

# **AN ANALYSIS OF STATE COMPLIANCE WITH THE RECOMMENDATIONS OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS**

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## DECLARATION

I declare that this dissertation is my original work and that it has not been submitted for the award of a degree at any other university or institution.

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## SUMMARY

The African Commission on Human and Peoples' Rights (African Commission), the monitoring mechanism of the African Charter on Human and Peoples' Rights (African Charter), takes decisions on individual communications submitted to it under the African Charter. When the African Commission finds that states have violated the African Charter, its decisions often contain recommendations to these states. The effectiveness of these recommendations depends on their implementation by the states concerned.

The African Commission has not put in place a follow-up mechanism or system to ascertain adherence or to ensure that states implement these recommendations. In the absence of research about state compliance with these recommendations, interviews were conducted to provide a first coordinated attempt at ascertaining the status of compliance with these findings. The study finds that there has been full state compliance in 14%, partial compliance in 20% and non-compliance in 66% of cases. This trend is similar in respect of the implementation by African states of the views of the UN Human Rights Committee, established under the International Covenant on Civil and Political Rights.

A number of diverse factors influence state compliance. Some factors, such as the weaknesses of the Organisation of African Unity (OAU) occasioning a lack of publicity and political pressure, and problems surrounding the institutional legitimacy of the African Commission, explain the general low rate of compliance. Other factors, such as the role of NGOs, the nature and extent of the violation and the form of government in the relevant state, explain (non)-compliance in particular cases.

Drawing on the experience of the United Nations, European and Inter-American human rights systems in addressing similar difficulties to ensure state compliance, the study concludes with extensive and pertinent recommendations to the African Commission and various organs of the African Union for a comprehensive and effective policy on and mechanism for the follow-up of its recommendations.

## LIST OF ABBREVIATIONS AND ACRONYMS

<i>ABDP</i>	<i>l'Association Burundaise pour la Defense des Droits des Prisonniers</i> (Burundi Association for the Protection of Prisoners' Rights)
ACHPR	African Commission on Human and Peoples' Rights
ACtHPR	African Court on Human and Peoples' Rights
ACJ	African Court of Justice
ACJ Protocol	Protocol of the Court of Justice of the African Union
AEC	African Economic Community
AHSG	Assembly of Heads of State and Government
APRM	African Peer Review Mechanism
AU	African Union
<i>CADHP</i>	<i>Commission Africaine des Droits de l'Homme et des Peoples</i> (African Commission on Human and Peoples' Rights)
CDDH	Steering Committee for Human Rights (Council of Europe)
CLO	Civil Liberties Organisation
CRP	Constitutional Rights Project
DRC	Democratic Republic of Congo
ECJ	European Court of Justice
ECOSOC	Economic and Social Council

HRC	(UN) Human Rights Committee
HSGIC	Head of State and Government Implementation Committee
ICCPR	International Covenant on Civil and Political Rights
ICJ	International Court of Justice
IHRDA	Institute for Human Rights and Development in Africa
Interights	The International Centre for the Legal Protection of Human Rights
MRA	Media Rights Agenda
<i>MBDHP</i>	<i>Mouvement Burkinabe des Droits de l'Homme et des Peuples</i> (Burkina Faso Human and Peoples' Rights Movement)
NDDC	Niger Delta Development Commission
NEPAD	New Partnership for African Development
NGO	Non-governmental organisation
NHRC	National Human Rights Commission (of Nigeria)
NHRI	National Human Rights Institution
NNPC	Nigerian National Petroleum Company
OAS	Organisation of American States
OAU	Organisation of African Unity
OHCHR	Office of the High Commissioner for Human Rights

RADDHO	<i>Rencontre Africaine pour la Défense des Droits de l'Homme</i> (African Forum for Human Rights Protection)
SERAC	Social and Economic Rights Action Centre
SPDC	Shell Petroleum Development Corporation
UN	United Nations
UNIP	United National Independence Party (Zambia)

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