

AFRICAN COURT LEGAL FELLOWSHIP PROGRAMME



Enhanced technical skills, Enhanced legal research skills, Enhanced presentation skills, Personal development, Career development

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AFRICAN UNION

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**AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS
COUR AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES**

THE AFRICAN COURT LEGAL FELLOWSHIP PROGRAMME

CONCEPT NOTE

I. BACKGROUND

1. The African Court on Human and Peoples' Rights (the Court) was established by virtue of Article 1 of the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights, (the Protocol), to complement the protective mandate of the African Commission on Human and Peoples' Rights (the Commission), with a view to enhancing the protection of human rights on the continent. The Court, which has its seat in Arusha, Tanzania, exercises contentious jurisdiction but is also endowed with the mandate to render advisory opinions.
2. Since its operationalization in 2006, the Court has brought about renewed hope and optimism within the African human rights system, and positions itself firmly as a pivotal institution in the continent's quest for regional integration, peace, unity, good governance, respect for human rights and development.
3. As at 1 December 2022, the Court had received three hundred and forty-three (343) Applications and it had finalised one hundred and seventy-six (176) of those

Applications. The Court has also received and concluded fifteen (15) requests for advisory opinions.

4. The Court's jurisprudence deals with a wide range of human rights issues, such as elections, good governance, freedom of expression, fair trial, right to nationality, right to participate in government and the rights of indigenous peoples. These issues are sensitive and important in shaping the socio-economic and political landscape of the continent.
5. Generally, in order to provide interns and volunteers the opportunity for career exploration and development, and to learn new skills in a multi-cultural and diversified environment, and in a quest to uphold its commitment to social responsibility, the Court offers placement for internships within the Registry, including the Legal Division. These internships are offered as an opportunity for candidates in the early stages of their career, to nurture and develop their talent, to gain exposure to the day-to-day working environment of the Court, and to put their knowledge and experience into practice, under the supervision of Registry staff

A. The specific context of the African Court

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7. The Court, as indicated in its Strategic Plan 2021-2025, is eager to strengthen its outreach and cooperation programme with its stakeholders, including law graduates. It is, partly, against this background that the Court seeks to put in place a programme for African Court Legal Fellows. The Court is aware that opening its doors to young jurists from different parts of Africa is imperative for inculcating African human rights law to young minds and to enhance their human

rights problem-solving skills. This is one way in which the Court can contribute to creating an Africa with a viable human rights culture.

8. This far, the Court has been relying on interns who in the spirit of volunteerism are not provided with any financial support from the Court. Typically such interns are posted for a period of between three (3) months and a maximum of six (6) months. In the scheme of the Court's operations, the said period is relatively short when considered against standards for capacity building and effectiveness for both the interns and the Court. In so far as hosting interns and volunteers is concerned, the Court has also been supported by African Union Volunteers (AUV), who are placed with the Court for one (1) year and are paid a monthly stipend by the African Union Commission. However, the AUV scheme has been suspended from 2021 to date for lack of funding.
9. In a bid to foster better collaboration with universities and academic institutions, the Court has, over the years, entered into memoranda of understanding (MoU) with some universities such as the University of Pretoria (Centre for Human Rights); University of Cape Town (the Democratic Governance and Rights Unit); and the University of Sherbrooke. This collaboration allows the Universities to second capable young lawyers to the Court and for the Court to provide training and expertise on practical application of human rights law and judicial services. Further, through its engagement with Bar Associations and Law Societies, the Court has collaborated with the East Africa Law Society (EALS) to provide at least two interns on a yearly basis. These interns are paid a stipend by the EALS. The EALS has, however, indicated that the provision of interns is dependent on the amount of funding it receives. For instance, for 2023, it is not certain if the EALS will be able to provide another set of interns.
10. Even with the above innovations, and given the importance of continuous development of the youth, especially as articulated in the African Union Youth Charter, the Court notes that it would be beneficial if it were to establish a Fellowship Programme specifically designed to promote early career legal

