



**ORGANIZATION OF
AFRICAN UNITY**

Secretariat
P. O. Box 3243

منظمة الوحدة الأفريقية

السكرتارية

ص. ب. ٣٢٤٣

**ORGANISATION DE L'UNITE
AFRICAIN**

Secretariat
B. P. 3243

Addis Ababa * * ادريس ابابا

COUNCIL OF MINISTERS
THIRTY-FIRST ORDINARY SESSION
KHARTOUM, SUDAN
7-15 JULY, 1978

CM/770 (XXVII) Rev. 2

(Part Three)

Annex

FINANCIAL RULES AND REGULATIONS

CONCERNING ARTICLES 29(b), 30, 84, 85 and 86



Annex to CM/770(XXVII)Rev.2
(Part Three)-
Financial Rules and Regulations
Concerning Arts.29(b)30,84,85.86

These articles empowered the Advisory Committee, a body appointed by the Council of Ministers, to advise the Council as well as the Secretary-General on matters relating to the administration of the General Secretariat. It would seem improper as futile to do so.

Articles XII and XXIII of the OAU Charter stipulate the functions of the Council of Ministers. In XII the Article Council of Ministers is given the responsibility of implementing the decisions of the Assembly of Heads of State and Government. This could be broadly interpreted to include the administration of the OAU General Secretariat. But Article XVI of the Charter stipulates that the Secretary-General directs the affairs of the Secretariat. The Charter has therefore specifically made the Secretary-General the sole administrator of the Secretariat. It is considered that this provision is a recognition of a cardinal point of Administration viz that the administration of an institution must be the responsibility of one person. This cardinal principle avoids the inherent confusion arising where more than one person is made responsible for the administration of an institution.

Reference may be made to rule 7 of the Functions and Regulations of the General Secretariat when it stipulated that the Administrative Secretary-General is directly responsible to the Council of Ministers for the "Adequate" discharge of all duties assigned to him. Here the use of the word "adequate" is used to avoid references to details in the performance of the Secretary-General's duty. If however, it is intended that the Secretary-General shall report to the Council of Ministers in matters relating to the Administration of the General Secretariat, it will be in direct conflict with Charter provision which did not give the responsibility of administering the Secretariat to the Council.

The Articles in CM/770(XXVII)Rev.2 (Part Three) empowers also to Advisory Committee to advise the Secretary-General on matters relating to the personnel of the Secretariat. The Committee is a body of the Secretary-General's employers, and any advise it would purport to give the Secretary-General will certainly amount to instruction. It would therefore be improper for the Committee to instruct the Secretary-General on a matter he has full responsibility.

For reasons given above, it will be improper to empower the Advisory Committee to advise the Secretary-General in the Administration of the General Secretariat, it will also be futile for the Committee to advise the Council of Ministers on a subject the Council has no jurisdiction.



1978-07

Financial Rules and Regulations Concerning Articles 29(b), 30, 84, 85 and 86

Organization of African Unity

Organization of African Unity

<https://archives.au.int/handle/123456789/9678>

Downloaded from African Union Common Repository