

# Editorial

The content of this issue is divided into three parts. In the first part, special attention is given to the commemoration of 25 years since the entry into force of the African Charter on Human and Peoples' Rights (African Charter) on 21 October 1986, and 30 years since its adoption, on 27 June 1986, in Nairobi, Kenya. This 'focus' part is made up of selected papers delivered at a conference, co-hosted by the African Commission on Human and Peoples' Rights (African Commission) and the Centre for Human Rights, and held at the Faculty of Law, University of Pretoria, on 11 July 2011. This conference, entitled 'Thirty years of the African Charter on Human and Peoples' Rights: Looking forward while looking back', was organised in conjunction with the twentieth African Human Rights Moot Court Competition. The papers contained in this volume were subsequent to their presentations peer-reviewed and reworked for publication.

As the rich collection of papers demonstrates, the African Commission has over the almost 25 years of its existence interpreted the African Charter as a living instrument. While the 25/30 year mark invites some reflection on the possibility of reforming the Charter, the progressive interpretive approach of the African Commission remedied many of the defects or deficiencies in the Charter text, including the 'claw-back' clauses and the limited provision for socio-economic rights. Setting in motion a process towards the amendment of the text may solidify these gains, but may – equally possibly – see the reversal of these gains in a process that ultimately requires the approval of and adoption by African Union (AU) member states.

The contributions in this 'focus' part deal with some of the most significant advances and remaining challenges in the African human rights system. These issues are, for example, the emerging expansion of socio-economic rights protection to include the right to water and sexual and reproductive rights; the exploitation of the African Charter as a pro-poor treaty; and the question whether the African Charter provides for the right to resist. One article discusses the situation in Libya, and the referral by the African Commission of the first case to the African Court on Human and Peoples' Rights (African Court). This case draws attention to the suitability and implementation of provisional measures or orders, as well as the relationship between the Commission and the Court. In this part, a number of prominent authors make innovative contributions to these and other contemporary debates.

In the second part of this issue, issues of broader relevance are canvassed. In some respects, these contributions enter into a conversation with conference papers, for example on the notion of *ubuntu* and solidarity, and on socio-economic rights. Other papers deal with matters of emerging concern, such as the economic empowerment of people with disabilities and the rights of victims of international crimes. As has become customary, the concluding part of the *Journal* is devoted to 'recent developments'. The prevailing tension between the AU and the International Criminal Court is analysed against the background of the attempts to prosecute incumbent Sudanese President Al Bashir for crimes against humanity and war crimes, and his official visits to two AU member states, Chad and Kenya. In the last contribution, the meetings of the African Committee of Experts on the Rights and Welfare of the Child, in November 2010 and March 2011, are discussed. The authors argue that a 'new era' has dawned, and cite as evidence the strengthened collaboration with and role of civil society in the Committee's activities.

They also discuss the finalisation of the first communication by the Committee. These are indeed encouraging developments – even if they are coming rather late in the day since the Committee has been in existence since 2002. It would be recalled that even though the African Charter on the Rights and Welfare of the Child entered into force in 1999, it was only in 2002 that the Committee met for the first time. This year therefore marks a decade in its existence. While this milestone has passed quietly, there are indications that the next decade would hold much more to celebrate.

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