



Call for Abstracts: *Kéba Mbaye Conference*

African approaches to international law,
with a focus on international human rights law

5 – 6 December 2018

Centre for Human Rights, University of Pretoria



MAKERERE UNIVERSITY



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About the 2018 Kéba Mbaye Conference

Following on from a two-day Round Table on 'African Approaches to International Law', held at the Centre for Human Rights, University of Pretoria, on 3 and 4 May 2017, a two-day Conference is scheduled for **5 and 6 December 2018**, in Pretoria: the '**Kéba Mbaye Conference on African approaches to international law, with a focus on international human rights law**'.

Aim of the Kéba M'baye Conference

The aim of this Conference is to continue a process of discussing "African approaches to international (human rights) law", building on the Third World Approaches to International Law (TWAIL) approach, but rethinking and "vernacularising" it.

Questions to be addressed include:

- What is unique about Africa's approach to international law?
- What would be the features of such an approach?
- Potential contributors are invited to consider concrete examples or case studies that reflect issues related to African approaches to international law, through the lenses of state practice, academic writing, and teaching.

Contributors are invited to reflect specifically on international human rights law.

Other questions to be posed may include:

- To what extent have "African approaches" to international law already emerged?
- What are pertinent examples; and what are their features; and their contributions/ shortcomings?
- What would be the constituent parts of "African approaches to international law"?
- Is it possible or even desirable or talk of "African approaches to international law"?
- Is TWAIL sufficient to describe what could be considered as African approaches to international law?

Contributors may also draw inspiration from the 'Report of the Round Table' and brief list of sources at the end of this document.

Papers are also encouraged on the history of international (human rights) law, focusing on Africa's exclusions, biases and distortions in existing narratives and in the writing of history itself. The representation of "Africa" in the teaching sources and methodologies of international law could also be canvassed.

Call for Abstracts

The organisers invite abstracts by anyone interested in presenting a paper at the Conference. It is anticipated that an equal number of papers will eventually be presented focusing on international law, generally, and on international human rights law, specifically.

- Abstracts should be between 200 and 300 words, and should
 - (a) indicate the main question(s) to be addressed;
 - (b) identify the proposed methodology; and
 - (c) set out the anticipated findings (and their implications).
- The papers will subsequently be reworked with a view to bringing out a publication (either a special issue of a journal or an edited volume of essays).
- A limited number of authors of selected abstracts will be supported to attend the Conference.
- Abstracts should be sent by email to foluso.adegalu@up.ac.za copying frans.viljoen@up.ac.za
- Contributors should please indicate if financial support for travel and accommodation is required.



Important dates

- Abstracts should reach the organisers by **15 July 2018**.
- Abstracts selected for development of a full paper and presentation will be made known by **31 July 2018**.
- Fully developed papers should be submitted, for distribution among Conference participants, by **5 November 2018** (one month in advance of the Conference).

Participants

The Conference will also be open to attendees who are not presenting papers. There will be **no registration fee** and tea and lunches will be free for all participants. (In-coming participants will have to cover and arrange their own transport and accommodation.)

Registration

PLEASE CLICK HERE TO REGISTER ONLINE BEFORE 31 OCTOBER 2018

(Please note: There is no registration fee but participants who are not presenting papers will be responsible for their own transport and accommodation.)

Summary of the 2017 Round Table on AAIAL

This call follows the position taken by participants at the Round Table to work towards the continuation of a common project, which may steer towards identifying an "African Approach to International Law" (AAIAL).

In addition to staying connected and sharing ideas and information, a follow-up event was foreseen before the end of 2018. A convening committee of ten universities was identified to take this exciting process forward. Those directly involved in the hosting of the 2018 event are the University of Johannesburg (South Africa), Makerere University (Uganda), University of Pretoria (South Africa) and Strathmore University (Kenya). The other universities forming part of the initial collaborative network are the University of Cape Town (South Africa), University of Nairobi (Kenya), Niger Delta University (Nigeria), University of Pretoria (South Africa), University of the Witwatersrand (South Africa) and State University of New York at Buffalo (USA).

Prospective contributors may draw inspiration from the summarised report and list of sources below:



A group of forty international law scholars from across Africa and the diaspora met at the Centre for Human Rights, Faculty of Law, University of Pretoria, on 3 and 4 May 2017, under the theme 'African approaches to international law'.

