

AFRICAN UNION AND HUMAN RIGHTS DEVELOPMENT IN NIGERIA

Ismaila A. Danjuma

Department of Political Science

Usmanu Danfodiyo University, Sokoto

ismadan2006@gmail.com

Muhammad Shehu

Department of Political Science

Usmanu Danfodiyo University Sokoto

mshehuamb@gmail.com, muhammad.shehu2@udusok.edu.ng

DOI: <https://doi.org/10.57233/zjpd.v6i2.07>

Abstract

This study examines the role of the African Union (AU) in the development and promotion of human rights in Nigeria, with particular attention to the institutional, normative and practical mechanisms through which the continental organisation influences human rights protection. The study is premised on the problem that, despite Nigeria's commitment to regional and international human rights instruments, persistent challenges including insecurity, unlawful killings, discrimination, restrictions on civic freedoms, displacement and weak accountability mechanisms continue to affect the effective enjoyment of human rights. The study adopts a qualitative research methodology, relying primarily on secondary data obtained from AU legal instruments, policy documents, reports of relevant Nigerian institutions, scholarly publications, books and credible international human rights reports. The study is anchored on human rights theory, which provides a framework for examining the principles, institutions and obligations underpinning the protection and advancement of human dignity. Findings indicate that the AU has contributed to human rights development in Nigeria through the African Charter on Human and Peoples' Rights, regional monitoring mechanisms, normative standards, diplomatic engagement and the work of the African Commission on Human and Peoples' Rights. However, the effectiveness of these mechanisms is constrained by limited enforcement capacity, gaps between regional commitments and domestic implementation, institutional weaknesses and inadequate accountability. The study concludes that AU–Nigeria human rights engagement remains significant but requires stronger implementation mechanisms. It recommends enhanced domestic incorporation and enforcement of AU human rights standards, improved cooperation between Nigerian institutions and AU bodies, strengthened monitoring and accountability mechanisms, and greater support for civil society and human rights institutions.

Keywords: African Union, Human Rights, Development, Nigeria, Africa

Introduction

Human rights are fundamental to the protection of human dignity, freedom, equality and justice. They provide the normative foundation for democratic governance and constitute an important

condition for peace, security and sustainable development. The protection of human rights is no longer regarded exclusively as an internal responsibility of individual states. Regional and international organisations increasingly play significant roles in establishing

standards, monitoring compliance, promoting accountability and supporting states in addressing human rights challenges (Shivji, 1989). In Africa, this responsibility has developed significantly through the institutional framework of the African Union (AU), which succeeded the Organisation of African Unity (OAU) in 2002.

The transformation from the OAU to the AU represented an important development in Africa's approach to human rights and governance. While the OAU was strongly influenced by the principles of sovereignty, territorial integrity and non-interference in the domestic affairs of member states, the AU adopted a broader commitment to democracy, human rights, good governance, peace and security (Danjuma, 2019). The Constitutive Act of the African Union identifies respect for democratic principles, human rights, the rule of law and good governance as fundamental principles of the Union. It also recognises the Union's responsibility to respond to grave circumstances, including war crimes, genocide and crimes against humanity. This institutional orientation demonstrates the growing recognition that human rights protection is essential to the political stability and development of African states.

The African human rights system is anchored principally in the African Charter on Human and Peoples' Rights, adopted in 1981 and entering into force in 1986. The Charter provides a comprehensive framework for protecting civil, political, economic, social and cultural rights, while also recognising collective or peoples' rights and individual duties. Its implementation is supported by institutions such as the African Commission on Human and Peoples' Rights and the African Court on Human

and Peoples' Rights. These institutions provide mechanisms for interpreting human rights standards, receiving complaints, monitoring state compliance and promoting greater awareness of human rights obligations across the continent.

