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Re- Imagining Agenda 2063: A Socio-Legal Foundation of the Africa We Want

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Keynote Address

Keynote speaker: Nkemdilim Izuako, Judge, United Nations Dispute Tribunal
Lecture Title: Africa Must Get this Right

Judge Izuako introduced the goals of the African Union's recent development framework, Agenda 2063 ("the Agenda")—how they can be utilized to combat Africa's challenges, and how the socio-economic situations in Africa may hinder the attainment of these goals. The speaker started by giving a brief background of the Agenda, how it was adopted and its content noting that the Agenda comprises seven aspirations.

The speaker further discussed the goals of the Agenda and noted that it builds on other existing Agendas such as the Lagos Action Plan and consists of a guiding vision and a strategic framework. The Agenda requires implementation of its aspirations by every country in the continent, however, implementation has so far been quite low. This is evidenced by a 2013 report on the implementation of the Agenda, a mere 33% compliance rate has been recorded. Accordingly, Africa needs to implement the Agenda through strategic actions rather than simply reviewing the plan every 10 years. Judge Izuako further discussed aspirations 3 and 4 of the Agenda, these aspirations are the foundation on which other aspirations rest. She argued that they are also central to other African visions, and that adherence to these rules means that government would be accountable and transparent.

She further noted that unrest, civil conflict, insecurity, and the fragility of peace in Africa may hinder the attainment of the goals of Agenda 2063. In addition, poor leadership, lack of political will on the part of leaders, and the absence of democracy hinders the attainment of the aspirations of the Agenda. She added that although most countries in Africa claim to practice democracy, such democracy is nominal. For example, power is focused on the center and the government has failed to decentralize power. She explained that transformational leadership is required in all countries for Africa to attain the aspirations set out in the Agenda, and that there are adequate legal and social frameworks to achieve this. Judge Izuako also noted that the problem of brain drain in Africa affects the continent's capacity to develop and fulfil the objectives of the Agenda, but the steady brain drain in Africa will slow down if the country can adopt and implement Agenda 2063.

Judge Izuako particularly emphasized the need to enhance the quality of education in Africa, increase the publicity of Agenda 2063, strengthen democratic culture and institutions, and empower youths and women, as necessary requirements for the attainment of Agenda 2063. Lastly, she pointed out that the time frame for the attainment of the Agenda should be revisited as 50 years is quite long as it gives room for lethargic adoption. She also noted that there is a need for the AU Commission to monitor and accelerate the implementation of the Agenda.

Question and Answer Session

Q: How can we address moral crisis in Africa?
A: The youth, women and everyone need to be included in the governance of African countries and we need to re-examine how leaders are appointed. We should continue to encourage our youth and women, and empower them to participate in governance. People who are agitated by this moral crisis in Africa should run for office in order to make a change. We should find avenues for expressing our minds and call for the changes we need.

Q: How can we involve women in leadership? What practical steps can be taken in the community and national levels to involve women in leadership?
A: Women do not have an equal head start generally. For women to have proper representation, affirmative actions must be reflected in constitutions. For instance, the Kenyan Constitution provides that 30% of political office should be held by women. Affirmative action should be at the national, state, and local levels. Civil society and governments should also actively participate in women's empowerment.

Q: What are your aspirations against corruption, what encouraged you to stand up during dark times?
A: I derive my motivation from believing in justice, from my background as a youth and student activist.

Q: How can we ensure greater integration in Africa does not lead to new conflict?
A: The colonialists partitioned Africa according to their own convenience due to the fact that there are many nationalities in Africa, and this has given rise to various conflicts. The heads of state and the AU should examine the issue of strife on the continent.

Q: How can legal education be transformed so lawyers can better serve the continent?
A: It needs to be emphasized in legal training that a lawyer is someone who thinks. Also, there is a need to teach a whole lot more on ethics in law schools. Lawyers need to understand the importance of ethics and the need to uphold it.

Q: How do we successfully achieve the aspirations of Agenda 2063 giving the fact that Africa is still dealing with colonialism and heading towards economic colonialism with the leaders selling valuables to China?
A: Concerns have been raised about the newfound economic relationship between African countries and China. Many African countries have and are in the process of borrowing from China. Regardless of where they borrow from, African leaders need to be more transparent. We cannot do without borrowing but the borrowing has to be transparent and responsible.

Q: Is there a possibility of adopting a nuanced approach to affirmative action for women?
A: Women were traditionally exempted in many countries and continents. Affirmative action is for a period of time, and it is simply to give less privileged people a head start. Most women do not have the requisite amount of money to run political campaigns. Affirmative action is not demeaning, it just gives women a head start, and may be in place for 30 – 50 years.

