

Recommendation on the Financial Rules and Regulations Governing the Functioning of the African Commission on Human and Peoples' Rights - ACHPR/Recom.2(III)88

Apr 28, 1988

The African Commission on Human and Peoples' Rights, meeting in its Third Ordinary Session in Libreville, Gabon, from 18 to 28 April 1988:

Considering that the African Charter on Human and Peoples' Rights adopted in Nairobi on 28 June 1981, entered into force on 21 October 1986, and that members of the African Commission on Human and Peoples' Rights set up to apply it, were elected on 29 July 1987, and installed on 2 November 1987;

Reaffirming their duty to ensure the promotion and protection of human and peoples' rights and freedoms, duly taking into account, the primordial importance traditionally attached to these rights and freedoms in Africa;

Conscious of the fundamental role of the African Commission on Human and Peoples' Rights to assist States Parties to the African Charter of Human and Peoples' Rights in the promotion and protection of human and peoples' rights and freedoms;

HAS AGREED THAT:

1. The Financial Rules and Regulations of the OAU dated 4 March 1979, apply to the African Commission on Human and Peoples' Rights, without prejudice to the following rules;
2. The Organisation of African Unity shall bear the financial cost of the Commission, pursuant to the relevant provisions of the OAU Charter and of the African Charter on Human and Peoples' Rights, Article 41 of which stipulates:

"The Secretary-General of the Organisation of African Unity shall appoint the Secretary of the Commission. He shall provide the staff and services necessary for the effective discharge of the duties of the Commission. The Organisation of African Unity shall bear the cost of the staff and services."

And Article 44 of which stipulates:

"Provision shall be made for the emoluments and allowances of the members of the Commission in the Regular Budget of the Organisation of African Unity".

3. The Commission's budget shall form part of the Regular Budget of the Organisation of African Unity, but this budget shall be distinct and managed separately.

The Secretary-General of the OAU shall be the Accounting Officer and, in this capacity, shall be responsible for its management. He may however delegate all or part of his powers to the Chairman of the Commission for application of the financial rules and regulations of the OAU and the relevant provisions of the Rules of Procedure of the Commission.

The Accountant of the OAU shall be responsible for keeping the accounts. He shall be responsible for receiving financial resources and making relevant payments. He may, following the exigencies of the service, delegate all or part of his powers to a staff member of the Secretariat of the Commission, in consultation with the Commission.

4. The Secretary-General of the OAU shall prepare and submit for consideration to the Advisory Committee on Administrative, Budgetary and Financial Matters, the OAU Programme of Action which shall include the programme of action of the Commission and the budgetary appropriations including those of the Commission.

5. The following are expenditure codes necessary for the effective execution of the tasks assigned to the Commission pursuant to the provisions of Article 27 of the Financial Rules and Regulations of the OAU, to cover:

- the emoluments and allowances for the members of the Commission, as provided for in Article 44 of the Charter;
- staff costs of the Secretariat of the Commission;
- cost of facilities and activities of the Commission.

6. As regards additional resources to the financial contribution of the OAU to the Commission, the latter may accept in consultation with the OAU Secretary-General, grants, bequests and other donations compatible with the objectives of the African Charter on Human and Peoples' Rights.

7. If the budgetary appropriations of the Commission have not been approved or are inadequate or if new expenses are to be incurred as a result of financial implications of approved decisions after the Regular Budget of the OAU had been adopted, the Secretary-General of the OAU shall, in consultation with the Commission, submit to the Advisory Committee or sub-Advisory Committee, a rectified additional programme and budget for consideration. He shall subsequently submit the same to the Council of Ministers for approval. This would enable the Commission to carry out its task effectively.

The Secretary-General may also identify new financial sources by drawing from the overall balances available under some codes after the normal closing of the financial year.

8. If the budgetary estimates of the Commission are not adopted before 1 June, one-twelfth of the previous budget shall be released in accordance with Article 34 of the OAU Financial Rules and Regulations.