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Annuaire Africain de droit International

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**SPECIAL THEME:
CONFERENCE ON INTERNATIONAL LAW IN AFRICA:
MAPUTO 5-6 OCTOBER, 2012**

**THEME SPECIAL :
CONFERENCE SUR LE DROIT INTERNATIONAL
EN AFRIQUE : MAPUTO 5-6 OCTOBRE 2012**

MAPUTO CONFERENCE: REVITALIZING THE AFRICAN ASSOCIATION OF INTERNATIONAL LAW (AAIL)

Abdulqawi A. Yusuf* & Roland Adjovi**

The African Foundation for International Law (AFIL) in cooperation with the Institute of International and Comparative Law in Africa,¹ University of Pretoria, organized a Conference on International Law in Africa in Maputo, Mozambique, from 5 to 6 October 2012. The two institutions considered it important to organize this conference as part of the AFIL's continuing effort to provide an appropriate forum to African scholars and legal practitioners to exchange views and identify appropriate legal approaches to the solution of some of the most pressing problems facing the African continent.

The Conference had a dual objective. First, to restart the cycle of conferences of African international lawyers aimed at an exchange of views on developments in international law of particular relevance to the continent and at contributing to the evolution of African perspectives of international law. Secondly, to reactivate and revitalize the African Association of International Law (AAIL) which had been inactive for a number of years. The presence of a large number of African international lawyers at the conference, including some of the founders of the Association, provided an opportunity to renew the organs of the Association, to review and amend its Statute, where

* General Editor.

** Member of the Editorial Committee.

¹ See the website of the Institute at the University of Pretoria, South Africa (<http://web.up.ac.za/default.asp?ipkCategoryID=15338>).

necessary, and to establish its future programme of activities (see within the Documents in this volume, pp. 427-435 and 459-467).

The AAIL was created in 1986 in Lusaka (Zambia) during an inaugural conference of African international lawyers held under the patronage of President Kenneth Kaunda of Zambia. The Association was subsequently registered in Banjul (The Gambia) in 1988 and granted an observer status with the African Commission on Human and Peoples' Rights. Among the founding members of the Association were the following international legal scholars: Late Judge Taslim Olawale Elias (President) and Late Judge Keba Mbaye (Vice-President and later on Acting President), Judges Mohammed Bedjaoui, Robert Dossou, Abdul Koroma, Abdulqawi A. Yusuf, and the Late Blondin-Beye, Late Kader Asmal, Madjid Benchikh, Francis Wodie, Late A.O. Adede, Mikuin L. Balanda, Muna Ndulo, Late Bonaya Godana (Deputy Secretary General and Treasurer), and Tunguru Huaraka (Secretary General).

It was under the aegis of the AAIL that the *African Yearbook of International Law/Annuaire Africain de Droit International* was created in 1993 and started to be published by Martinus Nijhoff Publishers as a bilingual publication (English and French). The Statute of the Association was published in the first volume of the *Yearbook* in 1993.²

The Association was, however, unable to provide institutional support to the *Yearbook*, which continued to be put together and edited by a small group of African international lawyers mostly thanks to their own personal efforts and financial sponsorship of the publication. This group of lawyers, which consisted of the General Editor, the Associate Editors and the Assistant Editor, was joined by a few members of the Editorial Advisory Board (Prof. Georges Abi-Saab, Prof. Tiyanjana Maluwa, and Dr. Edward Kwakwa) to create in 2003 the African Foundation for International Law under whose auspices the *Yearbook* has been published since then.

² See Vol. I of the *Yearbook* (1993). See also the editorial in Vol. 10 of the *Yearbook* for the background to the first publication of the *Yearbook*: Abdulqawi A. Yusuf, Looking Forward: The Tenth Anniversary of the *Yearbook*, *AYIL* 10 (2002), 3-11.

Besides the publication of the *Yearbook*, one of the major priorities of the African Foundation was to revitalize the AAIL which, for budgetary reasons essentially, remained dormant for a long time. The Maputo continental Conference enabled the Foundation to honour this long-standing commitment, and bring together a large number of African international lawyers to reactivate the Association which was established long before the Asian, European and Latin-American societies.

