges

1. The Government of the State in whose territory the Headquarters of the Association shall be situated shall grant to the Association, privileges and immunities accorded to the Organization of African Unity or the United Nations. Furthermore, it shall grant to the officials of the Secretariat the same immunities and privileges as are accorded to the Organization of African Unity or the United Nations officials of comparable rank.

Article VII – The General Assembly

1. The General Assembly shall consist of the representatives of all member States; provided however that each member State shall have only one vote at the meetings of the General Assembly.
2. The General Assembly shall meet once in two years in regular session and emergency sessions may be convened in accordance with rules made by the General Assembly.
3. The General Assembly shall elect from amongst its members, a President, two Vice-Presidents and a Rapporteur who shall also together form the Bureau of the General Assembly.
4. The General Assembly shall:
 - (a) determine the general policies of the Association;
 - (b) determine the contributions of member States in respect of the expenditure involved in the running of the affairs of the Association and its subsidiary bodies;
 - (c) consider and approve the annual reports on the activities of the Association and the accounts of the Association;
 - (d) consider and approve the draft programme of work and the draft budget of the Association;
 - (e) determine the conditions of admission of associate members and observers of the Association; and
 - (f) consider and adopt rules and general directions governing the activities of the Association and its subsidiary bodies.
5. The General Assembly may establish such subsidiary organs that it deems necessary and may delegate any of its functions to an organ of the Association.
6. Subject to the provisions of this Constitution, the General Assembly shall prescribe its own rules of procedure including those for convening its meetings, the conduct of such meetings, and the quorum and voting thereat and for the dissemination of the report of its meetings.
7. The Bureau of the General Assembly shall under the direction of the President:
 - (a) consider the annual reports on the activities of the Association and the accounts of the Association and submit them to the General Assembly for approval;
 - (b) consider the draft programme of work and the draft budget of the Association and submit them to the General Assembly for approval;
 - (c) consult with the Secretariat or, actions that may be undertaken by the Association or its organs in furtherance of the objectives of the Association; and
 - (d) within the limits of the programme of work and the budget of the Association, review, direct and co-ordinate the activities of the organs of the Association.

Article VIII – Sub-regional conferences

1. A sub-regional conference shall consist of the representatives of the member States within a sub-region of Africa as defined by the United Nations Economic Commission for Africa.
2. A sub-regional conference shall among other things:
 - (a) oversee the implementation of the decisions and policies of the General Assembly concerning its sub-region;
 - (b) be responsible for the obtaining and dissemination of commercial intelligence concerning the trade of the member State of its sub-region;
 - (c) take decisions on matters concerning its sub-region and member States of its sub-region which are not inconsistent with the decisions and policies of the General Assembly;
 - (d) establish such subsidiary bodies as it deems necessary for the carrying out of its functions; and
 - (e) have such other functions and responsibilities as may be determined or delegated to it by the General Assembly.
3. A sub-regional conference shall elect its officers and prescribe its own rules of procedure; provided however that each member State of a Sub-regional conference shall have only one vote at a meeting of a Sub-regional Conference.

Article IX – The Secretariat

1. The General Assembly shall establish a permanent Secretariat of the Association within a maximum period of eighteen months from the date of its first meeting and prescribe its functions. The Secretariat of the Association, when established, shall have such other functions and responsibilities as the Bureau of the General Assembly may determine.
2. The Secretariat shall be headed by a Secretary-General assisted by such other officials as may be determined by the General Assembly. Until such a Secretariat is established, the Africa Trade Centre of the United Nations Economic Commission for Africa and the Secretariat of the Organization of African Unity shall jointly constitute the Secretariat of the Association.

Article X – National associations

1. A national association shall be organized on a broad basis in each member State and shall be the organ of the Association through which the services and other activities of the Association relating to the member State shall be considered, channelled and co-ordinated.
2. A national association shall also act as the centre for information about the activities of the Association in a member State and shall have such other functions as the General Assembly may determine.

Article XI – Amendments

1. This Constitution may be amended by a two-thirds majority of all members of the Association. Member States who are not represented at such a meeting may signify their votes in writing or by proxy; provided however that this Constitution may not be amended unless a written notice of a proposed amendment shall have first been given to all the member States at least three months before the meeting of the General Assembly at which such a proposed amendment is to be considered.

Article XII – Suspension, withdrawal, and cessation of membership

1. Any member State which persistently fails to fulfil any of its obligations under this Constitution may be suspended from membership of the Association by the General Assembly on such terms as the General Assembly may determine. However, such State's rights and privileges may be restored upon fulfilment of its obligations.
2. Any member State may withdraw from the Association after the expiration of one year from the date on which it acquired membership of the Association by giving a written notice of its withdrawal to the President of the General Assembly who shall forthwith inform all members of the Association and the Secretariat of the receipt of such notice of withdrawal and shall transmit the originals of such notice of withdrawal to the Administrative Secretary-General of the Organization of African Unity.
3. Withdrawal from the Association shall become effective one year from the date of receipt by the President of the General Assembly of a notice of withdrawal. Provided that during the period of such one year a member State withdrawing from the Association shall nevertheless remain liable for the discharge of its obligations incurred under the provisions of this Constitution.
4. Any member State which fails without reasonable cause to fulfil its obligations incurred under the provisions of Article IV of this Constitution within two years from the time when such obligations should have been fulfilled, shall *ipso facto* cease to be a member State at the end of such two years. However, such State's membership in the Association may be reconsidered by the General Assembly upon receipt of the State's application.

Article XIII – Arbitration

1. Any dispute arising between member States concerning the provisions of this Constitution shall be settled in accordance with this Article.
2. The General Assembly shall appoint an *ad hoc* committee to solve this problem.

Article XIV – Dissolution of the Association

1. The Association may be dissolved by a resolution to that effect adopted by a two-thirds majority of all member States of the Association.
2. The General Assembly shall appoint a Committee for the purpose of liquidating the assets and/or liabilities of the Association in a manner as may be decided by the General Assembly.

Article XV – Final provisions

1. This Constitution shall be open for signature by all member States referred to in Article III of this Constitution until 31 December 1974, at the Headquarters of the Organization of African Unity. Two original copies in both English and French shall be deposited with the Administrative Secretary-General of the Organization of African Unity.
2. This Constitution may be subject to ratification by Governments of signatory States in accordance with the laws of such States. The Instruments of Ratification or Accession shall be deposited with the Administrative Secretary-General of the Organization of African Unity.
3. This Constitution shall provisionally come into force upon signature by twelve States and shall formally come into force upon ratification or approval by twelve States signatory to this Constitution. After the expiry of the period stipulated in paragraph 1 of this Article, any State referred to in Article III of this Constitution may accede to this Constitution upon acceptance of the provisions of this Constitution.

4. The Administrative Secretary-General of the Organization of African Unity shall transmit copies of this Constitution, Instrument of Ratification or Accession to all member States and to the Executive Secretary of the United Nations Economic Commission for Africa.

IN WITNESS HEREOF the undersigned being authorized by their respective Governments have signed, this Constitution on the dates appearing under their signatures.

DONE at Addis Ababa this Eighteenth day of January Nineteen Hundred and Seventy-four in two original copies in the English and French languages both of which are equally authentic.