Nigeria occupies a particularly important position within this regional human rights framework. As one of Africa's most influential states and a founding member of the AU, Nigeria has historically participated in continental initiatives concerning peace, security, democracy and human rights. Nigeria is also a State Party to the African Charter and domesticated the Charter through the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, thereby giving the regional instrument legal relevance within the Nigerian legal system. The Nigerian Constitution further recognises a range of fundamental rights, including rights to life, dignity, personal liberty, fair hearing, privacy, freedom of expression and freedom of association. These constitutional and regional commitments establish a formal foundation for human rights protection in the country.

Despite these normative commitments, the practical development and protection of human rights in Nigeria remain confronted by significant challenges. Persistent insecurity, terrorism and communal violence have generated concerns about the protection of life, personal security and the rights of displaced populations. Other concerns include allegations of excessive use of force, unlawful detention, gender-based violence, discrimination, restrictions on civic space, poverty and unequal access to justice. These challenges demonstrate the gap that can exist between the formal recognition of human rights and their effective enjoyment by citizens. They also raise questions concerning the capacity of

national and regional institutions to translate established human rights standards into meaningful protection for individuals and communities.

The relationship between the African Union and Nigeria is therefore important for understanding the contribution of regional institutions to human rights development. Through its normative instruments, monitoring mechanisms, institutional engagements, advocacy activities and cooperation with member states, the AU provides a regional framework within which Nigeria's human rights practices can be examined. The African Commission, for instance, provides a platform for considering communications concerning alleged violations and for promoting compliance with the African Charter. Similarly, continental human rights standards provide benchmarks through which member states can strengthen national legislation, institutions and policies. The AU's broader programmes on democracy, governance and peace and security also have implications for the protection of human rights because political instability and weak governance can undermine the effective enjoyment of fundamental freedoms.

However, the effectiveness of regional human rights mechanisms depends considerably on the willingness and capacity of member states to implement their obligations. In Nigeria, challenges relating to institutional capacity, enforcement, accountability, public awareness and coordination between national and regional mechanisms may limit the practical impact of AU human rights standards. The principle of state sovereignty may also create tensions between continental intervention and domestic authority, particularly where

human rights concerns involve sensitive political or security issues. Consequently, membership of the AU and adherence to regional instruments do not automatically guarantee effective human rights protection. Rather, meaningful human rights development requires sustained cooperation between continental institutions, national governments, courts, human rights institutions and civil society organisations.

Against this background, the study focuses on the role of the African Union in advancing human rights development in Nigeria, the mechanisms through which the AU contributes to human rights protection, the challenges limiting the implementation of its human rights standards, and the prospects for strengthening AU and Nigeria cooperation. Ultimately, effective collaboration between Nigeria and the African Union can contribute to stronger human rights institutions, improved accountability, greater respect for fundamental freedoms and the consolidation of democratic governance.

The African Union and Human Rights: A Historical Perspective

In May 1963, 32 Heads of independent African States such as Nigeria, met in Addis Ababa Ethiopia to sign the Charter creating Africa's first post-independence continental institution called the Organisation of African Unity (OAU) (Killande and Abebe, 2011). The OAU was the manifestation of the pan-African vision for an Africa that was united, free and in control of its own destiny and this was solemnised in the OAU Charter in which the founding fathers recognised that freedom, equality, justice and dignity were essential objectives for the achievement of the legitimate aspirations of the African peoples and that there was a need to

promote understanding among Africa's peoples and foster cooperation among African states in response to the aspirations of Africans for brother-hood and solidarity, in a larger unity transcending ethnic and national differences (Danjuma, 2019). The guiding philosophy was that of Pan-Africanism which centred on African socialism and promoted African unity, the communal characteristic and practices of African communities, and a drive to embrace Africa's culture and common heritage (Stone, 2010).

The main objectives of the OAU were to rid the continent of the remaining relics of colonisation and apartheid; to promote unity and solidarity amongst African States; to coordinate and intensify cooperation for development; to safeguard the sovereignty and territorial integrity of Member States and to promote international cooperation (Constitutive Act, 2001). According to Killander and Abebe, (2011: 25), the OAU Charter spelled out the purpose of the Organisation to include promoting the unity and solidarity of the African States; coordinating and intensifying their cooperation and efforts to achieve a better life for the peoples of Africa; defending their sovereignty, their territorial integrity and independence; eradicating all forms of colonialism from Africa; promoting international cooperation, having due regard to the Charter of the United Nations and the Universal Declaration of Human Rights.

