

Christof and the HRDA

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When Christof Heyns passed away those who had worked with him could immediately sense that a towering flag has been lowered in Africa and indeed the world. More than a towering flag in human rights, Christof was different. He listened to issues where many would not, felt where many were numb and saw what many could not see. He was a visionary whose choices and voices cut across diverse generations in Africa, that he represented wholeheartedly in a plethora of writings and, more importantly, through an impressive array of shining initiatives that will have enduring impact in years to come. His was an exemplary story of a remarkable man who did not suffer his ideas and insights to only rest in writings or in his mind. Seeing tomorrow before it becomes today, he turned concepts into tools of tangible change in the world, affecting even the lives of those who never crossed his path.

One area where Christof made special impact is with the international partnership Masters programme in Human Rights and Democratisation in Africa (HRDA), a project which was primarily conceived by him. In this regard, we reflect here on the conceptual imprint and driving values and the impact that this legal giant has made and will continue to make in the lives of future generations.

Conceiving an international partnership on human rights

The legacy of Christof Heyns on the international human rights partnership originated from his view that human rights education in tertiary institutions should take a new and different direction. South Africa on the eve of the new millennium was imbued by a spirit of optimism and desire to give form and shape to the African Renaissance. It was a time when former President Thabo Mbeki had expressed his wish to see an African continent in ‘which people participate in systems of governance in which they are truly able to determine their destiny and put behind us the notions of democracy and human rights as peculiarly ‘Western’ concepts.’¹

Earlier writings have pointed out the need for a new vision of tertiary education in Africa without concrete interventions. Knowledge production needed to shake off its colonial chains and embrace a new direction with its centre in Africa. Institutions should not only be 'built and sited in Africa', but be 'of Africa, drawing inspiration from Africa'.² This required transformation at institutions combined with academic and intellectual freedom so as 'to create the conditions for fruitful intellectual debates' thus leading to the production of new knowledge.³ In the words of Mahmood Mamdani 'there can be no African Renaissance without an Africa-focused intelligentsia'.⁴ Christof Heyns was an innovative thinker. His conceptualisation and pioneering works on the international partnership programme is not just a worthy response to these calls. It is the main anchor on which continues to rest the current direction of human rights education in tertiary institutions in Africa.

The HRDA is a unique, prestigious and intensive one-year advanced master's programme aimed at enhancing human resource capacity in Africa, increasing critical skills in human rights and democratisation, and attracting exceptional young men and women from across the African continent and beyond.⁵ Stemming from the visionary mind of Christof, the flagship programme was launched in 2000.

The thinking that tertiary education should be transformational and not merely for a small elitist clique or group is evident in Christof's passionate sense of unity of purpose and collectivity of efforts. His sense that the unity of vision among tertiary institutions all over Africa is needed to transform tertiary education in human rights propelled him to hatch this partnership arrangement with three pioneering universities: University of the Western Cape, Makerere University and the University of Ghana. This partnership has now expanded to cover 12 universities across the continent of Africa, and includes besides the universities mentioned, Université d'Abomey Calavi (Benin), Addis Ababa University (Ethiopia), Université Catholique d'Afrique Centrale (Cameroon), Universidade Eduardo Mondlane (Mozambique), Université Gaston Berger de Saint Louis (Senegal), University of Mauritius, University of Lagos (Nigeria), University of Venda (South Africa) and University of Nairobi (Kenya). However, students for the programmes come from all universities across the continent. A few spaces are also given to non-African students to take part in the programme to enrich its international focus and diversity. As the then Director of the Centre for Human Rights, Christof accentuated the role of good universities and law faculties as indispensable elements of development and progress in societies.⁶

It then came as no surprise that the Centre for Human Rights was awarded the UNESCO prize for Human Rights Education in 2006, and in

2012 the African Union Prize in recognition of the Centre's contribution to the African Commission on Human and Peoples' Rights.

