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## PROGRAMME

### 10<sup>TH</sup> AUCIL FORUM

Theme:

***“International Law, Alternative Justice, and Armed Conflicts  
in Africa”***

**Location: Addis Ababa, Ethiopia and Virtually**

**Dates: 20-21 May 2024**

By

Prof. Kevin Ferdinand Ndjimba (Chairperson of the Forum)

and

Dr. Belibi Sébastien Daila (Rapporteur of the Forum)

<b>DAY 1: 20 MAY 2024</b>	
<b>10:00 – 10:30</b>	<b>OPENING SESSION</b>
	<p style="text-align: center;"><b><u>Moderator:</u> Justice Abdi Hersi; AUCIL Member</b></p> <ul style="list-style-type: none"> <li>- Welcoming remarks by the Prof. Kevin Ferdinand Ndjimba; AUCIL Chairperson and Chairperson of the Forum</li> <li>- Statement by Prof Hajer Gueldich, Legal Counsel of the AU</li> <li>- Statement by the Representative of the AU Commission</li> <li>- Statement by the Representative of the Federal Democratic Republic of Ethiopia</li> </ul> <p style="text-align: center;"><b><i>Keynote Address by Brigadier General (Prof.) Dan Kuwali ; Commandant of the National Defence College in Malawi (NDC-MW) and Extraordinary Professor of International Law and Human Rights; University of Pretoria</i></b></p> <p style="text-align: center;"><b>Group photo</b></p>
<b>10:30 – 11:30</b>	<b><i>Session 1: The contribution of international law to the prevention and resolution of conflicts and tensions</i></b>
	<p><i>Contemporary conflicts and tensions in Africa take many forms, making a satisfactory classification almost impossible. It should be noted, however, that they are often of border, secessionist, identity and political origin. So how should international law address the root causes of these conflicts and tensions? Should it adopt a restorative approach, through the pursuit and implementation of justice, or rather take a proactive stance by helping to curb the root causes of these conflicts and tensions? To what extent can international organizations such as the African Union (AU) and the United Nations (UN), as well as Regional Economic Communities (RECs), take advantage of international law not only to resolve conflicts, but also to prevent them?</i></p> <p><i>Discussions in this session will focus on how international law can assist not only to resolve, but also to prevent the occurrence or resurgence of conflicts and tensions, including alternative justice mechanisms. This session will also critically assess how international and regional organizations use their legal frameworks and operational mechanisms to prevent and resolve conflicts and tensions. This session will be both an opportunity for reflection and the sharing of experiences.</i></p> <p><b><u>Moderator:</u> Representative of a Member State</b></p> <p><b><u>Speakers:</u></b></p> <p>1) <b>Dr. Solomon Dersso</b>; Member of the African Commission on Human and Peoples' Rights; <i>Contribution of the African Commission on Human and Peoples' Rights</i></p>

	<p>2) <b>Prof. Dr. Matthias Weller</b>; Director of the German and International Zivilverfahrensrecht Institutes; Friedrich Wilhelms University of the Rhineland, Bonn; <i>Post-Conflict Justice and the Return of Cultural Property: Legal Pathways for Reconciliation and Reparations</i></p> <p>3) <b>Prof. Ézéchiel Amani Cirimwami</b>; Professor of International Law and Public Prosecutor; Vrije Universiteit Brussel and DRC; <i>New International Treaty on Mutual Legal Assistance and Extradition: What Perspective for Africa</i></p> <p><b>Discussions</b></p>
11:30 – 12:00	<b>Coffee-Break</b>
12:00 – 13:00	<b>Session 2: International law put to the test of emerging forms of conflict in Africa</b>
	<p><i>IHL is based on the classic distinction between international and non-international armed conflicts, and relies on principles such as the distinction between civilian and military targets. However, the typology of conflicts and tensions in Africa shows that this paradigm has been superseded. On the one hand, some African states are plagued by terrorist groups whose duration of action and level of organization claim as many victims as traditional conflicts. On the other hand, advances in technology are having an impact on the nature of warfare, with relatively new elements such as cyberwarfare, artificial intelligence and drones. All this poses a number of challenges to IHL, and to international law more generally. In this regard, we are tempted to question whether international law has not been overtaken by the contemporary realities it is supposed to govern? In other words, can conventional tools of international law be used to deal with unconventional threats? How can international law evolve to effectively regulate new technologies and new means of warfare, while respecting the principles of distinction, proportionality and necessity? Therefore, this session will critically examine how these modern forms of conflict challenge established norms and frameworks of international law, as well as the AU's efforts, through its own legal and political instruments, to adapt to these emerging challenges.</i></p> <p><b>Moderator: Hon. Kathleen Quartey Ayensu; AUCIL Member</b></p> <p><b>Speakers:</b></p> <p>1) <b>Brigadier General (Professor) Dan Kuwali</b>; Extraordinary Professor of International Law and Human Rights; University of Pretoria; <i>Jus Ad Pacem: Ending the Beginning of Wars in Africa</i></p> <p>2) <b>Representative of International Committee of the Red Cross</b></p> <p>3) <b>Mrs. Azkarr Addirdeiry</b>; Lawyer/Senior Lecturer of International Law; University of Khartoum (Egypt); <i>Addressing the complexity of Non-State Actors in contemporary International Law: Implications for International Humanitarian Law.</i></p> <p><b>Discussions</b></p>

