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AFRICA RIGHTS TALK - SEASON 2 EPISODE 1

Journey to becoming the Chairperson of the African Commission

In conversation with Dr Solomon Dersso

[Africa Rights Talk](#) is a [Centre for Human Rights](#) podcast series exploring human rights through conversations with academics, practitioners and activists. The Africa Rights Talk series is hosted by [Tatenda Musinahama](#). Each episode offers insight into the African human rights system and the state of human rights in Africa, and globally.

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Tatenda: You are listening to Africa Rights Talk. A Centre for Human Rights Podcast Series hosted by Tatenda Musinahama. Welcome to the conversation. In today's episode, our guest is an alumni of the [Human Rights and Democratisation in Africa \(HRDA\) Master's programme](#) from the [Centre for Human Rights](#), he was recently elected as the chairperson of the [African Commission on Human and People's Rights](#) at its 65th ordinary session in Banjul, The Gambia. A warm welcome to you, sir.

Dr. Dersso: Thank you very much for having me.

Tatenda: Thank you. Can you just introduce yourself to the audience?

Dr. Dersso: Yes, I am Solomon Dersso, an Ethiopian by nationality. I am a lawyer by profession, studied at the Centre for Human Rights, as part of the [LLM](#)

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[programme on Human Rights and Democratisation in Africa \(HRDA\)](#). I am part of the [class of 2003](#) of that programme, among the group of students that are now called ancients.

Tatenda: Can you describe what your experiences were like with the HRDA programme at the Centre for Human Rights?

Dr. Dersso: My experience at the Centre for Human Rights has been a very enriching learning experience. When we were at the Centre, I think it must be common for all that have gone through the HRDA programme to always feel that there is very little time left on your hands to engage in depth on the kind of stuff that you are exposed to, on the kind of materials that you have been provided with, and you often feel that you are living under pressure, and sometimes to a point of doubting yourself whether or not you have actually picked up anything substantive and meaningful after the end of the first semester, the six months period. I think I discovered later on after I departed the Centre, that there have been certain extremely important things that I have taken away from the Centre that became the foundation for launching my professional career.

One relates to, I think, the most important aspect of the engagement at the Centre for Human Rights is the opportunity that it presents for expanding your horizon. I think more than anything else, the six months period exposes you to the big universe of human rights, all in terms of norms, institutions, advocacy mechanisms and how you basically operate in that world in so many ways. So, that is I think one of the most important things that later on I said, although I doubted how much I have internalised from what I have gone through, but that I think is the most important part.

The other one that I think is the skills dimension, it usually comes in the form of how you stay during the course of the programme. It sharpens, if not completely transforms, new writing skills, new research skills that are so fundamental for any kind of engagement that you have in the field of human rights, whether in advocacy, in scholarship and academia or in the policymaking environment. An equally important aspect of the skills, is the possibility of being able not only to

master the language of human rights, but also be able to make use of that language for the purpose of making a very powerful communication with others. Your speaking skills and skills in terms of mobilising arguments gets really sharpened in the course of your stay. So I think those are really some of the great experiences beyond and above. Of course, meeting some of the great legal minds from the continent and understanding, coming from a country like Ethiopia, what Africa is within that context. So these are really some of the major highlights of my experience of being at the Centre for Human Rights in 2003.

Tatenda: That's fantastic and that's very motivating for someone who would like to take up the course in Human Rights and Democratisation in Africa. It's good to see how much value it adds to people of your stature. What has been the most challenging thing you have faced in your career and maybe the highlights of your career after you started doing the HRDA programme?

Dr. Dersso: After doing the HRDA programme, often, you are not sure of where you are heading. Basically you have pretty much a world open for you. It becomes a question of knowing what it is that you wish to do with whatever it is that you have mobilised, you have acquired and how you are going to go about doing that. So the uncertainty is making that determination of whether I should go to advocacy or research or figuring that out. First understanding yourself, your strength your weakness and after that, how to create opportunities and make use of those opportunities. So deciding what it is that I need to take myself to. That is one challenge that I have faced.

Another challenge obviously has to do with juggling different responsibilities in the human rights field obviously. Beyond and above what you have acquired at the Centre for Human Rights, learning what human rights mean in different contexts, and how they can be made meaningful in those diverse contexts. Understanding that and deploying them to respond to the human rights needs in those diverse contexts. I think often that is the major challenge in terms of making sure that you have successful strategies, how you engage with respect

to different human rights needs and in different contexts in particular. So figuring that out, also once I found that my interests and strength lies more in the research, particularly policy research and academia, but basically, engaging and responding to specific needs and demands of the now and today. In that process, also engaging in advocacy and not just at continental level but also importantly, at the national level. So combining what happens in your surroundings at your own national level, and responding to that from the vantage point as a human rights scholar or the human rights practitioner. I think it is really combining at that level, teaching policy research, and also being able to respond to some of the issues arising in your own context.

