

# **The African Charter on Human and Peoples' Rights**

**by**

**Hon Justice M Nasir  
President, Court of Appeal, Nigeria**

With the three conferences on the regional basis for the Domestic Application of International Human Rights Norms successfully held<sup>1</sup>, the idea has by now crystallised that there is need to hold regional conferences on human rights particularly in Africa where the roots of Human and Peoples' Rights have not been solidly established in very firm ground. In a continent where governments range from those elected by popular vote to those which are absolute dictatorships, it will not be out of place to remind the leaders that the African Charter for Human and Peoples' Rights is now in force since 1986. It may be recalled that the movement for Human Rights re-emerged after the Second World War. It may be said that Sir Winston Churchill and Mr F D Roosevelt may be said to usher the first modern "cry" for Human Rights when they introduced in the Atlantic Charter in 1941 their four freedoms, namely, freedom of life, freedom of religion, freedom from want and freedom from fear. No doubt these freedoms reflected the mood of the world at that time.<sup>2</sup> After the Second World War the United Nations Organisation was formed. In December 1948 the General Assembly of the United Nations adopted the Universal Declaration of Human Rights. This document is important in the sense that it is the first international declaration of human rights. It is however toothless as it has no machinery for enforcement of the human rights. It is not even clear whether it is binding on any nation.

Whatever might be the weakness of the U.N. Universal Declaration of Human Rights it has succeeded in giving birth to some regional human rights charters at the international level. The most important and successful regional international charter was the European Convention on Human Rights concluded in 1950. The next regional international Charter was the American Convention on Human Rights concluded in November, 1969. The youngest international Charter is the African Charter on Human and Peoples' Rights which was adopted by the members of the Organisation of African Unity in June 1981 at Nairobi, Kenya.

It may be recalled that the State parties to the Charter of the Organisation of African Unity were very conscious of the hard won independence of the member countries and they were very much determined to respect the independence, territorial integrity and the non-interference in the affairs of each member country. The issue, in 1963, when the treaty for the Organisation was signed was the unity of the African States and the protection of the political independence recently acquired by most of the States. This raises a number of relevant issues in respect of human rights. Firstly, when the Universal Declaration of Human Rights was made in 1948 most African countries were then colonies and therefore not independent. Secondly, when the Charter of the

United Nations (adopted in 1945) and the Universal Declaration of Human Rights (adopted in 1948) were adopted most African countries were not independent. They were therefore not parties to these enactments but the colonial masters said they had adopted for all their colonies.<sup>3</sup> Thirdly, even though the movement for human rights started as far back as 1945 when the Pan-African Movement tried to link human rights with the fight against colonialism,<sup>4</sup> not much was achieved until after the creation of the Organisation of African Unity in 1963 and excessive and persuasive campaigns for the establishment of human rights Charter for Africa. The culmination came at Banjul, The Gambia, when the African Charter on Human and Peoples' Rights was drafted. It was adopted by the Organisation of African Unity in June 1981 at the 18th Assembly of the Heads of State and Governments in Nairobi, Kenya. The Charter came into force in 1986 after it has been ratified by more than a simple majority of the members of the Organisation of African Unity.<sup>5</sup>

### Salient points in the Charter

The adoption and ratification of the African Charter on Human and Peoples' Rights by the majority members of the O.A.U. within a short period (1981-1986) was by itself a very important achievement. The Charter however ought to be highlighted in different aspects in order to show the amount of work and devotion dedicated to the making of the Charter. The Preamble recalls the provisions of the Charter of the O.A.U. on "freedom, equality, justice and legitimate aspirations of the African Peoples". It further reaffirmed the pledge for the eradication of all forms of colonialism, to intensify coordination and cooperation of African peoples and promote international cooperation having regard to the Charter of the United Nations and the Universal Declaration of Human Rights. In addition to affirming the desirability of freedom and human rights, the Preamble emphasised the importance of "taking into consideration the virtues of their historical tradition and the values of African civilisation which should inspire and characterise their reflection on the concept of human and peoples' rights" and "their duty to promote and protect human and peoples' rights and freedoms taking into account the importance traditionally attached to these rights and freedoms in Africa". Based on the above Preamble, the Charter is divided into three parts, thus:-

- Part I Rights and Duties
- Part II Measures of Safeguard, and
- Part III General Provisions.

