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Right from the time of the successful resurgence and independence from colonialism, the continent of Africa has consistently suffered through gross violations of human rights for example Rwandan genocide. Even in more recent times, in Johannesburg there has been complaints from the South African Human Rights Commission (SAHRC) which have recorded more than 4 000 reports between 2015 and 2016. In summation the continent has been riddled with the infectious diseases which is human right violation.

Ever since the adoption of the UDHR by the UN General Assembly on December 10, 1948, the discussion of the promotion of human rights have been the watch word for many of the world’s nations; so much so that it resulted in the creation of regional instruments that address concerns of particular importance in the regional context such as the European union, American union etc. Africa is no exception as this evolution also penetration its border and birthed the African union, and other sub regional institutions in Africa such as Ecowas

The African Union (AU) is a continental union located on the continent of Africa. One of its objectives is to promote and protect human and peoples' rights in accordance with the African Charter on Human and Peoples' Rights and other relevant human rights instruments which in performs by virtue of its enforcement agencies such as the African commission and the African court. Similarly, the ECOWAS organization carries a human right mandate of protection and promotion of human rights which it performs by virtue of the institutions such as the ECOWAS community court of justice.

 Regardless of the many successes of these human rights institutions in promoting and protecting human rights within the continent by making available access to remedies concerning human rights violations not granted in municipal courts[[1]](#footnote-1) and in solving disagreements between states; there are however some challenges plaguing theses organizations which are truncating the successes of the organizations in promoting human rights such challenges are:

 Negation of ratification is a continuous issue. Most African states are reluctant to give power to an international body devoid of their influence. This is solely to protect their state sovereignty and so they refuse to ratify these institutions there for rendering them in affective. And example is the African court to which admissibility of cases under **art 5(3**) depends upon the ratification of the protocol **art 34(6)** which proved to be a problem in the case of ***Delta international investments SA, AGL De Lange and M De Lange v the republic of south Africa*** which restricted an individual access to remedies for human rights violations.

More so, the requirement to exhaust local remedies proves to be a stumbling block to so institution. Although this does not apply to the ECOWAS court, this in evident in the African commission. ***Art 55 of the ACHPR*** provides that the commission admit communication after the exhaustion of local remedies unless it is obvious to it that the procedure for obtaining local remedies is unduly prolonged. This serves as a problem to its human right mandate as some issues of human right violation require immediate action[[2]](#footnote-2) .

The lack of enforcement of the decisions of these institutions also appears to be a recurring issue. ***Article 15(4) of the ECOWAS Revised Treaty*** which provides that the “Judgments of the Court of Justice shall be binding on member States, the Institutions of the Community and on individuals and Corporate bodies.” But however, this not the case in reality. In the case of El-Zakzaky, the Nigerian government completely disregarded the decisions of the ECOWAS court similarly in the case of Ken Saro-Wiwa Jr. solutions to these problems are:

In the case of lack of enforcement of the decisions of these instructions the best solution is the issuing of sanctions to defiant states***. For example, in Article 2(3) of supplementary Act A/SP. 13/02/12*** issues sanctions against Member States that fail to honour their obligations to ECOWAS. Financial sanctions can also be effective.

More so, on the issue of exhaustion of local remedies, art 58 (1) of ACHPR provides that issues of massive violations of human rights the attention of the commission should be drawn to such cases. Also, in art 56 when the procedure is unduly prolonged immediate action is requested.

On the issues of refusal to ratify the protocols, the most viable solution is to encourage states who are not yet parties to the said treaty on the benefits of belong to such unions and its positive effects on the citizens of its member states. And also, to proffer sanctions on states who have adopted these treaties but failed to make a formal declaration to adopt the institutions.

1. Gbemre v. Shell Petroleum Development Company and Others Suit, Socio-Economic Rights and Accountability Project (SERAP) v. FRN and Universal Basic Education Commission. [↑](#footnote-ref-1)
2. International pen, constitutional rights project, interights on behalf of Ken Saro-Wiwa Jr. and civil liberties organization v Nigeria. [↑](#footnote-ref-2)