



**A STATEMENT OF
THE NETWORK OF AFRICAN NATIONAL HUMAN RIGHTS INSTITUTIONS
(NANHRI)
DURING THE 73rd ORDINARY SESSION OF THE AFRICAN COMMISSION ON
HUMAN AND PEOPLES' RIGHTS**

**Presented by NANHRI Chairperson
Dr. Elasto Hilarious Mugwadi**

21 October 2022

**The Chairperson of the African Commission on Human and Peoples' Rights
Honourable Remy Ngoy Lumbu;**

Distinguished Representatives of AU Member States;

Honourable Members of the African Commission on Human and Peoples' Rights;

Representatives of the African National Human Rights Institutions;

Representatives of CSOs, NGOs and other actors;

Distinguished Guests;

Ladies and Gentlemen;

On behalf of the Network of African National Human Rights Institutions, it is with great pleasure that I address this august gathering of the 73rd Ordinary Session of the African Commission on Human and Peoples' Rights.

This session is convened under the auspices of the 35th anniversary celebrations of the establishment of the African Commission which is the premier body for the protection and promotion of human and peoples' rights. Since its establishment in 1987, the African Commission has become a respected body regionally and internationally as it has been a voice of the downtrodden and marginalized on the continent. We must congratulate the African Commission for the long journey it has walked in spite of many challenges. It has been a long but fruitful journey from the inaugural session, which was convened on 2nd November 1987 in Addis Ababa, Ethiopia, to this 73rd Session. Honourable delegates kindly join me in congratulating the African Commission for this phenomenal fete.

Honourable Commissioners, Distinguished Delegates, Ladies and Gentlemen

I take the floor a few days after a coup in the Republic of Burkina Faso. This is the second unconstitutional seizure of power by the military this year and the eighth since 1960, when the country gained independence.

We are deeply concerned about this episode, which is among the many unconstitutional take-overs of power in the last few years.

Burkina Faso adds to the dozens of other stubborn armed conflicts on the continent, which have defied the African Unions call of silencing the guns as one of the precursors to socio-economic development.

In this regard, we call for a re-evaluation of the current efforts for a longterm multi-stakeholder approach that goes deeper into engaging the public in weaving lasting solutions.

Honourable Commissioners, Distinguished Delegates, Ladies and Gentlemen

Indeed, as of December 2021, internally displaced, refugees and asylum seekers -all-accounted for more than 11.6 million people in Sub-Saharan Africa. Displacements have

also been compounded by climate change and other natural disasters, which have driven more than 2.6 million people in Sub-Saharan Africa out of their homes¹. As life becomes even harder, more youths are on transit within the region as others take tumultuous journeys to Europe, Middle East, among other destinations outside the continent with the hope of escaping abject poverty.

This has, however, had dire repercussions, as migrants perish along the corridors of migration. As you may recall, in June, 2022, more than 20 youths died in Morocco attempting to cross into Europe. The dead were among about 2,000 African migrants- with some reports indicating that most of them were from Sudan- a country that sunk into political turmoil 2019. It is tragic that the youth we expect to be the energy driving the continent towards **the Africa We Want** are putting their life at stake in seeking better opportunities abroad.

On the other hand, protective policies have precipitated animosity against migration within Africa. Tensions and fears of xenophobic attacks linger at a time that the continent is seeking to collapse borders to allow for free movement of people to promote trade and other benefits through a visa free Africa initiative- a flagship project under Agenda 2063 of the African Union. Much has been focused on competition for opportunities and resources from other national instead of the overall benefits.

We recognise interventions from the regional economic communities, but more needs to be done to demolish suspicion, cultivate trust towards building one Africa through regularizing movement within the continent.

Honourable Commissioners, Distinguished Delegates, Ladies and Gentlemen

In the already vulnerable situation of the armed conflicts, the continent has been engulfed by famine. While famine can be attributed to unreliable or absence of rain due to climate change, a lot remains to be done to reverse this phenomenon. In addition, many African countries are yet to fulfil the Maputo Declaration of committing at least 10 % of national budget to agriculture². As of September 2022, more than 46 million people in Africa were facing hunger³. National and international multi-agencies have responded to the crisis in diverse ways. This is, however, not sustainable. While pandemics, epidemics and other environmental issues are unpredictable, resilience systems remain fragile and, in some cases, unable to adequately respond. This is tragic. It has been said Africa is the continent of this century.

