



University for Peace
Université pour la Paix



REPORT OF THE UPEACE SHORT COURSE ON HUMAN RIGHTS, PEACE AND JUSTICE



**ADDIS ABABA, ETHIOPIA
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I. INTRODUCTION

The University for Peace, Africa Programme, Short Course on Human Rights, Peace and Justice was held in Addis Ababa, Ethiopia, 25-29 September 2006. The course was aimed at building capacity in the field of human rights and peace and conflict studies from an interdisciplinary perspective in the short term, and to strengthen such capacity in the long term.



The 29 course participants, from as many institutions, in 18 African countries, were mostly lecturers based at UPEACE partner institutions in Africa who teach in undergraduate or graduate programmes which either already deal generally with issues of conflict and peace in Africa, and specifically with issues of justice, human rights and peace, or has the potential to do so. In some cases, practitioners, and policy makers in the field were admitted. The list of participants is attached (Appendix B). With the broad aim of ‘training the trainers’, UPEACE invited a diverse group of primarily academics to come together

representing a range of disciplines and backgrounds. It is envisaged that those who attended the course will be able to go back to their universities and include a component on human rights, peace and justice in some of their courses.

UPEACE is in the process of developing teaching packages for its Africa Programme on a number of issues relating to peace and conflict in Africa, including human rights, peace and justice. Course participants were provided with *Human rights, peace and justice: A reader* as teaching material for the course, as well as the *Compendium of Key Human Rights Documents of the African Union*, and the *Compendium of Key Documents Relating to Peace and Security in Africa*. Thus, a further objective of the course was to receive feedback on the suitability of the material for the course they attended and for incorporation into the courses they teach respectively.

II. OBJECTIVES OF THE SHORT COURSE

- To develop the capacity of a core group of lecturers who are already teaching in areas of relevance to conflict and peace in Africa to include a component on human rights, justice and peace in their courses, and to do research on this topic.
- To receive feedback on the respective UPEACE teaching materials.
- To create a sustainable network of academics and practitioners in the field of human rights, peace and justice. The network will not only link the course participants with each other, but with UPEACE. UPEACE will be able to utilise the network for other initiatives such as the *African Conflict and Peace Review*.
- To create awareness of the existence of UPEACE as well as the quality of its programmes among the Africa Union, Government officials, the donor community etc. through facilitation of the course in Addis Ababa, the base of the UPEACE Africa Programme.

- To have a deeper and far better understanding of the concept of human rights and its application particularly within the African context.
- To generate proactive and practical approaches to the human rights problems, which confront the African continent.
- To expand the scope of knowledge on human rights particularly in the participant's institutions.
- To expand the understanding of peace and security through the exploration of the broad categories of explanatory factors and the inherent inter-linkages which create and sustain pervasive insecurity and conflicts.
- To excite critical assessment of African efforts towards the prevention, containment and resolution of conflicts, examining their strengths, weaknesses and potential for dealing with emerging threats.
- To encourage reflection on the scope and efficiency of past and current peacemaking initiatives, and explore strategies for more targeted, timely, inclusive and sustainable peace-building efforts that involve women.
- To increase appreciation for the interconnectedness between security, peace and human rights.

III. METHODOLOGY

In preparation for the course, the participants were asked to complete and submit an assignment prior to the course. Their responses also enabled the tutors to assess the knowledge base in order to prepare the lectures accordingly. The assignment is attached (Appendix C). The facilitators provided general feedback on the submissions.



During the five days, a series of lectures on the themes of human rights, peace and justice were given, followed by interactive debate and discussions. The lectures were divided between two tutors: Professor Michelo Hansungule from the Centre for Human Rights in Pretoria, and Dr Shedrack Best from the University of Jos, Nigeria. Professor Christof Heyns, Academic Coordinator of UPEACE, Africa Programme, gave an introductory lecture on human rights in Africa and Karen Stefiszyn, from the Centre for Human Rights lectured on women and peace. While Professor Hansungule focused on the topics related to justice and human rights, and Dr Best on peace security, they consistently reinforced the link between justice, human rights and peace. To complement the lectures, the participants were directed to the relevant readings and documents in the *Reader* and *Compendiums*.

The participants also had two unique cultural experiences. After the first day of lectures, participants were treated to traditional Ethiopian food, music and dancing at a local restaurant. The second day of the course coincided with a public Ethiopian Orthodox religious holiday, *Meskel*. The sessions on this day, adjourned early in order for participants to attend the celebrations at the Meskel Square in Addis Ababa.



To facilitate evaluation of the course, pre and post course questionnaires were provided.