During the Round Table the concept of an "African approach" was problematized, with participants agreeing that this notion should not be racially or culturally based, but spatially, or in terms of one's methodological 'orientation'. Prof Charles Ngwena, from the Centre for Human Rights, cautioned that an appropriate definition should leave space for evolution and further development. In essence, there are multiple constructions/understandings of Africa. Scholars should avoid dense Afrocentric discourses that do not allow for alternatives. He noted that an 'African culture' can only exist at a very high level of generality. There are many cultures, thus many Africas, and advised that it may be more productive to think of Africa as a space (as opposed to a place) where experience is socially produced.

One of the participants was Professor Makau wa Mutua, from the University of Buffalo Law School, who is well known for his critical scholarship, and for having been instrumental in launching a school of anti-hegemonic thinking on international law, Third World Approaches to International Law (TWAIL). He emphasized the 'African' origins of TWAIL and contended that it has much to offer to African scholars critically engaged with international law. He contended that TWAIL is an appropriate place to start the discussion on African approaches to international law. Prof Mutua also highlighted that Africa is a creation of international law, frozen in time by the principle of *uti possidetis*. The continent was largely shaped by its encounter with the west. The continent has suffered from three kinds of trauma: Slavery, colonialism and cold war.

As part of the event, students on the Centre's two Master's programmes (in human rights and in international trade) joined the group for a discussion on Africanising/decolonizing the teaching of international law. It emerged that when the two terms ('Africanising' and 'decolonising') are conflated, some confusion may ensue: for some 'Africanising' speaks to the content of and texts used in a course; 'decolonising' may entail reckoning with the remnants of colonial patterns of thinking and doing. Two possible steps/ways in decolonizing the teaching of international law were identified: (a) strict reference to African treaties and instruments (to the exclusion of global and other instruments); and (b) making reference to African scholars and not having a specific recommended text book on international law.

Other aspects covered during the Round Table include: conceptualising 'African' approaches; typologies of African scholarship on international law; African justice in post-colonial Africa, African histories; history-writing and international law; and TWAIL, decolonizing and international law. Prof Michelo Hansungule, Centre for Human Rights, made a presentation on 'African justice in postcolonial Africa'. In his view, African justice could play an important role in situations where the "modern" judicial system has been "broken beyond imagination". Humphrey Sipalla made a presentation on "African histories, history-writing and international law"; and Chris Gevers on "TWAIL, decolonisation and international law".

Brief list of sources

On reclaiming a place for Africa in the writing and conceptualization of the history of international law, see JT Gathii 'A Critical Appraisal of the International Legal Tradition of Taslim Olawale Elias' (2008) 21 *Leiden Journal of International Law* 317

On critically examining a distinctly 'Western' theoretical construction of an issue, which has given rise to a particular framing of aspects of international law, see M Mutua (2008). 'Human rights in Africa: the limited promise of liberalism' (2008) 51 *African Studies Review* 17

Uncovering the hidden contributions of Africa and Africans to the development of international law, see JT Gathii 'Alternative and Critical: e Contribution of Research and Scholarship on Developing Countries to International Legal Theory', Symposium Issue Foreword (2000) 41 *Harvard International Law Journal* 263

Interrogating the suitability of the TWAIL framework as a theoretical framing of the issue, see eg JT Gathii et al 'TWAIL: A Brief History of Its Origins, Its Decentralized Network, and a Tentative Bibliography' (2011) 3 *Trade Law and Development* 26; Gathii, James, Obiora Okafor, and Antony Anghie 'Africa and TWAIL' (2010) 18 *African Yearbook of International Law Online/Annuaire Africain de droit international Online* 9; Chimni, 'The Past, Present and Future International Law: A Critical Third World Approach', 8 *Melbourne Journal of International Law* (2007) 499

See also Elias, T O, & Akinjide, R (eds) (1988) *Africa and the development of international law* Martinus Nijhoff publishers; and Maluwa, T (2004, January). The OAU/African Union and International Law: Mapping New Boundaries or Revising Old Terrain? in *Proceedings of the ASIL Annual Meeting* (Vol. 98, pp. 232-238). Cambridge University Press; Aoki, Keith. "Space invaders: Critical geography, the third world in international law and critical race theory." *Villanova Law Review* 45 (2000): 913; Antony Anghie, *Imperialism, Sovereignty and the Making of International Law* (2005)

Contact the organisers

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For queries about the Conference, please contact:

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