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Editorial

The Africa Law Institute is pleased to present this second issue of Volume 2 of the *African Journal of Legal Studies* (“AJLS”). This issue contains four articles that capture in their origins and breadth the aim of the AJLS, which is to serve as a leading forum for the interdisciplinary engagement of issues of human rights, governance and the rule of law in Africa.

The first article by Jon Unruh, an anthropologist, challenges us to be more attentive to land and property issues in contemporary post-conflict situations. While there has been an exponential growth in literature on Sierra Leone in the past few years, the AJLS is proud to be publishing one of the few works examining the fundamental issue of land reform and how that might impact the post-conflict dispensation in that West African nation. As noted in a previous editorial of this journal, regrettably, land and property issues in Africa appear not to have gained much prominence, at least in the legal literature, on post-conflict societies. This may partly be because it is nowadays more fashionable for lawyers to engage in seemingly intractable and binary philosophical debates about justice versus peace, or justice and peace, in discussions about truth commissions and criminal tribunals and the propriety of prosecutions of those responsible for mass atrocity during conflict.

A relative minority of scholars seem to be engaging the equally fundamental questions of socio-economic justice, especially in relation to property issues, as possible causes or even catalysts of conflict. Yet, as Unruh ably demonstrates through his Sierra Leone case study, the promise, pace and durability of peace in a post-conflict environment is often conditioned, or at least influenced by, how successful governments and the international community are in (re)establishing rule of law based property regimes to redress actual or perceived grievances regarding the acquisition, use and disposition of property.

The second article, by Chile Eboe-Osuji, a lawyer, examines a technical issue regarding one of the elements of proof required under international criminal law for Prosecutors to prove, beyond a reasonable doubt, charges that an accused knowingly perpetrated crimes against humanity by directing one or more attacks against a civilian population. For the attack against civilians to be punishable, must the *primary* purpose of the perpetrator be to target the civilian population, or can incidental attacks on civilians also give rise to legal responsibility? In arguing the latter, the author analyses a recent judgment from the Special Court for Sierra Leone, in the *CDF* case.

The third article, by law professor John Mubangizi, examines some of the tensions arising from the conferral of socio-economic human rights on citizens in a country characterized by wide inequities such as South Africa. Taking the right to housing as an example, his study exemplifies the difficulties encountered in practically realizing socio-economic rights. He examines the constitutional guarantee of socio-economic including housing rights, and the realities faced by state institutions and non-state actors to ensure them for the population. He concludes with the hopeful message that while the challenges are significant, and may even be daunting, the prospects are promising for South Africa's poor. Perhaps more than any other country, post-apartheid South Africa underscores the indivisibility of all human rights – civil, political and economic – if everyone within a polity is to realize their full potential.

The fourth and final article, by Adewale Banjo, a political scientist, examines issues of constitutional succession to power in West Africa with the small country of Togo as a case study. The author highlights the dilemmas faced by Togo's political system after the death of long-time ruler, President Gnassingbe Eyadema, and the political ambitions by none other than Eyadema's son. Despite domestic, sub-regional and international opposition, the author contends that the constitutional and electoral processes in place to smooth such transitions in mature systems were essentially hijacked by the military to ensure continuation of the Eyadema dynasty in "Togo Kingdom."

The timeliness of this article cannot be emphasized given recent crisis of succession in Guinea following the death of another discredited former military ruler, Lansana Conté. We now see much the same reaction emphasizing the need to follow the dictates of the constitution, from within and outside Guinea, as we saw in respect of Togo. This emerging norm affirms that the era of Africa's military dictatorships is over, especially given the position taken by the sub-regional Economic Community of West African States ("ECOWAS") in respect of both situations. It is to be hoped that this trend will continue, and that Guinea will eventually return to democratic rule thereby ending the vicious cycle of coups and counter-coups that undermined the credibility and tarnished the image of Africa's civilian and military leaders in the post-independence era. Perhaps fittingly, Togo's place in West African history as the country that succumbed to the region's first military *coup d'état* in January 1963 may be slowly transformed to the first country in which military rule was truly frowned upon by ECOWAS leaders in February 2005.

In addition to the above articles, this AJLS issue contains two legal instruments, the Statute and the Rules of Procedure and Evidence, forming the constitutional basis of the work of the International Criminal Tribunal for Rwanda ("ICTR"). Of course, the ICTR is the United Nations Chapter VII criminal tribunal based in Arusha, Tanzania with responsibility to try the perpetrators of the tragic genocide in Rwanda in 1994. In publishing these ICTR materials, the AJLS aims to help disseminate as well as publicize the important work of the ICTR, and in so doing, to highlight Africa's growing contribution to the evolution of international criminal law. This continues our desire to publish important Africa-related legal materials that started with the legal texts of the Special Court for Sierra Leone, which is also now engaged upon its own

Completion Strategy, in two previous issues of this journal. Further information about the ICTR, including its extensive contributions to genocide jurisprudence and other important documents can be found online at <http://www.icttr.org> and at <http://www.ictrcaselaw.org>.

Besides this, AJLS is pleased to announce that we now have for review various books relating to Africa from a number of leading publishers. If you are interested in reviewing one of them, please let me know by e-mail and the book will be sent to you. In the journal tradition, following the conclusion of an acceptable review, the reviewer may retain the copy of the book as a token of our appreciation.

Finally, on behalf of the Editorial Board and myself, I wish to apologize for the considerable delay and administrative difficulties that led to a two-year slump in the publication of this issue of AJLS. Henceforth, the journal will have more regular issues, so please send us social science articles relating to Africa for publication consideration. Our submissions guidelines can be found online at <http://www.africalawinstitute.org/ajls/submissions.htm>. Please note that the journal is exploring the possibility of having both print and electronic editions and an institutional home within an established university. I will keep you posted on any important developments regarding this issue.

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