

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

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EX.CL/489 (XIV)

REPORT OF THE AFRICAN COURT ON HUMAN AND
PEOPLES' RIGHTS TO THE BUDGET
FOR YEAR 2009

Report of the African Court on Human and Peoples'
Rights to the Budget for year 2009

1) Basic Salary:

The approved structure for the Court has forty six regular staff and the President whose terms and conditions of service is the same as regular staff members. The basic salary is based on the current salary scales of the African union and it is assumed that those recruited in year 2008 will have their salaries increased in year 2009 to step 2 of their respective salary scales. Therefore the increase of 30% over last year represents increment to 39 members of staff minus the President as his salary does not increase. The salary structure used does not take into account the current proposals of increasing the salaries of the African Union.

2) Post Adjustment Allowance

Post adjustment is 40% of basic salary to internationally recruited staff as per EXC.CL/331(XI).

3) Temporary assistance

The structure of the Court is almost one employee per post. The Temporary assistance is budgeted for recruitment of temporary staff to assist the Court especially those posts that are basically one employee and yet need two or more. Currently the structure of the Court is one Cleaner, one Receptionist, two drivers against five (5) vehicles as approved in the budget

The Court will therefore need extra personnel in the following fields namely Cleaners at least a minimum of four because the Court premises is quite large and no single Cleaner can clean the offices alone. There is only one receptionist, and if this person falls sick or has to go on leave, the Court will be required to recruit a receptionist. At least one more temporary receptionist is needed whilst the Court submits its revised structure to the relevant authorities.

The plot on which the Court is situated is quite a big area of which one cleaner will not able to clean the offices as well as the surrounding areas. In this context, the Court will have to source the service of tending the gardens of the Court or hire more Cleaners on temporary basis.

Though the donors such as the GTZ may fund recruitment of extra legal experts, the Court while waiting for donors to assist may need to recruit the legal experts once it becomes operational because the volume of work will not be met by the four (4) legal experts of the current structure of the Court.

4) Overtime

Overtime is unavoidable during sessions and meetings for support staff like drivers, documentalist and other GS staff. Security personnel will be required to work overtime since their services are required even during weekends. The figure is based on 25% of a third of the basic salary of all GSB staff who are twelve (12) in total.

5) Judges Allowances & Consultant Emoluments

This is based on the approved allowances for the ten (10) judges (including the Vice President). This will also cover the acting allowance for the Vice President and any Judge appointed to act as President.

It is also anticipated that the court will require the services of consultants especially during the first year of full fledged operations. Areas that might need specialist help include setting up the library, publicity, communication strategy, ITC requirements and additional Legal Experts, etc.

6) Initial Recruitment

The recruitment exercise for all posts except five (5) were completed in year 2008. Unfortunately it was not possible to find suitable candidates among those who applied for posts of Translators English and French. Therefore, these two posts were re-advertised making a total of 7 vacant posts to be filled in year 2009.

The provision made in the budget of year 2009 is in regard to the recruitment of the seven (7) remaining posts namely Deputy Registrar, Arabic and Portuguese Interpreters and two Secretaries for Arabic and Portuguese and the re-advertised posts of Translators for English and French. Therefore the provision includes all costs associated with recruitment such as air tickets and per diem for those attending interviews and travel costs for those who will be recruited including transportation of personal effects. It also covers costs related to Consultants to conduct recruitment process.

According to the Sharm El-Sheikh decision contained in document EX.CL/Dec.449 (XII), the Court will submit a new structure of the Registry in 2009. The budget submitted for 2009 does not take into account the new structure.

7) Travel on Home Leave

Only the Private Secretary to the President and her family will be entitled to home leave in the year 2009 as she was recruited in September 2007. Therefore the figure for the last year budget is maintained.

8) Installation Allowance

The provision only caters for the remaining seven (57 posts that will be filled early 2009. A total of seven (7) plus twenty eight (28) dependants assuming each staff come with three children and a spouse.

9) Dependency allowance

Dependency allowance is 5% of basic salary per annum for spouse and US\$250 per child per annum. We have budgeted for an average of three (3) children for each member of staff.