professionals. This Programme would be designed to specifically provide a platform for young lawyers to benefit from the practical experience and expertise at the Court in the development of their careers. Establishing a Fellowship Programme will allow the Court to capitalise on its existing experiences to build a more professionalised, reliable and efficient scheme. The Court is, therefore, proposing the establishment of a Fellowship Programme and seeking funding to allow it to train at least three (3) fellows every year. The Fellowship Programme will provide a symbiotic beneficial relationship to both the participants and the Court while enabling the work of the Court to be executed in a professional, timeous and efficient manner.

11. Given that the African Court is a Court for all Africans, it is important for the Court to establish a programme that will be more representative of the diversity that Africa has to offer. Furthermore, there is need for a more sustainable mechanism for developing young African professionals at the Court. In this regard the Court will be seeking funding for the Fellowship Programme.

II. PROPOSED DESIGN AND STRUCTURE

12. The Fellowship Programme will be an apprenticeship programme for young professionals with skills desirable to the functions of the business units of the Court. It is proposed that the Programme will support three (3) fellows annually who will support various units of the Court's registry with emphasis on the Legal Division. Within the Legal Division, some specific thematic areas for which the Fellows will be required to work on include, case management, research and publication, legal aid and related services, the monitoring of the implementation of the Court's judgments, among others. A key aspect of this programme is that Fellows will benefit from practical application of human rights law through their placement within the Legal Division.

13. The proposed duration of placement for a Fellow is twelve (12) months. It will be exclusively for Africans in accordance with the similar recruitment arrangements of the African Union Youth Volunteer programme. Recruitment will, however, take into consideration gender balance, linguistic diversity and geographical representation of all regions on Africa.
14. The overall management of the Fellowship Programme will be vested in the Office of the Registrar, but he/she may delegate its management as necessity requires.

III. ENTITLEMENTS

15. The Fellows will be supported with a return ticket; international health insurance, a monthly stipend of United States Dollars, One Thousand Five Hundred (USD1,500) to cater for accommodation and living expenses in Arusha.
16. Upon completion of the Programme, the fellows will be awarded a Fellowship Certificate. They will also be invited to participate in the establishment and operation of the African Court Legal Fellows Alumni and will be involved closely in relevant activities of the Court.

IV. SPECIFIC OBJECTIVES OF THE AFRICAN COURT FELLOWSHIP PROGRAMME

17. The main objective of the fellowship programme is to build the capacity of young African lawyers and to nurture their skills so as to become a dynamic driving force in the protection of human rights.
18. The specific objectives include:

- a. To provide the Fellows with a working environment that will enable them to enhance their theoretical knowledge on human rights through practical experience;
- b. To expose the Fellows to a better understanding of the work of the African Court and its procedures;
- c. To create a network of young professionals who are knowledgeable of the mission, objectives, processes and operations of the Court, the African Human Rights System and the African Union as a whole;
- d. To enable the Legal Division of the African Court to benefit from the input of qualified persons whose diverse backgrounds and experience and practices will inject a new lease of life and thus enhance the activities of the Legal Division.

V. THE EXPECTED OUTCOMES OF THE PROGRAMME TO THE FELLOWS ARE:

19. The Court anticipates that the following outcomes will be had from the Fellowship Programme:

- i. Enhanced technical skills
- ii. Enhanced legal research skills
- iii. Enhanced presentation skills
- iv. Personal development
- v. Career development

VI. Further Information

20. For further information regarding the African Court Youth Fellowship Programme, kindly contact: Dr. Robert Eno, Registrar of the Court at robert.eno@african-court.org and/or, Dr. Sègnonna Horace Adjolohoun, Acting Head of Legal Division, at horace.adjolohoun@african-court.org and/or Mwiza Nkhata, Principal Legal Officer at mwiza.nkhata@african-court.org.