A continental and globally relevant human rights partnership programme

The HRDA programme has expanded beyond the Masters in Law (LLM) to a combined LLM and Master of Philosophy. The diversity and status of universities involved in the partnership programme further reinforce Christof's belief that no institution is self-sufficient; and, that each in its unique way can positively contribute and strengthen the voice of Africa in the ever-evolving terrain of global knowledge production and its politics. This is indeed beautiful as it reveals the rare intellect of Christof in believing that internal forces can drive positive changes, an approach that is Africa-centred and further reveals the true heart of an intellectual colossus.

Africa-centeredness is crucial. However, the philosophy behind the international partnership was much more. Christof recognised that while African resources must be pooled together to contribute to global knowledge production from the perspective of Africa,⁷ the pluralisation of cooperation and knowledge that breaks hegemonies was just as important. His strands of thinking later inspired even a more comprehensive future of internationalisation of the HRDA programme through intellectual and resource interaction with other regional human rights master's programmes under the umbrella of the Global Campus of Human Rights, which was launched in 2012. The Global Campus of Human Rights spreads between seven regional master's programmes over five continents and includes more than one hundred universities.

The long-range reach of this programme bears testimony to how influential Christof sense of solidarity was with various networks within and outside Africa for the promotion of the very best in human rights education in tertiary institutions.⁸

A continuing harvest of impactful positives

Christof leaves behind the tangible evidence of impactful change he wanted to see in the HRDA partnership. There is no document more recent at illuminating the impact of this tangible evidence than the report on a survey of the impact of the Masters' programme in human rights and democratisation in Africa on partner universities.⁹ The HRDA Study Report clearly demonstrates that what started as a seed in 2000 has not only grown in leaps and bounds, but that the HRDA programme keeps recording far-reaching impact on those who associate with it.¹⁰ According to the report, key areas of impacts of the HRDA partnership

are on: curriculum development; reversal of academic brain drain and production of skilled personnel; networks for cooperation; enhancement of academic structure; and capacity development at African universities.¹¹

The programme has impacted on the human rights curriculum in that it brings to the fore the discussion of topical issues of significance to human rights and governance enhancement in Africa. It makes those issues a proper focus of curriculum to boost rigorous local knowledge that relates better to the needs of students and the development challenges, while contributing to global knowledge production from the perspective of Africa.¹² These topical issues include conflict prevention and resolution; democratic transitions; civil society strengthening; institution building; and promotion of the rule of law.¹³ Other issues addressed include sexual minority rights, HIV/AIDS, women's rights, disability rights, business and human rights, climate change, technology and human right that is central to human rights, governance and democratisation in Africa.¹⁴ The importance of this array of topics cannot be overstated.

Since its inception, the HRDA programme has played a significant role in steadily overturning the academic brain-drain that is common in Africa. Earlier, Christof had expressed the hope that the programme would not only stem but also reverse the brain-drain when those in the diaspora would return to put 'their energies and talents into developing cutting-edge programmes and institutions on the continent'.¹⁵ According to the finding of the HRDA Study Report 'many African scholars have left the continent to pursue studies and careers in other parts of the world, the clear majority electing not to return to Africa. This vicious cycle has entrenched itself over the years: capacity is eroded, leading to a fall in standards and an incentive for further exodus.'¹⁶ The HRDA continues to develop capacity, expertise and skills needed to unlock the wealth of the continent for the 'benefit of its people and the world community'.¹⁷ It addresses the skills and qualifications deficits, by producing 'leaders in the different areas relevant to the development of the continent, and by serving as reservoirs of expertise in their respective societies, sub-regions, and on the continent as a whole'.¹⁸ The graduates of the programme go on to play different role in African's continental life as human rights experts and scholars. They work in government, intergovernmental organisations, civil society, and national human rights commissions, and serve as regular guest or part-time lecturers and research fellows at the partner universities.