On September 9, 1999, the Heads of State and Government of the Organisation of African Unity (OAU) issued the Sirte Declaration calling for the transformation of the body to African Union (AU), with a view, to accelerating the process of integration in the continent to enable

Africa to play its rightful role in the global economy while addressing multifaceted social, economic and political problems like poverty, insecurity and human rights protection compounded as they were by certain negative aspects of globalisation. To ensure the realisation of its objectives and the attainment of the Pan African Vision of an integrated, prosperous and peaceful Africa, Agenda 2063 was developed as a strategic framework for Africa's long term socio-economic and integrative transformation (Stone, 2010). Agenda 2063 calls for greater collaboration and support for African led initiatives to ensure the achievement of the aspirations of African people (Constitutive Act, 2001).

Considering the importance of Human Rights protection in the continent, an African Commission on Human and Peoples' Rights, was established within the Organisation of African Unity to promote human and peoples' rights and ensure their protection in Africa. Article 45 of the OAU Charter stipulated the functions of the commission to include the following:

1. To promote human and peoples' rights and in particular:

- i. to collect documents, undertake studies and researches on African problems in the field of human and peoples' rights, organise seminars, symposia and conferences, disseminate information, encourage national and local institutions concerned with human and peoples' rights and, should the case arise, give its views or make recommendations to Governments.
- ii. to formulate and lay down, principles and rules aimed at solving legal problems relating to human and peoples' rights and fundamental

freedoms upon which African Governments may base their legislation.

- iii. Cooperate with other African and international institutions concerned with the promotion and protection of human and peoples' rights.
2. Ensure the protection of human and peoples' rights under conditions laid down by the present Charter.
3. Interpret all the provisions of the present Charter at the request of a State Party, an institution of the OAU or an African Organisation recognised by the OAU.
4. Perform any other tasks which may be entrusted to it by the Assembly of Heads of State and Government.

The Contribution to the establishment of human rights system in Africa came from the United Nations, international law and the African Union which have positively influenced the betterment of the human rights situation in the continent (Stone, 2010). However, extensive human rights abuses still occur in many sections of the continent. Most of the violations can be attributed to political instability (as a consequence of civil war), racial discrimination, corruption, post-colonialism, economic scarcity, ignorance, illness, religious bigotry, debt and bad financial management, monopoly of power, lack/absence of judicial and press autonomy, and border conflicts (Stone, 2010). Many of the provisions contained in regional, national, continental, and global agreements remained unaccomplished.

Human Rights Abuses in Africa: An Overview

As the deadline for achieving the African Union's regional commitment to "Silencing the Guns" by 2020 approached, persistent armed conflicts and emerging

forms of violence perpetrated by non-state actors continued to pose serious threats to human security across sub-Saharan Africa (Donnelly, 2018). These conflicts were associated with widespread killings, torture, abductions, sexual violence and mass displacement, as well as other violations that may constitute crimes under international law. Protracted conflicts in the Central African Republic (CAR), the Democratic Republic of the Congo (DRC), Sudan and South Sudan remained particularly concerning, characterised by both indiscriminate and targeted attacks against civilian populations. Armed groups in Cameroon, Mali, Nigeria, Somalia and elsewhere committed abuses, including killings and abductions, which caused mass displacements. State security forces often replied with serious human rights violations such as extrajudicial killings, enforced disappearances and torture. These conflicts and insecurity together with new forms of communal violence that emerged in the continent were brutal reminders that Africa is a long way from breaking its deadly cycle of armed conflicts and violence. Often what have been silenced are not the guns but justice and accountability for crimes and other serious human rights violations. From Nigeria to South Sudan, scores of victims of serious crimes and abuses did not see justice and reparations (Donnelly, 2018).

