

**PARLIAMENTARY CONFERENCE OF THE ASSOCIATION
BETWEEN THE EEC AND THE AFRICAN STATES AND
MADAGASCAR**

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Report

drawn up on behalf of the Joint Committee

on

coordination of the activities of the 24 partner States of the Association
in international organizations for economic cooperation and development,
pursuant in particular to Protocol No. 5
to the Second Yaoundé Convention

Rapporteur: Mr E. GLINNE



At its meeting in Florence on 22 May 1970, the Joint Committee decided to submit to the Parliamentary Conference of the Association a working document on coordination of the activities of the 24 partner States of the Association in international organizations for economic cooperation and development, pursuant in particular to Protocol No. 5 to the Second Yaoundé Convention. The Joint Committee appointed Mr Hein rapporteur.

The Joint Committee examined matters relating to coordination of the activities of the 24 partner States of the Association at its meeting in Libreville on 30 October 1970.

After the death of Mr Hein, the Joint Committee appointed Mr Glinne rapporteur.

At its meeting at The Hague on 13 January 1972, the Parliamentary Conference of the Association examined Mr Glinne's working document and referred it back to the Joint Committee. At its meeting at The Hague on 14 January 1972, the Joint Committee appointed Mr Glinne rapporteur.

The motion for a resolution and accompanying explanatory statement were examined and unanimously adopted by the Joint Committee in Luxembourg on 31 May 1972.

The following were present: Mr Achenbach, President, Mr Ngo'o Mebe (Cameroon), Vice-President, Mr Glinne, Rapporteur, Mr Aigner, Mr Bersani, Mr Briot, Mr Ntakabanyura (Burundi), Mr Sevot (Central African Republic), Mr Bakouré (Chad), Mr Galibali (Congo), Mr Faboumy (Dahomey), Mr D'Angelosante, Mr Fellermaier, Miss Flesch, Mr Bouanga (Gabon), Mr Ebagnitchie (Ivory Coast), Mr Kollwelter (deputizing for Mr Galli), Mr Andrianatoro (Madagascar), Mr Sissoko (Mali), Mr Fall Babaha (Mauritania), Mr Gaoh (Niger), Mr Riedel (deputizing for Mr Werner), Mr Ndahayo (Ruanda), Mr Seefeld, Mr Guillabert (Senegal), Mr Giama (Somalia), Mr Spénale, Mr Buda (Upper Volta), Mr Kassongo (Zaire).

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MOTION FOR A RESOLUTION

on coordination of the activities of the 24 partner States of the Association in international organizations for economic cooperation and development, pursuant in particular to Protocol No. 5 to the Second Yaoundé Convention

The Parliamentary Conference of the Association,

- meeting at Kinshasa from 29 to 31 March 1973, pursuant to Article 52 of the Convention of Association between the European Economic Community and the African and Malagasy States, signed at Yaoundé on 29 July 1969,
 - recalling its resolution of 13 January 1972, and in particular section 2¹ thereof,
 - having regard to the report presented by Mr Glinne on behalf of the Joint Committee (Doc. 41),
1. Believes that more energetic efforts should be made by the partners in the Association in order to work actively towards a constructive political dialogue between the EEC and AASM;
 2. Invites the Council of the Communities to take all necessary steps to prevent the consultation of the AASM, for which provision is made in Protocol No. 5, from becoming purely formal, in particular by organizing a constructive dialogue between the partners, involving detailed examination of relevant issues;
 3. Believes that closer consultation between the partners in the Association - especially after the enlargement of the EEC - should result in common international action with a view to the conclusion of world agreements on primary commodities, beginning with cocoa;
 4. Stresses the importance of the procedure for consultation and information on commercial policy and calls upon the Council of Association to devote greater space in its activity report to the implementation of decision No. 35/71 on this procedure;
 5. Invites its President to forward this resolution and the accompanying report to the Council of Association, the European Parliament and the Parliaments of the Associated States and also to the Council and Commission of the European Communities.

¹ Official Journal of the European Communities C 11, 7 February 1972, p. 7.

EXPLANATORY STATEMENTI. Scope of coordination

1. The problems raised by the proposed coordination of the activities of the 24 partner States of the Yaoundé Association concern not only the economic sector but also the joint representation of political interests.

Several provisions in the Convention of Association - see in particular the preamble¹ - indicate that the members of the Association did in fact envisage the pursuit of common political aims. The Contracting Parties wish to 'demonstrate their common desire for cooperation on the basis of complete equality and friendly relations'; this affirmation necessarily implies that they wish to achieve a measure of political coordination or, conversely, that they will abstain from any measure which might be interpreted by one or more partners as an 'unfriendly act'.

Your committee believes that, broadly speaking, economic policy cannot be isolated from considerations of general policy. If the political positions of the partners conflict, it becomes impossible to achieve and defend jointly, in relations with other countries, a compromise between the economic interests of sovereign States. However, questions of general policy will only be dealt with in these pages where this is necessary to ensure a fuller understanding of the whole situation.

2. The volume of joint activities of the 24 partner States of the Association in international organizations for economic cooperation and development² - and

¹ '(The Contracting Parties)...

- wishing to demonstrate their common desire for cooperation on the basis of complete equality and friendly relations, observing the principles of the Charter of the United Nations,
- determined to pursue their efforts together with a view to the economic, social and cultural progress of their countries...'

² In particular UN agencies (UNCTAD, UNDP, FAO, UNIDO), UN regional economic commissions (ECE and ECA), GATT and the organizations responsible for administering international agreements on primary commodities.

their effectiveness - will depend mainly on the extent to which the economic interests of these States are coordinated. The quantitative scope - and therefore, in fact, the quality - of joint efforts to defend the interests of the Association in relations with other countries therefore appears as a simple effect of the internal situation. It follows that the problem of coordination comes down in the end to that of harmonizing the divergent economic interests of the partner States of the Association.

In this document we shall therefore examine what can be done to coordinate the economic interests of the members of the Association from within. This seems all the more necessary in view of the varied - in your committee's opinion too varied - membership of the host of international organizations dealing with problems of economic cooperation and development¹: this certainly does not facilitate joint action in relations with other countries or even coordination within the Association itself.

3. The coordination of national political and other interests of sovereign States in order to achieve a joint aim is in practice the foundation of almost all foreign policy activity; it is the subject of most treaties and conventions under international law. As the quantitative scope of coordination depends in turn on an 'analogy of interests', which means that harmonization becomes all the easier as interests approach each other more closely. When interests are diametrically opposed, it is by definition impossible to harmonize them, and politically they imply the absence of coordination.

4. The Yaoundé Convention starts out from certain - fairly limited - similarities of interest among the 24 partners and goes on to define a number of common aims. The Convention does not, however, disregard the significant clashes of interest which separate, in terms both of actual situations and of political objectives - especially in social policy - the Associated African States and Madagascar (referred to below as the AASM) from each other and from the European Community. For certain specific spheres, conditions of joint action by the contracting parties have therefore been envisaged, without however defining the practical scope of such action or the methods to be adopted where no specific rules of procedure are laid down in the Convention or where the rules laid down are insufficient.