¹ <https://www.theeastafrican.co.ke/tea/rest-of-africa/ethiopia-displaced-people-3821508#:~:text=Of%20the%20total%20figures%2C%2053.2,conflict%20and%20violence%20in%202021.>

² <https://www.nepad.org/caadp/publication/au-2003-maputo-declaration-agriculture-and-food-security>

³ <https://www.redcross.org.uk/stories/disasters-and-emergencies/world/africa-hunger-crisis-100-million-struggling-to-eat#:~:text=Africa%20food%20crisis%3A%20146%20million.appeal%20to%20help%20avert%20catasrophe.>

How can we be the continent of the century when only 33 million small-holder farmers⁴ -most of them ill-equipped- feed the 1.4 billion population⁵?

How can we be the continent of the century when Africa imports more food that it produces, yet we have the 60 % of the world arable uncultivated land?

How can we be the continent of the century when we spend billions of US dollars importing food when we can easily trade among ourselves to improve our economies?

It is a hard-self-humiliation for post independent Africa when we are supposed to be an equal partner in trade, not a recipient.

Honourable Commissioners, Distinguished Delegates, Ladies and Gentlemen

Various studies, including our (NANHRI) research on Business and Human Rights and Sustainable Oceans⁶, have called for alignment of national and regional interventions in combating climate change as guided by Agenda 2030 of the UN and Agenda 2063 of the African Union. We have carried out a study to support the implementation of the African Continental Free Trade Area (AfCFTA). But we cannot trade between and among ourselves when we do not produce goods and services. We cannot trade between and among ourselves under the framework of AfCFTA when multinational companies are investing and controlling more enterprises in Africa than ourselves. Indeed, that is why our study on the implication of AfCFTA on human rights- which will be published soon- highlights the role of human rights actors, including national human rights institutions in offering a human rights-based approach to implementation of this trade agreement.

In addition, we have just held the 5th NHRIs Forum on the margins of the 73rd Ordinary Session, which adopted a draft resolution on a human rights-based approach to implementation of the AfCFTA. It takes account of the fact that while the negotiations to the adoption of the trade framework were exclusive, we expect NHRIs and other human rights actors to make substantive contribution alongside their commitment on implementation of Agenda 2030 and Agenda 2063.

Even as we expect the increased investment in line with the AfCFTA and other initiatives under Agenda 2063, it should worry each of us how we are going to protect, respect and remedy human rights. On this note, we call on the African States to work with NHRIs, CSOs and other actors in developing the NAPs. We also call on the members of the African Union to expedite finalisation and adoption of a legally binding instrument on Business and Human Rights. These and more frameworks will assist in protection, respect and remedy on human rights violations in relation to business.

Honourable Commissioners, Distinguished Delegates, Ladies and Gentlemen

While NHRIs and civil society organisations are key to the human right based approach to the implementation of the AfCFTA, ending conflict and sustainable peace, they must enjoy freedom in their operations for optimum impact.

⁴ <https://www.weforum.org/agenda/2016/01/how-africa-can-feed-the-world/>

⁵ <https://www.worldometers.info/world-population/africa-population/>

⁶ <https://www.nanhri.org/wp-content/uploads/2022/02/NANHRI-Member-Survey-on-Business-and-Human-Rights-Sustainable-Oceans.pdf>

We remind State that the responsibility of human rights is not a favour. The other actors are supporting the States to meet this obligation, hence the need for better legislation to allow for a vibrant media and civil society working with the State agencies like the NHRIs, the judiciary, the police and police oversight authorities, among others.

Honourable Commissioners, Distinguished Delegates, Ladies and Gentlemen

In conclusion, allow me to assure the Commission of our commitment towards our common goal of human rights for all in Africa. I also urge the Commission to consider and act on the Resolution of the 5th NHRIs Forum.

I wish you fruitful deliberations.

Thank you!