The theme of the present paper is "Discussion on the Regional Application of Human Rights Norms in the African Context." This will be discussed hereinafter.

It is important to re-state here that part of the consideration guiding the heads of state and governments in the framing and adoption of the Charter was historical African background with its immense culture based on the long and rich history of the different parts of Africa. Each part, with its own peculiarities,

geographical, environmental and social conditions, has evolved traditions influenced by the various climatic conditions

influenced by the Mediterranean sea, the Sahara desert, savannah, rain forest, the Atlantic and the Pacific Oceans. It is natural in such situations to have different cultures and different peoples. It is therefore a very great achievement to produce a single document on human rights acceptable to all the State parties. A little more detailed considerations will be made in respect of the provisions of the Charter and the forces influencing these provisions.

### Regional Application of Human Rights

All the state parties to the Charter are also members of the O.A.U. and of the United Nations. Many are members of the Movement of Non-Aligned Countries. As such members the state parties had by treaties, conventions and other agreements accepted and are bound by the Charter of the United Nations, the Charter of the Organisation of African Unity and the Universal Declaration of Human Rights. What the African Charter for Human and Peoples' Rights did was to put in a separate document all the known and internationally recognised norms of human rights in an African document with necessary modifications and additions including some measures of safeguard, with bias for egalitarian pan Africanism and cultural African outlook. The main distinction of this African Charter with the other Charters is that it is made more binding and more enforceable against each state party. It is in this context that Part I, Chapter 1 Article states:

"The member States of the Organisation of African Unity parties to the present Charter shall recognise the rights, duties and freedoms enshrined in this Charter and shall undertake to adopt legislative or other measures to give effect to them".

By subscribing to the Charter each state party undertakes to enforce the human rights provisions in the Charter. Divergent as the customs and traditions of the various countries are, there is no special reservation made for any country as to the implementation of the Charter. In the Charter for the Inter-American Convention on Human Rights a special reservation was made for Uruguay in respect of suspension of citizenship of a person accused of a criminal offence punishable with imprisonment.<sup>6</sup> The binding effect of this Charter and the procedure for enforcement will be further discussed when we come to consider the Commission established under Part II which deals with Measures of Safeguard.

As clearly indicated in the African Charter, and elsewhere<sup>7</sup> by learned authors, a lot has been discussed on the regional Charter on Human Rights. When the African Charter ultimately came into being it was not only hopefully being expected but it was highly welcomed. Thus Professor U O Umozurike said in Banjul:-<sup>8</sup>

"Perhaps nowhere is a continental organisation for the protection and promotion of human rights more desirable than in Africa which has experienced some of the worst abuses of human rights."

Thus the African Charter is here to stop all abuses whether by governments or individuals.

### Contents of the African Charter

It will not be possible to give details of all the provisions of the African Charter. It is however important to highlight some of the salient provisions. It is desirable at this stage to draw the attention of the readers to the fact that the O.A.U. has no machinery for enforcing the provisions of the fundamental rights enshrined in the Charter. As will be seen later, the Commission established in the Charter is advisory to the Heads of State and Governments of the O.A.U. The Commission can however influence compliance with the Charter. It is better than what the United Nations has been able to achieve but not good enough as the European Convention for the Protection of Human Rights and Fundamental Freedoms or the Inter-American Convention on Human Rights. Both the European and the Inter-American Charters have special Courts with jurisdiction to enforce the provisions of the Conventions.