II. Instruments of coordination

5. Where the coordination of the interests of sovereign States is covered by a treaty or is simply the subject of a declaration of intent (e.g., as is frequently the case, in press communiqués issued after international conferences) it is essential, if progress is to be made beyond the stage of good

¹ See Annexes II and III.

intentions which are binding on nobody, to set up an institutional framework for coordination by laying down a procedure whose scope may certainly vary but which must at least define the technical conditions of coordination and the time it is to begin.

As to how the task is to be tackled, this can only be settled satisfactorily by defining the instruments of coordination to be used.

6. The conventional instruments to coordinate interests at the international level are:

- information, i.e. keeping one's partner(s) regularly (or even occasionally) informed of one's problems and aims, and of the consequent policy or action envisaged. In international law this amounts to a unilateral declaration to other States made in principle before the State concerned takes any measures¹;
- consultation, i.e. a request for the opinion of the partner(s) concerned on the measures envisaged, and possibly also joint discussion of the problems, but with no obligation to reach an agreement².

7. In addition to these conventional instruments of coordination which have grown out of practical international relations, the usages which have developed for special reasons, for the sake of administrative efficiency or merely on grounds of diplomatic courtesy, are also important. Agreements between delegations attending international conferences on the pursuit of a common strategy and, more generally, personal contacts, are instances in point.

While these procedures are not binding, they have the advantage of flexibility; for this very reason they have acquired an importance which must not be underestimated.

¹ See Decision No. 1/64 of the Association Council on the information and consultation procedure laid down in Article 12 (Yaoundé I) (paragraph I, Article 3); provision has, however, been made for an exemption (Article 3, a-c) whose significance is difficult unless the intention is to cater for particularly urgent cases. Information on action already taken generally loses its informative nature. (See also Decision No. 35/71 of the Association Council of 22 April 1971 on information and consultation procedure under Article 15(3) of the second Yaoundé Convention. The new procedure is basically the same as the previous one).

² Closer coordination imposing, for example, the obligation to reach an agreement would already raise the problem of sovereignty. It would then be necessary to determine to what extent the sovereign States intend to subordinate their national interests to a 'community interest' and are able to do so. This problem is of course fundamental in connection with the transformation of the European Community into a political union.

8. The instruments of coordination are, however, simply a technical means to a political end. But this end can only be achieved - as is generally the case in politics - if the parties concerned do not stop short at purely rhetorical declarations of good faith but sincerely wish, in the interests of all, to harmonize differing points of view. This, of course, presupposes that all partners inform and consult each other. A one-way procedure implying, for example, that only the economically weaker partners inform and consult the economically stronger partners would certainly conflict with the resolve to 'pursue their efforts together with a view to the economic, social and cultural progress of their countries.'¹

III. Political and legal bases for coordination of the activities of the 24 partner States of the Association among themselves and in international organizations for economic cooperation and development

9. The political and legal foundations for coordination of the activities of the 24 partner States of the Association were laid by the Convention of Association signed on 20 July 1963 (referred to below as Yaoundé I) between the European Economic Community and the 18 African States and Madagascar. The second Convention of Association signed on 29 July 1969 (referred to below as Yaoundé II) has the same basis.²

10. The political aims of the Yaoundé Convention are set out in its preamble:

'(The Contracting Parties)

.....

- reaffirming accordingly their desire to maintain their Association,
- wishing to demonstrate their common desire for cooperation on the basis of complete equality and friendly relations, observing the principles of the Charter of the United Nations,
- resolved to develop economic relations between the Associated States and the Community,
- determined to pursue their efforts together with a view to the economic, social and cultural progress of their countries,

.....'

However, these political preoccupations relate - as is to be expected given the nature of the Conventions - only to relations between the different partner States and have only a limited impact on external relations. Nevertheless the attitude of the AASM to non-member States, and also of course to

¹ See preamble to the first Yaoundé Convention.

² 27 of the 64 articles of Yaoundé I have been embodied unchanged in the Yaoundé II. In the case of some of the other articles, the amendments simply take into account changes in the situation. The provisions relating to the institutions of the Association and to information and consultation procedures have been taken over unaltered.

international organizations, has a bearing on the special nature of the relations between the signatory States.

11. The Yaoundé Conventions were specifically designed by their authors to establish a free trade area of a special kind (implying in addition mutual assistance - see Protocol No. 5 to Yaoundé II). Inclusion in a free trade area normally implies that its members will in principle retain complete freedom of action in trade policy vis-à-vis non-member States, and this therefore holds good for the signatories to the Yaoundé Conventions. Because of this situation, which is the outcome of a political intention, it appears that in principle the attitudes of the different States to external relations can only be coordinated to a limited extent.¹

However, regardless of this independence of the partners of the Association in matters of trade policy, allowance must always be made for the fundamentally political principle of 'friendly relations' set out in the preamble, which brings out the desirability, for the purposes of general policy, of a harmonization of the interests of the partner States that uses methods other than the information and consultation procedures laid down in the Convention.

12. As we have seen, the legal bases for coordination are therefore on the modest side, and the number of provisions in the Yaoundé Convention governing consultation and the exchange of information is fairly small. While this state of affairs is regrettable, it proves that the 24 partner States of the Association were realistic enough to entertain no illusions as to the full weight of the differences between their interests.²

13. Apart from the general principle enounced in the preamble, coordination (information and consultation) of the policies of partner States is covered by the following provisions of Yaoundé II:

- Article 15
- Article 60
- Protocol No. 5.

14. Article 15 of Yaoundé II stipulates that: 'The Contracting Parties shall inform each other of any measures they envisage taking in the matter of trade policy vis-à-vis third countries if these measures are likely to harm the interests of one or more of the Contracting Parties. At the request of the Community or of an Associated State, there shall be consultations within the the Association Council.'

¹ Coordination facilities would be greater, for example, in the case of a customs union based on a common external tariff.

² See Chapter IV below.

Yaoundé I was more explicit, since Article 12 stipulated that 'such consultations shall deal with measures relating to trade with third countries when such measures are liable adversely to affect the interests of one or more of the Contracting Parties in particular in regard to:

- the suspension, amendment or abolition of customs duties,
- the grant of reduced-rate or nil-duty tariff quotas, save for the quotas referred to in Article 2(3) above,
- the institution, reduction or abolition of quantitative restrictions without prejudice to the obligations resulting for certain Contracting Parties from their membership of GATT.'

Finally paragraph 3 of Article 12 stipulates that the Association Council shall 'define the procedure for mutual information and consultation relating to the application of this Article.' This was done by the Association Council Decision No. 1/64 of 8 July 1964.¹

By virtue of Article 15(3) (Yaoundé II) a similar decision was taken on 22 April 1971 (Decision No. 35/71) which differs, however, in several respects from the previous one. The provisions of Council Decision No. 1/64 are extended to customs unions, free-trade areas and economic cooperation agreements, procedural timetables at the same time being harmonized. To enable the Association Council to effectively control implementation of the decision, provision is made for the Association Committee to report to the Council in its report on the activities of the Association.