IV. COURSE STRUCTURE

The course was officially opened by Dr Jean Bosco Butera, Director of the Africa Programme of the UPEACE Africa Programme, Professor Christof Heyns, Academic Coordinator of the UPEACE Africa Programme, and Mrs Yesharge Damtee, Commissioner for women's and children's rights at the Ethiopian Human Right Commission.

In his introductory remark, Dr Butera explained the mission of the UPEACE Africa Programme, which focuses on short courses, the development of teaching packages, and capacity building in African Universities in the field of peace and conflict studies and related subjects such as human rights. He urged participants to use the forum as a platform for networking, sharing, and learning from other African scholars working in the fields of human rights, peace and justice.

Professor Heyns, further welcomed participants and affirmed Dr Butera's comments.

Mrs Damtee, in the keynote address, congratulated the UPEACE Africa Programme for this initiative. She noted that peace can never materialise when injustice prevails. The commissioner highlighted some of her office's experiences and challenges in overseeing the implementation of human rights principles in Ethiopia, in particular, to protecting the rights of woman and children. She encouraged the participants to work for wider respect of human rights, which will result in promoting peace and justice on the content.

The week's lectures commenced immediately thereafter and covered the following topics:

The concept of human rights: Professor Heyns provided the introductory lecture whereby he introduced the origin and concept of human rights and the link between violations of human rights and conflict. He introduced concepts such as natural law, utilitarianism, universalism and relativism in relation to human rights, and explained that there were various ways of explaining the origin of human rights based on these concepts. He also noted the respective shortcomings of each theory. Professor Heyns explained the 'struggle approach' to human rights whereby human rights and legitimate resistance are two sides of the same coin. In other words, where there is no alternative, human rights can be claimed through legitimate resistance. The various frameworks to address human rights at the national, regional and international level were introduced.

Many participants had questions, concerns and comments related to the relevance of human rights in the African context, which were addressed by Professor Hansungule in the subsequent session.

The concept of human rights in Africa: Addressing the common perception that human rights are a western invention and imposition, Professor Hansungule emphasised in this session that while human rights are indeed universal, there are certain specificities that are peculiar to Africa, such as an emphasis on group rights over individual rights. He noted that many African philosophers have written about human rights proves that it is not only a Western concept, but it raises the question as to why such voices from Africa on the subject remain obscure and relatively unknown. Professor Hansungule further instructed participants not to confuse practice on the ground with the concept itself, and to rather use the concept as a tool for the realisation of human rights in Africa.

The relationship between conflict and human rights: Professor Hansungule moved from the concept of human rights in Africa to the relationship between human rights and conflict, which had been introduced by Professor Heyns. He referred to various instruments located in the *Compendium of Key Human Rights Documents of the African Union*, which recognise the link between human rights and conflict. He explained that violations of human rights create conditions for conflicts at various levels from the micro to the macro and therefore the net effect of human rights is peace.

Introduction to peace and conflict studies: Dr Shedrack Best led an introductory session on peace and conflict studies. In recognition of the fact that many of the participants lecture on the respective subject, the session was highly participatory where input was sought from the participants, including the definition of conflict, and positive and negative peace.



Causes of conflict in Africa: This session, led by Professor Hansungule explored causes of conflict in Africa. Causes of conflict can be external, such as, an unjust international system, and bad international policies, unsustainable development, or internal, such as, poor governance, struggle for resources, human rights violations, and discrimination. Cross-cutting causes include the colonial legacy, scarcity/abundance of resources, intolerance, and human nature.

Introduction to conflict prevention, management and resolution: Terminology relating to conflict prevention, management, and resolution, such as peace-building, peace-making and peace-keeping were reviewed by Dr Best who referred participants to an *Agenda for Peace*, the classic UN text which defines these processes, reprinted in *Human rights, peace and justice in Africa: A reader*. It was agreed that the structure and modality of resolving a conflict depended on the interplay of a number of factors and the interest and willingness of the parties to abide by the decision of the process, arrangements, and mechanisms to be deployed.

Traditional methods of conflict resolution: Analysis of opportunities and challenges in adopting traditional or classical approaches of conflict prevention, management, and resolution was also made in detail. In particular, attempts were made to see the justification for African traditional approaches to conflict resolution based on *Ubuntu*, the African notion of humanity.

Facilitated, by Professor Hansungule, examples of traditional methods of conflict resolution from Sudan (Gydeya), Burundi (Abashingantahe), Rwanda (Gacaca) and Nigeria (Matooput) Is this Nigeria or Northern Uganda? were presented and how they have been implemented. Prospects of restructuring and polishing some of these instruments to deal with currently unresolved conflicts, as well as prospects for the future were discussed. There was a lot of interest in this field of study and it could easily evolve into a short course of its own.