For the present purpose the important issue is to highlight the main provisions. As earlier stated the African Charter is in three main Parts:-

#### PART I:

This part deals with (a) Human and Peoples' Rights and (b) Duties. The Rights include:

- (1) Every individual shall be entitled to the enjoyment of the rights and freedoms recognised and guaranteed in the Charter.
- (2) Every individual shall be equal before the law.
- (3) Every individual to have equal protection of the law.
- (4) Every individual to have respect for his life and dignity of his person.
- (5) Every individual to have dignity of his being and legal status.
- (6) Every individual shall have right to liberty and security of his person.
- (7) Every individual to have right to have his cause heard including:
  - (i) the right to appeal
  - (ii) presumption of innocence
  - (iii) to defence himself or by counsel of his choice
  - (iv) to be tried within reasonable time.
- (8) No one to be punished by ex post facto legislation.
- (9) Every one to have freedom of conscience, profession and religion.

- (10) Every individual to have right to receive information and express and disseminate opinion.
- (11) Every individual to have free association and free assembly with others.
- (12) Every individual to have (a) freedom of movement within and to go outside his country and (b) non-nationals not to be molested and (c) no mass expulsion of non-nationals.
- (13) Every citizen to have right to (a) participate in government (b) equal access to public service (c) public property (d) work and equal pay for equal work (e) enjoy best attainable state of physical and mental health (f) education.

Articles 17-26 provide for:-

- (a) Participation in cultural life.
- (b) Promotion and protection of morals and traditional values.
- (c) The family to be unit of the society.
- (d) The state to assist and protect the family.
- (e) The state to stop discrimination against women, the children, the aged and the disabled.
- (f) All peoples shall be equal and shall have same respect.
- (g) All peoples shall have right to existence and self-determination and shall have political freedom.
- (h) Colonised or oppressed peoples to have right to free themselves. Other states to assist them.
- (i) All peoples to have the right to own and dispose of their wealth and natural resources.
- (j) All peoples to have the right to economic, social and cultural development. State to assist development.
- (k) All peoples to have national and international peace and security under the Charters of the United Nations and of the OAU.

For the purpose of strengthening peace, solidarity and friendly relation, State parties to the Charter shall ensure that any individual enjoying right of asylum does not engage in subversive activities against his country and State parties shall not tolerate in their territories any subversive or terrorist activities against other peoples or States.

There shall also be general satisfactory environment for development. The State parties shall have the duty to promote and ensure through teaching, education and publication the

respect of the rights and freedoms in the Charter. The State parties shall have the duty to guarantee the independence of the Court and shall allow the establishment and improvement of institutions for human rights.

Under Part I, Chapter II, Articles 27-29 the African Charter introduced duties of every individual. These include:

- (a) duties towards his family and society.
- (b) due regard to rights of others, collective security, morality and common interest.
- (c) duty to respect fellow beings without discrimination.
- (d) duty to (i) preserve and develop the family (ii) to serve community (iii) to serve the State and not compromise its security (iv) to preserve and strengthen social and national security, independence, territorial integrity and to contribute to the defence of his State (v) to work to the best of his ability and pay taxes (vi) to preserve and strengthen African cultural values and contribute to the promotion of the moral well being of the society and (vii) to contribute to the promotion and achievement of African unity.