The Seventh Annual Report on the activities of the Association Council points out, with reference to the new decision, that:

'It would be premature to evaluate at this stage the practical implications of this decision which only came into force on 22 April 1971. However, in the future it will probably further improve the long-established relations between the Community and Associated States in the commercial policy sphere and so reinforce one of the basic elements of the Association.'

15. Article 60 (Yaoundé II)² stipulates that the Association Council 'shall be informed of any request for membership of or association with the Community made by any State.' Paragraph 2 of the same article stipulates consultations in the Association Council following 'any request for association with the Community made by a State whose economic structure and production are comparable with those of the Associated States and which, after examination by the Community, has been referred by the latter to the Association Council.'

¹ See First Annual Report on the activities of the Association Council (Annex II).

² This article is identical with Article 58 of Yaoundé I.

This provision, which is more important from the general policy than from the economic angle, attracted particularly close attention from the partner States of the Association in connection with the applications for accession to the Community made by the United Kingdom, the Kingdoms of Denmark and Norway and the Republic of Ireland, having regard in particular to the serious political, economic and development problems raised by relations between the enlarged Community and the African States of the Commonwealth.¹

16. In Protocol No. 5 (Yaoundé II)², the Contracting Parties have agreed, with particular regard to tropical products, to 'take into account their mutual interests at international level in accordance with the principles forming the basis of the Convention', and to this end to 'ensure the necessary cooperation particularly by means of consultations within the Association Council' and give each other all possible assistance.

This provision clearly illustrates the possibility of ensuring, by means of a convention and on a watertight basis, coordination 'at international level' - i.e. in particular within international organizations for economic cooperation and development - of the interests of the 24 partner States in a limited but important sector of economic activity, not only in principle ('...in accordance with the principles forming the basis of the Convention.!) but also and above all in practice.

17. The consultation prescribed by the Convention does not rule out the 24 partner States of the Association informing or consulting each other on matters of common interest, in particular in areas close to those covered by the Convention³, either occasionally or as a result of a gradually established practice. The rapporteur considers, however, that consultation outside the framework of the Convention will tend to become superfluous as a broader interpretation is given to its provisions for coordination.

If the widest possible range of interests to be coordinated is brought under the Convention, this will not only prove that the partners are more than ever willing to cooperate but also offer the inestimable advantage that harmonization will take place within a specific institutional framework.

¹ See joint debate between the European Parliament and the Council of Europe and the following documents: Triboulet (PE 25.226), Bersani (PE25.111), Westerterp (PE 25.184) and 'Les relations de la Communauté élargie avec les pays du Commonwealth' (PE 25.026) etc.

² See Protocol No. 4 to Yaoundé I, the text of which is identical.

³ For example: examination of the results of the Conference of the International Monetary Fund, of food aid granted by the EEC, etc.

Coordination 'in a vacuum', i.e. otherwise than under the Convention and, therefore, through the coordinating bodies (Association Council and Association Committee) might prove effective in certain cases but would lack the legal and institutional basis so valuable in international relations, especially in the political sphere.

IV. Possibilities and limits of coordination

18. Politics is the art of the possible. Every politician knows that it is this that determines the international action of sovereign States which, with the exception of agreements freely arrived at, is governed by no imperatives. This is particularly true in the sphere of coordination.

States and governments still act in the light of national interests; to criticize them for this under the present conditions of international policy, though no doubt a proof of good intentions, would be to fail to grasp the situation, especially in regard to those African countries which, freed from colonial rule, are now independent sovereign States and as such full members of the international community. These States, therefore, like the others, make the best contribution they can to the pursuit of aims imposed on all of us and, remembering their recent history, attach particular importance, understandably enough, to their national independence.

19. While sharing a readiness to view the Yaoundé Convention as the basis for their cooperation, the 24 partner States nevertheless defend, either individually or in groups, different interests, and this is perfectly natural. Differences in geographical or demographic situation, in production and raw material resources, in climate, etc., imply a wide variety of starting positions and national interests. On economic grounds alone, there are also natural differences in interests between the six Member States of the Community and the AASM. Apart from the regional interests binding it to the AASM, the European Community must also meet international obligations to the developing countries in Asia and Latin America which are becoming increasingly important as world opinion grows aware of the political and economic situation of the Third World. These natural clashes of interest limit the scope for internal and external coordination between the 24 partner States and even conceal the seeds of conflict (e.g. on generalized preferences).

20. In this connection there is one problem which must not be overlooked and to which your committee feels insufficient attention has so far been given, even though it touches directly on the very foundations of the Association. It appears that the cooperation desired by all the signatories to the Yaoundé Convention cannot in practice become as close as it might be unless the economies of all the partners operate on the same system: in the absence of

such harmonization there would be a lack of cohesion in the basic positions the partners of the Association should adopt jointly in the economic sector. There is therefore an inconsistency between the economies of certain AASM States - which for reasons of social policy or because of their particular economic situation adopt principles of state control or economic planning - and the economies of the EEC Member States in which, subject to certain reservations and in varying degrees the principles of a free market economy prevail. Admittedly up to now the adoption of a pragmatic approach has overcome the practical difficulties encountered, and the EEC Member States have shown a friendly understanding towards the AASM. Nevertheless the problem remains and it is difficult to see how it could be solved satisfactorily by bringing the economic systems of the partner States more closely into line at least as regards their trade relations. It is clear that if, under the pressure of events, the AASM were to adopt the principles of the Community - something the Community itself could scarcely expect them to do if it has any regard for their special political and economic interests (sovereignty and development needs) - the risk of disagreement harmful to the Association would sooner or later arise.

V. Practical aspects of coordination of the activities of the 24 partner States

A. General

21. The economic interests of the 24 partner States of the Association can only be coordinated in the special institutions set up for this purpose under the Convention (Association Council and Association Committee) if arrangements are made for preliminary coordination. The Association Council and Association Committee would in fact be faced with an enormous task if they were required to harmonize the many divergent interests of each partner State; first, the number of divergent interests must be reduced within the institutions set up for this purpose¹.

22. Consultations and exchanges of information between partner States of the Association with a view to the adoption of the most uniform positions possible in international organizations are not generally made public. Your committee itself had difficulty in obtaining information on this subject. The minutes of meetings of the Association Council and Association Committee do, however, give an indication on what is being done by these bodies and on the procedure

¹ For the Community this is done in the Council of Ministers or at the Conference of Permanent Representatives. The AASM first coordinate their interests in the Coordination Council or at meetings of their representatives accredited to the Community.

followed in them, but your committee drew the bulk of its information from the annual reports on the activities of the Council of Association to the Parliamentary Conference.