The main theme of the conference was: “Human Security, Peace and Development: Challenges and Responses”. Through the presentation and discussion of scholarly papers, the conference was able to undertake a profound analysis of the challenges posed by these issues to African States from an international law standpoint, and examine the responses that may be found both in international law, in general, and in African international legal instruments, in particular, with a view to proffering appropriate normative approaches for dealing with them in the African context. The efforts of African governments to ensure peace, human security and development in their countries can benefit from common normative approaches underpinned by shared African values and aspirations. The aim of the discussions and exchanges at the conference, in addition to their scholarly value, was to contribute to the gradual evolution and development of such common approaches. It was also felt that a resumption of the regular cycle of conferences of the AAIL (perhaps once every two years) would ensure the necessary continuity in advancing African legal scholarship on these issues and others of particular relevance to good governance and the rule of law in Africa as well as to the domestic implementation of the public law of Africa.

Two of the papers presented at the conference are published in the Special Theme of this volume of the *Yearbook*, which exceptionally covers 2011 and 2012.

They are a paper by Adejoké Babington-Ashaye on the African Peer Review Mechanism, and another by Christian Pangilinan on the African Court of Human and Peoples’ Rights and the framework for the protection of refugees in the continent. A third paper that was prepared for the conference, but could not unfortunately be presented, is included in the Special Theme. This is the paper by Mutoy Mubiala

on the role of human rights in the mediation efforts of the UN Secretary-General between Nigeria and Cameroon regarding the Bakassi peninsula.

The organizers were able to take advantage of the University of Pretoria's well-known African Human Rights Moot Competition³ which was held on the same occasion at the Eduardo Mondlane University⁴ in Maputo, Mozambique. This arrangement enabled students from various African universities participating in the moot competition to attend the conference and benefit from the scholarly debates and discussions on the theme mentioned above. It also allowed African law faculty members accompanying the students for the Moot Competition to attend the conference and take an active part in the debate and discussions. Thus, over three hundred participants were able to attend the conference which turned out to be a great success. In this context, a note of thanks is due both to the Centre for Human Rights of the University of Pretoria and the American Society of International Law⁵ for their valuable support to the conference.

The Governing Board of the African Foundation, which also met during the conference in Maputo, was able to announce the upcoming establishment of the African Institute of International Law in Arusha, United Republic of Tanzania, following the endorsement of the Foundation's initiative by the Assembly of Heads of State and Government of the African Union at its Eighteenth Ordinary session in January 2012,⁶ and the appointment of Ambassador Sani L. Mohamed as Project Coordinator and Vice-Chairman of the Project Coordination Committee (PIC).⁷ With the African Institute of International Law, whose establishment was also fully acknowledged by the United Nations General Assembly in its Resolution 67/91 of 2012,⁸ the Foundation had succeeded to realize two of the original objectives of the AAIL, namely the publication of the *Yearbook* and the creation of a research and studies center dedicated to international

³ See the page dedicated to the Moot Court Competition on the website of the University of Pretoria (<http://www.chr.up.ac.za/index.php/projects/moot.html>).

⁴ See the website of the University (<http://www.uem.mz/>).

⁵ See the website of the Society (<http://www.asil.org/>).

⁶ Documents of the African Union Assembly/AU/Dec. 405 (XVIII), January 2012.

⁷ For more information on the Institute, see its website (<http://www.aiil-iadi.org/>).

⁸ United Nations Documents A/RES/67/91, especially para. 20.

law in Africa; while at the same time reviving the Association itself. In the coming few years, the Foundation will devote its efforts to the success of these institutions so that the network of African international lawyers that was established in 1986 to promote the teaching, research and dissemination of international law in the continent can continue to pursue its aims and purposes through these instrumentalities. Both the Institute and the *Yearbook*, while carrying out the objectives of the Association, will at the same time, contribute to its consolidation as they continue, together with the Foundation, to engage the active members of this network of African international lawyers in collaborative research and academic activities capable of advancing international law in the continent.

