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REPORT OF THE MEETING OF AFRICAN PURCHASING AND SUPPLIES
OFFICERS FOR THE ESTABLISHMENT OF AN AFRICAN PURCHASING
AND SUPPLIES ASSOCIATION

Dakar, 28 May - 1 June 1973

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PART I: ORGANIZATION AND ATTENDANCE

1. The meeting of African Purchasing and Supplies Officers for the establishment of an African Purchasing and Supplies Association took place in Dakar from 28 May to 1 June 1973.
2. The meeting was organized by the Economic Commission for Africa with the financial assistance of the Swedish International Development Authority (SIDA). The main purpose of the meeting was to examine the draft statutes for the establishment of an African purchasing and supplies association and to prepare a report with appropriate recommendations for the African Governments on the establishment of the association. The meeting also discussed several practical problems facing procurement services and officers in African countries.
3. Representatives of various procurement services of the following African countries were present: Algeria, Central African Republic, Cameroon, Ethiopia, Gambia, Ghana, Ivory Coast, Mali, Morocco, Senegal, Sierra Leone, Tanzania, Tunisia, Uganda, Upper Volta and Zaire. The meeting was attended by observers representing UNITAR, UNCITRAL, UNCTAD, IBRD and Crown Agents.
4. Opening statements were read on behalf of the Senegalese Government by Mr. Birahim Gallo Fall and on behalf of the Executive Secretary of the Economic Commission for Africa by the Co-ordinator of the meeting. The Director of UNITAR and Mr. Truesaw Meshesha also made opening statements on behalf of the participants.
5. The meeting elected Mr. Mansour Gueye (Senegal) as Chairman and Mr. Shasheekant Joshee (Tanzania) and Mr. Makuala Nvuavua (Zaire) as Vice-chairmen. Mr. Truesaw Meshesha (Ethiopia) and Mr. Abdelaziz Zaari (Morocco) were elected Rapporteurs.
6. The agenda adopted was as follows:
 - (1) Opening of the meeting
 - (2) Election of officers
 - (3) Adoption of the agenda and organization of the work of the meeting
 - (4) Establishment of the African Purchasing and Supplies Association (APSA)
 - (5) Practical problems facing procurement services and officers in developing African countries:
 - (a) The role of procurement officers in developing Africa;
 - (b) Procurement problems faced by African national purchasing institutions;
 - (c) Purchasing policies of African Governments and how they can be used to assist in the expansion of intra-African trade;

- (d) UNCITRAL's work on general conditions of sale and standard contracts and the role that the Association could play in the furtherance of this work;
 - (e) Measures for aiding developing African countries in their international procurement for public sector purposes, including the establishment of advisory services;
 - (f) Training opportunities for procurement officers in developed countries.
- (6) Any other business
 - (7) Date and place of the inaugural meeting of the African Purchasing and Supplies Association
 - (8) Adoption of report and recommendations.

7. A list of documents prepared for the meeting by ECA, UNCITRAL, UNITAR, UN Public Administration Division can be found in Annex II.

8. At the end of its deliberations the meeting adopted this report including recommendations to African governments for the establishment of an African Purchasing and Supplies Association (APSA). The draft statutes of the Association are reproduced in Annex I.

PART II: ACCOUNT OF PROCEEDINGS

9. The meeting attached great importance to agenda item 4 - The establishment of the African Purchasing and Supplies Association. It decided to review agenda items 5(c), 5(d), 5(e) and 5(f) during the first day of the meeting. Agenda items 5(a) and 5(b) were considered after the draft statutes on the establishment of the Association.

10. The background to the establishment of an African Purchasing and Supplies Association was outlined by the Director of the UNITAR Procurement Training Programme during the discussion on the regional seminars conducted on international procurement and the paper "Public procurement issues" (UNITAR/EUR/PTP/27). It was recalled that the participants at the Nairobi seminar (5-25 March 1972) had taken the initiative to propose the establishment of the African Purchasing and Supplies Association (APSA) whose main objectives would be to improve procurement services in African countries. The participants at the Dakar Seminar accepted the principle of establishing the Association and indicated that this would require the sanction of the African governments.