23. In the first of these reports (1 June 1964 - 31 May 1965) reference is made in Chapter XI to 'coordination between Member States and Associated States' while in each of the four subsequent reports a chapter is devoted to 'Measures of cooperation between Member States and Associated States in order to take into account their mutual interests at international level'¹. It will be noted that the Sixth Annual Report does not devote a separate chapter to coordination, although it does contain a number of comments. The Seventh Annual Report, on the other hand, devotes almost two pages to measures of international cooperation. It is important to note that here for the first time the Association Council has given an assessment of this form of activity:

'These contacts and consultations organized locally in the light of requirements at the request of one of the parties have in general lived up to the hopes placed in them, and have helped to strenghten the position of the Community and Associated States in the international bodies in which their interests may be at stake in one form or another'.²

24. An initial general observation is called for: from the outset coordination of economic interests between the EEC and the AASM - in particular with a view to the adoption of common positions in international organizations for economic cooperation and development - was a basic element in cooperation between the 24 partner States. This is proved by the fact that the future partners of the Association already kept each other informed and held consultations before the first Yaoundé Convention came into force.³

¹ See the Second Annual Report, Chapter XII, secs. 98 to 110; Third Annual Report, Chapter XII, secs. 83 to 85; Fourth Annual Report, Chapter XIII, secs. 97 to 101; Fifth Annual Report, Chapter VII, pages 26 and 27; these sections, however, only indicate the time at which the exchanges of information and consultations took place, without giving any details on the results achieved and problems studied (cf. the examination of the first Yaoundé Convention in GATT in the Second Annual Report; draft International Cocoa Agreement, UNCTAD, Protocol No. 4 to Yaoundé I, or relations between the Community and East African States, in the Third Annual Report; consultations on general matters within the framework of the World Trade Conference in the Fourth Annual Report etc.).

² Seventh Annual Report, p. 42.

³ In 1964 the last members to join the Association already applied Protocol No. 4 to Yaoundé I for practical reasons before they were obliged to do so; this was the case in particular with the conferences aiming to draw up a world agreement on cocoa and coffee.

25. The 'annual activity reports' highlight the need to make a distinction, in considering the readiness of the partners in the Association to act jointly at the external level, between consultations and exchanges of information leading up to a future international event, and therefore necessarily preceding it, and ad hoc coordination which may prove necessary at the conference table in face of an unexpected situation.

Your committee is glad to see that all the parties concerned have tried to coordinate their positions on important matters of principle in the Association Council or Association Committee, in particular because they realized that the problem of harmonizing divergent interests is generally much too difficult to be satisfactorily solved at a conference, i.e. in a brief period of time. Ad hoc conversations held on the spot, important though they may be, have almost always been improvised, especially when it became necessary to define techniques and tactics for joint action.¹

26. However certain organizational weaknesses result from the fact that delegates to international conferences are not necessarily the same persons as those who meet in the coordinating institutions. Exchanges of information between the Association Council and Association Committee on the one hand and persons attending international conferences on the other are very unsatisfactory, especially because the participants are not always the same. This was the case in particular with the GATT negotiations during which the Commission failed sometimes, though of course unintentionally, to take into account the interests of the AASM because its representatives, who were not fully informed of the discussions in the Association Council and Committee, did not sufficiently stress the requisite points. The same thing occurred in connection with the AASM. Your committee believes that these weaknesses should be remedied by making sure as far as possible that the persons participating in discussions in the coordinating bodies also belong to the delegations to international conferences.

27. The efforts made by the 24 partner States to act jointly at international level have always come up against the fact that, as is stressed in the 'annual activity reports', the Yaoundé Convention makes provision for coordination but does not require the definition of the common position. Mutual information and consultation are sufficient for the Convention to be respected, and in many cases when the differences of interest appeared too wide purely formal consultations were all that took place.

¹ Many examples may be quoted: ad hoc conversations organized to ensure coordination proved very important in the GATT negotiations; they finally helped to overcome gradually the explosive problem of regional preferences in GATT.

Your committee has, however, noted with satisfaction that efforts have always been made to bridge the gap between different points of view.¹

28. It is also apparent from the reports that more often than not it is the AASM which invite the Community to participate in consultations. One may conclude from this that in general the AASM have shown more interest in coordination than the EEC. This is understandable even if, as your committee believes, this disequilibrium of initiatives in the sphere of coordination should be ended, if only for psychological reasons. The notion of a common purpose is important and should not be disregarded even when specific differences of interest have to be discussed.

29. In studying the conditions under which coordination occurs in practice, your committee has found that the partners in the Association are insistent on the whole legal basis of the Conventions being strictly respected.

However they proceed pragmatically when it is necessary to determine whether information or consultations should be legally founded on Article 15 or on Protocol No. 5 to Yaoundé II. There is a margin of uncertainty here because it is in practice difficult to make a distinction between these two provisions, since they may be applied to the same problems.

30. In this connection your committee noted with satisfaction that there was no quibbling on either side - and certainly not on the part of the Communities - as to the interpretation of Yaoundé II whenever the AASM asked for information or consultation. This is true, for example, both as regards the number of coordinating meetings and as regards the problems which arose. It is good to see that the Community has never considered the notion of friendly relations defined in the preamble as a mere formula but has always attempted to go further than it was strictly obliged to do. The AASM, for instance, have been kept informed by the President of the Council of the Community of the problems and negotiations concerning the enlargement of the EEC - of so much interest to them - often in far greater detail than required under the terms of the Convention. Similarly, the Community has not been sparing with the information it was able to give in the Association Council on matters of general interest to the Association.

¹ See sec. 30.

B. Sectors covered by coordination

31. In the primary products sector certain specific aspects of trade affect both the Community and the AASM. This is, however, essentially a matter of internal coordination and the problems which arise rarely have repercussions on the Association's external relations, for example under Protocol No. 5 of Yaoundé II.¹

As regards problems of general policy on primary products (e.g. prices and quotas) informal discussions have sometimes been held in the past without any exchange of information or consultation within the meaning of Article 15 of Yaoundé II.²

Nevertheless it must be remembered that there are frequently marked differences between the interests of the EEC, an importing and consuming area, and the AASM as producing and exporting countries.

32. Tropical products (coffee, cocoa, bananas, etc.), which are extremely important to the AASM commercially, have already been the subject of a large number of coordinating meetings during which reference has been made in particular to the abolition of barriers to trade within the framework of international negotiations on coffee and cocoa.

It is satisfying to note that the strenuous efforts made by the 24 Member States of the Association to reach a compromise eventually succeeded. Since by undertaking to abolish customs duties the Community would have jeopardized the AASM's competitive situation rapidly and to an intolerable degree, it was agreed in connection with the Coffee Agreement to issue a Declaration of Intent to the effect that the EEC Member States would only gradually abolish customs duties on that product.

33. The efforts made by the 24 partner States to coordinate their positions in preparation for UNCTAD-II, which was held in New Delhi between 1 February 1968 and 29 March 1968, are particularly important. The problem was more complex than in the case of coordination with a view to concluding the World Coffee Agreement; here there was a need for a genuine coordination of interests permitting joint action of far wider scope. This important

¹ Mention should be made here of negotiations on the International Coffee Agreement, which is not an international organization in the normal sense of the word but nevertheless deserves mention.

