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HUMAN RIGHT.

The Africa Commission on Human and people’s right faces several challenges, one of the challenges that will affect the operation of **Article 30** of the charter is the principle of state sovereignty and that every state is equal and is not subject to the decision of other states.

**Article 55** of the ACHPR is also a major challenge that affects the commission, this Article provides that the commission may consider communication from other persons other than state parties, only if a simple majority of its members accepts such communication, this means that the members choose the communication to adjudicate on.

**Article 50, 56** is a challenge it provides that local remedies must be exhausted before approaching the commission, this is a challenge because some violations needs urgent remedies.

Enforcement ; this challenge could be as regard to the principle that states has to make a further declaration to be bounded by the decision of the commission, In **Inter Rights on behalf of Ken Saro-Wiwa and Civil Liberties Organization v. Nigeria**, the order given by the commission before the execution of Saro wiwa was not complied with by Nigeria and the commission did nothing about it.

Concealment of fact, this is strengthened by Article 59(1) of the ACHPR, by this article, the commission has the power to conceal its report from the public and this has the effect of sanctioning all impunity. In **Constitutional Rights Project in respect of Zamani Lekwot ana six others v. Nigeria** the commission found Nigeria guilty of violating article 7 of the Charter and recommended that Nigeria should free the applicant who has been charged for a capital offence under the civil disturbance act, the commission decided to make a visit to Nigeria to make sure that the violation has been repaired but the report of the visit was never published

The commission should review its constructive instrument by relaxing the powers given to the members of the commission who decides which communication to be used, also the commission should try as much as possible to set up committee which will see to the enforcement of the commission decision, the commission should also relax the principle laid in Article 59(1) of the ACHPR so as to enable them have a sense of responsibility to the general public by making available the facts and reports of the commission this will enable them work better.

The African Court on Human and People’s Right makes Access to the court which is strengthened by Article 5 and 34(6) difficult; these article serves as a limitation to the category of people that can institute an action before the court, for an individual to bring an action before the court, the condition that at the time of the ratification of the protocol or any time thereafter, the state shall make a declaration accepting the competence of the court to receive cases from individuals must be satisfied, this means that before an individual can bring a state to before the court, the state must have made a declaration to be bounded by the decision of the court. In **Ekollo Alexandre v. the Cameroon & Nigeria** where the action against the respondent failed because they had not made a declaration and Cameroon had not ratified the protocol.

NGO’s must meet the requirement that they should be of observer status before the commission; this is to show that not just any organization can institute a proceeding before the court, this serves as a limitation to people who has their rights being violated. In National Convention of teachers trade union v. Gabon, where the court held that the application is inadmissible on the grounds that the organization did not have observer status before the court.

The court should make the protocol that allows access to the court flexible so as to cover a wide range of NGO’s and not to make them limited to the provision given.

The ECOWAS Court of Justice give a person the opportunity to approach as a curt of first instance, the challenge of this is that once a person decides to go directly to the court and the matter has been determined by the court, such a person cannot go on appeal, this is the principle of resjudicta; a matter that has been adjudicated by a competent court and therefore may not be pursued further by the same party. This principle is unlike the municipal courts where one can appeal if he is not satisfied by the decision of the court. Enforcement is generally a major problem to all the Public Institutions.

In conclusion the court should ensures that they are proper bodies and committee put in place for members of the ECJ to see to the enforcements of the courts decision by various States.