Purchasing policies of African governments and how they can be used to assist in the expansion of intra-African trade 5(c)

11. The representative of the Economic Commission for Africa introduced a paper (E/CN.14/APSA/3) which inter alia dealt with the current situation in Africa in the field of international procurement, the volume of international procurement, trends and policies of main donor groups, and recommendations.

12. He strongly emphasized the need for co-ordinating the purchasing policies of African countries. Such a step would make an important contribution to the expansion of intra-African trade. He also made it clear that the long-term interests and economic independence of African countries would require sacrifices if this goal were to be reached. Reference was also made to the fact that consideration of the export side of intra-African trade raised by some delegates had already been taken into account through the establishment of the Association of African Trade Promotion Organizations.

UNCITRAL's work on general conditions of sale and standard contracts and the role that the Association could play in the furtherance of this work 5(d)

13. The representative of UNCITRAL introduced a paper on the general conditions of sale and standard contracts (A/CN.9/78). He explained the work of UNCITRAL in this area, including the development of global general conditions of sale for voluntary use in international sales. He further outlined the contribution which APSA could make to the work of UNCITRAL. In discussing the various problems covered in the document, delegates pointed to the need for further elaboration of such difficult problems as standardisation and payments conditions with a view to protecting the interests of developing countries.

Measures for aiding developing African countries in their international procurement for public sector purposes, including the establishment of advisory services 5(e)

14. The representative of the UN Public Administration Division reviewed the various efforts undertaken by the Division in trying to improve procurement services in developing countries, and put forward certain suggestions for consideration by the meeting. In his view, a most suitable solution which had proved efficient in some African countries was to set up several functional or sectoral purchasing and supply agencies, each serving a group of departments, agencies and institutions bound by common technical and/or operational interests. Participants were in full agreement on the importance of better training and staff improvement. They strongly supported the suggestion that a recommendation should be included in the report calling for the review and up-grading in many countries of staff levels of grades and pay applicable to the work in this field, in order to attract and retain the right calibre of personnel in supply management work.

Training opportunities for procurement officers in developing countries 5(f)

15. The representative of UNITAR briefly introduced a paper (Doc. UNITAR/EUR/PTP/30) which reviewed on the job training opportunities in certain major donor countries. The document demonstrated that the annual number of fellowships for developing countries were rather limited and that the new country targets of UNDP assistance (IPF) hardly provided resources for training in the field of procurement. The participants agreed that there was a need for training procurement officers in Africa.

Draft statutes for an African purchasing and supplies Association (4)

16. The draft constitution (E/CN.14/APSA/2) was introduced by a representative of the ECA secretariat who recalled the recommendations of the Nairobi and Dakar seminars and explained that the draft constitution attempted to incorporate the principles contained in the resolutions of the Nairobi and Dakar Seminars. The Association would embody organisations in member States of OAU and ECA which were concerned with purchasing, supplies, stores and materials management and would be open for associate membership to individuals and other African organizations and bodies interested in the objectives and functions of the Association, on such conditions as the General Assembly might determine.

17. Some delegations expressed the opinion that the scope of the Association as proposed in the draft constitution was too narrow and suggested that it be enlarged to include such areas of activities as sales and transport. However, as most of the delegates pointed out, an association covering such varying fields would be unmanageable and, in addition, would duplicate activities of other already existing organizations. It was, therefore, agreed that the scope and purpose of the Association should stand as defined in the draft.

18. It was further agreed that the promotion of intra-African trade was not the primary objective of the Association but was expected to be achieved as a by-product of its activities and that consequently, references to this objective should not be given the prominence they reviewed in the preamble and various articles of the draft but should be deleted or modified accordingly.

19. The meeting also reached the consensus that the Association's activities should not involve political functions such as the co-ordination of policies on purchasing, supplies or materials management which were the prerogative of policy making authorities in particular countries. Thus, stipulations of this kind in all articles and paragraphs in the draft statutes should be eliminated or changed so that the technical and professional character of associate membership should not be open to individuals and private organizations.