The African human rights system: Professor Hansungule provided an overview of the intricate African regional human rights framework, explaining the functions of the African Commission on Human and Peoples' Rights, the implementing body of the African Charter on Human and Peoples' Rights. He also outlined challenges facing the African Commission in implementing the African Charter, such as human and financial resources, voluntary reporting, and the principle of non-interference in the domestic affairs of member states. He noted that the presence and independent functioning of national human rights systems are considered to be prerequisites for strong sub-regional and regional human right systems. Although most African national legal systems do have human right provisions, their application and proper implementation is arbitrary. It was suggested that unless nations are willing to come out to implement the human rights provisions voluntary, it is unrealistic to anticipate having strong regional and international human right protection systems.

Good governance and the African Peer Review Mechanism: Continuing on the African human rights system, Professor Hansungule introduced the African Peer Review Mechanism (APRM), an instrument of the New Partnership for Africa's Development (NEPAD). The APRM is a self-assessment tool to which member states of the AU voluntarily accede. The four thematic areas of APRM are democracy and good political governance, economic governance and management, corporate governance, and socio-economic development. Professor Hansungule noted that while it is an innovative African initiative towards the realisation of good governance and human rights, it has been criticised for its overlapping themes, and lacking participation from communities, woman groups and civil society generally.

Regional mechanisms and initiatives for conflict prevention, management and resolution: Dr Best referred participants to the *Compendium of key documents relating to peace and security in Africa* where the establishing documents for many of the mechanisms for conflict prevention, management and resolution are found. He then outlined the structure of the African Union, entrusted with continental peace and security.

Women's rights and Peace: In this session, facilitated by Ms Karen Stefiszyn, the necessity for women's participation in the peace process was discussed. It was noted that women have a right to peace, provided for in the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, which refers not only to the right to a peaceful existence but also to the right to participation in the peace process at all levels of decision making. It was noted that women are largely excluded from such processes and as a result, their concerns are often not integrated into the post-conflict reconstruction stage. The participants debated fervently as to whether or not women are natural peacemakers and if they really can make a difference at the peace table.

Addressing human rights and peace through the United Nations: This session provided an overview of the structure of the United Nations with respect to human rights and peace and security. Participants commented on the weakness of the UN as illustrated by its role in the 1994 Rwandan genocide and over the current situation in Darfur and Somalia. It was also

acknowledged that African states often ratify international instruments to project a positive image internationally, but lack the political will to implement them.

Transitional justice: Professor Hansungule provided an introduction to the concept of transitional justice, the process of seeking redress for grave violations of human rights during conflict. He provided an overview of the various transitional mechanisms such as the International Tribunals for Rwanda and Yugoslavia, established by Security Council Resolutions, and truth commissions, which have been opted for in lieu of punitive approaches, focussing on reconciliation and rebuilding relationships in the society.

The International Criminal Court: Continuing on the theme of justice, the next session, facilitated by Professor Hansungule, focused on the International Criminal Court. The first court to deal with international crimes was the International Court of Justice, however it only deals with inter-state cases. The International Criminal Court on the other hand, addresses individual criminal responsibility for crimes against humanity, genocide, and war crimes. The definitions of these various categories of crimes were reviewed.

Uganda case study: Peace vs justice: While the final session was scheduled to analyse the topical and fragile peace process in Northern Uganda, a decision was taken to rather hold a panel discussion whereby participants – one from Liberia, Sierra Leone, Uganda, and the DRC – spoke of the background to their respective country's conflict, the methods of resolution employed, and chosen methods of transitional justice. A question and answer period for the panellists followed whereby the following questions were debated and discussed: Who decides on the most effective method of transitional justice? Is peace possible without justice? Professor Hansungule wrapped up the session noting that justice alone is not enough for sustainable peace but rather unity, tolerance, and human rights is required. It is incumbent on all participants to return to their respective countries and promote these values.

V. EVALUATION

Dr Phoebe Nyawalo and Dr Cosmas Kamugisha conducted a brief evaluation after the final session. Evaluation forms were distributed and collected whereby the most detailed feedback will be gleaned. However, verbally, participants commented that overall the above-stated objectives were met and they were satisfied with the course. They also felt the materials that were distributed were extremely valuable resources and there seemed to be an overall commitment to incorporate the materials into their own training and teaching in their respective institutions. Many participants noted that they were interested in more information on the incorporation of more traditional African philosophy and traditional methods of conflict resolution.