An important project, also inspired by the idea of internationalisation and collaboration between universities expressed through the foresight of Christof is the African Human Rights Moot

Court Competition which, thus far, has been hosted in 19 African countries across all regions of the continent.¹⁹

The moot court competition has contributed to the transformation of legal education in African law schools by exposing law students from different parts of Africa to the regional human rights system and the potential of the African Court on Human and Peoples' Rights.²⁰ Through participation in the project, students develop their skills as advocates by arguing a case under conditions that simulate actual court proceedings.²¹

Christof did not limit himself to moot court at the university level. He was responsible for initiating the South African National Schools Moot Competition. The goal of the competition is, among others, to create greater awareness in schools and communities in South Africa about the Constitution and the values that it embodies through active participation. This idea has spread to other countries in Africa, including Ghana and Kenya.

Christof's absence will be felt as long as human rights are mentioned on the continent of Africa. He left behind an incredible legacy, an indelible footprint on the human rights landscape. He climbed the ladder of academic brilliance, adopted the 'struggle approach' and made imprints on the hearts of many downtrodden and marginalised individuals and entities across the globe.²²

In all, the legacy of Christof on internationalisation of the HRDA partnership cannot be captured in a few words. The geography of his influence on the partnership programme will remain a beaming beacon to many generations of Africa and beyond. Christof's ideas are reflected in the institutions, and his impact and unwavering commitment to human rights will live on in the minds and work of generations of students and in all others he inspired.

Mother Africa has painfully lost one of her best sons; while the HRDA partnership has lost a leading gem. Death has been so unkind. We find faith in the expression of the Akans of Ghana in their traditional 'adinkra' symbol for funeral called 'Nkonsonkonson' which translates as 'link' or 'chain'. This symbol goes with the proverb, 'We are linked together like a chain. We are linked in life, we are linked in death. People who share a relationship never break away from one another.' Indeed, Christof remains linked to us through the legacy he has left behind and we remain linked to him by the tribute we pay to him today and by building on his legacy.

Professor Heyns' ideas sustain us and his inspiration will continue to inspire new generations of students and scholars. He touched our

lives and we are humbled to have been part in some small way of his journey. May his soul live on.

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- 1 T Mbeki 'Prologue' in WM Makgoba (ed) *African Renaissance: the new struggle* (Mafube/Tafelberg 1999).
- 2 TM Yesufu *Creating the African university: emerging issues in the 1970's* (OUP 1973).
- 3 M Mamdani 'There can be no African Renaissance without an Africa-focused intelligentsia' in Makgoba (n 1) 125-148 at 133.
- 4 Mamdani (n 3) 125-148.
- 5 See the K Appiagyei-Atua, Dr E Asaala & UM Assim 'Impact of the Master's Programme in Human Rights and Democratisation in African on Partner Universities' (31 July 2021) (Study Report). See also, the *Alumni Diaries 2000-2019*, https://www.chr.up.ac.za/images/publications/Alumni_Diaries/Alumni_Diaries_2019_-_web.pdf (accessed 17 December 2021); CCA Hagenmeier, A Lansink & GNK Vukor-Quarshie 'Internationalisation and African intellectual metissage: capacity-enhancement through higher education in Africa' (2017) 31(1) *Journal of Higher Education* 81-103 at 97.
- 6 H Visser & CH Heyns (eds) *Transformation and the Faculty of Law of the University of Pretoria* (PULP 2006), <https://www.pulp.up.ac.za/component/edocman/transformation-and-the-faculty-of-law-university-of-pretoria> (accessed 17 December 2021).
- 7 CH Heyns 'Regional master's programmes in Africa: case study and analysis' (2006) 5 *Journal of Educational Studies* 213-243 at 228.
- 8 The network of HRDA alumni is impressive, see the *Alumni Diaries* (n 5).
- 9 Study Report (n 5).
- 10 As above.
- 11 As above.
- 12 Heyns (n 7).
- 13 As above.
- 14 See <https://www.chr.up.ac.za> (accessed 17 December 2021).
- 15 Heyns (n 7) at 215.
- 16 Study Report (n 5).
- 17 As above.
- 18 As above.
- 19 Study Report (n 5). The African Human Rights Moot Court competition predates the HRDA as it started in 1992.
- 20 As above.
- 21 As above.
- 22 C Heyns (2001) 'A "struggle approach" to human rights' in A Soeteman (ed) *Pluralism and law* (Springer 2001).