20. After detailed consideration and discussion of all the articles of the draft constitution, the meeting prepared and agreed on a revised draft constitution which it recommended should be sent to Governments for their consideration.

21. A representative of the secretariat stated that the United Nations Economic Commission for Africa would be prepared to serve as a temporary secretariat of the Association as laid down in Article VIII of the Constitution of the Association, until such time as the General Assembly should establish its own secretariat and prescribe its functions. This would be subject to the condition that it did not involve the organization in additional identifiable expense, or that the cost of the activities arising out of its functions as a temporary secretariat were authorized by the competent organs and budgetary provisions made for that purpose.

Procurement problems faced by African national purchasing institutions 5(b)

22. The subject was introduced on behalf of the participants to the Nairobi Seminar on international procurement by Mr. J. Mishili (Tanzania). He raised several problems faced by African national purchasing institutions in respect of transport, standardization, payment, inferiority of supply and inadequate training facilities. The meeting recommended closer co-operation between the

African countries on a give and take basis. It also recommended that the 15 per cent margin in respect of IBRD financing of local tenders in developing countries should be substantially increased.

The role of procurement officers in developing Africa 5(a)

23. The main tasks of procurement services and officers in developing African countries were presented by Mr. Adama Diagne on behalf of the participants of the Dakar seminar. He stressed the need to gear the role of African procurement officers to their country's development policies and priorities. During the discussion, many delegates pointed out that while aiming at safeguarding the supply needs of their countries, African procurement officers should also bear in mind the broader interests of the African continent as a whole and direct their activities in such a way as to contribute, as much as possible, to the expansion of intra-African trade and economic co-operation among African countries and their development.

Any other business

24. Observers representing UNCTAD, Crown Agents and the IBRD made statements as follows:

- (a) The representative of UNCTAD dealt at length with the role of his organization and the modalities of its assistance.
- (b) The representative of the Crown Agents dealt with professionalism of the supply function and with the organization's efforts in helping developing countries to be self-reliant through the provision of training facilities and undertaking surveys on behalf of its principals. Many delegates felt strongly that the activities of the Crown Agents should place more emphasis on training rather than procurement.
- (c) The representative of the IBRD expressed deep satisfaction in attending the meeting which, in his view enabled him to get familiar with supply and procurement problems, seen from an African point of view. During the discussion, delegates pointed to certain instances where the Bank's conditions and credit management restricted unnecessarily the activities of the beneficiary. Thus, it was suggested, that the World Bank might adopt a more flexible attitude in the interest of assisting accelerated economic development of developing countries.

Date and place of the inaugural meeting of the African Purchasing and Supplies Association (AFSA)

25. The meeting decided that the inaugural meeting should be held in one of the North African Sub-region countries, preferably in Morocco and failing that Tunisia, in the first half of 1975.

PART III: RECOMMENDATIONS

Adoption of the report and recommendations

26. A draft report was submitted to the meeting by the rapporteurs. After detailed discussion the present text of the report was adopted.

27. The meeting adopted the following recommendations for submission to the Governments of African countries for consideration and approval:

1. That an African Purchasing and Supplies Association be established;
2. That the statutes of the Association adopted by the meeting be approved (Annex I);
3. That necessary measures be taken, as soon as possible, to provide adequate training opportunities for procurement personnel as well as up-grade staff levels and pay, so as to ensure the right calibre of professionals in the field of supply management.

ANNEX I

DRAFT CONSTITUTION OF THE AFRICAN PURCHASING AND SUPPLIES ASSOCIATION

Preamble

The Organizations on whose behalf this Constitution is signed:

Having regard to the advantage for Africa to be derived from the effective and continuous exchange of information and harmonization of activities in the field of purchasing, supplies, stores and materials management;

Being aware of the significant role that African purchasing and supplies organizations have to play in the economic development of Africa;

Convinced that the creation of an African Purchasing and Supplies Association for the study, discussion and promotion of purchasing, supplies, stores and materials management within Africa would best serve these purposes;

Have agreed as follows:

ARTICLE I

Establishment of the Association

The African Purchasing and Supplies Association (APSA) (hereinafter referred to as "the Association"), is hereby established and shall operate and be governed in accordance with the provisions of this Constitution.

