

Editorial: Volume 17 No 1 2017

This issue of the *Journal* contains contributions dealing with a wide variety of thematic concerns.

The first area of focus is 'African tradition' and its sometimes contentious relationship with human rights. Nhlapo and Mwambene each interrogates an aspect of traditional African societies, namely, the phenomenon of homicide and the institution of marriage. They postulate possibilities for ensuring accountability in situations where tradition and human rights may be in conflict. Drawing from foundational values of 'African tradition' and historical context, in their respective contributions Ntlama and Small explore the contemporary understanding of two concepts ('peace' and 'self-determination') in the light of their historical evolution.

The next two contributions touch on some of the pressing human rights problems of the present times. Despite the fact that slavery is outlawed, and that the right to be free from slavery has acquired the status of customary international (human rights) law, 'contemporary forms of slavery' still persist. Using a human rights lens, Gyurácz uncovers the largely unexplored phenomena of domestic servitude and ritual slavery in West Africa. For her part, Mswela draws attention to the plight of persons with albinism, and the particular and often extreme risk of violence to which they are exposed in parts of Africa.

Turning to areas in which some achievement or positive progress has been observed, three contributions chart experiences at the domestic level. Okpaluba highlights possibilities of state liability that flows from the illegal deprivations of liberty with reference to cases in Lesotho. Kondo draws inspiration from the inclusion of socio-economic rights in the 2013 Constitution of Zimbabwe, and Oduwole and Akintayo review, from a human rights perspective, the successes and failures of Nigeria's response to the Ebola virus.

Africa has in the last decade or so become increasingly associated with the movement of people across borders, often into Europe, giving rise to issues of asylum seeking and refugee status. In line with this trend, Addaney shifts the focus to a less common issue pertaining to the movement of migrants, namely, the situation of urban refugees. In a contribution dealing with forced human movement, particularly within states, Adeola explores the accountability of corporations for displacement that takes place in the name of 'development'.

While much media and scholarly attention has been devoted to the fractured relationship between 'African countries' and the International Criminal Court (ICC), there is a need to narrow down the issue to an area of core concern: prosecutions mandated by Security Council resolutions. In her contribution, Asaala focuses on this issue, and explores the effect of Security Council resolutions on negative African perceptions of the ICC.

In addition to the regular overview of human rights developments in the African Union by Nyarko and Jegede, the 'Recent Developments' section contains a critical discussion of the second Advisory Opinion of the African Court on Human and Peoples' Rights (submitted by Socio-Economic Rights and Accountability Project (SERAP)), delivered on 26 May 2017. In his analysis, Jones raises concerns about the significant implications of the Court's finding for the competence of non-governmental organisations to approach the Court with requests for advisory opinions. In our view, the Advisory Opinion represents an unfortunate continuation of the Court's literalist and textual interpretive approach, which was also manifest in its first Advisory Opinion. In that Opinion, the Court settled for a narrow textual interpretation, even as it paid some lip service to the benefits of a more purposive approach. This interpretive approach resulted in restrictions to accessing the Court. While the effect of the first Opinion was that the African Committee of Experts on the Rights and Welfare of the Child could not submit cases to the Court, the practical effect of the second Opinion is that African non-governmental organisations are not able to approach the Court for its advice. On a continent where the promises of the Court's jurisdiction lie far beyond the reach of ordinary Africans, it is our view that a more purposive approach - one aimed at enlarging rather than narrowing down access - would have been more appropriate.

This issue of the *Journal* also brings together the voices of well-established scholars, such as those of Professors Thandabantu Nhlapo and Chuks Okpaluba, with the voices of early-career and emerging scholars. In fact, the *Journal* regards it as part of its role and responsibility to assist in the capacity development and intellectual growth of younger scholars.

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