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## Book Review: The Human Rights System, Activist Forces and International Institutions By Obiora Chinedu Okafor

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## OF LEGAL STUDIES

### Book Review

*The Human Rights System, Activist Forces, and International Institutions* by Obiora Okafor (London, Cambridge University Press, 2007. xiv + 336 pp. Hardback £58.00, ISBN 978-0-521-869065)

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Professor Henry Steiner et al in the book *International Human Rights in Context: Law, Politics, Morals: Texts and Materials* described the African System as the “newest, least developed or effective.....most distinctive and most controversial”. However the African Charter on Human and Peoples’ Rights even though in its infancy has managed to be an effective international human rights instrument according to the findings of the study conducted by Professor Obiora Okafor in his book *The African Human Rights System, Activist Forces And International Institutions*. The book is a testamentary evidence of some of the achievements of this system through the African Charter on Human and Peoples’ Rights. The African continent is faced with a number of regional obstacles but Okafor has contributed his well researched work to scholarship by documenting some of the critical issues in the area of international human rights which cannot be found anywhere else. The book can also serve as casebook on African

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international human rights because all the mentioned cases are very well described, factual and may not have necessarily been reported in any law report.

Okafor discusses the role and activities of the African Human rights system, International Human Rights Institutions (IHIs) and local activist forces using the quasi-constructivist point of view. The author is able to draw and present the book from an interdisciplinary approach making all the facts and information relevant to not just legal scholars but also to those wishing to conduct interdisciplinary research on African human rights.

The book is divided into 8 chapters with Chapter 8 as the conclusion. The first 2 chapters can be described as introductory chapters where the author introduces his work and describes the concept of the International Human Rights. In Chapter 1 he gives a historical background of this institution and the African Charter on Human and People's Rights. He reviewed the opinions of researchers of the African IHIs on its weaknesses and problems.

Okafor however asserts that the IHIs such as the African system are not "designed to serve or inherently capable of serving as panaceas for human rights violations", noting that an addition of a court to the African human rights system does not guarantee the success of the system using the enforcement-centrism approach.

Chapter 2 is a discussion of the various conventional conceptions of international human rights institutions. He discusses the voluntary compliance centrism concept and concludes that "while it might be wrong to say that the approach is incorrect, it is limiting given the existence of relatively sovereign and asymmetrically powerful states".

In Chapter 3 he described the achievements of the African system drawing on its strength from the work of the Commission citing decided cases and resolutions, gender equity consideration, uniqueness and broader jurisdiction of the court. He described the young life of the African system as "modest if limited success story".

Okafor takes a critical look at the impact of the African human rights system in Nigeria in Chapter 4. The author uses cogent examples to describe the role of civil society actors, the members of the Nigerian judiciary, the executive and the legislature. This is coupled with a critical analysis of selected decided cases evident of the proactive role of the CSAs. The decisions in these cases are a demonstration of the fact that domestic laws passed in Nigeria such as the military decrees during the military era were not superior to and neither could they modify international agreements such as the provisions of the African Charter of Human and People's Rights. Nowhere else have I found a critical documentation and analysis of the decided cases identified by Prof. Okafor in this book. Knowing that it is absolutely necessary to have these cases documented and analyzed.

In Chapter 5, the author describes the impact of the African human rights system in South Africa. With cited cases and examples of how the clauses of the African Charter of Human and People's Rights have been "invoked" by key players such as the executive, legislature, judiciary and civil society activists, Okafor concluded that even though the South African Constitution enjoins the courts to consider treaties such as the African Charter in their interpretation,

there is not much reference to this treaty in South African judicial decisions. In Chapters 4 and 5, the author distinctly described the activities and roles of the various arms of government (Executive, Legislature and the Judiciary) in Nigeria and South Africa and also the Civil Society Actors (CSAs).

Chapter 6 discusses the impact of the African system on other African countries like Benin Republic, Botswana, Ghana, Kenya, Tanzania, Zambia and Zimbabwe. Okafor noted that the African Charter has not had an extensive or deep impact on the decisions of these countries. He noted that dynamism, courage and strength of local activist forces as some of the factors responsible for the system's ability to exert influence in the "domestic sphere" of some African countries more than others.

In Chapter 7, Okafor evaluates the findings of his research as discussed in Chapters 4, 5 and 6, while prescribing a model for the success of International Human Rights in relation to the African system. His recommended model is the quasi-constructivist perspective. Chapter 8 is the concluding chapter and Okafor expressly alludes to the fact that this publication "within African states, this book adds to the existing IHI literature".

In supporting the conclusion of the author on his work, this book is highly recommended for all researchers of international human rights who are looking for information on the impact of IHIs on domestic institutions in Africa.

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