The above rights and obligations signify the serious attempt made by the OAU to entrench human rights in Africa. These rights incorporate to a great extent the civil, political, cultural, social and economic rights not only of the individual but also of the State party to the convention. Some of these rights are strictu sensu human rights in the popular and accepted concept of the term and others are fundamental rights in the sense that they have generally speaking been accepted as such both in domestic and international law. It was said in Chief O Ransome-Kuti & ors v Attorney General of the Federation and ors (1985) 6 S.C. 246 that a fundamental right is a right "which stands above the ordinary laws of the land" and what has been done in Nigeria "is to have these rights enshrined in the Constitution." It was further said in Uzoukwu & ors v Ezeonn II and ors (1991) 6 NWLR (Part 200) 708 at 760 that human rights were derived from and out of the wider concept of natural rights and that they were rights which every civilised society must accept as belonging to each person as a human being. Fundamental rights were said to be fundamental because they had been guaranteed by the fundamental law of the country ie the Constitution. The modern trend at present is that certain rights which are purely social and economic are being elated to the level of not only human rights but also fundamental. Thus the African Charter (Articles 22-24) has enumerated such rights as the right to economic, social and cultural development with due regard to the freedom and identity and has imposed on the State to protect and ensure the exercise of the right to development. There are also provisions for the right to national and international peace and security. There is finally the right to general satisfactory environment favourable to the development of all peoples. These rights no doubt bind the state parties but they cannot strictly be enforceable for two main reasons. Firstly, the African Charter has no provisions for enforcing any breach. To this extent the African Charter falls far behind the European or the Inter-American Charters which provided for Courts to implement the provisions of the Charters.

The Commission, provided for in Part II, Articles 30-44, cannot take the place of a Court and nor was it intended so to do. To understand the application one must take the practice in Nigeria as a case study.

### Fundamental Rights in the Nigerian Constitution

The second world war was a great catalyst to the demand, and at times fight, for freedom in many developing countries in Africa and elsewhere. Nigeria was not an exception. After a number of political and constitutional conferences a Constitution for Nigeria was drawn up in 1954<sup>9</sup>. This Constitution however did not sufficiently, or at least reasonably, cover the aspirations of the diverse and numerous ethnic, tribal and geographical groups constituting Nigeria. In particular the minority tribes, of which there were many, felt that an added security was required. After further conferences and a Royal Commission<sup>10</sup> on the minorities' problems the Constitution was amended in 1959 and a Chapter on Fundamental Rights was added.<sup>11</sup> These fundamental rights were incorporated as Chapter III of the Constitution of the Federation of Nigeria.<sup>12</sup> Almost identical provisions were repeated in the Republican Constitution - The Constitution of the Federation.<sup>13</sup> In all these four Constitution which were based on the Westminster democracy the provisions for fundamental rights were almost identical.

The provisions of Chapter III of the Constitution of the Federation consist of the usual and accepted human rights such as deprivation of life, protection against inhuman treatment, slavery and forced labour, deprivation of personal liberty, freedom to private and family life, freedom of conscience, freedom of expression, freedom of peaceful assembly and association, freedom of movement, freedom from discrimination, freedom to have any infringement of the fundamental rights to be determined by an independent court or other tribunal with a guarantee of fair hearing. The Courts in Nigeria have given wide interpretation to these fundamental rights as well be shown later.

A glance at the provisions of the Nigerian Constitution will show that none of the modern and wider concept of human rights, eg social, political and economic rights, has been incorporated. In fact there is no country in Africa which has covered more aspects of human rights than Nigeria. It is not surprising therefore that Nigeria played prominent roles both in the formation of the OAU itself and in the adoption of the African Charter for human and peoples' rights.

When Nigeria decided to have another look at its Constitution the Constitution makers resolved to do away with the British Westminster type of democracy and to adopt the American type of presidential system. It did more. It also decided to incorporate in the new Constitution a lot of the provisions of the African Charter of Human and Peoples' Rights. So in the Constitution of the Federal Republic of Nigeria, 1979<sup>14</sup> the provisions of Fundamental Rights were incorporated, and in addition, the provisions of the Fundamental Objectives and Directive Principles of State Policy were also incorporated. These Objectives and Principles cover most of the other provisions of the African Charter which have not been enacted as Fundamental Rights. Thus Nigeria has shown sufficient and

determined intention to observe and apply the provisions of the African Charter.

