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ORGANISATION DE L'UNITE
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اديس ابابا Addis Ababa

SPEECH DELIVERED BY
MR ISAAC NGUEMA
CHAIRMAN OF THE AFRICAN COMMISSION
ON HUMAN AND PEOPLES' RIGHTS
AT THE INAUGURAL CEREMONY OF THE HEADQUARTERS OF
THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

BANJUL, 12 JUNE 1989



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CHAIRMAN OF THE AFRICAN COMMISSION

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AT THE INAUGURAL CEREMONY OF THE HEADQUARTERS

THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

DAKAR, 12 JUNE 1963

Your Excellency, President of the Republic of The Gambia,
Your Excellency, Secretary General of the Organisation
of African Unity (OAU),

Excellencies, Ladies, and Gentlemen, Honourable

Guests,

Distinguished members of the Commission, Dear
Colleagues and Friends.

How can it be possible for me, Your Excellency,
President of the Republic, Honourable Guests, to express
in words or deeds, in images or, even in songs, the
joy and happiness of your humble and faithfull servants,
members of the African Commission on Human and Peoples'
Rights gathered in this temple of Human Rights, how can
it be possible for me to express here the joy and
happiness which burst and flood the heart and soul of
the Chairman of this Institution, how can we express the
immense feeling which henceforth, releases our tongues
of fire from total dumbness breaks the chains of our
anonymity and frees us from the shadows of the night.

In fact, after wandering for long nights up hill and
down dale, livid and haggard braving the weather, turbulent
areas, sand storms and tempests, here we are, dear
colleagues, at the end of our journey.

Here we are on firm grounds, on the promised land, that
was chosen by the sacred forces determining the fate
of our continent that was chosen by the ancestral Gods,
of this blessed country that was announced by the OAU
Heads of State and Government: a land of milk and honey
and in which justice prevails, a land where the sun
neither rises nor sets a land of peace, freedom, and
brotherhood a land of dialogue, tolerance and solidarity.

Your Excellencies, Honourable Guests here we are on the banks of River Gambia, a country rightly considered in Africa as its true navel and which thanks to its history and the sagacity of its leaders is also the source and home of Human and Peoples' Rights; here we are in The Gambia on this day of 12th June 1989 to establish on a firm footing and elaborate the fruitful alliance, henceforth indissoluble and irreversible, between Human Rights and the development of our continent, between Banjul the capital of The Gambia and the African Commission on Human and Peoples' Rights, the new beacon of hope for Africa.

This is a day never to be forgotten in the evolution and development of Africa, a day of glory establishing the victory of the forces of peace, freedom and democracy over the powers and regimes where hatred, dictatorship, terror fear prevail.

Nearly two years of lethargy and transitions existence, the Commission is now proud to have a nourishing earth and mother which ensures a safe anchorage for the impementation and extension of its activities.

We mainly owe this day of glory and victory to the insight, prophetic vision, determination and exceptional courage of man presiding so devotedly over the testing of this beautiful country. That is, Your Excellency, President of the Republic, as I am done the honour of being the first to take the floor at this ceremony, it is a singular privilege and a pleasant duty for me to bow respectfully before you and express to your Excellency, your Government, the people of The Gambia my feelings of profound gratitude and sincere admiration from the bottom of my heart, on behalf of the African Commission on Human and Peoples' Rights and on behalf of its Chairman, your humble and faithful servant.

The African Commission on Human and Peoples' Rights salutes you as the supreme combatant of and committed disciple to the cause of human rights, it expresses its appreciation and is delighted to have as sponsor, the Head of State of an Africa country which have the courage in making, relentless efforts to host in 1980 and 1981 the two conferences of the Justice Ministry of the OAU requested to finalize draft Convention on Human and Peoples' Rights which has since become our Banjul Charter.

Our most ardent wish is that the fate and life of this Commission enjoy your quasi-divine blessing and fatherly protection.

Your Excellency, the Secretary General of the OAU.

It is for the African Commission on Human and Peoples' Rights and for its very devoted servant to respectfully salute you as the defender, architect and indefatigable artisan of the unity, freedom, dignity and independence of the States of our continent, the support and unconditional protector of our institution.

In fact, in the absence of all the resources and structures, and thanks to your constant concern, your attachment and your commitment to the triumph of the course of human and peoples' rights in Africa, our Commission, in spite of the constraints impose in our countries by the international crisis, was able to begin its activities and submit its first progress report to the twenty-fourth Session of the Assembly of Heads of State and Government of the OAU.

May I on this solemn occasion express on behalf of the Commission and, on my own behalf, our sincere thanks and respectful consideration, to you and all your assistants who with devotion and exemplary competence contributed the best of their life the sources to and used all their energy for the functioning of our Commission.

Your Excellency, President of the Republic,
Your Excellencies,
Honourable Guests,

at the time, the African Commission on Human and Peoples' Rights has been given the opportunity to settle in this furnished building in The Gambia, I would like to talk briefly about the Commission before giving you some indications on which could pompously be called an assessment of its activities.

Established by the African Charter on Human and Peoples' Rights was adopted at the summit held in Nairobi in 1981 and came into force on 21st October 1986. The African Commission on Human and Peoples' Rights, as we are all aware, was entrusted with the task of promoting and protecting human and peoples' rights in Africa.

Since 2nd November 1987, date of the official installation of its members elected on 29th July 1987 by the twenty-third Session of the Assembly of Heads of State and Government, the Commission met successively in:

- Addis Ababa, Ethiopia, on 2nd November 1987;
- Dakar, Senegal from 8th to 13th February 1988;
- Libreville, Gabon, from 14th to 28th April 1988;
- Cairo, Egypt from 17th to 26th October 1988;
- Benghazi, Libya, from 3rd to 14th April 1989.