ARTICLE II

Objectives and functions

1. The objectives of the Association shall be to:
 - (a) Study and promote sound purchasing, supplies, stores and materials management practices in Africa;
 - (b) foster, promote and assist in the teaching, study and development of knowledge and techniques relating to purchasing, supplies, stores and materials management; and
 - (c) contribute to the harmonization of the purchasing, supplies, stores and materials management methods of African countries.
2. For the purposes set out in paragraph 1 of this Article, the Association shall:
 - (a) provide for meetings of the Association and its organs;
 - (b) assist the members of the Association to establish national purchasing, supplies, stores and materials management associations;
 - (c) assist the members of the Association in the strengthening of their purchasing, supplies, stores and materials management organizations;

- (d) promote the study and development of knowledge and techniques relating to purchasing, supplies, stores and materials management generally and as they related to intra-African trade in particular, and the exchange of ideas and experience in such fields;
- (e) suggest to African Governments purchasing, supplies, stores and materials management methods which are conducive to increased intra-African trade;
- (f) assist in organizing information centres for the dissemination of information on purchasing, supplies, stores and materials management among its members; and
- (g) do all such other things as would enable the Association to achieve its objectives including the publication of an information journal.

ARTICLE III

Membership

Membership of the Association shall be open to the central government organization or satutory body of the member States of the Organization of African Unity and the United Nations Economic Commission for Africa which are concerned with purchasing, supplies, stores and materials management and where no such organization or body exists in a State referred to in this Article, a government organization or statutory body concerned with purchasing, supplies, stores and materials management designated for that purpose, by the government of that State.

ARTICLE IV

Obligations of members

Members of the Association shall co-operate in every way so as to assist the Association in achieving its objectives. They shall in particular:

- (a) facilitate the collection, exchange and dissemination of information in such manner and under such conditions as the General Assembly may determine;
- (b) submit all necessary reports and information as may be agreed with the competent organs of the Association, to such organs;
- (c) make available training and research facilities on such terms and conditions as may be agreed with the appropriate organ of the Association;
- (d) make available personnel to assist other members of the Association or the Association 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

Organization of the Association

1. To enable it to achieve its purpose 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;
 - (b) the Executive Board;
 - (c) the secretariat; and
 - (d) such other bodies as may be established by the General Assembly.

ARTICLE VI

The General Assembly

1. The General Assembly shall consist of a representative of each of the organizations or bodies which are members of the Association.
2. The General Assembly shall meet at least once in every two years; emergency meetings may be convened in accordance with rules made by it.
3. Each member of the General Assembly shall have only one vote at meetings of the General Assembly.
4. The General Assembly shall elect from amongst the members of the Association, its President, two vice Presidents and a rapporteur who shall hold office for four years and may be eligible for re-election.
5. The General Assembly shall:
 - (a) determine the general policies of the Association;
 - (b) consider and approve the programme of work, audited accounts and budget of the Association;
 - (c) review, direct and co-ordinate the activities of the organs of the Association;
 - (d) determine the contributions of members of the Association in respect of the expenditure involved in the running of the affairs of the Association and its organs;
 - (e) consider reports on the activities of the Association;
 - (f) determine the conditions of admission of members of the Association in pursuance of paragraph 2 of Article XIII of this Constitution;
 - (g) consider and adopt rules and general directions governing the activities of the Association and its organs; and
 - (h) appoint auditors of the Association.

6. The General Assembly may establish such bodies as it deems necessary and may delegate any of its functions to such bodies or an organ of the Association.

7. 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 reports of its meetings.