² The AASM were for instance consulted repeatedly on the subject of proposals to reduce Community customs duties on tropical products under Yaoundé II (e.g. reduction of duty on coffee from 9.6 % to 7 %, on cocoa from 5.6 % to 4 %, and on olive oil from 9 % to 6 %).

conference was concerned less with questions of detail than with the basic problems of a world trade policy and, more specifically, a world policy on development. In accordance with Article 12 and Protocol No. 4 to Yaoundé I, four consultative meetings were held during which the 24 partner States of the Association had ample opportunity to 'explain and in some cases harmonize their points of view on a number of questions relating to the work of three committees'.¹

During these consultations it again became clear that the interests of the Community and the AASM differed², which was scarcely surprising in the light of the different initial positions.³

At the third session of UNCTAD, held in Santiago de Chile from 13 April to 21 May 1972, coordination between the 24 partner States of the Association was particularly satisfactory, as the European Parliament has already pointed out⁴. In particular, the Community delegation organized several informational meetings with delegations from the AASM and close contacts were maintained with these delegations throughout the conference.

34. This generally favourable impression is, however, offset by the fact that other attempts at coordination were clearly not very successful. Your committee is thinking in particular of consultations in connection with multilateral negotiations in GATT on plywood, of trade relations between the Community and Latin American countries, and in a general way, of the Community's development policy. This attempt at coordination was not aimed at joint action in international organizations, and in this sphere experience has shown that results are generally mediocre.

¹ See Fourth Annual Report, Chapter XIII, sec. 1 (cooperation and consultation within the framework of the World Trade Conference on problems of a general nature).

² The differences of opinion were particularly marked on generalized preferences. The AASM wanted the preferential arrangements from which they benefit on the Community market to be maintained; they therefore asked the Community to remain as faithful as possible to the position it had adopted in the past on the subject of preferences, i.e. not to grant similar advantages to other developing countries. However, they want the other industrialized countries to make the most generous offer possible ensuring free access for their manufactures and semi-manufactures to the market of non-member States. The Community on the other hand supports a vast preferential system because it hopes to make an effective contribution to the achievement of the aims defined in UNCTAD Resolution 21 (II). The possibility of subsequent adjustments to the Community's offer was, however, considered in order to correct unfavourable situations which arise in the AASM from application of the system of generalized preferences.

³ See motion for a resolution presented under the Algiers Charters by the group of 77 developing countries to which the AASM belong.

⁴ Fellermaier opinion, Doc. 83/72, Annex, 3 July 1972, Section 8.

35. Finally there may be some scope for coordinating interests at the wider level of development aid policy, especially as this area is growing in importance in discussions aimed at increasing the effectiveness of world economic cooperation.

Recent years have in fact seen the setting up of new international organizations concerned exclusively with development aid problems; other less recent organizations are now concentrating on this problem.

It must, however, be pointed out that the Yaoundé Conventions contain no provisions for coordination in this sphere. Your committee feels that the authors of the Association Treaties studied this problem but had sound reasons for excluding the possibility of harmonizing interests in the sphere of development policy. In fact, because of the polarization of interests (donor/beneficiary relationship) coordination of interests seems scarcely conceivable in this area, either within the Association itself or in relation to international organizations for economic cooperation and development.

It would be highly desirable, in the opinion of your committee, for the Community to grant the AASM optimal development aid; such an aim, however, would be difficult to defend jointly vis-à-vis non-member countries since, for political reasons, the AASM can and wish to act absolutely independently in this area.¹

C. The special case of satellite telecommunications

36. The European members of ELDO² and ESRO³ - i.e. all the Community countries with the exception of Luxembourg - have coordinated their action in the European Space Conference⁴, in particular for the purpose of conducting negotiations with the United States on satellite telecommunications. It would be all the more desirable to extend this cooperation to the Member States of

¹ For a given potential of development aid from the Community, the volume of aid granted to non-member States complements the aid granted to the AASM (the greater the aid received by other countries, the less will be available to the AASM). This problem played a crucial role in the negotiations on renewal of Yaoundé I.

² ELDO = (CECLES - ELDO) European organization for the development and construction of space vehicle launchers. Member States: Australia, Belgium, France, Italy, Netherlands, Federal Republic of Germany, United Kingdom.

³ ESRO = (CERS - ESRO) European Space Research Organization. Member States: Belgium, Denmark, Spain, France, Italy, Netherlands, Federal Republic of Germany, United Kingdom, Sweden, Switzerland.

⁴ ESC = European Space Conference. Member States: Australia, Belgium, Denmark, Spain, France, Italy, Norway, Netherlands, Federal Republic of Germany, United Kingdom, Sweden, Switzerland.

the Yaoundé Convention as the European countries concerned have already agreed to the principle of a regional telecommunications satellite programme; the aim of this programme would be to ensure the relaying of public service telecommunications, i.e. telephony, telegraphy, data transmission, radio and television, in an area covering Europe and the Mediterranean seaboard in the 1980s.

As a more basic issue, it remains to be decided whether the role accorded to Europe and the third world - including the AASM countries - in the world satellite telecommunications system known as INTELSAT (International Telecommunications Satellite Consortium) can be considered satisfactory¹, in view of the fact that this rather curious organization may have a serious impact on the cultural, economic, technological and even political interests of the partner States of the Yaoundé Association.

37. Certain background information on this matter warrants attention:

1. In the United States, the American Telegraph and Telephone Company (ATT) enjoys an unquestionably dominant position in the telecommunications sector, through its own resources and ownership or control of other companies, the most important of which are Western Electric and Bell Telephone Laboratories.

In 1962, after the advocates of public ownership of the satellite telecommunications network were defeated in Congress, ATT and a few other companies, amounting to all intents and purposes to a telecommunications cartel, were authorized to organize the operation of satellites through the COMSAT consortium (Communications Satellites Corporation). ATT has an overwhelming voice in this consortium as it does in INTELSAT, of which COMSAT is the operational body. Is it acceptable for the organization of satellite telecommunications in Western Europe and Africa to be in effect dependent on the goodwill and prior interests of a vast private American company?

2. In July 1961, the White House published a declaration of intent drawn up by President Kennedy, in an attempt to reach a compromise: private ownership and management of relay satellites would be supported, provided that certain conditions were met; one of these, which directly concerned the third world, was that the system must be 'global' so as to obtain an efficient telecommunications network serving the whole world, including commercially unprofitable regions. This condition has been disregarded in the COMSAT and INTELSAT operations; the international treaty setting up INTELSAT authorizes special telecommunications satellite programmes only if they will not be a 'significant economic burden on the INTELSAT system'.
3. INTELSAT was set up by a 'provisional agreement' signed in Washington on 20 August 1964; a final agreement was laid open to signature on 20 August 1971. In conformity with Article VII of the provisional agreement, the space sector is to be managed by COMSAT. Under the final agreement, implementation of the convention will be administered, after a six year transitional period, by an executive under the authority of the Director General.

¹ See also written question No. 235/72 by Mr Glinne (Europe's role in INTELSAT), OJ C 138, 31 December 1972

38. As things now stand, COMSAT clearly enjoys a commanding position; it is at one and the same time the manager of INTELSAT, the representative of the US Government in INTELSAT and a private business concern whose aim must be to earn profits for its shareholders. The fact that INTELSAT programmes are sometimes subject to prior approval by US Government control agencies cannot be considered adequate, since this control makes a mockery of the 'international character' of an organization which is too American to be genuinely international and too dependent on private interests to be altruistic.

