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Editorial

The Africa Law Institute is pleased to present this third issue of Volume 1 of the *African Journal of Legal Studies* (“AJLS”). This issue contains two articles.

The first article entitled “Property Restitution Laws in a Post-War Context: The Case of Mozambique” by Professor Jon Unruh, an anthropologist from McGill University, implicitly challenges legal professionals and other practitioners to be more attentive to important property rights issues in contemporary post-conflict situations. For curiously, the place of property in a post-conflict dispensation, especially land ownership, restitution and expropriation which often form part of the litany of individual and group grievances that escalate social tension or lead to war in the first place, are largely ignored in the literature on post-conflict societies. For instance, in Zimbabwe, the thorny issue of land redistribution did not receive much attention in the immediate post-independence period, but has resurfaced as one of the outstanding questions in that country. It is perhaps crucial for countries with similar historic trajectory in the region such as South Africa and Namibia to take cue from the inherent challenges of failing to deal with land restitution in a timely fashion; since it would remain a potential minefield that could implode at a time when these countries are least prepared for the consequences.

To date, the issue of land redistribution has not gained prominence in the literature on post-conflict societies. This may partly be because it is now fashionable for scholars to engage in largely intractable moral and philosophical debates about justice versus peace, or peace versus justice, understood in the narrow sense of truth commissions versus individual criminal accountability mechanisms. It appears as though both or either of these institutions are now mandatory on any credible post-conflict peace physician’s prescription. Indeed, relatively few writers appear to be interested in mundane questions about social injustice, or social justice, in respect of property rights and their possible implications for the cessation of hostilities and solidification of the often fragile peace in post-war environments. Yet, as Unruh ably demonstrates through his Mozambique case study, the restoration and durability of peace and economic growth in the painful aftermath of conflict and mass atrocity may well depend upon how successfully governments and the international community factor in the social context when establishing restitution regimes to redress actual or perceived historic wrongs regarding property rights.

The second article, Professor John Mubangizi’s “The Protection of Human Rights in Uganda: Public Awareness and Perceptions”, highlights from the findings of a survey conducted in Uganda, how in the particular context of human rights law, “knowledge of the law is not only important for protection and enforcement of rights, but also for people to have some knowledge of the human rights obligations imposed on them by law” (167). He suggests that effective realization of human rights in any

society assumes and requires that rights holders know of their rights entitlements, and equally importantly, how to seek redress when they are violated. The level of public awareness of human rights and the institutional mechanisms through which they may be enforced therefore becomes crucial; often, as crucial as the actual rights themselves.

The broader implications of Professor Mubangizi's article are troubling because it reveals that as much as there is rhetoric in the international human rights discourse emphasizing the indivisibility of civil and political rights on the one hand, and economic, social and cultural rights on the other, in practice, the public's knowledge and perception of the existence and methods of vindication or redress of their various human rights differ and is frozen in a Cold War context which gave pre-eminence to the former over the latter. This unfortunate historical split in the foundation of the human rights edifice appears to suggest grim implications for vulnerable social groups in Uganda, and perhaps the rest of Africa, in the sense that the State as primary author of human rights violations is seen to be exacerbating the causes of such violations by not only according social and economic rights second class status, but also by deliberately denying or starving specific groups, especially women, rural dwellers and the uneducated, of basic socio-economic necessities to which they are formally entitled under national and international law.

In addition to the above articles, this AJLS issue contains two of the three basic legal instruments that underpin the work of the Special Court for Sierra Leone, the "hybrid" UN-supported criminal tribunal currently trying those allegedly bearing the "greatest responsibility" for serious international crimes committed during the Sierra Leonean conflict during the latter half of the 1990s. The next issue of the journal, scheduled for publication in the spring, will start Volume 2 of the journal and will contain the Special Court's third core instrument: the *Rules of Procedure and Evidence*.

In publishing these materials on the Special Court, AJLS aims to help publicize the important work of that tribunal, the first modern international criminal court sitting in the country that was the theatre of the conflict. Further information about the Special Court, including its jurisprudence and other important documents, can be found online at <http://www.sc-sl.org>.

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