



Call for Papers

International Criminal Law and the Legacy of Colonialism: An African Perspective

In the early 2000s, the developments of international criminal justice culminated in the establishment of a first permanent court, the International Criminal Court (ICC). The ICC forms part of a decentralized system of international criminal justice that aims to punish the perpetrators of large-scale atrocities. As of now, a hundred and twenty-three states – thus a majority of the states in the world – are party to the Rome Statute upon which the ICC is based. Thirty-three of those states are from the African continent, a number larger than that of any other continent. African states also played a crucial role in the negotiations of the Rome Statute, as most of the thirty-three states formed part of the so-called “like minded” group of states.

Colonialism – entailing the commission of large-scale atrocities with impunity in Africa – stretched from the infamous period of the “scramble for Africa” in the 1870s to, arguably, the 21st Century. Although most African states obtained formal independence in the 20th century, it can be argued that colonial rule not only influenced African states’ legal orders but also continues to shape their international relations up until today, particularly, vis-à-vis to the respective former colonial powers.

African States initially embraced the ICC. A crucial reason for that was the process of negotiating the Rome Statute, which conferred legitimacy upon the court that could be contrasted to the phenomenon of victor’s justice of previous international courts. More recently, the Global South states’ confidence in the ICC has decreased. The ICC is criticised from various vantage points. Inter alia, it is argued, that most of the situations, which have been investigated and prosecuted are located on African soil, leading to the assumption that the ICC is inherently biased. It is further criticised, that the United Nations Security Council with its power to refer situations to the ICC is made up of – among others – former colonial powers. Moreover, the ICC is viewed to be a tool of a new form of imperialism and colonialism and politicised by the currently dominant states of the Global North. Another issue being raised is that of the ICC’s inability to investigate atrocities that were committed during the era of formal colonisation. Which raises the question as to whether [criminal] justice will ever be fit to deal with these situations?

As a consequence, some states from the Global South, including Africa have been considering a withdrawal from the ICC. Which raises the following questions: What do the calls or threats to withdraw from the ICC implicate? How would an ICC look that caters to the needs of the African states? Could the African Court of Justice and Human Rights be an alternative?

The objective of the project is three-fold: A first task is to determine the current role and future of international criminal law in Africa. Secondly, it should be elaborated on how to adequately address colonial legacies, while especially focussing on atrocities committed during the era of formal colonisation. And lastly, to reflect on future perspectives with a view to ‘decolonise’ the current practise of international criminal law.

Contributors may adopt a qualitative, quantitative, or mixed method research approach to address the identified problems. Hence, the project intends to focus on (but is not limited to):

- African legal history
- The legacy of colonialism in Africa
- Decolonisation and Decoloniality
- The current role and future of international criminal law in the Global South
- The relationship between African States and the ICC
- The capacity of international criminal law to address colonial injustice
- Alternative legal and social remedies to address colonial injustice
- Legal transplants and their effect on the African legal systems
- Ubuntu and indigenous legal philosophy

Abstracts of not more than 300 words and a short biographical note of not more than 150 words should be sent to Dr Pilisano Masake at pmasake@nust.na by Wednesday, 15 February 2023.

Early career scholars and scholars and practitioners from Africa are particularly encouraged to submit abstracts. The workshop and the publication will be in English; nonetheless, we encourage non-native speakers to contribute as the organizers could, on a limited scale, arrange for editing services or other forms of assistance to facilitate the writing process.

The authors of selected abstracts will be invited to present and discuss their draft papers at an online workshop held on 13 April 2023. Based on the discussions during the workshop, the authors should develop their initial submissions into a paper of a minimum of 5000 words until 15 June 2023 for peer review. The then selected papers shall then be published as part of an edited volume or in the working paper series of the Franz von Liszt Institute for International Criminal Justice at Humboldt-University Berlin.

Scientific committee

Dr Pilisano Masake, Namibia University of Science and Technology, Windhoek, Namibia and Alexander von Humboldt-Research Fellow (2023-2024), Humboldt-University Berlin, Germany.

Prof Dr Florian Jeßberger, Franz von Liszt Institute for International Criminal Justice, Humboldt-University Berlin, Germany.

Deadline for submission of abstracts: Wednesday, 15 February 2023

Workshop: Thursday, 13 April 2023

Submission of papers for peer review: Thursday, 15 June 2023

Publication: early 2024

Enquiries

Ms Nelly Nghifimule
T: +264 61 207 2890
E: nnghifimule@nust.na
W: www.nust.na