The structure given to INTELSAT in May 1971 (the Assembly may make recommendations but cannot take decisions) has also sown serious doubts among the 79 participating States which are now reluctant to become official members: at the time of writing, France has still not signed, apparently because of perplexity over the four levels of authority in INTELSAT:

- the Board of Governors responsible for decisions on all financial and technical matters; voting rights are proportional to investment, so that while COMSAT does not enjoy an absolute right of veto it still has 40% of the votes... A few seats, carrying insignificant voting rights, will be granted to countries which may represent regional interests;
- the assembly of signatories: telecommunications representatives from all the Member States will meet annually to consider reports submitted by the Board of Governors;
- the assembly as such which will meet once every two years and have practically no powers;
- the executive, consisting of the Director-General and COMSAT for day-to-day management.

39. In 1973, assuming that all the countries expected to join in fact do so, the Board of Governors will call upon at least three experts, recruited internationally, to deliver opinions on the final organization to be adopted for INTELSAT after the six year transitional period which has recently begun.

Would it not be desirable for the EEC and AASM to coordinate their approach to this very important matter? Their aim could be to give greater weight to the developing countries and a more substantial role to European industry; they could also advocate effective participation by the Eastern bloc countries and satisfaction of the United Nations' needs, in particular by making a number of satellite circuits available to the UN without charge. The African countries in particular have an enormous potential interest in recourse to satellite telecommunications for maintaining contact with the United Nations Organization and its specialized agencies and with the EEC

and its bodies responsible for cooperation, both for their cultural development and to promote economic and social progress.

D. The area of application of Protocol No. 5

40. The enlargement of the Community will also present the Association with problems. It can already be expected that a large number of Commonwealth countries will wish to participate in the Yaoundé Association, which represents an original effort to establish cooperation between the industrialized and developing countries.

Without having institutions of the type set up under the Yaoundé Convention, these countries have nevertheless long been accustomed to compare notes on their problems, especially in the sphere of foreign policy in the Commonwealth. Clearly the countries concerned attach great importance to the possibility of examining certain important political problems jointly. They are likely to continue this habit after the United Kingdom's accession and after the creation of ties of association between the enlarged EEC and many Commonwealth countries. It would appear desirable for the African States which are at present members of the Commonwealth to find in the Yaoundé Institutions at the very least an equivalent, both in amount and in kind, of the coordination practised within the Commonwealth on major foreign policy problems.

41. The Member States of the European Communities have for some time tended to go beyond the strictly national analysis of certain foreign policy problems to arrive at a common approach. Your committee believes that if the EEC governments can already manage to arrive at common positions as was the case, for example, on the Middle East, it is essential to try to make some progress at the level of EEC-AASM relations, even though the political aims of the Rome Treaty and the declared objective of political union between the Member States are not reflected in the Yaoundé Convention.

If interested parties in the Association are fond of pointing out that the latter is a political option¹, the time has surely come to take the appropriate steps. If we want a real dialogue enabling us to increase the scope and depth of the Association, we must also strengthen the system of coordination laid down in Protocol No. 5. The text of this Protocol presents

¹ See for instance the speeches made by Mr. Vals and Mr. Yacé on 11 January 1971 at the Parliamentary Conference in Yaoundé, and the final statement issued after the meeting of the joint Committee held in May 1970 in Florence reaffirming 'that the reciprocal commitments entered into from the outset by the AASM and the EEC Member States are the result of a political choice which binds all the partners indissolubly together.'

no obstacle. As Mr. Damiba pointed out in the speech he gave as President of the Association Council to the Joint Committee meeting in Libreville in October 1970: 'As regards the sphere of application (of this protocol), suffice it to say that it allows coordination in any international body provided that the Community or AASM believes such coordination necessary. There are therefore no rigid rules in this sphere.'

VI. Conclusions

42. In conclusion, the main points set out in this working document can be summarized as follows:

a) Coordination of the activities of the 24 partner States of the Association in international organizations for economic cooperation and development is dependent on the extent to which the economic interests of the partners can be harmonized within the Association. The Association's external relations, in particular its dealings with international organizations (coordination of which is governed only by Protocol No. 5, assuming a strict interpretation of the Yaoundé Convention) are therefore dependent on the coordination of internal relations between the 24 partner States.

b) The scope for joint action between these 24 countries in international organizations is limited. Because of the differences existing from the outset in the political and economic positions of the partner States of the Association, it is difficult to coordinate their interests completely. The Association was in any case designed according to the wish of all partners as a free trade area; but a free trade area by definition does not lend itself to harmonization because all its members hope to achieve and maintain complete commercial and economic independence.

c) The Yaoundé Convention takes this fact into account: it provides for the exchange of information and consultations only in three spheres in which coordination is possible - commercial policy, enlargement, tropical products. Fuller harmonization is not excluded but is scarcely possible for areas analogous to those covered by the Convention except on the basis of 'friendly relations'.

d) The consultations stipulated in certain cases by the Yaoundé Convention include no legal obligation to reach agreement; nevertheless experience shows that the partners in the Association have to some extent tried, even though they were not legally bound to do so, to use consultations to harmonize their points of view.

e) In the opinion of all the parties concerned the efforts made by the 24 partner States to achieve coordination have so far been successful, given that one cannot expect miracles. This success in coordinating interests has, however, been achieved less in joint action within the framework of international organizations for economic cooperation and development in the narrow sense of the term than in effective cooperation as regards tropical products (e.g. the agreement on coffee) and in GATT.

