



UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
GENERAL

A/34/359/Add.1
5 November 1979

ORIGINAL: ENGLISH

Thirty-fourth session
Agenda item 12

REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Regional arrangements for the promotion and protection
of human rights

Report of the Secretary-General

1. In paragraph 6 of his report (A/34/359), the Secretary-General informed the General Assembly of plans to hold a seminar as requested by the Assembly in resolution 33/167. At the invitation of the Government of Liberia, a regional human rights seminar on the subject of the establishment of regional commissions on human rights with special reference to Africa was held, under the programme of advisory services, at Monrovia, from 10 to 20 September 1979.
2. The Seminar was attended by experts from Benin, Burundi, the Central African Republic, Chad, the Comoros, the Congo, Egypt, Equatorial Guinea, Ethiopia, the Gambia, Ghana, the Ivory Coast, Kenya, Lesotho, Liberia, Mali, Mauritania, Mauritius, Morocco, the Niger, Nigeria, Senegal, Sierra Leone, Somalia, Swaziland, Uganda, the United Republic of Cameroon, the United Republic of Tanzania, the Upper Volta and Zambia.
3. The Seminar was also attended by representatives of the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization and the Office of the High Commissioner for Refugees, and by observers from the Council of Europe, the Organization of African Unity, and a number of interested non-governmental organizations in consultative status with the Economic and Social Council, and some liberation movements recognized by the Organization of African Unity.
4. The Seminar, which was opened by His Excellency Dr. William R. Tolbert, Jr., President of the Republic of Liberia, unanimously adopted a proposal, to be known as the Monrovia Proposal, concerning the establishment of a regional commission on human rights for Africa (see annex I) and a number of recommendations and conclusions on the subject-matter (see annex II).

ANNEX I

Monrovia proposal for the setting-up of an
African Commission on Human Rights

The United Nations Seminar on the Establishment of Regional Commissions on Human Rights with Special Reference to Africa,

Having convened at Monrovia, from 10 to 20 September 1979, pursuant to resolution 33/167 of the United Nations General Assembly,

Having studied the role of regional institutions in the field of human rights and reviewed the structure and functions of existing regional commissions, as well as the lessons which might be drawn from them with a view to the creation of an African Commission on Human Rights,

Having examined the efforts already made and the recommendations formulated with a view to the creation of an African Commission on Human Rights, as well as the results of such efforts and recommendations,

Having discussed possible models for a regional commission on human rights for Africa, taking into account the special conditions in Africa, including the pertinent provisions of the Charter of the Organization of African Unity,

Having studied in particular the resolution adopted by the Assembly of Heads of State and Government of the Organization of African Unity at Monrovia in July 1979, which drew the attention of member States of that organization to certain international conventions whose ratification would help to strengthen Africa's struggle against certain scourges, especially against apartheid and racial discrimination, trade imbalance and mercenarism, and requested the Secretary-General of the Organization of African Unity to organize, as soon as possible, in an African capital, a meeting of highly qualified experts to prepare a preliminary draft on an "African Charter on Human Rights" providing, inter alia, for the establishment of bodies to promote and protect human rights,

Welcoming the initiative of the United Nations in convening the present Seminar,

Welcoming also the interest and presence of the Organization of African Unity at the Seminar,

Submits, through the Secretary-General of the United Nations, to the Organization of African Unity for consideration, the following draft proposals for a possible model of an African Commission on Human Rights:

I. ESTABLISHMENT AND FUNCTIONS

Article 1

There shall be established, as provided for hereunder, an African Commission on Human Rights, hereinafter called the Commission, the functions of which shall be to promote and protect human rights in Africa. To this end the Commission shall:

1. Conduct studies and research on African issues in the field of human rights, including human rights law, humanitarian and refugee law, promote education and teaching, organize seminars, symposia and conferences, disseminate information, encourage national and local human rights organizations and render advice to Governments.
2. Study situations of alleged violations, their causes and manifestations, provide its good offices to any State member of the Organization of African Unity (OAU) in relation to any such situations, and make reports with appropriate recommendations thereon to the OAU.
3. Formulate and elaborate basic standards to serve as bases for adoption of legislation by African Governments with a view to dealing with legal issues related to the enjoyment of human rights and fundamental freedoms.
4. Co-operate with other African or international institutions, and intergovernmental or non-governmental organizations concerned with the promotion and protection of human rights.
5. Perform such other tasks as may be entrusted to it.

II. APPLICABLE STANDARDS

Article 2

The Commission shall be guided by the international law of human rights including the provisions of specific African instruments on human rights which may be concluded such as a declaration, a charter or a convention, the provisions of the Charter of the United Nations and the charter of the Organization of African Unity, the Universal Declaration of Human Rights, the provisions of other United Nations and African instruments in the field of human rights, especially the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol thereto, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid, the United Nations Convention and Protocol Relating to the Status of Refugees, the Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa and the Organization of African Unity Convention on the Elimination of Mercenarism in Africa, as well as the provisions of instruments adopted within specialized agencies of the United Nations, such as

the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization, the Food and Agriculture Organization of the United Nations and the World Health Organization.

Article 3

The Commission shall also have regard to other international conventions, whether general or particular, establishing rules expressly recognized by the States members of the Organization of African Unity; African practices consistent with international human rights standards evidencing customs generally accepted as law; the general principles of law recognized by African nations, and judicial decisions and teachings of authoritative authors as subsidiary means for the determination of rules of law.

III. MEMBERSHIP AND ELECTIONS

Article 4

1. The African Commission on Human Rights shall consist of 16 experts chosen from among persons of high moral character, integrity and recognized competence in the field of human rights, consideration being given to the usefulness of the participation of persons having legal training or experience.
2. The Commission may not include more than one national of the same State.