10) Housing allowance

Housing allowance is as follows:

❖ International GSA:	\$11,040.00 per annum
❖ P1 to P3:	\$14,352.00 per annum
❖ P4-D1:	\$17,664.00 per annum

Though we are guided by document EX.CL/331(XI), the calculation is based on AU Nairobi Office as this is nearer to Arusha than Addis Ababa, as it is line with adopting the nearest duty station policy in a place where rates could not be determined and in this case Nairobi AU Office in nearer than AU Commission in Addis Ababa. The President and the Registrar are not covered since they are entitled to free accommodation by the host country.

11) Pension contribution

Pension contribution is at the rate of 15% of basic salary.

12) Group Life Insurance

This covers all staff members.

13) Medical Scheme

This is to cover eighty percent (80%) of staff members' medical costs as per Staff Rules and Regulations. The amount also covers medical evacuations and cost of medication.

14) Travel Insurance

This is to cover for all staff and judges during official missions. Travel insurance is not paid annually but whenever a staff takes an official mission, he/she should be covered.

15) Training Costs

We are expecting training cost to be a significant portion of our budget considering that all members of staff will be new recruits. To be effective, the Court will have to invest in training the personnel for the maximum benefit of their services.

16) Separation Costs

The provision takes into account the fact that almost all members of staff will be new. Some of these staff members may decide not to continue in the services of the Court and some of them may not be confirmed after the probation period (International Staff Only) and they will have to be paid in order to go back home or for those who may resign from the services of the Court before the end of the year. The provision also includes repatriation in case of death.

17) Staff Welfare

This is meant to cover costs related to staff welfare provisions such as mineral water and teas. It is a fact that these days all Organizations are providing mineral water for drinking for staff in the offices for safety reasons.

18) Education Allowance

The budget is based on the current allowances, \$6,500.00 per child for international staff and \$2,100.00 for local staff. We have budgeted for 3 children per member of staff.

19) Acting allowance

This will be unavoidable especially during the first half of the year as recruitment is expected to be finalized later. Those who assume duties earlier might be required to act especially for critical functions.

20) Official Missions

This is to cover all official missions for staff and members of the Court.

21) Hospitality

This is necessary for an institution that is being established for networking purpose

22) Maintenance Costs (Vehicles, office equipment and premises)

The maintenance of vehicles is expected to rise since the cars will be two years old. As regards the equipment, the durability of these equipments cannot be

guaranteed therefore the expected life cannot be determined. It is in this regard that the Court expects that maintenance costs on equipment will rise.

On the other hand, the Court's proposed premises are relatively big, meaning that maintenance costs will be high. The provision includes the partitioning of the new premises to accommodate the staff. It also caters for maintenance of the residence of the President and the Registrar

23) Utilities (Water and Electricity)

We have maintained the allocation for year 2008 because the Court only started paying for these utilities in the second half of year 2008. The Court is yet to move to new premises and it is very difficult to estimate what will be the water and electricity consumption at the new premises. Based on that assumption, maintaining the same allocation as for year 2008 will be better until the Court is able to experience the consumption of water and electricity so that the budget for 2010 will be based on actual consumption of year 2009.

24) Insurance of property

This covers premises, office equipment as well as vehicles (0.18% of estimated value for premises and Office equipment and 5% of estimated value for Vehicles).

25) Fuel and Lubricants

This provision is for four office vehicles bought from the year 2007 allocation. The Court is yet to purchase one more vehicle from year 2008 allocation though it is limited by lack of drivers.

26) Communication (Telephone, Fax, Postage, Freight, Internet)

Rates based on average cost of organizations of similar nature in Arusha (adjusted to take into account the number of employees). The allocation for code 504 Freight has been increased from US\$5,000 to US\$50,000 because mail delivery by courier is faster and safer than by normal postal systems especially considering that the Court as a judicial body needs a guaranteed safety and confidentiality of mail dispatched.