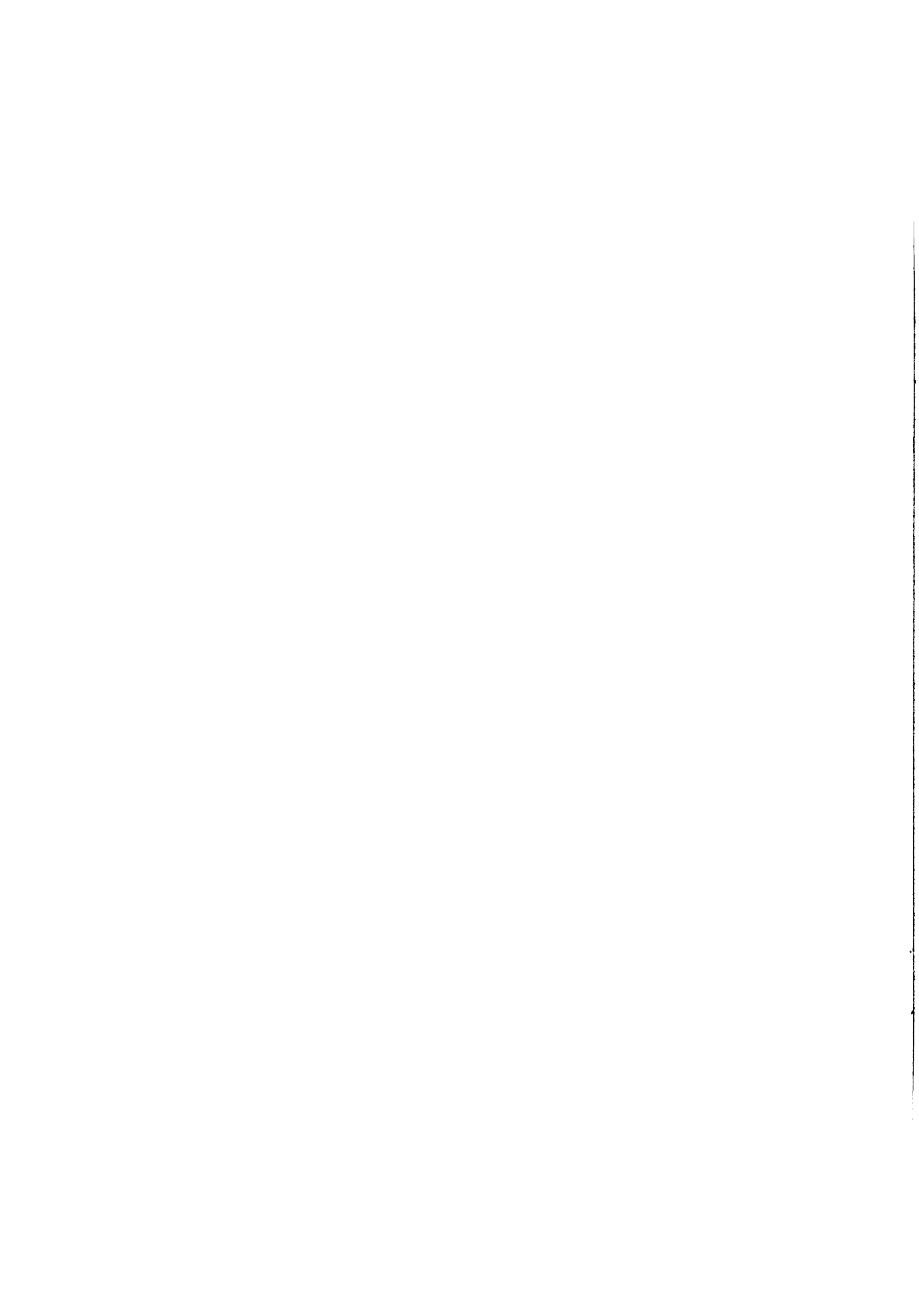
f) The benefits of coordination - the yardstick to measure the effectiveness of the Association itself - will be put to the test during the forthcoming discussions on the problem of the Community's enlargement and of the possible extension of the Association to take in the African Commonwealth States, which is bound to affect the competitive position of the AASM in the tropical products sector. We shall then see to what extent the present partners in the Association, having regard to their national interests, can or wish to place their special interests in the service of the general interest.

In this connection it should be pointed out that the Yaoundé Parliamentary Conference called upon the EEC and AASM 'to encourage jointly a genuine policy on primary commodities by extending on a worldwide basis the efforts currently being made in UNCTAD and in the International Monetary Fund'¹. The last World Conference on Trade and Development held in Santiago de Chile from 13 April to 21 May 1972 offered the 24 partners in the Association the best opportunity for this joint action. Fortunately - as the European Parliament also noted in Mr Fellermaier's opinion of 3 July 1972 - coordination between the 24 partners was particularly satisfactory on that occasion.

g) A new chapter in the history of the Association began with the entry into force of the second Yaoundé Convention. In recent years all the partners in the Association have acquired experience which was taken into account in drafting the second Convention. The fact that no changes were made in the sphere of coordination certainly proves that, if a realistic viewpoint is adopted, past achievements in harmonization give grounds for satisfaction and that it would be difficult to go much further.

This does not mean that developments in the years to come may not open up new prospects for extending the harmonization of interests which might perhaps be reflected legally in a third Association Treaty.

¹ OJ of the European Communities C 13, 10 February 1971, p. 91, sec. 14.



Protocol No. 5 to the second Yaoundé Convention¹

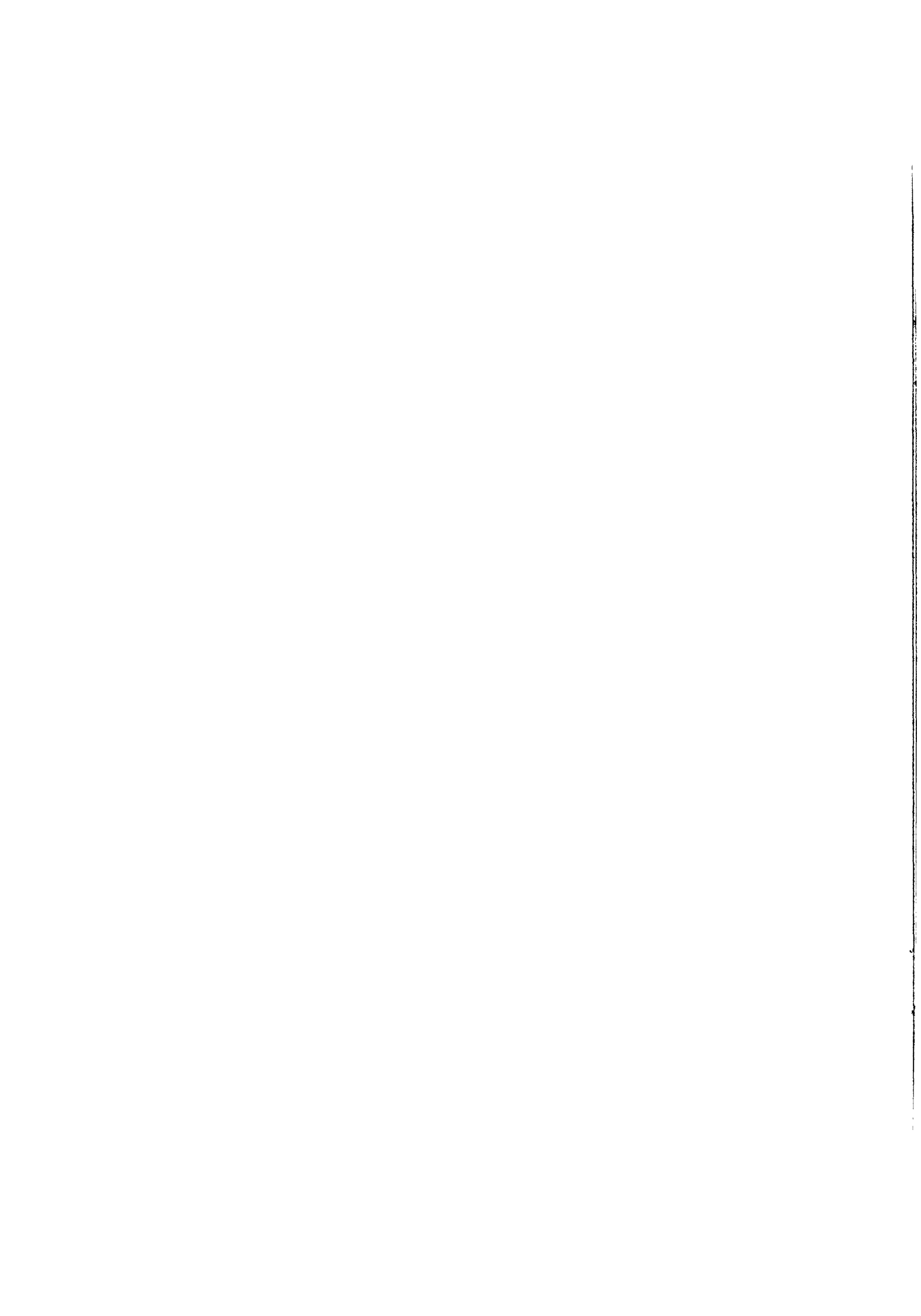
concerning measures to be taken by the High
Contracting Parties concerning their mutual
interests with particular regard to tropical
products

