

ACHPR/Res.467 (LXVII) 2020: Resolution on the need for Silencing the Guns in Africa based on human and peoples' rights

The African Commission on Human and Peoples' Rights (the African Commission), meeting at its 67th Ordinary Session held virtually, from 13 November to 03 December 2020;

Recalling its mandate to promote and protect human and peoples' rights, pursuant to Article 45 of the African Charter on Human and Peoples' Rights (the African Charter);

Further recalling Article 23 of the African Charter which stresses that all people are entitled to national and international peace and security;

Recalling also that Article 3 (f) and (h) of the Constitutive Act of the African Union (AU) states that the objectives of the AU shall be to promote peace, security, and stability on the continent, as well as human and peoples' rights in accordance with the African Charter and other relevant human rights instruments;

Recalling its Resolution ACHPR/Res.332 (EXT.OS/XIX) 2016 on Human Rights in Conflict Situations, adopted during its 19th Extra-Ordinary Session, which expressed concern about the ongoing violations of human rights and humanitarian law in the context of conflicts on the continent, and which tasked Commissioner Solomon Ayele Dersso to work on human rights in conflict situations as Focal Point;

Bearing in mind other Resolutions pertaining to human rights in conflict situations on the continent, including, amongst others, Resolution ACHPR/Res.7(XIV)93 on the Promotion and Respect of International Humanitarian Law and Human and Peoples' Rights, Resolution ACHPR/Res.117 (XLII) 07 on Strengthening the Responsibility to Protect in Africa, Resolution ACHPR/Res.283 (LV) 2014 on the Situation of Women and Children in Armed Conflict and Resolution ACHPR/Res.276 (LV) 14 on Terrorist Acts in Africa;

Considering the AU's flagship Project under Agenda 2063: The Africa We Want, on "Silencing the Guns in Africa by 2020";

Affirming that silencing the guns is a human rights necessity, whose realization is a pre-requisite for the protection and enjoyment of all rights as well as the political and economic development of all societies, and conversely, that the human rights standards and principles in the Protocol of the AU Peace and Security Council (PSC), the African Charter, the Protocol on the Rights of Women in Africa and the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, constitute the conditions sine qua non for the success of all initiatives for silencing the guns;

Gravely concerned about the expansion of the threat of terrorist violence and rising manifestations of political instability and violent armed conflicts in numerous countries on the continent with very dire human rights consequences;

Disturbed by the serious impact of conflict and crisis situations on children and the youth, both on their physical and mental development and health, education as well as future opportunities;

Alarmed by the threat that the prevalence of the trafficking, circulation and use of illicit arms and weapons on the continent pose to peace and stability and the life and wellbeing of people on the continent;

Having regard to its Study on 'Addressing human rights issues in conflict situations', which proposes a five-pillar approach (monitoring and response; prevention measures; mainstreaming of human rights throughout conflict cycles; remedial action; and institutional coordination with other bodies) for achieving a human rights compliant perspective for the realization of 'Silencing the Guns' and the right to peace and security;

Noting the imperative for inclusion of women in all peace processes, including in leadership positions of such processes in accordance with the Maputo Protocol and the United Nations Security Council Resolution 1325, the inclusion of the youth in all peace processes, and the need to ensure that the specific needs of women, the youth, refugees and internally displaced persons, are taken into account in designing and implementing peace processes;

Commending the role of the PSC in the maintenance of peace and security in Africa and the promotion of democratic practices, good governance, the rule of law, protection of human rights and fundamental freedoms, working closely with the African Commission within the framework of Article 19 of the PSC Protocol and recognizing the role of the African Governance Architecture;

Cognizant of its responsibilities for contributing towards the achievement of peace and security and the objective of silencing the guns through promoting effective implementation of the rights guaranteed under the African Charter;

The African Commission:

1. **Calls on** all States Parties to the African Charter to work individually and collectively to end the conditions that lead to the eruption of violent conflicts, by implementing democratic and inclusive systems of governance and strengthening mechanisms for peaceful resolution of disputes at national and local levels;

2. **Calls on** all parties to conflict on the continent to respect the human and peoples' rights of civilians, and in particular those of women, children, refugees and internally displaced persons, older persons and persons with disabilities, and to fully comply with the rules of international humanitarian law, to prevent excessive and indiscriminate use of force;
3. **Affirms** that States Parties bear responsibility and have legal obligation for cooperating fully and ensuring the implementation of peace-making and conflict resolution efforts for ending violent conflicts on their territories;
4. **Tasks** the Focal Point on Human Rights in Conflict Situations to work on the development of a General Comment on Article 23 of the African Charter with a view to contributing towards the establishment and consolidation of peace and security as a basis for human rights and development;
5. **Calls on** the AU to ensure that human rights standards and principles are fully integrated in the design and implementation of all interventions for 'Silencing the Guns' across the conflict continuum from conflict prevention, to conflict management, to stabilization, conflict resolution to post-conflict reconstruction and development, in accordance with the 953rd and 866th communiqués of the PSC adopted on 08 October 2020 and 08 August 2019 respectively, and requests the ACHPR Focal Point on Human Rights in Conflict Situations to work with relevant AU entities towards this end;
6. **Calls on** the AU and particularly its Peace and Security Council to develop a comprehensive continental legal and institutional framework for the regulation of the importation or trafficking into, and the illegal circulation of arms and weapons on the continent, to address the scourge of illicit arms and weapons in Africa and in this respect requests the ACHPR Focal Point on Human Rights in Conflict Situations to support relevant AU bodies in the development of such legal instrument.

Done virtually, on 03 December 2020