On average, a letter to Addis Ababa costs between US\$50 to US\$65 and to Nairobi costs US\$ 45.00, therefore, the further the place the more costly it becomes. The amount of correspondence the Court will have in relation to its operations will be heavy and in most cases urgent. This is why courier is preferred to normal mail posting.

27) Stationery and Office supplies

The provision is based on the fact that the Court will not have significant stocks at the end of the year. It is also expected that with the recruitment of the Court Registry Staff, this code will be used and therefore the allocation for 2008 is repeated in 2009.

28) Bank Charges (Including Loss/Gain on exchange)

Exchange loss is expected to be quite significant considering the current volatility of the US dollar. The exchange losses arise as a result of the difference between the UN Rate of exchange that is determined monthly and used by the all Organs of the African Union and the daily, if not hourly rate, of exchange used by banks. The losses will mainly arise from transfer of funds from the dollar account to the local currency account.

Further more the Court pays commission and bank charges whenever money is remitted outside the seat of the Court. The same code covers ledger fees charged by bank monthly.

29) Printing of Documents

This covers all printing requirements of the Court such as letterheads, accounting forms among others. The full operation of the Court is expected to begin end of the fourth quarter of the current year. So many documents will need to be printed which were not printed in the current year since most staff were not at post.

The same code will be used to print the New Rules of Procedure of the Court that has to be printed and distributed to all member states and interested parties. The Protocol of the Court too needs to be printed for distribution to member states and interested partners. Further more the Court will have to print its judgements and activity reports

30) Library Books and Services

The Court will establish a Library this year after the recruitment of a Librarian. The provision is for the start up phase only since we are expecting the cost of fully equipping the Library to be far much higher. This is based on the titles required and the number of copies. The same budget for year 2008 is maintained as the Court was not able to utilize fully the allocation of year 2008 due to lack of personnel.

31) Newspapers and Periodicals

This amount is for the daily and weekly newspapers and periodicals relevant to the Court such as Africa Confidential, New Africa and legal journals around Africa.

32) Publicity

This is very essential for a new organ such as the African Court on Human and Peoples' Rights to make itself known within the host country and Africa as a whole. The Court needs to publish a lot of material and bind them into books and newsletters for distribution to member states and to donors funding some of the projects of the Court.

33) Translation Fees

This is for translation work, by freelance, not related to any particular meeting which might be required by the Court from time to time.

34) Improvement of Premises

The Court is asking for an amount of US\$200,000 under this vote. This is intended to cater for the need to demarcate, partition and purchase of floor carpets for the offices. It also caters for any other improvements to Court that may be deemed necessary but not under the obligation of the host country.

35) Furniture and Fittings, Telecommunication equipment, Press and information equipment

The Court's Offices are to be furnished by the Government of Tanzania. However, a need could arise during the course of the year to acquire furniture which is not covered by the host agreement. As regards telecommunication equipments, the Court if allocated the funds intend to purchase video cameras and ordinary cameras to help in the publicity of the Court.

36) Vehicles

The Court will have sufficient vehicles and there is no need for purchase of vehicles. The Court also is limited by the number of drivers because the approved number in the current structure is only two drivers.

37) Meeting and seminars

This is to cover four ordinary sessions and two extraordinary sessions (15 days per session) and associated costs as per attached calculations. There is also one inauguration ceremony. This also includes other meetings such as committee meetings and other official seminars.

38) Legal aid

Establishment of the Court provides for legal representation where the interests of justice so require (Article 10.2). This is meant to assist those bringing cases

who do not have the means to finance themselves. The allocation has been raised from the budget of 2008 from US\$100,000 to US\$200,000 because costs of defending cases are quite high and the Court is expected to be fully operational beginning year 2009.

39) Audit Expenses

This is for expenditure related to external audits. The same figure for year 2008 has been maintained.