THE HIGH CONTRACTING PARTIES

HAVE AGREED UPON the following provisions which are annexed to the Convention:

- (1) The Contracting Parties agree to take into account their mutual interests at international level, in accordance with the principles forming the basis of the Convention.
- (2) To this end, they shall ensure the necessary cooperation, particularly by means of consultations within the Association Council, and shall give each other all possible assistance.
- (3) Such consultations shall take place more particularly with a view to undertaking appropriate measures, by common consent and at international level, to solve the problems that arise out of the disposal and marketing of tropical products.

¹ This text is identical with that of Protocol No. 4 to the first Convention.



ANNEX II

AASM membership of UN bodies¹

This table shows the UN bodies to which the 24 Member States of the Association belong. It is based on lists supplied by the intergovernmental bodies concerned.

Date of joining UN	Thirteen specialized agencies ²													Other United Nations bodies						
	ILO	FAO	UNESCO	WHO	IMF	IBRD	AID	IFC	ICAO	UPU	ITU	WMO	IMCO	UNCTAD	GATT	IAEA	UNICEF	UNHCR	UNDP	
18. 9.62	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
20. 9.60	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
20. 9.60	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
20. 9.60	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
20. 9.60	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
20. 9.60	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
20. 9.60	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
20. 9.60	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
28. 9.60	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
27.10.61	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
20. 9.60	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
18. 9.63	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
29. 9.60	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
20. 9.60	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
20. 9.60	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
20. 9.60	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
27.12.45	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
24.10.45	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
14.12.55	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
24.10.45	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
10.12.45	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+

¹ Source: Yearbook of International Organizations, 12th edition (1968-1969).

² The full names are given on the next page.

ILO - International Labour Organization
 FAO - Food and Agriculture Organization
 UNESCO - United Nations Educational, Scientific and Cultural Organization
 WHO - World Health Organization
 IMF - International Monetary Fund
 IBRD - International Bank for Reconstruction and Development
 AID - Agency for International Development
 IFC - International Finance Cooperation
 ICAO - International Civil Aviation Organization
 UPU - Universal Postal Union
 ITU - International Telecommunications Union
 WMO - World Meteorological Organization
 IMCO - Intergovernmental Maritime Consultative Organization
 UNCTAD - United Nations Conference on Trade and Development
 GATT - General Agreement on Tariffs and Trade
 (D: admitted de facto, decision pending)
 IAEA - International Atomic Energy Agency
 UNICEF - United Nations Children's Fund
 (Member of Executive Bureau, 1968)
 UNHCR - United Nations High Commissioner for Refugees
 (Member of Executive Committee, 1968)
 UNDP - United Nations Development Programme
 (Governments making a contribution)

Annex III

Intergovernmental organizations, other than UN bodies, within which one or more associated African States cooperate with one or more EEC Member States¹

Customs Cooperation Council

53 countries, including: Burundi, Cameroon, Gabon, Ivory Coast, Madagascar, Rwanda, Upper Volta, Belgium, France, Germany, Italy, Luxembourg, Netherlands.

Intergovernmental Oceanographic Commission

59 countries, including: Congo, Ivory Coast, Madagascar, Mauritania, Belgium, France, Germany, Italy, Netherlands

International Centre for the Settlement of Disputes relating to Investments

Member States of the World Bank or, by invitation, other parties to the Statute of the International Court of Justice which have signed the Convention (57), some of which became contracting parties (x) after ratification:

Burundi, Cameroon (x), Central African Republic (x), Chad (x), Congo (x), Dahomey, Gabon (x), Ivory Coast (x), Madagascar (x), Mauritania (x), Niger (x), Senegal (x), Somalia (x), Togo (x), Upper Volta (x), Belgium, France (x), Germany, Italy, Luxembourg, Netherlands (x).

International Consultative Committee on Cotton

41 countries, including: Chad, Belgium, France, Germany, Italy, Netherlands.

International Cryogenic Institute

50 countries, including: Central African Republic, Chad, Gabon, Ivory Coast, Madagascar, Mali, Mauritania, Niger, Senegal, Upper Volta, Belgium, France, Germany, Italy, Netherlands.

International Epizootic Office

82 countries, including: Cameroon, Central African Republic, Chad, Congo, Gabon, Ivory Coast, Madagascar, Mali, Mauritania, Niger, Senegal, Somalia, Upper Volta, Belgium, France, Germany, Italy, Luxembourg, Netherlands.

International Locust Control Office

16 contracting countries (C) or participants (P), including: Burundi (P), Zaïre (P), Belgium (C).

¹ Source: Yearbook of International Organizations, 12th edition (1968-1969).

International Commission on Rice

37 countries, including: Madagascar, Mali, France, Italy, Netherlands.

International Study Group on Rubber

30 countries, including: Cameroon, Ivory Coast, Belgium, France, Germany, Italy, Netherlands.

International Sugar Council

52 countries, including: Madagascar, Upper Volta, Belgium, France, Germany, Italy, Netherlands.

International Tin Council

23 producer countries (P) and consumer countries (C), including: Zaïre (P), Belgium (C), France (C), Italy (C), Netherlands (C).

International Union for the Protection of Industrial Property

Member States of the General Union (79-A), Member States of the restricted Union on false indications of origin (29-B), Member States of the Trade-Mark Union (21-C), Member States of the Union for International Registration of Industrial Patterns (14-D), Member States of the Union for the interclassification of goods and services with a view to trade-mark registration (24-E), Member States of the Union for the Protection of Names of Origin (8-F):

Cameroon (A), Central African Republic (A),
Chad (A), Congo (A), Dahomey (A), Gabon (A), Ivory
Coast (A), Madagascar (A), Mauritania (A), Niger (A),
Senegal (A), Togo (A), Upper Volta (A),
Belgium (ACDE), France (ABCDEF), Germany (ABCDE),
Italy (ABCE), Luxembourg (AC), Netherlands (ACDE).

International Union for the Publication of Customs Tariffs

67 countries, including: Burundi, Ivory Coast, Rwanda, Senegal, Zaïre, Belgium, France, Germany, Italy, Luxembourg, Netherlands.

World Organization for Sound and Vision:

7 countries, including: Cameroon, Chad, Senegal, Zaïre, France, Italy.