The year 2019 was characterised by widespread restrictions on civic and political freedoms across several African countries, particularly through the suppression of dissent, limitations on peaceful assembly, and attacks against journalists, human rights defenders, civil society organisations and political opponents. In more than 20 countries, citizens faced restrictions on their right to peaceful protest through measures including unlawful prohibitions, excessive

use of force, harassment and arbitrary arrests (Amnesty International, 2020). Freedom of expression was also significantly constrained in approximately two-thirds of the countries monitored, with governments imposing particular restrictions on journalists, bloggers, civil society actors and political opponents, especially during electoral periods. These violations occurred within a broader context of persistent failures to adequately protect and fulfil economic, social and cultural rights. Forced evictions without adequate compensation remained prevalent in countries such as Eswatini, Nigeria, Uganda and Zimbabwe, while large-scale commercial land acquisitions in Angola adversely affected the livelihoods of thousands of people. Furthermore, access to essential social services, particularly healthcare and education, remained severely constrained across parts of the continent and was further undermined by armed conflicts in countries such as Burkina Faso, Cameroon and Mali. Collectively, these developments illustrate the interconnected nature of civil, political, economic and social rights and the continuing challenges confronting effective human rights protection and development in Africa (Amnesty International, 2020).

Yet across Africa, ordinary people, activists and human rights defenders took to the streets. From Khartoum to Harare and from Kinshasa to Conakry, peaceful protesters braved bullets and beatings to defend the rights that their leaders would not. And sometimes, the consequences were game changing, major transformations in political systems and opening space for profound institutional reforms, such as in Sudan and Ethiopia. Suffice to say, human rights abuses in the continent is becoming the order of the day

For instance, as vividly captured by Center for Human Rights (2016), Africa is still home to some of the world's most intractable conflicts, and armed conflicts were ongoing including in CAR, DRC, Cameroon, Mali, Nigeria, Somalia, Sudan and South Sudan. In these and countries like in Burkina Faso, Chad, Ethiopia and Mozambique, attacks by armed groups and communal violence led to deaths, displacements and injuries. Responses by state security forces were marked by widespread human rights violations and crimes under international law. In Darfur also, Sudanese government forces and allied militias carried out unlawful killings, sexual violence, systematic looting, and forced displacements.

In South Sudan, civilians were killed in sporadic clashes between government and armed forces. Parties to the conflict obstructed humanitarian access, increasing numbers of children were recruited as child soldiers, and conflict-related sexual violence was pervasive – including rape, gang rape and sexual mutilation. In Somalia, escalating and indiscriminate use of drones and manned aircraft by the US military's Africa Command (US AFRICOM) to carry out attacks continued to cause civilian deaths and casualties. A record of over 60 airstrikes resulted in at least three civilian deaths, bringing the number of civilians killed by such attacks to at least 17 in the last two years (Center for Human Rights, 2016).

Abuses by armed groups, communal violence and unlawful state responses are perpetuating a catalogue of abuses and crimes in Burkina Faso, Cameroon, CAR, DRC, Mali, Nigeria, Somalia and elsewhere. Some attacks constituted serious abuses of international humanitarian laws. Often, the response of security forces and their allies also

involved serious violations of international humanitarian or human rights laws. In Somalia, the UN recorded over 1,150 civilian casualties by mid-November 2020. Al-Shabaab was responsible for most of these targeted attacks including a truck bombing in December, which killed nearly 100 people in Mogadishu. Military operations against Al-Shabaab by Somali and allied forces also resulted in dozens of civilian deaths and injuries, often due to indiscriminate attacks. Death toll from the Ethiopian military air strike on a market in Tigray rises to 64 (France 24 News, Friday 25 June, 2021). In Cameroon's north-west and south-west regions, Anglophone armed separatist groups continued to commit abuses including killings, mutilations and abductions. The activities of these separatist groups were carried even beyond the territory of the Cameroon. It was reported by one the national dailies that more than eleven persons including a traditional ruler were killed in Takum local government area of Taraba state (The Guardian, November 8, 2021:18).

