

ASSESSING REGIONAL APPROACHES TO THE PROTECTION OF HUMAN RIGHTS: THE CASE OF THE STILLBORN AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS

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ABSTRACT

The article argues that as presently structured, facilitated and mistrusted, the African Court on Human and Peoples' Rights is ill-suited for the tasks it was envisaged to perform, as reflected both in the Protocol and Statute establishing the institution. The Protocol establishing the Court failed to put in place a mechanism to ensure that the judges measured up to the qualifications and practical, professional and judicial wisdom demanded of a continental Court on Human and Peoples' Rights. Worse still, Article 2 of the Protocol assigns the African Court a subordinate role to the African Commission on Human and Peoples' Rights, whose membership is largely non-judicial and whose role is mainly advisory to the organs of the African Union and its member states.