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2021 AFRICA HUMAN RIGHTS DAY HIGH-LEVEL EVENT

**THEME: AFRICA HUMAN RIGHTS 40 YEARS AFTER ADOPTION OF THE
AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS**

**OPENING STATEMENT BY HONOURABLE COMMISSIONER SOLOMON
AYELE DERSSO, CHAIRPERSON OF THE AFRICAN COMMISSION ON HUMAN
AND PEOPLES' RIGHTS**

21 OCTOBER 2021

The shame and embarrassment of our time demand us to ensure effective enforcement and implementation of AU commitments

The African Charter occupies a historical, political and symbolic significance at par with such similar instruments as the Declaration of the Rights of Man and the Citizen or the Universal Declaration of Human Rights. On the one hand, it affirms, as part of the continental legal architecture, the pan-Africanism conviction that fundamental rights and freedoms should apply to all human beings. On the other hand, the African Charter printed those rights issues distilled from the continent's experience of oppression and unfreedom into the tapestry of internationally recognized fundamental rights and freedoms.

The African Charter represents an exercise of African agency in defining the essence and meaning of the rights that give full expression to Africa's long struggle and aspirations for dignity, freedom, equality and justice. The articulation of the African Charter made up for not only the lack of representation of the peoples of the continent in the drafting of the Universal Declaration of Human Rights (UDHR) but also for the failure in the UDHR to recognize foreign rule or colonial domination as the antithesis of human rights and hence manifestation of a lack of recognition of the inherent dignity and equal worth of people under colonial rule or foreign domination.

The African Charter was also a response to, as one historical study on the political background of the African Charter put it, 'the shame and embarrassment' that some African leaders felt about the activities of some governments, in particular those of Amin, Bokassa and Nguema. This is best illustrated by what the Chairperson of the OAU President Tolbert said in 1979 in his opening address to the AOU summit - 'the principle of non-interference had become 'an excuse for our silence over inhuman actions committed by Africans against Africans...The provisions concerning human rights must be made explicit.' That this shame and embarrassment was a factor behind the OAU decision for the elaboration of a 'Charter on Human and Peoples' Rights' was buttressed by the late Edem Kodjo, then the Secretary-General of the OAU. He said the African Charter 'came about as the result of the ordeals which certain African peoples had suffered at the hands of their governments.' Accordingly, the African Charter addresses itself to both colonial rule/foreign domination and the oppression of people in the hands of independent governments.

At this point, it is worth recalling that a similar experience in the 1990s led the continent to the adoption under the AU Constitutive Act of the paradigmatically novel principle of intervention in cases of grave circumstances under Article 4 (h). The parallel becomes apparent from President Mandela's speech during the 1994 OAU summit in Tunis where he expressed this sense of 'shame and embarrassment' when he said 'Rwanda stands out as a stern and severe rebuke to all of us for having failed to address Africa's security problems. As a result of that, a terrible slaughter of the innocent has taken place and is taking place in front of our very eyes.'

The generation of President Senghor of Senegal, Judge Keba Mbaye and Edem Kodjo discovered its mission and fulfilled it. They bequeathed to us this African Charter as the master plan in the struggle for freedom, dignity, justice and equality in Africa. We owe today's celebration of the 40 years birthday of our Charter and today's Africa day to this distinguished contribution of these history making sons and daughters of the continent.

In my statement on the day marking the 40 years anniversary of the African Charter, I asked - For the generation celebrating the 40 years of Our Charter, have we discovered our mission? Will we fulfil it, or betray it?

As to the mission of this generation, to which we are all a part, I am sure you agree with me that it lies in rendering the rights and freedoms of the African Charter meaningful in the lives of the masses of our peoples. Will we fulfill this mission by overcoming the challenge of implementation of the African Charter and by confronting the human rights challenges of our time namely - the deadly democratic governance deficit, widespread poverty and deepening inequality, pervasive gender oppression, the rising insecurity and violent conflicts and the climate emergency?

Indeed, the contemporary significance of the African Charter and the human rights system that it has established depends on its contribution to addressing the various indignities that people on the continent are subjected to - the indignities of mass atrocities in various conflict settings in which civilians are bearing the brunt, the indignities of gender based violence, the indignities of violence, attacks and intimidation suffered in the hands of state security institutions, the indignities of a life of fear and insecurity in the face of rising violent conflicts and proliferation of terrorist violence, the indignities of pervasive poverty and socio-economic deprivations of the masses of the peoples, the indignities of lack of access to socio-economic opportunities that continues to force the youth of the continent and others into risking their lives as they embark on the perilous journey of crossing the Sahara and the Mediterranean in search of better life in Europe.

These constitute the shame and embarrassment of our time. These indignities and the suffering that they inflict on the majority of our people are as shameful and embarrassing as those conditions that led to the adoption of the African Charter. Indeed, these indignities resemble those violations of the 1990s that catalyzed the transition of the OAU to the African Union involving the normative shift from the politics of indifference to the suffering of citizens to the principle of non-indifference as encapsulated in Article 4 of the Constitutive Act. We should feel the same 'shame and embarrassment' that prompted our predecessors into rejecting the indignities facing the people of the continent. This outrage should lead us to insist that Article 4 of the Constitutive Act is fully implemented so that the AU avoids the risk of totally betraying the *raison d'être* for its very existence as enunciated in the objectives and principles of its Constitutive Act. This is a mission of the generation celebrating the 40 years of the African Charter on this Africa Human Rights Day which we must fulfill and can and should never betray.

I thank you for your kind attention and wish us all productive deliberation on this solemn occasion commemorating the Africa Human Rights Day!