Security deteriorated significantly in the centre of Mali, with widespread killings of civilians by armed groups and self-proclaimed 'self-defence groups'. In response, Malian security forces committed multiple violations including extrajudicial executions and torture. In Ethiopia, the response of security forces to a surge in communal violence that killed hundreds often involved excessive use of force. For example, in January 2019, the Ethiopian Defence Forces killed at least nine people, including three children, during operations to contain ethnic violence in the Amhara Region. The army promised an investigation, but its findings had not been made public by the year's end (Donnelly, 2018).

The Challenges to Human Rights in Nigeria

Deeply concerned by the reign of terror by Boko Haram and other criminal elements characterized by bomb attacks, shooting in public places, places of worship such as mosques and Churches, custodial centers, police stations and schools as well as the abduction of women and children and the escalating frequency and severity of the attacks which are reported to have resulted in the deaths of not less than 4000 civilians in 2014 and more than 2000 in 2015 (Donnelly, 2018). Also, these acts of violence now threaten the peace and security of neighbouring countries to the Federal Republic of Nigeria. The African Commission on Human and Peoples' Rights at its 17th Extraordinary Session held in Banjul, the Gambia, from 19 to 28 February, 2015, strongly reiterates its condemnation of these acts of violence against the civilian population, and in particular the Baga incident in Nigeria in January 2015, in which Boko Haram militants assaulted the town, killing about 2,000 people and forcibly displacing hundreds of other individuals both internally and to neighbouring states. It therefore calls upon the Federal Republic of Nigeria, the Lake Chad Basin Commission (LCBC) members in their sustained efforts to curb the Boko Haram insurgency to:

- a. Continue to guarantee the safety, security and protection of civilians in the affected countries and communities, and to strengthen their collaboration in securing the lives of the civilian population and the protection of public and private property, in accordance with their regional and international human rights obligations;

- b. Ensure that the operations of the Multinational Joint Task Force (MJTF) in response to Boko Haram are conducted in a transparent manner, in compliance with human rights and international humanitarian law;
- c. Adopt rules of engagement of security staff encompassing the principles of human rights;
- d. Take all necessary measures during evacuations of civilian populations to safer areas, informing them beforehand of possible risks and dangers; and
- e. Take all appropriate and specific measures for the management of victims of violence, in particular women and child soldiers (African Rights Commission, 2015).

In addition, the Commission also urges the authorities of the Nigerian state to investigate prosecute and bring to trial the perpetrators of abuses committed by the parties in the conflict.

In spite of these and many other measures put in place by authorities; the country still suffers from rights violation. This is confirmed by a statement credited to the Executive Secretary of the National Human Rights Commission, Tony Ojukwu (2021). According to him, despite the progress made in the nation's democracy, the country continues to suffer human rights violations resulting from security challenges, youth unemployment (Premium Times, June 15, 2021). The armed group Boko Haram, outlawed Indigenous People of Biafra (IPOB), the bandits and the Nigerian security forces continued to commit serious crimes against humanity.

A report by Amnesty International (2020) indicated that both the armed group Boko Haram and Nigerian security forces continued to commit serious crimes in the north-east, including war crimes and likely crimes against humanity. Boko Haram killed hundreds of civilians and carried out abductions which targeted women and girls. Government forces carried out indiscriminate attacks against villages and continued to detain thousands in inhumane conditions. In the north-western and north-central regions, over 1,500 people died in inter-communal violence and bandit attacks. Everywhere, excessive use of force resulting in unlawful killings, and torture and other ill-treatment were widespread. The fate of hundreds of Islamic Movement of Nigeria (IMN) members who disappeared in 2015 remained unknown. Meanwhile, impunity for such crimes persisted. The rights to freedom of expression and peaceful assembly and association were routinely violated. In the context of COVID-19, gender-based violence increased and the right to health was undermined. Thousands of people were forcibly evicted from their homes (Amnesty International, 2020).