During that period, the strategy of the Commission consisted in building up the structures necessary for its functioning and in carrying out the task assigned to it by the Banjul Charter.

As regards the stages taken to have the structures needed for its smooth running, the Commission succeeded in setting up its major pillars.

The first pillar is the rules of procedure which constitutes the cornerstone of the edifice, setting out and condensing in 120 rules *modus operandi* of the Commission including particularly the rules and regulations to be applied for the settlement of cases.

The second is the financial regulations which makes the Commission autonomous in budget matters in terms of management and finding. This is all the more satisfactory for members of the Commission since it is in perfect harmony with the spirit of independence underpinning the Commission and with the preponderant role that the OAU Heads of State and Government assigned to it within the overall system of OAU institutions taking into account the delicate nature of its mission.

The third pillar concerns the set of guidelines relating to the presentation and substance of periodic reports on the legal or other measures taken with a view to enforcing the rights and liberties recognized and guaranteed by the Charter, which the state parties to the Charter undertake to submit every two years.

Finally, in order to reinforce these provisions and measures aimed at strengthening the structures of the edifice, the Commission devised methods and tools which allow for a rational recording, processing and study of cases.

Guided in their approach by these pillars, the Commission embarked on the accomplishment of the main tasks assigned to it by the Charter namely the promotion and protection of fundamental rights and liberties. To achieve this, it endeavoured to establish relations of cooperation and logistic support which are vital to the efficiency of its actions.

Among the universal Global, regional or sub-regional international organizations, I would like to single out those which have kindly accepted to participate in today's inaugural ceremony.

One of these is United Nations' Human Rights Centre and I would like to extend a warm welcome its representative, Mr Jean Martenson, UN Under Secretary for Human Rights, Director General of the UN office in Geneva, Director of the above Centre.

Next is the European Commission on Human Rights represented by Sir Basil Hall whom we would like to extend our fraternal greetings.

Finally, there is the Inter-American Commission on Human Rights (IACHR) which our Commission will have the pleasure to visit probably next August. We also want to take this opportunity to express our great pleasure for having among us, their representative Honourable Oliver Jackman.

However, in spite of this fruitful cooperation with inter-governmental organizations, the African Commission on Human and Peoples' Rights, conscious of the fact that it cannot control the situation and promote the development of Human and Peoples' Rights in Africa without the active support and participation of non-governmental organizations, decided to grant observer status to those organizations which pursue the same objectives.

Among the non-governmental organizations, may I be allowed to make special mention of the International Commission of Jurists and the International Academy on Human Rights. Both organizations had in their campaign for liberty as Chairman, His Excellency Mr Kebba MBaye, father of the African Charter on Human and Peoples' Rights and now Vice-President of the International Court of Justice at the Hague. It is a singular honour for us to have him follow-up the developments of this child our Commission to participate

in person in today's inaugural ceremony in spite of his heavy schedule.

With the assistance and support of these inter-governmental and non-governmental international organizations, the Commission undertook to promote and protect Human and Peoples' Rights through the encouragement of a number of initiatives, the participation in international meetings and the on-going settlement of about forty complaints.

To give an insight into the initiatives taken by the Commission, a certain number of decisions and recommendations can successively be mentioned here. The most important being:

- the conception of an African review on Human and Peoples' Rights;
- the integration of the Banjul Charter into the legislations of states and its publication in vernaculars;
- the teaching of Human and Peoples' Rights at various levels of all educational systems;
- the periodic radio and television programmes on Human and Peoples' Rights;
- the yearly celebration, on 21st October of the African day for Human and Peoples' Rights;
- finally, the establishment of local, national or sub-regional Human and Peoples' Rights committees and Institutes for the dissemination of knowledge and information on Human Rights.

As regards participation in international meetings, the members of the Commission were involved in training courses organized either in cooperation with or with the assistance of the Human Rights Centre in Geneva. The Commission also took part in the campaign to sensitize the public of Human Rights which marked the 40th anniversary celebrations 1948 of the Universal Declaration of Human Rights and the commemoration of the Bicentenary of the French Declaration of Human and citizens' Rights of 1789.

The Commission finally participated in seminars on Human Rights particularly in the one which was organized in Strasbourg, last November with the support of the Council of Europe and the German Foundation Friedrich Naumann, by the Pan-African Institute of International Relations founded and directed by Professor Edem Kodjo who is unable to come to Banjul to grace this inaugural ceremony, in his capacity as former Secretary General of the OAU. The latter was requested by the session of the Assembly of Heads of State and Government held in Monrovia, in 1979 to convene a meeting of high level African experts with a view to preparing a preliminary draft of the African Charter on Human and Peoples' Rights providing particularly for the institution of promotion and protection organs.

In regard to the settlement of conflicts emanating from the violation of Human and Peoples' Rights in Africa, about 40 cases have been submitted to the Commission and the investigation is in progress. The results will be published after the forthcoming Assembly of Heads of State and Government examine the Activity Report of our Commission.

Your Excellency President of the Republic,
Excellencies,
Ladies and Gentlemen,

Distinguished guests, this is what the Commission has been able able to do.

The Gambia is preparing to host the headquarters of our Commission.

We have no doubt that the hospitality accorded us and the continued attention given us by the Head of State, the Government and people of The Gambia will go a long way to boost the image of the Commission and according to the objectives set by the Founding Fathers of the African Charter on Human and Peoples' Rights, make it an effective instrument for the total liberation of Africa whose peoples continue to struggle for their true independence, and dignity. It would also provide them with an instrument to eliminate colonialism, neocolonialism, apartheid, sionism and all forms of discrimination, particularly those based on race, ethnic groups, colour, sex, language, religion or political opposition, in short, an instrument of development at the service of Africa and mankind.

1989-06-12

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