

NAME: BAMIGBOJE GRACE TOFUNMI

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The protection and promotion of human rights in Africa will be difficult to achieve if every nation is left to their own devices. However, certain institutions have been set up with the clear mandate to protect and promote these rights. These institutions include the African Commission, provided for in *Article 30 ACHPR* and given powers by *Article 45 ACHPR*, the ECOWAS Community Court of Justice established by Protocol A/P1/7/91 and given powers by *Article 4 A/P.1/7/91* and the African Court, established by *Article 1 of the protocol of the ACHPR* and given powers by *Article 3 of the Protocol on the African Court on Human and People's Rights*.

CHALLENGES FACED

1. The Commission was created by the states in Africa, and thus is controlled by the states it is meant to have power over. Its constitutive instrument delineates powers which are considered to be overly restrictive. *Article 55 ACHPR* allows for communications from persons other than state parties if a simple majority of members accept such communication. Following that, *Article 56 ACHPR* provides that such communications may be accepted only if they were made after the exhaustion of local remedies. The members of the commission also determine if the local remedies have been exhausted. This was brought into question in the case of *Association of Victims of Post-electoral Violence and Interrights v. Cameroon*. The country in question, the defendant, was a member of the body to determine whether the local remedies had been exhausted. Cameroon was sanctioned for enforcing human rights only 'in the books' and not in the actual sense of it.
2. The ECOWAS Court is often disregarded and given no respect. Judgements given by this court are hardly enforced, especially in countries where the ECOWAS Court receives most of its support. In the case of *Socio-Economic Rights and Accountability Project (SERAP) v Federal Republic of Nigeria* the court found Nigeria in breach of *Articles 1 and 24* of the Charter. The applicants brought claim on violations by the defendant on the right to health, adequate standard of living and the social and economic development of the Niger Delta people of Nigeria. The defendant also failed to set laws in place to protect environmental pollution in the Niger Delta. This case, on paper, is seen as one of the landmark cases in international human rights law in Africa. In reality, the Niger Delta looks even worse than it did then.

3. The African Court suffers basically the same fate as the ECOWAS Court. It is very restricted, even though it is given power by *Article 3 of the Protocol on the African Court on Human and Peoples Rights (AfCHPR)* to sit on matters regarding the interpretation of the Charter, its protocol or any other human rights instrument. The court's decisions are 'binding' on states who undertake to comply with them. However, in *Femi Falana v. African Union*, the court claimed that it had no jurisdiction to try the case when a matter was brought before it concerning *Article 34(6) of the Protocol*, which limits the access of individuals and NGO's to the court, for infringing the provisions of the African Charter.

SOLUTIONS

1. There should be some form of accountability put in place to check countries that blatantly refuse to comply with the decisions taken by the courts. Most times, countries only respond to harsh economic sanctions and trade restrictions, so those should be put in place as punishments if decisions are not complied with and implemented after a certain period of time.
2. *Article 34(6) of the protocol on the African Court on Human and People's Rights* should be reviewed. Restriction of access to the African Court is in direct contravention of *Articles 1,2,7,13,26 and 66 ACHPR*. Many times, it is unreasonable to expect that all local remedies can be exhausted without some grievous harm being done to the plaintiff. This was noted by the ECOWAS court in the case of *Ebrimah Manneh v The Republic of the Gambia*.
3. A body of representatives from each country, who have proven to be upstanding citizens, should be set up to review communications sent to the commission. If a member of that body is from the country the communication came from, he or she should not be allowed to review the matter. This stop matters from being thrown off as 'frivolous' just to protect the country involved.
4. If a country is obstinate and refuses to implement the decisions of either court, the institution should take up the matter and bring the country to the International Court of Justice

All three bodies are fundamental to the protection of human rights in Africa. For actual improvement to occur, complete overhauls in laws, procedure and implementation must happen. Countries must be willing to protect human rights.