As with the provisions of all treaties there is no satisfactory concept of enforcement except through the application of domestic law made for the implementation of the treaties. The Preamble and Article 1 of the African Charter put an obligation on the Member States of the OAU to recognise and enforce the provisions and "shall undertake or adopt legislative or other measures to give effect to them." The problem in implementing the provisions of the African Charter is not the weakness or ineffectiveness of the Courts or other arms of government but in the general problem of under-development with its consequent economic backwardness, social and political inadequacies. In addition to these natural phenomenon the leadership in many countries contributed to the slow pace of developing human rights. In some of these countries the interpretation given to human or other rights of the individual was very negative. The irony is that it is not necessarily the countries which have military dictatorship which have the worst government. Some military dictatorships are very much more democratic than some of the "popularly" elected Presidents with a majority of 99% and also the only candidate. Some of them were "so popular" as to be "unanimously" elected life Presidents of their countries.<sup>15</sup>

In a country like Nigeria, which has a military dictatorship, the respect for the African Charter is very much real. The Federal Government projects itself as a government with human rights posture and believes in the rule of law. There are always cases either on human rights or other rights instituted against the Government. The Government always complies with Court orders and no judge was ever removed or molested for giving judgment against the Government. Nigeria is probably one of the best countries in which respect for the Rule of Law, Fundamental Rights and Independence of the Judiciary are real and thriving. In considering the independence of the Judiciary I shall show by decided cases what has been achieved in Nigeria.

#### Civil, Political and Other Rights

In addition to the conventional human rights the African Charter protects civil, political, economic, social and cultural rights of the individual or of the people as members of their own society.<sup>16</sup> These rights which are very broad and at times very expensive to provide cannot be uniformly applied by the State parties to the convention. In ordinary context the civil and political rights are broad enough to cover such rights as the right to life, freedom of speech, freedom of movement and all the other conventional rights. It is however the right to property, the right to participate freely in the government, the right to public service and so on that are more difficult to provide by government.

The basic problem confronting African countries is that of under-development. In addition to the serious handicaps caused by geographical locations many countries suffer from the multi-tribal or racial groups which constitute the various African countries. The colonial masters in their greed for power never considered the wish or welfare of the citizens before carving out various portions of the continent as their 'estate'. To add to the destabilisation of the people each of the colonial powers



brought with them their language, culture and their own understanding and respect for the African people. In many cases the African was treated as a sub-human and barbaric. The education meted out to the people was that sufficient to serve the requirement of the colonial government. It is not surprising that the Charter emphasised the importance of education, information and respect for the African culture.

The most serious price being paid for being under-developed is the lack of economic and political stability. Many African countries suffer from serious lack of material resources insufficient for the too numerous needs of competing groups, eg ethnic and political groupings, which usually lead to instability. The destabilisation effect of the lack of political and economic base usually results in coups and counter-coups, political assassination and, at times, attempted secessions. To this extent the State parties to the African Charter are almost all at par in their inability to provide economic and political stability. As long as African countries continue to suffer from poverty, lack of health care, ignorance and lack of information or education, so long will the enforcement of human rights continue to elude the majority of the people. In countries where legal aid is limited to capital offences or is non-existent at all, nobody can boast of equal opportunity or equal protection of the law. One must therefore accept the reality that African States can only implement the African Charter gradually at different speeds. This does not mean that such basic rights as the right to life, property or freedom of speech or fair hearing in the Courts can be denied.

The African Charter has introduced new concepts of rights. I need only refer to two of them here. Firstly, the family has been made the basic unit of society and it has been provided that the State shall assist the family. This is a truly African concept. The family in Africa and what it connotes and encompasses can only be fully understood by people who belong to or live in close contact with the system. Some members of the family may not be known to each other and cannot by any stretch of imagination all be known by any one individual. But you have affinity, traditional and cultural ties. You have a duty to belong to the family and serve the family. The enforcement of this duty is not done by the Courts but by the various elders in the family. The quality of the recognition of the family as the basic unit of society is that of laying solid foundation for unity, discipline and morals. This is probably one aspect of the African Charter which the majority of State parties will be very willing to support.