VI. CLOSING CEREMONY

Dr Butera brought the short course to an official end. He thanked all those involved in the organisation of the course, the facilitators, and the participants for their enthusiastic participation throughout the week. Each participant was given a certificate of completion.

APPENDIX A: COURSE TIMETABLE

Monday – 25 September 2006

Time	Topic	Lecturer
09:00 - 09:45	Opening	
09:45 - 10:00	Group photo	
10:00 – 10:20	Coffee/Tea Break	
10:20 – 11:00	Participants Presentation	
11:00 – 11:15	Introduction	Prof Christof Heyns
11:15 – 12:45	Concept of human rights	Prof Christof Heyns
12:45 – 13:00	Distribution of evaluation forms + explanation by evaluators	Dr. Phoebe Nyawalo & Dr Cosmas Kamugisha
13:00-14:30	Lunch	
14:30 – 16:00	Concept of human rights in Africa	Prof Michelo Hansungule
16:00 – 16:20	Break	
16:20-17:30	The relationship between human rights and conflict	Prof Michelo Hansungule
18:30 – 21:00	Welcome Dinner	

Tuesday – 26 September 2006

Time	Topic	Lecturer
09:00 – 10:30	Introduction to peace and conflict studies	Dr Shedrack Best
10:30 - 10:50	Break	
10:50 - 12:30	Causes of conflict in Africa	Prof Michelo Hansungule
12:30 - 14:00	Lunch	
14:00-18:00	MESKEL	

Wednesday – 27 September 2006

Time	Topic	Lecturer
09:00 - 10:30	Introduction to conflict prevention management and resolution	Dr Shedrack Best
10:30 – 10:50	Break	
10:50– 12:30	Traditional methods of conflict resolution	Prof Michelo Hansungule
12:30-14:00	Lunch	
14:00-15:30	The African human RightsSystem	Prof Michelo Hansungule
15:30-15:50	Break	
15:50-17:00	Good Governance and the African Peer review Mechanism	Prof Michelo Hansungule
17:00-17:30	Feedback on Assignment	Prof Hansungule and Dr Best

Thursday – 28 September 2006

Time	Topic	Lecturer
09:00 – 10:30	Regional mechanisms and initiatives for conflict prevention, management and resolution	Dr Shedrack Best

10:30 – 10:50	Break	
10:50– 12:30	Women rights and peace	Karen Stefiszyn
12:30 – 14:00	Lunch	
14:00 – 15:30	Addressing human rights and peace through the United Nations	Dr Shedrack Best
15:30 – 15:50	Break	
15:50 – 17:30	Addressing human rights and peace through the United Nations – case study	Dr Shedrack Best

Friday – 29 September 2006

Time	Topic	Lecturer
09:00 – 10:30	Introduction to transitional justice	Prof Michelo Hansungule
10:30 – 10:50	Break	
10:50 – 12:30	The International Criminal Court	Prof Michelo Hansungule
12:30 – 14:00	LUNCH	
14:00 – 15:30	Uganda case study: Peace vs justice	Dr Shedrack Best
15:30 – 15:50	Break	
15:50 – 16:30	Evaluation	Dr. Phoebe Nyawalo & Dr Cosmas Kamugisha
16:30 – 17:30	Closing Ceremony	

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APPENDIX C: ASSIGNMENT

ASSIGNMENT FOR THE UPEACE SHORT COURSE ON HUMAN RIGHTS, PEACE AND JUSTICE IN AFRICA

Please choose one question from section A and one question from section B. Your responses to each should be no less than 2 and no more than 5 typed, double-spaced pages. Please submit the assignment by Monday 18 September to Karen Stefiszyn at karen.stefiszyn@up.ac.za.

You may want to refer to the following websites during your research:

Centre for Human Rights www.chr.up.ac.za

African Union www.african-union.org

African Commission on Human and Peoples' Rights www.achpr.org

University of Minnesota Human Rights Library <http://www1.umn.edu/humanrts>

Commission on Human Security <http://www.humansecurity-chs.org/>

Safer Africa www.saferafrika.org

Institute for Security Studies www.iss.co.za

African Union www.african-union.org

SECTION A – HUMAN RIGHTS

Identify the various mechanisms, programmes and systems for the promotion and protection of human and peoples' rights in Africa initiated by the OAU/AU?

OR

What is the link between human rights, human security and conflict?

SECTION B – PEACE AND SECURITY

Distinguish between 'positive peace' and 'negative peace' using examples from the experience of African states.

OR

What traditional African resources are available to Africa for the management and resolution of conflict? How have these been put to use over the years?