

THE GHOST OF THE ORGANIZATION FOR AFRICAN UNITY (OAU) HAUNTS AFRICA

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ABSTRACT

This article examines the compatibility of the African Charter on Human and Peoples' Rights (Banjul Charter) and the Constitutive Act of the African Union. It posits that the atmosphere that inspired the Banjul Charter in the 1970s and 1980s including the ideology of the Organization of African Unity (OAU) is past. The change in the aspirations of the African peoples ushered in a new political entity—the African Union (AU) which in principle, fundamentally differs from the OAU. At the heart of the Constitutive Act of the AU is a commitment to protect human rights—a sharp contrast with the OAU Charter. The result is a political document aspiring to protect human rights more than a human rights treaty. Much as the OAU is no more, its 'ghost' curtails efforts to protect human rights in the contemporary context. It is on this basis that I argue that perhaps, it is time to align the Banjul Charter with the Constitutive Act.