In January 2020, Chad withdrew its troops from Nigerian territory. The Chadian troops were part of the Multinational Joint Task Force, a regional initiative established to counter armed group attacks in the region. In March 2020, at least 50 soldiers were killed in a Boko Haram ambush in Yobe state (Amnesty International, 2020). Within this period, the government introduced measures to control the spread of COVID-19, including an initial lockdown on non-essential activities, a curfew, school closures and a ban on international and domestic flights. Restrictions were gradually eased and then lifted in September 2020.

Boko Haram and other criminal elements including Bandits and IPOB continued to commit grave human rights abuses in various parts of the country, including killings and abductions of civilians, which amounted to war crimes and may have constituted crimes against humanity. More than 420 civilians died in around 45 attacks in the country (Amnesty International, 2020). Meanwhile, these criminal elements continued to recruit child soldiers. At least 30 civilians were killed in February, 2020, when members of Boko Haram attacked people trying to enter the town of Auno. In June 2020, around 81 people were killed and several others abducted during an attack on the village of Faduma Kolomdi. In October 2020, some 20 farmers were killed in Boko Haram attacks in the villages of Ngwom and Moromti. Throughout the year 2020, Boko Haram, Bandits and other criminal elements abducted hundreds of women and girls and subjected them to rape and forced marriage, including 20 who were taken in July 2020 when they were searching for firewood near the Gamboru internally displaced people's camp in Borno state (Amnesty International, 2020).

In June 2020, the Islamic State West Africa Province (ISWAP), a Boko Haram faction, targeted aid workers, humanitarian facilities and anyone it believed to have "helped" the military. On 15 January 2020, following negotiations with the authorities, ISWAP released five aid workers – two women and three men – who had been abducted outside Maiduguri a month earlier. On 22 July 2020, the same group executed five aid workers it had abducted in June on the Monguno-Maiduguri road in Borno state (Amnesty International, 2020).

More than 1,531 people died and thousands were displaced in inter-communal violence mostly between herdsmen and farming communities, as well as in attacks by bandits, in the north-central and north-western regions. More than 1,015 people were taken hostage by IPOB; in December, over 300 students of Government Science Secondary School in Kankara in Katsina state were abducted from their hostels, although they were released a few days later. The violence forced many farming families to flee to urban areas or displacement camps. Between January and July 2021, at least 366 people were killed in villages in Kaduna state by suspected Bandits (Premium Times, June 15, 2021). In May 2021, some 74 people were reportedly killed in Sokoto state when gunmen attacked four villages in the Sabon Birni Local Government Area. Civilians were also killed when government forces launched indiscriminate attacks against Boko Haram. On 13 April 2021, at least 10 children and seven women were among those killed when the Air Force accidentally bombed the village of Sakotoku in Damboa Local Government Area in Borno state (Premium Times, June 15, 2021).

Thousands of people were internally displaced by inter-communal violence and attacks by armed groups in the northern regions. Many were also displaced as a result of military attacks against Boko Haram. On 3 January 2021, soldiers razed the villages of Bukarti, Ngariri and Matiri, forcing hundreds of residents to flee to a camp near Maiduguri in Borno state. In September 2021, the Borno state Governor facilitated the return (The Guardian, November 8, 2021:19).