Article 5

1. The members of the Commission shall serve in their personal capacity.
2. Membership of the Commission shall be incompatible with membership of a Government or of the Diplomatic Corps.

Article 6

1. The members of the Commission shall be elected by the Assembly of Heads of State and Government from a list of persons possessing the qualifications prescribed in article 4 and nominated for the purpose by States members of the Organization of African Unity. Such persons shall be eligible for re-election.
2. Each member State of the Organization of African Unity may nominate two candidates. When two candidates are proposed, one shall be a non-national.

Article 7

1. At least three months before the date of each election to the Commission, the Secretary-General of the Organization of African Unity shall address a written invitation to the member States of that Organization to submit their nominations for membership of the Commission within two months.

2. The Secretary-General of the Organization of African Unity shall prepare a list of all the persons nominated, with an indication of the States members which have nominated them and shall submit it to the Assembly of Heads of State and Government not later than one month before the date of each election.

3. The persons elected to the Commission shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the Assembly of Heads of State and Government.

4. In the election of the Commission, consideration shall be given to equitable geographical distribution of membership and to the representation of the different legal systems in Africa.

Article 8

The members of the Commission shall be elected for a term of six years. They shall be eligible for re-election. However, the term of one half of the members initially elected shall expire at the end of three years. The names of these members shall be chosen by lot by the Chairman of the Commission at its first meeting.

Article 9

1. If, in the unanimous opinion of the other members a member of the Commission has ceased to carry out his functions for any cause other than absence of a temporary character to be defined in the rules of procedure of the Commission, or has rendered himself incapable of continuing as a member, the Chairman of the Commission shall notify the Chairman of the Organization of African Unity, who shall, upon the proposal of the Commission, appoint another expert for the unexpired term of the member replaced.

2. In the event of the death or the resignation of a member of the Commission, or if a member has assumed a function incompatible with membership of the Commission, the Chairman of the Commission shall declare the seat vacant from the date of death or the date on which the resignation or incompatibility takes effect and shall notify the Chairman of the Organization of African Unity who shall, upon the proposal of the Commission, appoint another expert for the unexpired term.

IV. SECRETARIAT

Article 10

The Secretary-General of the Organization of African Unity shall designate a Secretary of the Commission and shall also provide the necessary staff and facilities for the effective performance of the functions of the Commission under the present Statute. The costs of providing such staff and facilities shall be borne by the Organization of African Unity.

V. SESSIONS, OFFICERS AND PROCEDURE

Article 11

The Secretary-General of the Organization of African Unity shall convene the initial meeting of the Commission, after which the Commission shall meet at such times as shall be provided in its rules of procedure.

Article 12

The initial members of the Commission shall, before taking up their duties, swear or affirm before the Chairman of the Organization of African Unity that they will perform their functions impartially and conscientiously. Thereafter, every member of the Commission shall, before taking up his duties, so swear or affirm before the Commission itself.

Article 13

The Commission shall elect its officers, including a chairman and one or more vice-chairmen. The officers shall be elected for a term of three years. They may be re-elected.

Article 14

The Commission shall establish its own rules of procedure.

VI. ANNUAL REPORT

Article 15

The Commission shall submit every year through the Secretary-General of the Organization of African Unity, a report on its activities to the Assembly of Heads of State and Government of the Organization of African Unity.

ANNEX II

Conclusions and recommendations

On 19 September 1979, the Seminar unanimously adopted the following conclusions and recommendations:

1. The Seminar concludes that it would be desirable to establish an African Commission on Human Rights as soon as possible and therefore requests the Secretary-General of the United Nations to transmit to the Organization of African Unity, for consideration, the Monrovia proposal, (see annex I) as a possible model for an African Commission on Human Rights, pending the approval of an African Declaration of Human Rights or the conclusion and entry into force of an African Charter of Human Rights.

2. The Seminar decides that its Chairman, in collaboration with the Representative of the Secretary-General of the United Nations, should inform the Chairman of the Organization of African Unity, President Dr. William R. Tolbert, about the results of the Seminar, the Monrovia proposal for the setting-up of an African Commission on Human Rights and the recommendations of the Seminar.

3. The Seminar suggests to the Organization of African Unity that it should discuss with non-governmental organizations ways and means whereby they could co-operate with the African Commission on Human Rights in the promotion and protection of human rights.

4. The Seminar recommends to the United Nations that it should intensify its activities in the field of human rights in Africa, particularly by disseminating information to all levels of the population in Africa and encouraging teaching, training, education and research activities in the field of human rights in collaboration with the Organization of African Unity, the Office of the High Commissioner for Refugees, the specialized agencies such as the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization, the Food and Agriculture Organization of the United Nations and the World Health Organization, and within the competence of the agencies concerned.

5. The Seminar welcomes the information that the United Nations Educational, Scientific and Cultural Organization plans the establishment, in the near future, of an African institute for teaching and research in the field of human rights, and urges the establishment of such an institute as early as possible and, bearing in mind recommendation No. 8 of the Arusha Conference on the situation of refugees in Africa, calls upon the Organization of African Unity, the United Nations, the Office of the United Nations High Commissioner for Refugees and the International Labour Organisation, with the co-operation of African universities, the African Bar Association, the International Red Cross and Crescent and other relevant institutions to collaborate in this undertaking.

6. The Seminar recommends that the Monrovia proposal for the setting-up of an African Commission on Human Rights and its conclusions and recommendations should be brought to the attention of the United Nations General Assembly at its thirty-fourth session.