Sometimes I don't consider myself as a human rights defender, or civil society advocate but in the platforms and the opportunities that I have, I have a sense of responsibility to say, I need to speak out on this thing and then when those moments arise then present themselves doing so, that obviously puts you in various difficult conditions and circumstances. However, I would say that my experience has not been really that of the experience that many advocates have, I have to say that it's a much more smoother experience that I have had. I think operating in a policy environment, I find that to be a very challenging one because you have to deal with institutions, you have to deal with people who may not adequately appreciate the value and importance of your area of engagement. Actually, they see you as somebody who is obstructing what they consider to be their pursuit of whatever valuable endeavour to be forthcoming, particularly if you engage state institutions in that context, I find that one to be extremely challenging.

In terms of highlights from my professional experience, I would say there have been many interesting moments that I have had but after leaving the Centre continuing to do my PhD studies, that was a very important engagement for me and I consider that one of the milestones in my development. Another highlight that I consider to be of value relates to the engagement that I have come to have, particularly with the policy organs of the [African Union](#). That constitutes another major highlight, because it gave me a very in depth insight into the inadequacies and opportunities that you have in order to bring in the human

race dimension into the wider policymaking process of the African Union. So I consider that the highlight during the course of my career.

I have also been engaged in policy research, specifically on peace and security. On that occasion being recognised within the institution that I have been working on the [Institute for Security Studies](#), but also within the wider the peace and security community on the African continent as a leading policy thinker and an analyst. I think that is also another major highlight that helped me to have very meaningful engagement in the peace and security arena, but also not carrying with me the human rights work not exactly then, of course, you know, some of the stuff that have started early on, such as for example the work that have been doing on human rights and peace and security. It took me about more than 10 years for example, for me to see its fruition starting with a monograph authored in 2008, with adoption by the African Commission on Human and People's Rights of the study on human rights in complex situations. Some of the engagement is a very long term engagement, whose fruition you get to see only perhaps more than a decade or so. I have to say my membership in Africa Commission on Human and People's Rights, and my election to this premier human rights body of the African human rights system. Finally, as you mentioned earlier on, through the various engagements and works I think that is the most important thing I have to say I consider personally to be the major highlights. What kind of engagement, and contribution making this membership in the African Commission presented to me and how I have tried my very best to take advantage of those opportunities to make a meaningful contribution, which ultimately culminated in my being elected the chairperson of the African Commission of Human and People's Rights.

Tatenda: Fantastic. I'm awed by your experience and learning about it and what I understand you're saying is that, dedication, commitment and perseverance, will take you far. One of the most important things that you mentioned for me and I think it's important for other government stakeholders to realise, is that it's not really a game of hindering states or in naming and shaming exercise. As the chairperson of the African Commission on Human and People's Rights you

have this understanding which promotes collaboration and understanding amongst different African nations. So, that brings me to the next question, a lot of people don't understand what these bodies are so can you explain for the benefit of the audience what the African Commission on Human and People's Rights is, it's quite a long name but can you just explain what that is?

Dr. Dersso: Before I do that, let me add one thing, which I thought is extremely important and meaningful as well. I am engaged in legal scholarship and in that process engaged in research writing and publication, and also in teaching. In terms of the policy sphere, apart from my own in the Commission, I also have established a policy research think tank, called [Amani Africa](#). It does policy research analysis, as well as training and technical assistance, particularly to policymaking organs of the African Union focusing on principally peace and security, but also covering regional integration and governance issues. So another highlight I think for me in my professional career is the opportunity that I had to establish a policy research think tank and the successful way that Amani Africa has taken off in terms of becoming the go to place, particularly for analysis on issues on the agenda of the [Peace and Security Council of African Union](#), which is the principal policy decision making body on peace and security, like the Security Council of the United Nations.

Now, in terms of what does the African Commission Human rights and People's rights do in terms of its responsibility, I think first, the African Commission on Human and People's Rights is a treaty body, which has three mandates. The first mandate is, there are human rights, and guarantees that are enshrined in the [African Charter on Human and People's Rights](#), which is the founding treaty of the African human rights system. These rights consist of civil and political rights, like the right to life, freedom from torture, socio- economic rights like the right to work, the right to health and also collective rights of people like the right to self- determination or the right of people to natural resources.

The African Commission on Human and People's Rights is charged with the responsibility of monitoring the implementation of these rights by states who have subscribed voluntarily, but legally bound by this treaty in terms of the

fulfilment, in terms of the protection and respect of these rights enshrined in the African Charter. As part of the monitoring process of course, it has to, for example, in terms of the monitoring process, to monitor what is happening in each of the state parties to the African Charter. Almost all states of the African Union, with the exception of Morocco, are parties to the African Charter. It means that the charter, is one of the few instruments of the AU that has near universal and ratification.