On Thursday, 8th of October, 2020, Nigeria witnessed pockets of protests

against the government's lack of accountability in general and Police Force's rising cases of human rights abuses, naked brutalities and other unprofessional practices in particular across the major cities and town in the southern parts of the country, especially in southwest region. The protests were in response to October 4, 2020's viral video of two men who were brutalized in a hotel by Special Anti Robbery Squad (SARS) officials (Amnesty International, 2021). Specifically, there were a series of complaints against the unit vide online platforms in 2017 (Omonobi and Erunke, 2017; Salaudeen, 2017; Samuel, 2017). The disquieting abuses, including the case of Kolade Johnson, who was extra-judicially killed in March 2019 by police, were reactivated virtually in October, 2020 amidst COVID-19 pandemic lockdowns' aftermaths. All these triggered and/or refreshed the EndSARS. The protests were organized by frustrated, aggrieved, conscious youths and a fragment of mid-aged adults with the backing of some celebrities (Burna Boy, Tiwa Savage, Small Doctor, Genevieve Nnaji, Divine Ikubor a.k.a. Rema, Odion Ighalo, Fireboy DML, Wizkid, Davido, Runtown, Folarin FaIz Falana, WurlD, DJ Spinall, Paul Okoye, etc, also British-Nigerians such as John Boyega and Anthony Joshua), diasporan Nigerians, civil societies organizations (CSOs), such as Amnesty International. The protesters had supports of social media outlets (Jack Dorsey's Twitter and Google Africa), Nigerian media houses (ARISE TV, AIT and Channels TV) and international media organizations (Cable Network News; CNN, British Broadcasting Corporation, BBC) that helped in airing the activities of the EndSARS protesters.

The EndSARS movement took off after resources such as money, materials, foods,

drinks, medical items and victim relief packages were mobilized from supporters and sympathizers. The events were expressed in the forms of open demonstrations, online social media activism, civil disobedience, marches, road blocking and disruption of civil and business activities. Given the above and rising level of supports enjoyed by the protesters, the Federal Government through the Inspector General of the Nigeria Police Force announced the disbandment of the SARS and its replacement with Special Weapons and Tactics Team (SWAT) on October 11, 2020. This swift action of the government failed to assuage the protesters' anger and to satisfy their requests, which was why the protests continue against the backdrop of the newly formed unit with renewed slogans - SARSMustEnd and EndSWAT. It took the government some time to address the matter and a lot of promises came on board, including setting up a panel of inquiry to look into the grievances of the protesters (ThisDay, June 16, 2021).

One bold step taken by the federal government was the ban of a Twitter, a social media platform believed to be instrumental in the plan and the execution of the unrest. According to the federal government, the Twitter and its founder are vicariously liable for EndSARS loses (ThisDay, June 16, 2021:5). In line with this, the federal government banned the activities of Twitter across its territorial boundaries. This decision generated mixed reactions both within and outside the country including the European Union, US, UK, Canada, Ireland, and Norway (ThisDay, June 16, 2021). The US categorically condemned the suspension of Twitter operation in Nigeria stating that the suspension is a sign of restricting political space in the country. The deputy

Assistant Secretary of State for African Affairs, Akunna Cook stated that:

The Twitter suspension was very concerning and remains a source of concern. The country can play a constructive role in West Africa but, signs of closing a political space and signs of restricting free speech are worrisome (ThisDay, June 16, 2021:5).

On its part, the Nigerian government has defended its action stating that it will not allow an external organization to destabilize the nation and cause breakdown of law and order.

Although, internal and external pressure has compelled the transformation from authoritarian regimes to democratic system in many African countries (Danjuma, 2019), theoretically and practically, democracy has been observed as the instrument for generating development. With this, it has been observed that the best way through which people can enjoy dividend of democracy is through the institutionalization of principle of good governance which guarantees the protection of human rights. Base on this, the New Partnership for Africa's Development (NEPAD) was established in 2001 which was seen as an opportunity to champion the cause for the promotion of good governance among African countries. It has perhaps for this reason that Olaniya cited in Danjuma (2019:43) argues that NEPAD is based on the principles of good governance as basic requirement for peace, security and sustainable political and socio-economic development.

Basically, one of the important components of NEPAD that was brought about by the African leaders to promote the principles of democracy and good governance was Africa Peer Review Mechanism (APRM). Although the

Durban Summit adopted a document setting out the stages for peer review but the actual principle under which the APRM were ratified in March, 2003, was completed in Abuja, Nigeria. Also, during the Abuja meeting, African countries and their leaders that intended to participate in the APRM were made to sign a Memorandum of Understanding. In essence, the declaration for peer review mechanism by the majority of leaders of African countries was to a large extent intended to enable the principle of checks and balances to prevail on the continent so that the excesses of any given state or government in terms of corruption, human rights abuses, electoral fraud, bad governance etc can be monitored and cautioned by other African leaders. However, right from the beginning, the APRM has been faced with some challenges. For instance, the problem of pervasive corruption and some negative tendencies by some African leaders have been undermining the entrenchment of good governance in the continent (Ninsim, 2000).