13:00 – 14:00	<b>Lunch</b>
14:00 – 15:00	<b>Session 3: Protecting and repairing violations: what are the challenges?</b>
	<p><i>This session will focus on the crucial role of international and AU legal frameworks in protecting women, children and vulnerable groups in armed conflict. The focus will be on international humanitarian law, international human rights law, alongside specific AU instruments such as the African Charter on the Rights and Welfare of the Child and the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa. In the face of armed conflict, how can international law and AU instruments ensure effective protection and support for women, children and vulnerable groups? How can we ensure that protection is not just theoretical but practical, responding concretely to the needs of the most vulnerable? The session will assess how these legal instruments are applied in current conflict scenarios, highlighting gaps in protection while identifying effective strategies.</i></p> <p><b><u>Moderator:</u> Amb. Juliet Semambo Kalema ; AUCIL Member</b></p> <p><b><u>Speakers:</u></b></p> <ol style="list-style-type: none"> <li>1) <b>Mrs. Yasmin Mustafa Kamal</b>; Lawyer/Previous Legal Advisor to the ICRC Mission in Sudan; <i>The Role of Restorative Justice in Addressing Violations and Their Aftermath</i></li> <li>2) <b>Mr. Adebayo Kareem</b>; <b>Coordinator of AU Compliance &amp; Accountability Framework Project; Department of Political Affairs, Peace and Security of the AU Commission</b>; <i>Measures taken by the AU to protect civilians and repair violations of IHL/IHRL in its Peace Support Operations</i></li> <li>3) <b>Prof Robert Nanima</b>; <b>Member of the African Committee of Experts on the Rights and Welfare of the Child and Special Rapporteur on children affected by armed conflicts</b></li> </ol> <p><b><i>Discussions</i></b></p>
15:00 – 16:00	<b>Session 4: Post-conflict reconstruction and management of environmental damage</b>
	<p><i>This session will explore the environmental consequences of war, including land degradation, pollution and the depletion of natural resources, and assess how these impacts hamper the recovery and reconstruction efforts of affected communities. Discussions will also address the crucial issue of environmental justice in the aftermath of armed conflict, focusing on the role of international law and AU legal frameworks in mitigating environmental damage and promoting sustainable development during post-conflict reconstruction. The session will address two key questions: What is the impact of environmental damage caused by armed conflict on recovery and reconstruction? What innovative legal and policy approaches are needed to ensure that post-conflict reconstruction efforts are aligned with environmental justice, in order to contribute to the resilience of ecosystems and communities?</i></p>

	<p><i>The focus will be on applying the principles of international environmental law and AU initiatives, such as the African Convention on the Conservation of Nature and Natural Resources (revised Algiers 1968 and revised Maputo 2003), in the fight against environmental damage caused by conflict.</i></p> <p><b><u>Moderator:</u> Representative of a Member State</b></p> <p><b><u>Speakers:</u></b></p> <p>1) <b>Dr. Sa Benjamin Traore</b>; Associate Professor of Law; Polytechnic University Mohamed VI; <i>Environmental damage committed by business entities in armed conflicts</i></p> <p><b><i>Discussions</i></b></p>
16:00	<b>Coffee-Break and end of Day 1</b>
<b>DAY 2: 21 MAY 2024</b>	
10:00 – 11:30	<b>Session 5: Transitional justice experiences in Africa: a critical assessment</b>
	<p><i>Justice remains a puzzle in Africa, with judicial systems notably burdened by corruption, being very inaccessible, and disconnected from the cultural realities of the populations they are supposed to serve. Through the suffering of judicial systems, it is the entire model of justice that is in question on the continent. Yet traditional African societies were not devoid of justice. They had their own systems, of which the “palaver tree” is just one example. Shouldn't we therefore codify African-style justice models that could meet the needs of societies without resorting to impunity? Couldn't these alternative models of justice be halfway between modern justice and models of justice as they were known in African societies of yesteryear?</i></p> <p><b><u>Moderator:</u> Prof. Samia BOUROUBA; AUCIL Member</b></p> <p><b><u>Speakers:</u></b></p> <p>1) <b>Dr. Owona Mdiba Otto Georges</b>; Lecturer; University of Bertoua ; <i>DDR operations in the fight against terrorism in Africa: a tension between the imperatives of peace and the demands of justice</i></p> <p>2) <b>Mr. Lagizaber Bekele</b>; Legal Officer; Office of the Legal Counsel of the AU Commission; <i>Transitional Justice in Africa: Looking at the Mechanisms and Approach</i></p> <p>3) <b>Ms. Mireille Vanessa DEMGNE Tchuam</b> ; Masters Student; University of Yaounde II Soa ; <i>Transitional Justice in Côte d'Ivoire: Exploring Mechanisms for Accountability and Reconciliation Amidst Political Crises (1998-2011)</i></p>