So, the commission monitors how human rights are being observed in each of these member states, and the base of that monitoring, it can do or initiate a number of things. One, it can issue a statement if it is an issue that needs to be responded urgently. It can also write urgent letters of appeal to the highest authority in that state or it can adopt a resolution, basically saying, 'this situation is not in accord with your commitment in the African Charter on Human Rights, and you need to do ABCD in respect of this situation'.

The other thing that it does is, under Article 2 of the Charter, states have an obligation to submit a report on how they are implementing their obligations under this charter. So the commission is responsible for receiving and reviewing those state reports and critically engaging with member states during the course of that review. Member states have to come to the commission during its public session and present their report, and the commission actually critically engages with the review process. They use that to identify areas that require consolidation because they are poverty and other areas that require further work, because they show limitations, gaps, inadequacies and failures from the part of states in terms of the fulfilment of their obligations. As we need for example, from this organisation that you made reference to with respect to the state report of Zimbabwe, and with respect to the state report of Chad.

Another one is receiving complaints from individuals, from communities, from civil society organisations on human rights violations that affected either an individual or a group of people. Basically, this one is what we consider to be the judicial role of the commission, receiving individual complaints about specific human rights violations, seeking the commission to provide remedy, and

redress for those violations. Making a find on the occurrence of those violations just like a court, this is what we call the communications procedure. So citizens in the state parties to the African Charter have this avenue of approaching the commission directly

and seeking remedies for violations that they have suffered through this communications procedure. So this direct access that the commission appeals for citizens for them to get remedies is another area of work and engagement of the commission.

Finally, the commission also engages in what we call normative development. It has the interpretative mandate to interpret the African Charter, but also to do analysis of various emerging and important areas of theme of human rights. So within that framework for example, the commission has what we call the special mechanisms, either special rapporteurs, individual members of the commission take responsibility for a specific theme, which is found to be important for the promotion and protection of human rights, such as for example, a [Special Rapporteur on Freedom of Expression](#). And we also get organised in terms of a group of people, like for example the [Working Group on Extractive Industries, Human Rights and Environment](#), which I am responsible to chair, or in terms of a committee, like, the [Committee Against Torture](#).

We have 30 such mechanisms, but in addition to that, there are also specific thematic issues on specific areas of human rights considered. That is the case for example, in respect to the work that had been done by the commission as a focal person on [Human Rights in Conflict Situations](#) or African person for [trans justice and human and people's rights in Africa](#). These are the different ways in which the commission works, and through these various avenues the commission actually, not only tries to hold the state accountable, but also to enable states to deliver on their responsibilities, by providing them with these various normative guidelines, while also recommending specific measures being taken by states decisions.

Tatenda: So what are the channels that a person can take up in order to reach out to the African Commission on Human and People's Rights?

Dr. Dersso: One of the good things about African human rights system, particularly the commissions' working arrangement is that you don't have to bring your case by yourself, you can actually make use of anyone, it can be an individual who is educated, and who can be able to help you, or it can be a civil society organisation, anyone who can, as part of your cause can actually on your behalf, make our presentation with African course on humanitarian distress. So the commission for example, doesn't have a very strict standing requirement that for you to approach the commission, you need to be the person who has been affected by the violation of rights. You don't have to and that opens, even a bigger and wider avenue for people to use any channel of their convenience for approaching Commission on Human and People's Rights.

Tatenda: As the newly appointed Chairperson of the African Commission on Human and People's Rights, what do you aim to achieve during your tenure?

Dr. Dersso: There are a number of challenges that the Commission, and in the work that it does faces. Being able to address some of those challenges, or at least you know to initiate measures towards the resolution of those standing challenges facing the institution is the most important area of engagement for me. These may relate to capacity deficiencies that undermine and impede the effective delivery of the work of the commission such as for example the limited staff that the commission has at its Secretariat, particularly the challenges surrounding the recruitment of the required staff compliment of the African Commission on Human and People's Rights, that is one.

Another one relates to the building of for example the headquarters of African Commission, after 30 years. This remains a major issue, actually it's one of my first area of engagement because we need the kind of support that we can get . If there are active architects and people who know architects who can provide support to the commission to provide the architectural design for the headquarters of the commission, we would welcome their help to get the process moving forward.