ARTICLE VII

Executive Board

1. The Executive Board shall consist of the President, the two Vice-presidents and a Rapporteur of the General Assembly, and shall

- (a) submit to the General Assembly reports on the activities of the Association;
- (b) submit for the approval of the General Assembly the programme of work, audited accounts and budget of the Association;
- (c) determine in consultation with the secretariat the activities that may be undertaken by the Association or its organs in furtherance of the objectives of the Association; and
- (d) review, direct and co-ordinate the activities of the organs of the Association in between meetings of the General Assembly under conditions determined by the General Assembly.

2. The Executive Board shall meet at least once every year.

ARTICLE VIII

The secretariat

The General Assembly shall establish the secretariat, appoint its location and prescribe its functions. Until the secretariat is established, the United Nations Economic Commission for Africa shall constitute the secretariat of the Association.

ARTICLE IX

Amendments

This Constitution may be amended by a two-thirds majority of the members of the Association at a meeting of the General Assembly. Members of the Association 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 members of the Association at least three months before the meeting of the General Assembly at which such a proposed amendment is to be considered.

ARTICLE X

Suspension, withdrawal and cessation of membership

1. Any member of the Association who 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.
2. Any member of the Association may withdraw from the Association after the expiration of one year from the date on which membership of the Association was acquired, by giving written notice of withdrawal in original and duplicate copies to the President of the General Assembly who shall forthwith inform all members of the Association, the Depositary and the secretariat of the receipt of such notice of withdrawal and shall transmit the original copy of such notice of withdrawal to the Depositary.
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 of the Association withdrawing from the Association shall nevertheless remain liable for the discharge of obligations incurred under the provisions of this Constitution.
4. Any member of the Association failing to fulfil 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 of the Association at the end of such two years.

ARTICLE XI

Dissolution of the Association

The Association may be dissolved by a resolution to that effect carried by a two-thirds majority of the members of the Assembly at a meeting of the General Assembly and whereupon, the General Assembly shall appoint a committee for the purpose of liquidating the Association.

ARTICLE XII

Arbitration

1. Any dispute arising between members of the Association or between a member and the Association concerning the interpretation and application of the provisions of this Constitution and which cannot be settled by the parties concerned shall be submitted by any of the parties to the President of the General Assembly for settlement in accordance with the provisions of paragraph 2 of this Article.

2. Where any matter is submitted for settlement under the provisions of paragraph 1 of this Article, each party to a dispute shall nominate one person to serve on a Board of Arbitration and the two so nominated shall nominate a third person to act as Chairman of the Board of Arbitration. If within thirty days of the request for arbitration either party has not appointed an arbitrator or if within fifteen days of the appointment of two arbitrators the Chairman has not been appointed, either party may request the President of the General Assembly to appoint the arbitrator or the Chairman as the case may be.
3. Where a party to a dispute refuses or fails to nominate a person as provided in paragraph 2 of this Article to serve on a Board of Arbitration, such person shall be nominated by the President of the General Assembly.
4. The decision of a Board of Arbitration shall be final and binding on the parties concerned.

ARTICLE XIII

Signature and depositary

1. This Constitution shall enter into force when the original of this Constitution in the English and French languages shall have been signed on behalf of fifteen of the organizations or bodies referred to in Article III of this Constitution and whereupon such organizations or bodies shall become members of the Association:

Provided however that at least one of such organizations or bodies shall be from each of the sub-regions of Africa as defined by the United Nations Economic Commission for Africa.

2. The original of this Constitution shall be deposited with the Executive Secretary of the United Nations Economic Commission for Africa and other organizations or bodies referred to in Article III of this Constitution may become members of the Association on such conditions as the General Assembly may determine.
3. The Depositary shall transmit certified copies of this Constitution to all members of the Association and shall notify them of all requests for accession, suspensions, withdrawals and cessations of membership.
4. The General Assembly shall hold its first meeting not later than twelve months after the entry into force of this Constitution.

IN WITNESS WHEREOF the undersigned being authorized by or on behalf of their respective organizations have signed this Constitution on the dates appearing beside their signatures.

DONE at This day
of 197..... in two original
copies in the English and French languages both of which are equally authentic.