Account Code	Description	APPROPRIATION 2008	EXPENDITURES		TOTAL COSTS	APPROPRIATION 2009
			Actual up to 31/08/08	Projected 01/08/08 to 31/12/08	TOTAL to 31/12/08	
AFRICAN COURT ON HUMAN AND PEOPLE'S RIGHTS						
100	Base salary	629,002	96,452	226,335	322,787	819,608
101	Post Adjustment Allowance	217,158	25,350	74,434	99,784	280,971
102	Temporary Assistance	20,000	9,909	10,000	19,909	100,000
103	Overtime	10,000	3,083	6,000	9,083	20,000
104	Judges Allowances & Consultant Emolument	540,000	344,760	195,240	540,000	540,000
200	Initial Recruitment	686,010	505,321	180,689	686,010	283,867
201	Travel on Home Leave	15,000	6,065	0	6,065	15,000
203	Installation Allowance	308,000	0	292,000	292,000	100,000
204	Dependency Allowance	47,488	4,002	23,066	27,068	76,230
205	Housing Allowance	249,880	6,672	79,264	85,936	359,904
206	Pension Scheme	94,351	11,200	33,953	45,153	122,941
207	Group life insurance	91,500	0	45,000	45,000	150,000
208	Medical scheme	250,000	4,519	150,000	154,519	250,000
209	Travel Insurance	0	0	0	0	50,000
210	Training Costs	80,000	0	80,000	80,000	80,000
211	Separation Costs	77,550	5,984	25,000	30,984	77,550
212	Staff Welfare	5,000	6,552	3,000	9,552	20,000
215	Education Allowance	522,875	12,106	510,769	522,875	700,500
218	Acting Allowance	6,720	0	0	6,720	20,000
	Sub Total Staff Costs	3,850,534	1,041,975	1,934,750	2,983,445	4,066,573

300	Official Missions	300,000	135,408	100,000	235,408	300,000
304	Hospitality	20,000	4,620	10,000	14,620	20,000
	Sub Total Missions & Other Related Costs	320,000	140,028	110,000	250,028	320,000
401	Maintenance of Vehicles	18,000	1,805	12,000	13,805	25,000
402	Maintenance of Equipment	15,000	4,176	10,000	14,176	30,000
403	Maintenance of Premises	45,000	4,710	35,000	39,710	200,000
404	Utilities (water and electricity)	50,000	1,606	48,000	49,606	50,000
406	Insurance of property	35,000	3,452	31,548	35,000	35,000
410	Fuel and Lubricants	30,000	2,094	20,000	22,094	30,000
	Sub Total Utilities & Other Expenses	193,000	17,843	156,548	174,391	370,000
501	Telephone	50,000	9,743	25,000	34,743	50,000
502	Postage	30,000	75	15,000	15,075	30,000
504	Freight Charges	5,000	509	4,491	5,000	50,000
505	Fax	10,000	26	2,500	2,526	10,000
506	Internet Services	50,000	4,911	25,000	29,911	50,000
	Sub Total Communications	145,000	15,264	71,991	87,255	190,000
600	Stationery & Office Supplies	75,000	8,045	40,000	48,045	75,000
601	Bank Charges	10,000	75	9,925	10,000	40,000
602	Loss or Gain of Exchange	15,000	231	3,000	3,231	15,000
603	Other Supplies & Services	25,000	57,139	0	57,139	25,000
604	Printing of Documents	25,000	928	24,072	25,000	100,000
605	Library books & services	150,000	135	149,865	150,000	150,000

606	Newspapers & Periodicals	10,000	126	9,874	10,000	15,000
607	Publicity	30,000	823	29,177	30,000	100,000
609	Translation fee	50,000	1,302	15,000	16,302	50,000
610	Protocol Services	30,000	4,801	25,199	30,000	30,000
	Sub Total Stationery & Supplies	420,000	73,605	306,112	379,717	600,000
701	Improvement to Premises	0	0	0	0	200,000
702	Furniture & Fixtures	25,000	3,208	21,792	25,000	25,000
703	Office Equipment	75,000	6,997	25,000	31,997	75,000
703	Telecommunication Equipment	0	0	0	0	25,000
703	Press and Information Equipment	0	0	0	0	90,000
710	Vehicle Purchase	50,000	5,201	44,799	50,000	0
	Sub Total Capital Expenditure	150,000	15,406	91,591	106,997	415,000
800	Ordinary Sessions	1,171,920	409,941	441,552	851,493	1,171,920
801	Extra Ordinary Sessions	585,960	9,808	350,000	359,808	585,960
802	Meetings and seminars	110,000	0	110,000	110,000	110,000
802	Inauguration Ceremony	50,000	0	50,000	50,000	50,000
	Sub Total Meetings & Seminars	1,917,880	419,749	951,552	1,371,301	1,917,880
803	Audit Expenses	25,000	1,057	0	1,057	25,000
	Sub Total Board of External Auditors	25,000	1,057	0	1,057	25,000
901	Legal Aid	100,000	0	0	0	200,000
	Sub Total Programs	100,000	0	0	0	200,000
TOTAL		7,121,414	1,724,927	3,622,544	5,354,191	8,104,453

AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS

Initial Recruitment

	Number of Staff	Days	Rate	Amount	Dependants	Half DSA	Total
Installation Allowance	7	30	132.00	27,720.00	35.00	69,300.00	97,020.00
Recruitment Cost - DSA for candidates	21	5	132.00	13,860.00			13,860.00
Tickets for new recruits	7				35.00		70,007.00
Tickets for Interviews	21						47,250.00
Panel costs - tickets							31,500.00
Panel costs - DSA							11,250.00
Panel costs - Honorarium							40,000.00
Baggage	7						70,000.00
Total Initial Recruitment							380,887.00

Assumptions

46 staff compliment (27 international, 19 local recruits)

All 19 Local recruits recruited 2008

21 recruited 2008 - international

1 recruited 2007 - international

3 candidates attend interviews for each post

Baggage cost \$10,000.00 per staff

Account Code	Description	APPROPRIATION 2008	APPROPRIATION 2009	% Change
AFRICAN COURT ON HUMAN AND PEOPLE'S RIGHTS				
100	Base salary	629,002	819,608	23
101	Post Adjustment Allowance	217,158	280,971	23
102	Temporary Assistance	20,000	100,000	80
103	Overtime	10,000	20,000	50
104	Judges Allowances & Consultant Emolument	540,000	540,000	0
200	Initial Recruitment	686,010	283,867	-142
201	Travel on Home Leave	15,000	15,000	0
203	Installation Allowance	308,000	100,000	-208
204	Dependency Allowance	47,488	76,230	38
205	Housing Allowance	249,880	359,904	31
206	Pension Scheme	94,351	122,941	23
207	Group life insurance	91,500	150,000	39
208	Medical scheme	250,000	250,000	0
209	Travel Insurance	0	50,000	100
210	Training Costs	80,000	80,000	0
211	Separation Costs	77,550	77,550	0
212	Staff Welfare	5,000	20,000	75
215	Education Allowance	522,875	700,500	25
218	Acting Allowance	6,720	20,000	66
	Sub-Total Staff Costs	3,850,534	4,066,571	5
300	Official Missions	300,000	300,000	0
304	Hospitality	20,000	20,000	0

	Sub Total Missions		320,000	320,000	0
401	Maintenance of Vehicles		18,000	25,000	28
402	Maintenance of Equipment		15,000	30,000	50
403	Maintenance of Premises		45,000	200,000	78
404	Utilities (water and electricity)		50,000	50,000	0
406	Insurance of property		35,000	35,000	0
410	Fuel and Lubricants		30,000	30,000	0
	Sub Total Utilities		193,000	370,000	48
501	Telephone		50,000	50,000	0
502	Postage		30,000	30,000	0
504	Freight Charges		5,000	50,000	90
505	Fax		10,000	10,000	0
506	Internet Services		50,000	50,000	0
	Sub Total Communications		145,000	190,000	24
600	Stationery & Office Supplies		75,000	75,000	0
601	Bank Charges		10,000	40,000	75
602	Loss or Gain of Exchange		15,000	15,000	0
603	Other Supplies & Services		25,000	25,000	0
604	Printing of Documents		25,000	100,000	75
605	Library books & services		150,000	150,000	0
606	Newspapers & Periodicals		10,000	15,000	33
607	Publicity		30,000	100,000	70
609	Translation fee		50,000	50,000	0
610	Protocol Services		30,000	30,000	0