Secondly, the cultural rights which the Charter very much emphasises, have the cementing effect of uniting African peoples. It may be recalled that the political boundaries of many African countries put tribes and even families into different countries. There is however the influence of culture which can be used to unite citizens of different States. If this is achieved, and I believe it can be, then the hope of all African leaders of the unity of the continent can be assured.

## Duties of Individual in the African Charter

The concept of public rights brings to the forefront the necessity of getting the society closely knitted in order to identify and protect the rights which belong to a family, a group or a tribe or even a nation. The rights belonging to the people under the African Charter are in many respects also rights belonging to the individuals. They are however of such general nature that 'the people' as a unit have the control of such rights. The African Charter is therefore trying to enshrine all those rights which the people have by their very existence as human beings. They include some political rights such as right to self-determination, right to existence and to property. The essence of peoples' rights connotes more than the authority or validity of using the rights but also the duty to use such rights prudently and with the express determination to preserve the rights for the use of future generations where such is desirable.

If the peoples have such rights as a group and have such rights as individuals or as citizens, the African leaders very prudently and wisely brought into focus the corresponding responsibility of duties to the society or the State. These duties as stated in Part 1, Chapter II Articles 27-29, have always been accepted by all well thinking people as the responsibility of an individual. The entrenchment of such duties is therefore within the African tradition and culture of the African society.

It is important to mention here how far the State parties to the African Charter have implemented the provisions. Again we use Nigeria as an example. No doubt Nigeria is not the only country which respects the African Charter but I believe it is one of the countries which has faithfully tried to comply with the provisions of the Charter. This has been done by incorporating most of these provisions, as earlier stated, in the Constitution either as Fundamental Rights or as Fundamental Objectives and Directive Principles. What is important is not the mere entrenchment of the various rights but the practical application of the provisions when the need arises.

## The Commission in the African Charter

As can be seen, there is no provision in the African Charter for Courts with powers to decide on compliance or breach of any provision of the African Charter. There are however in Articles 1 and 26 provisions directing the States to see that the provisions of the Charter are incorporated in the domestic law and that Courts are guaranteed their independence to decide on all these matters. As already stated, the African Heads of State considered the relevance and importance of the African tradition and culture in resolving human rights matters. In a typical African setting the need for settling disputes or other disagreements by arbitration and reconciliation has very high premium. It is only in rare cases that disputes go to ordinary courts as leaders of families or groups or countries can amicably settle them. These may be the reasons why the African Charter has made no provisions for Courts but only for an African Commission on Human and Peoples' Rights. This Commission of eleven members has the mandate to collect documents, undertake studies and researches on African problems in the field of human and peoples' rights. In addition to its power to interpret the African Charter it has power to consider and submit to the Heads

of State and Governments its opinion on any matter considered by it either at the instance of a State party or other sources.

At the moment not much has been practically achieved by the Commission. There is more protection given to the individual through ordinary court process in different countries. It may be that more time is required before full assessment on the Commission can be given. The modern trend however is that the idea of having Courts of Human and Peoples' Rights as established by the European and Inter-American Conventions, are more likely to help as measure to safeguard the rights.

### Independence of the Judiciary

It is difficult to write on the independence of the Judiciary in all the African countries. It is I believe reasonable to make a case study on the Nigerian Judiciary. In his Paper at the Judicial Colloquium in Harare (19-22 April 1989) the Honourable Mr Justice E Dumbutshena, former Chief Justice of Zimbabwe, has given very clear and highly commendable examples of cases in his country in which the Courts have courageously and faithfully tried to implement the provisions of human rights. It may be that a few cases showing the Nigerian approach may show how far the Nigerian Courts have enjoyed independence. I wish however to put on record that throughout my stay in the Supreme Court of Nigeria and in the Court of Appeal there was no occasion when any member of the Executive (Military or Civilian) or of the Legislature ever contacted me or members of my Court for any special consideration in any pending case before the Courts.

