AFRICAN DIALOGUE II

PROMOTING JUSTICE AND RECONCILIATION IN AFRICA: CHALLENGES FOR HUMAN RIGHTS AND DEVELOPMENT

SOME REFLEXIONS ON AFRICAN DIALOGUE INITIATIVE

Alexandre Tikhonov
OHCHR/SSB
Arusha, 25 May 2002
A. General

I. In course of the discussion it might be useful to recall that the year 2003 will mark the 10th anniversary of 1993 Vienna Conference, which would provide an opportunity not only for taking stock of progresses achieved in implementing recommendations contained in Vienna Declaration and Programme Action, but also for critical self assessment by the governments of the African Region. In the light of foregoing a number of concrete suggestions could be made:

   a) African Dialogue II could remind African governments to re-read Vienna Declaration and Programme of Action and invite them to be ready to report to their respective people and to the international community on the progress achieved in implementing recommendations contained in Vienna Declaration on Programme of Action.

   b) African Dialogue II could highlight some key Vienna recommendations thus bring them to the attention of the Governments.

These recommendation might be:

1. Achievement of universal ratification of the Human Rights Treaties (para.26 &100 of Vienna DPA)

2. Elaboration and adoption of National action plan identifying steps whereby the State would improve the promotion and protection of human rights (para.71).

3. Abrogation of legislation leading to impunity for those responsible for grave violations of human rights such as torture and prosecute such violations, thereby providing a firm basis for the rule of law (para.60).

4. Establishment and strengthening of national institutions for the promotion and protection of human rights (para.36).

5. Importance of human rights education and the dissemination of proper information, both theoretical and practical, in the promotion and respect of human rights (para.33).

In that connection it should be emphasized that these issues have been addressed – to lesser/greater extent – by the participants to the African Dialogue I and II.
II. Keeping in mind the centrality of the 1993 Vienna DPA for the promotion and protection of HR, next – “African Dialogue III” – should be devoted to the stock taking of 10 years of implementation of Vienna DPA by African region (thus providing the OHCHR with final elements for elaboration of the regional strategy for Africa for years to come).

III. African Dialogue II can suggest that regional governmental conference be convened to assess the progress made in implementing Vienna Conference recommendations (it might be recalled that such a conference, but before Vienna, was held in Tunis).

IV. African Dialogue II, within framework of follow-up to Vienna Conference, might consider inviting the UN Secretary-General to open a dialogue with African states – non party to sixth core human rights treaties with a view to facilitate their ratification/accession there to (para.4). Such a dialogue could be held either at 2003 session of the Commission on HR in Geneva or at 2003 session of UN General Assembly (also par.77 of WCAR final doc).

V. To facilitate such a dialogue for both sides, OHCHR could be requested to prepare a document on status of ratification of each of sixth HR treaties (with eventual addition of the Migrant Workers Convention), ratification of respective optional protocols and declaration made under respective treatie’s provisions (such as art. 14 of CERD, 22 & 23 of CAT) (para 90 of Vienna PA).

VI. Successful development of African Dialogue initiative, which at its first two meetings set a general framework for strategic cooperation between African Region and United Nations, would be further enhanced for the benefit of individual countries and the African region as a whole – by reference to findings by United Nations human rights organs and bodies.

To make such reference tool easily accessible to all interested parties in human rights dialogue, Office of the HCHR might be requested to prepare three documents:

a) First, showing concerns expressed and recommendations made by six treaty monitoring committees with respect to the countries whose reports were considered within last five years (or 10 years).

b) Second, containing recommendations formulated by Commission on Human Rights’s special procedures mechanisms (or extra-Conventional mechanism) and addressed to African countries.

c) Third, containing concerns as formulated by relevant country-specific or thematic whenever applicable, resolutions of the Commission on HR (at a later stage this listing might be completed by respective ECOSOC, GA resolutions).
VII. On basis of documents referred to at para. VI, analytical study could be made with a main purpose of identifying priorities for action at regional level, sub-regional level, as well as at the level of individual state.

VIII. On basis of the recommendations formulated in the above study, strategies-regional, sub-regional or state could be devised to implement those recommendations. The whole exercise could be named “Regional human rights action plan for Africa”.

IX. To monitor implementation of this Regional HR Action Plan African Dialogue II could suggest the establishment of a Regional Secretariat- eventually in cooperation with ALL and ACHPR.

**B. Specific**

X. Between African Dialogue I and II, less than a half a year elapsed. Dynamism of African Team is highly laudable and should be encouraged, especially in keeping in mind importance of input provided by these meetings to shaping and refining OHCHR regional strategy for Africa. But there is another address of African Dialogue’s meetings – Africa, which practically has had no access to conclusions contained in the Final report of African Dialogue I, and did not provided its comments on it.

In future the timing of future African Dialogue should be such so as to allow:

- a) to make public and available to all interested parties the Final report,
- b) to invite comments on the conclusions and recommendations contained therein,
- c) to receive and to analyse those comments and submit findings to the next meeting of African Dialogues, thus ensuring effective follow-up, building upon previous activities, consolidating and refining approaches and formulating new objectives to be achieved.

XI. At African Dialogue I and African Dialogue II, there were a number of issues, let’s call them cross-cutting or priority issues, have been dealt with a particular attention. It might be suggested that these issues be standing issues for the agenda of future meetings:

- ESCR – often neglected (I. Fall, AD I)
- Impunity/amnesty issue central for reconciliation and peace (African Dialogue II)
- Cooperation between regional and universal institutions (ILO, UNHCHR) (African Dialogue II)
XII. In future, consideration should be given, to ensure a greater impact of African Dialogues, to a possibility of organization of African Dialogue meetings by OHCHR in cooperation with African regional institutions (ACHPR, African Parliamentary Union as suggested by I. Fall at African Dialogue II).

XIII. In order to ensure a greater degree of effective international cooperation in assisting Africa, consideration should be given to organizing thematic African Dialogue meetings in cooperation with relevant United Nations Specialized Agencies (on labour rights issues – with ILO, or refugees – with UNHCR, on human rights education – with UNESCO).

XIV. At next session of the CHR, it would be appropriate to make a reference to African Dialogue, inviting HC to provide a necessary support to this initiative. Thus with Vienna Conference mandate/legislative authority and political support of the CHR “African dialogue” could be formalized and institutionalized.

XV. It was rightly emphasized at African Dialogue II that bringing african problems for the discussion back home in Africa and OHCHR congratulated for doing so. However, for African Dialogues to be successful; Universal discussion of this important undertaking should not be lost sight of. The latter could be most efficiently assured by placing African Dialogue within the framework of follow-up for 1993 Vienna Conference and 2001 WCAR.