	Sub Total Stationery and Supplies		420,000	600,000	30
701	Improvement to Premises		0	200,000	100
702	Furniture & Fixtures		25,000	25,000	0
703	Office Equipment		75,000	75,000	0
703	Telecommunication Equipment		0	25,000	0
703	Press and Information Equipment		0	90,000	100
710	Vehicle Purchase		50,000	0	100
	Sub Total Capital Expenditure		150,000	415,000	64
800	Ordinary Sessions		1,171,920	1,171,920	0
801	Extra Ordinary Sessions		585,960	585,960	0
802	Meetings and seminars		110,000	110,000	0
802	Inauguration Ceremony		50,000	50,000	0
	Sub Total Meetings & Seminars		1,917,880	1,917,880	0
803	Audit Expenses		25,000	25,000	0
			25,000	25,000	0
901	Legal Aid		100,000	200,000	50
	Sub Total Programs		100,000	200,000	50
TOTAL			7,121,414	8,104,451	12

Sn	Post and Grade	Strength	Actual	Vacant	Remark
1	Office of the President				
	President (Special Elected)	1	1	Nil	
	Special Assistant (P3/2)	1	1	Nil	
	Private Secretary (GSA5/3)	1	1	Nil	
	Security Guard (GSB8/2)	2	2	Nil	
	Driver (GSB7/2)	2	2	Nil	
	Mail Runner (GSB6/2)	1	1	Nil	
	Household Staff (GSB5/2)	2	2	Nil	
	Total	10	10	0	
2	Office of the Registrar				
	Registrar (P6/2)	1	1	Nil	
	Deputy Registrar (P5/2)	1	0	1	To Be Recruited 09
	Secretary (GSA4/2)	1	1	Nil	
	Mail Runner (GSB6/2)	1	1	Nil	
	Total	4	3	1	
3	Legal Division				
	Senior Legal Officer (P3/2)	2	2	Nil	
	Legal Officer (P2/2)	2	2	Nil	
	Total	4	4	0	
4	Linguistic Division				
	Translators/Interpreters (P4/2)	4	0	4	4 To Be Recruited 09
	Total	4	0	4	
5	Information, Communications and Technology				
	Senior Communication and Information Officer (P3/2)	1	1	Nil	
	ICT Specialist (P2/2)	1	1	Nil	
	Total	2	2	0	
6	Protocol Services				
	Protocol Officer (P2/2)	1	1	Nil	
	Protocol Assistant (GSA5/2)	1	1	Nil	
	Total	2	2	0	
7	Library and Documentation				
	Librarian (P2/2)	1	1	Nil	
	Documentalist (P1/2)	1	1	Nil	
	Filing Clerk (GSA3/2)	1	1	Nil	
	Total	3	3	0	

8	Finance and Accounting				
	Finance Officer (P2/2)	1	1	Nil	
	Assistant Accountant(GSA5/2)	1	1	Nil	
	Total	2	2	0	
9	Human Resource Management				
	Human Resource Officer (P2/2)	1	1	Nil	
	Administrative Assistant (GSA5/2)	1	1	Nil	
	Filing Clerk (GSA3/2)	1	1	Nil	
	Total	3	3	0	
10	Typing and Reproduction				
	Secretary (GSA4/2)	4	2	2	2 To Be Recruited 09
	Reproduction Clerk (GSA3/2)	1	1	Nil	
	Total	5	3	2	
11	General Assistance				
	Security Supervisor (GSA5/2)	1	1	Nil	
	Court Clerk (GSA3/2)	2	2	Nil	
	Receptionist (GSA2/2)	1	1	Nil	
	Security Guards (GSB8/2)	2	2	Nil	
	Driver/Mail Runner (GSB7/2)	1	1	Nil	
	Cleaner (GSB6/2)	1	1	Nil	
	Total	8	8	0	
	Grand Total	47	40	7	