The locus classicus in Nigeria is the case of E O Lakanmi & an v The A G Western State & ors (1974) 4 EC SLR 713. This case challenged the powers of the Military Government and declared that the Military could not legislate contrary to the provisions of the Constitution. It was a bold decision which almost decided the Military Government to be unconstitutional. The Military Government did not seriously panic. It certainly did not act in a way suggesting panic. A new Decree was enacted which gave supremacy to the Military Government over the Constitution. About that time the Chief Justice who presided in the case was about to retire by virtue of the retiring age provided in the Constitution. The Head of State however extended his term by a special Decree.

There was the case of Seidu Garba v Federal Civil Service Commission (1988) 1 NWLR (Pt. 71) 449. This was a case in which a civil servant who went to court in defence of his right was dismissed by the Government. In the judgment on appeal to the Supreme Court, the Court held as follows:-

"What remains now is an examination of the act of the Respondents in dismissing the Appellant from office during the pendency of the action. Such action, I think is contemptuous of the Judiciary, which has been seized with determination of civil right under the Constitution and which has been left unscathed by all military coups. For the judiciary, a powerful arm of government to operate under the rule of law, full confidence, and this must be unadulterated, must exist in that institution."

After further demonstration of its independence the Appellant was restored to his office.

Finally let me deal with the famous case of Governor of Lagos State and ors v Ojukwu (1986) 1 NWLR (Part 18) 621. In this case, a case between the parties was going on in the High Court. Lagos State Government, without any Court order, went forcefully and took over the property in dispute. As part of the judgment on an appeal to the Supreme Court, it was held that:

"To use force to effect an act and while under the marshall of that force seek the Court's equity, is an attempt to infuse timidity into Court and operate a sabotage of the cherished rule of law. It must never be."

These examples show in a nutshell the stand of the Nigerian Supreme Court in defence of human rights and the independence of the Judiciary.

1. Conferences held at Bangalore in India in February, 1988, the Harare Conference in Zimbabwe in April, 1989 and the Banjul Conference in The Gambia in November, 1990.
2. The Second World War 1939-1945 was on. Sir Winston Churchill was the war time Prime Minister of the United Kingdom and Mr F D Roosevelt was the President of the United States of America at that period.
3. See e.g. Article 63 of the European Convention on Human Rights of 1950. Also Article 73 of the United Nations Charter.
4. See paper for United Nations on Problems concerning the setting up of Regional Commissions on Human Rights, with special Reference to Africa - Cairo 2nd to 15th September 1969 by Karel Vasak.
5. See Article 63(3) of the Charter.
6. See Statements and Reservations at the end of the Charter of 22 November 1969. Also called the Pact of San Jose, Costa Rica.
7. Eq. by Prof. Osita C. Eze in Human Rights in Africa and other writings.
8. The African Charter on Human and Peoples' Rights. A paper by Prof. O. Umozurike delivered at the Judicial Colloquium in Banjul, The Gambia, 7-9 November, 1990.
9. The Nigeria Constitution Order in Council 1954 (S.I. 1954 No. 1146)
10. Minorities Commission, popularly called Willink's Commission (1958 Cmd 505).

11. See L.N. 228 of 1959. The Nigeria (Constitution) (Amendment No. 3) Order in Council, 1959 which came into operation on 24 October 1959.
12. See the Nigeria Constitution Orderr In Council 1960 (S.I. 1960 No. 1652).
13. See The Constitution of the Federation (Act No. 20 of 1963).
14. See The Constitution of the Federal Republic of Nigeria (Enactment) Decree, 1978 (No. 25 of 1978). All these provisions of Fundamental Rights and Fundamental Objectives and Directive Principles have also been incorporated in Chapters II and IV of the Constitution of the Federal Republic of Nigeria, 1989 which is to come into force on 1 October 1992.
15. See the Nigerian Newspapers such as Guardian (page 7) the New Nigerian (page 16) and the Daily Times (page 5) all of 1 October 1991, all in respect of Kenya's one party system and president for life.  
  
See African Charter, Articles 13-24.
16. See Articles 16 to 22 of the African Charter.