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**Answer**:

The public institutions in Africa recognized by the African union (AU) are the African commission on Human and peoples’ Right, African Court on Human and Peoples’ Right, Ecowas Community Court of Justice etc. These institutions are established pursuant to ***article 30 of the African Charter, article 1 of the Protocol to the African Charter, article 6 & 15 of the Revised Treaty of ECOWAS***, respectively. Also, National Human Right Commission. These institutions mentioned above are vested with the mandate of protection and promotion of human rights.

However, these institutions had some challenges while carrying out the mandate of protection and promotion of human rights. Such challenges will be elucidated below with their solution to each challenge.

Lack of independence. The commission constituted of states upon creation and lacked independence, as such, the state delineates/describes the power of the commission which are considered to be overly restrictive. ***Article 55 of the charter,*** provides that the commission may receive non state party communications if simple majority of its members accept the communication. ***Article 56 of the charter***,provides for exhaustion of local remedies except in cases where it can be obvious that local remedies would be unduly prolonged and such can make individuals to suffer loss, and limits the jurisdiction of the commission. The **Ecowas court** did not also give individuals and NGOs direct access to court because of the state- centric approach to international law.

A solution to this challenge is that states should not be given the power to describe the restrictive power of the commission. The commission should be independent. Also, the commission does not need to allow individuals or corporate entities ascertain exhaustion of local remedies before they can receive the non-state parties’ communications, and individuals and NGOs should be given direct access to the court (ECOWAS) for private actions.

Another challenge suffered is the African Charter did not abolish the African commission, which made the African court to be dependent on the African commission instead of being independent, therefore, not making room for individuals to directly apply to the court. ***Article 33 of the protocol,*** the court shall draw their own rule in consultation with the commission as appropriate. Also, ***article 5(1) (b) of the protocol,*** the court cannot entertain a certain case already pending before the commission. The court also seeks advice from the commission and also may transfer cases to the commission.

A preferable amendment to this challenge is the African commission should be separated from the African court or abolished like the way the council of Europe abolished the European commission, so that there can be room for individuals to directly apply to the court.

Another challenge is favour of sovereignty of member states over human rights by the assembly of head of state and government of the commission thereby making the commission to be ineffective. ***Article 57, 58(1) & 58(2) of the African Charter*** made this obvious. This can also be seen in the case of ***international Pen and Other*** (on behalf of Ken Saro Wiwa) ***v Nigeria,*** the commission proposed a visit to Nigeria but didn’t come. Even after the death of Wiwa, the commission, council of head of states, government did nothing. Therefore, favoring sovereignty of member states over human rights.

A better solution to this is the assembly of head of state and government should make the commission effective by appointing rapporteurs to report on various human right areas and put human rights first ahead of state sovereignty.

Another challenge is lack of fact finding. ***Article 59 of the African charter***, reports by the commission are to be published by the chairman. The commission lacked fact finding in some areas which made the chairman of the commission to not be able to gather information and identify important details. A similar case to this is the case of ***Zamani Lekwot and 6 others v. Nigeria***, the commission came to Nigeria for violation of human rights, and the facts it found were not published.

A solution to this challenge is that Chairman of the commission should always to always gather facts and uncover information’s to ensure that solutions to human rights violations are imaginative, stable and well.

The institutions also lack professionalism, resources and underfunding making the institutions to rely on donor funds, also making cooperation with states another challenge because some states are poor to assist the court.

Solution here is institutions should be provided with an adequate budget and resources to enable it to maintain an efficient secretariat and to finance it activities for efficient working of the institutions.

Also, non-compliance of member states to the decisions/ judgements of the ECOWAS court.

Solution should be that, there should be a provision that once decisions are given, they must be implemented in member states.