The importance of human rights protection will help foster democratic governance and promote rule of law on the African continent. This was part of the declarations made at the opening ceremony for journalists attending the media training and 5th Judicial Dialogue of the African Court on Human and People's Rights in Dar Esalaam, Tanzania (Daily Trust, November 2, 2021: 26). The policy and programme manager, Democratic Governance and Human Rights of the European Delegation to the AU, Alban Biaussat, expressed the dertermination of the EU towards promoting human rights systems and the African Governance Architecture.

Conclusion

This paper has been concerned with African Union and Human Rights development in Nigeria. Therefore, it can be stated that one of the dominant issues that necessitated the transformation of OAU was the need to enhance and promote the practice of human rights protection in African countries in line with the principles of democracy. While the defunct OAU was preoccupied with human rights through struggles for freedom and democratization of African countries, the rebrand AU categorically championed the promotion and protection of human rights through its elaborate Charter and the Constitutive Act. Indeed, the AU has developed different mechanisms for the achievement of democratic principles and values like human rights, rule of law, condemnation of unconstitutional change of government in member states. Basically, human rights are all encompassing as they involve political, social, economic issues.

Human rights promotion has become a central matter to AU in its quest to reposition Africa in the current globalization era. This is because it is through human rights that the whole continent can witness peace, political stability, social justice and economic prosperity. Much as the AU has recorded some modest achievement on the issue of human rights in the continent, some major challenges still remain as obstacle. Of the challenges to the AU is the lack of political will of some of its members to implement the ratified Charter on human rights protection. Another challenge is the lack of capacity of the AU to enforce on the member states to desist from human rights violations. Finally, it is important to state that it is high time for the AU to device the mechanisms through which the right of

women, children and the most vulnerable members of society can be protected during conflict or war.

References

- Amnesty International. (2020). Human rights in Africa: Review of 2019 (AFR 01/1352/2020). Amnesty International
- Center for Human Rights (2016). A guide to the African human rights system. South Africa: Pretoria University Law Press
- Constitutive Act of the African Union, 2001
- Daily Trust (2021) "Why human rights protection is important to Africa – African Court". Tuesday, November 2
- Danjuma, A. I., (2019). 'The Contribution of African Union to the Promotion of Democracy and Good Governance in Africa'. In: T. B. Bakut , H. J. Golwa and A. P. Gwaza (eds) African Union, Democracy, Peace and Conflict Management, Abuja. Institute for Peace and Conflict Resolution (IPCR).
- Donnelly, J. (2018). Universal human rights in theory and practice. 2nd edition. Ithaca, NY: Cornell University Press, p: 1
- "Human rights: Nine of the best and worst in Africa". www.africanindy.com. Retrieved 2020-11-14.
- Killander, M., & Abebe, A. K. (2011). Human rights developments in the African Union during 2010. *African Human Rights Law Journal*, 11(1), 202–225.

- Ninsim, A. K. (2000). Globalisation and future of Africa: A research agenda for the Africa Future Network on regional and strategic studies (Occasional Paper Series, 4(1)). Africa Future Network.
- Shivji G. I. (1989). The Concept of Human Rights in Africa, London, CODESRIA Book Series
- Stone, A. (2010). "Human rights education and public policy in the United States: Mapping the road ahead." Human Rights Quarterly, 24, 537-557.
- The African Commission on Human and Peoples' Rights at its 17th Extraordinary Session held in Banjul, the Gambia, from 19 to 28 February, 2015.
- ThisDay (2021) "US Restates Condemnation of Twitter's Suspension". Wednesday, June 16.
- UNESCO. (2011). Contemporary issues in human rights education. France: United Nations Educational, Scientific and Cultural Organization.
- Wessels, M., (2006). Child Soldiers: From Violence to Protection. London: Harvard University Press.