	<p>4) <b>Mr. Eyob Esatu</b>; Executive Director; Organization for Innovation and Sustainable Development Africa; <i>Alternative and Transitional Justice Measures: Identifying Policy Gaps and Opportunities for Sustainable Peace and Stability in Post-Conflict Ethiopia</i></p> <p><b>Discussions</b></p>
11:30 – 12:00	<b>Coffee-Break</b>
12:00 – 13:30	<b>Session 6: What endogenous models of justice to meet the justice needs of post-conflict societies in Africa?</b>
	<p><i>Post-conflict societies have the particularity of being disarticulated. There is not only a need to rebuild, but also to learn to live together again. The state often has to respond to massive violations of human rights and international humanitarian law in a context where almost everyone is both co-authors, accomplices, and victims in one way or another. Clearly, some states that have faced conflicts on the continent have had to resort to alternative forms of justice. It is therefore appropriate to assess the effectiveness of these alternative forms of justice while exploring ways to improve and/or adapt them to other countries.</i></p> <p><b><u>Moderator:</u></b></p> <p><b><u>Speakers:</u></b></p> <p>1) <b>Ferdin Isaac</b>; Lecturer ; University of Douala ; <i>The African palaver tree, substrate of alternative justice under the prism of human rights and international humanitarian law</i></p> <p>2) <b>Dr. Charles A. Khamala</b>; Academic Leader of Criminal Justice and Security Management; African Nazarene University Law School; <i>A comparative analysis of the traditional and innovative approaches used in the Great Lakes region for the promotion of sustainable peace</i></p> <p>3) <b>Mr. Jacques Christian Minko Mi-Bie</b> ; Reasearch Associate in Public Law; University of Paris Nanterre and Member of the Center for Theory and Analysis of Law; <i>The palaver tree: a necessary resurgence for African legal systems?</i></p> <p>4) <b>Mr. Ibrahima Kane</b>; Senior Advisor; Open Society Foundation for Africa; <i>The governance of justice in a context of high-intensity conflict: Case of the Sahel</i></p> <p><b>Discussions</b></p>
13:30 – 14:30	<b>Lunch</b>

<b>14:30 – 15:30</b>	<b>Session 7: The future of international criminal justice in Africa</b>
	<p><i>With the adoption of the Malabo Protocol (Protocol amending the Protocol on the Statute of the African Court of Justice and Human Rights), the African Court of Justice and Human Rights has jurisdiction not only over the main international crimes (war crimes, crimes of genocide, crimes against humanity and crimes of aggression) but also over other offences such as corruption, terrorism, mercenarism and Unconstitutional Changes of Government (UCG). Unlike the Rome Statute, the Malabo Protocol also enshrines the immunity of Heads of State and Government in office and of all other senior public officials by virtue of their functions. Even if the Court is struggling to see the light of day, in the absence of the requisite number of ratifications for its Protocol to enter into force, the idea of its possible operationalization in the years or decades to come nevertheless raises the following questions: What will be the relationship between the future Court and the International Criminal Court? Shouldn't we start thinking now about the model(s) of justice that the future Court should adopt?</i></p> <p><b><u>Moderator:</u> Ms. Sindiso K.N. Sichone; AUCIL Member</b></p> <p><b><u>Speakers:</u></b></p> <ol style="list-style-type: none"> <li>1) <b>Dr. Haman Adji Alhadji Djougdom;</b> Coordinator of the Center for Study and Research in Criminal Sciences; <i>International criminal justice in Africa yesterday, today and tomorrow</i></li> <li>2) <b>Aplhonse Zozime Tamekamta/ Elivre Lemogo Momo ;</b> University of Yaounde I ; <i>The Special Criminal Court of the Central African Republic, What Intersections Between IHL, Transitional Justice and Post-Conflict Reconstruction?</i></li> <li>3) <b>Dr. Abdoul Aziz Mbaye ;</b> Special Assitant of Deputy Prosecutor ; International Criminal Court ; <i>Combating impunity for serious crimes in Africa: restoring national justice through effective complementarity with the International Criminal Court</i></li> </ol> <p><b><i>Discussions</i></b></p>
<b>15:30 -16:00</b>	<b>CLOSING SESSION</b>
	<p><b><u>Moderator:</u> Representative of a Member State</b></p> <ul style="list-style-type: none"> <li>- <b>Presentation of key outcomes/recommendations</b></li> <li>- <b>Closing remarks by the Chairperson of AUCIL and Chairperson of the Forum</b></li> </ul>
<b>16:00</b>	<b>Coffee-Break and End of the Forum</b>