Similarly, improving the working conditions at the level of the Secretariat. I think these are some of the indecisions and challenges facing the function that I would endeavour to address. Another one has to do with the question of the visibility of the commission, the question of the extent to which the wider African public, even the relevant stakeholders such as state actors knowing about the work of the commission, and making use of the work of the commission would be helpful for states in the discharge of their responsibilities in fulfilling the mandate that they have for their public. I think engaging in that at that level is extremely important, but also in the time that we are in we have a very big youthful population. As the youngest chairperson of the commission, I consider it to be incumbent on me to have a wider engagement with the youth for them to be aware of their rights and also for them to be also conscious of how they can make use of the African human rights system for the advancement of their well-being and their rights, and for the betterment of their communities. I think that is through broad engagements like this one for example, support customers through the media engagement, enhancing the visibility of the commission, which provides opportunities for buy in, in terms of the work of the commission.

I think another one, and extremely important is two related issues. One is how to improve the buy in and reception of the recommendations and the decisions of the African Commission on Human and People's Rights by state parties. Including in terms of creating avenues, trust and confidence in a way that is respectful of the independence of the African Commission of Human and People's Rights, in a way that is faithful to the responsibility of the African commission to the mandate of the African Commission of Human and People's Rights. Getting that engagement for Member States is extremely critical for the successful execution of the mandate of the commission so that engagement remains to be a major area of interest, not just for me as a chair, but also for the African commission and its reach wider stakeholders. So you're expanding the engagement within the wider African Union system with member states individually, and in their own activity as part of the AU. You've another area of engagement.

And finally I think one thing that I'm very keen on is having a very robust assessment of the state of human rights in Africa, and the state of the human rights system in Africa. Within that context, reflecting on what the future of the human rights system is and how the African Commission on Human Rights should position itself, it can be in terms of its thematic focus, such as for example, the increasing human rights issues arising from major weather events that have become very common on the African continent and addressing these kinds of new issues, but also things like artificial intelligence digitalization of our life and the issues that arise from these new technological developments. In that context, what is it that the commission needs to polish in itself, whilst consolidating and strengthening its existing engagement? In what ways, should the commission shift its working methods and shift its areas of focus? I think these are really some of the areas.

Tatenda: What do you think will be the collaborative actions you can take with other mechanisms? Do you think it would be beneficial to engage in such activities?

Dr Dersso: I think collaboration is extremely important. It is at the core of the wiring of the African Commission. If you look at the commission's logo, it says 'human rights, our collective responsibility', so that basically, is a recognition of the fact that this is not something that the commission by itself, alone can discharge and fulfil. It's something that it has to pursue on the basis of collaboration. So that point is a very valuable point and this can take different forms. In all the work that the commission does, it has to do so in partnership with civil society organisations, National Human Rights Institutes, sister bodies like the [African Court](#) or the [Committee on the Rights of the Child](#), or with the UN based systems. So for some of the work that we do, definitely because of the interdependence in the complementarity that is, this we need to draw on and we do draw on the contribution of these different institutions, then there is a lot of opportunity for doing that. For example, we have, as I mentioned, different special mechanisms, working on different areas of thematic areas. Sometimes those special mechanisms have a counterpart in the UN system. Which means that there is the institutional arrangement on the basis of which a collaborative

work can be undertaken and implemented. There have been experiences of doing that, such as Professor Christof Haynes, he had a very productive engagement when he was a [Special Rapporteur on extrajudicial arbitrary killings in summary execution](#), working with the working group of the commission on the right to life, death penalty and extrajudicial killings, for the development of the commission's general comment on the right to life. So, that possibility and framework for collaboration is certainly there and within the means and within the priorities that the commission has, obviously I think it can't do it by itself. For reasons of resource, for reasons of scale and then many other factors and importantly, of course, the responsibility is a collective one.

Tatenda: Of course. Thank you for that, a very informative answer. Just to wrap up, do you have any recommendations or any personal reflections you have in relation to what we were just discussing?

Dr. Dersso: I have to say , thank you very much for the opportunity for me to explain about the African Commission on Human and People's Rights and what I foresee in terms of my mandate, the areas of priorities, and then areas of concern that I would like to engage in. I'm very much looking forward to collaboration and support from the wider human rights stakeholders at the Centre for Human Rights in the course of my pursuit of these various agendas that I have highlighted.

There is a lot of opportunity for also bringing commission to institutions like the Centre for Human Rights where the legal minds that have provided the African human rights system. A lot of great human resource, a lot of great intellectual input are being prepared. So in terms of that, I very much look forward to the possibilities of a more closer interaction and closer working relationship. The designated work, as I mentioned earlier on, requires engaging not only society organisations, but also the media, but also importantly, academia, and research institutions like the Centre for Human Rights. So I look forward to a stronger supporting collaboration with the Centre.

Tatenda: Thank you so much.

This has been Africa Rights Talk with me, Tatenda Musinahama . Join us in our other episodes as we continue to explore other human rights issues.