Q: How do we address the challenge of changing the attitude in Africa?
A: Better education for everyone across the continent. We also need to address the issue of the kind of people occupying political spaces in Africa, and push for transformational leadership on the continent.

Q: How can we be confident that Agenda 2063 will go far in helping Africa achieve the most needed transformational change?
A: We can have the Africa we want before 2063. Lack of implementation of transformative agendas is as a result of the type of leadership we have. Repressive governments do not give room for accountability and transparency. Everyone should do something no matter how small to make the continent a better place, everyone, both in Africa and in diaspora. If all hands are on deck, we will make a difference no matter how small.

Session 1: Innovating Development

Speaker: Shimelis Kene
Paper Title: Forging New Ways for Transforming Africa: The Entanglement of the African Development Worker and African Development

Kene explained that the pathologies of African development are typically framed as a function of state failure or legal and institutional building mechanisms and donor conditionality programs that do not reflect local realities. However, the current institutional approach ignores an important component of development programs in operation. Kene argued that in fact the key challenge to the decolonization of African development comes from an unsuspected source: the African development worker/practitioner. Development practitioners, or the development worker, according to Kene, broadly encompasses those individuals working for NGOs/CSOs, international and inter-governmental organizations in the field of development, human rights, rule of law, democracy, etc. These workers are often criticized as being "too Westernized," such that their work does not reflect the development needs of local communities. Kene interrogated whether these workers (un)consciously propagate certain assumptions about development, the African state, and Western ideals, thereby playing a defeatist rather than a facilitative role in Africa's quest for development.

Kene drew from personal experiences as a development worker in Ethiopia to sketch out the background and experiences of a typical development worker. He explained that the typical African development worker comes from a class of educated elites who obtain their education from elite African institutions where the curriculum typically occludes critically oriented courses and discourages critical perspectives. The average development worker is not exposed to "the development culture" during their formative years and does not gain an understanding of what development means within

the African context. Kene argued that reimagining and decolonizing development in Africa requires disentangling African development from the African development worker who may consciously or unconsciously engage in practices that are counterproductive to African aspirations. A central focus in reimagining Agenda 2063 ought to be empowering the African development worker and facilitating their agency.

Speaker: Raymond Atuguba
Paper Title: Intellectual Configuration for a Practical Implementation Boost for Agenda 2063

Atuguba explained that the project comprised a group of eminent and experienced Africans and Africanists in governance and developmental affairs coming together to produce a compendium of relevant, reflective, and practical essays on African development. The result being the unveiling of a call to action for sustainable and equitable progress across the African continent. The project output takes the form of a compendium that looks back at Africa's development experiment and experience, carries out an econometric, ethnographic, and reflective assessment that includes how the AU has implemented her mandate and agenda so far. It also projects into the future and in the context of the call to action, sets out clear developmental pathways for the continent going forward. The framework for analysis is centred around peace, integration, and prosperity in Africa. Three cohorts are involved in the implementation including academics and practitioners, research design and data organizations and traditional and non-traditional communications.

The first cohort is interested in finding out the extent to which the AU identified the right priority areas and achieved progress towards them in peace, integration, and prosperity, both as distinct pillars and as interconnected spheres of the transformation for the African continent. Respondents for this cohort include citizens, national elites, RECs, and AU officials. The second cohort take a reflective look at the position of Africa in respect of the themes of peace, integration, and prosperity. This will involve an intimate, realistic assessment of the extent to which the three themes of peace, integration and prosperity have been achieved in Africa. A prospective assessment of the Africa we want and the role of the AU in it may then be undertaken with specific regard for the themes of peace, integration, and prosperity. This section also addresses discussions held on the research process and its various stages. Many more actions need to be taken to move the project forward. They include: establishing a steering committee to oversee the implementation and execution of the project, conducting a desk review and baseline study, developing research teams that would be responsible for pilot data collection and analyses, implementing a pilot field study that focuses on the main research question and the subsidiary questions, refining the research questions, subsidiary questions, detailed questions and the research design following the pilot and learning from it, deploying the main field research component of the project and deliberating on drafts, editing and finalizations. The speaker discussed a number of unanswered questions for the project as follows: for implementation considerations, what is the operative definition of Africa for this project? Should we simply conceive of Africa in terms of geography and pretend to cover the entire continent? Should the definition include North Africa- Sub-Saharan Africa, south Africa - Africa outside south Africa, depend on RECs or include the diaspora?

To find new pathways for African development, a fundamental change in mindset of the average African is pivotal. This will require addressing educational systems that produce particular types of Africans, addressing continuing socialization through the mass media. There is the need to create a

compendium and call to action but where do we begin considering corruption, hunger, disease, terrorism, leadership, and mindset? There are several development pathways in the past, but they are only implemented at the high level and there exists implementational confusion with no call to action. This shows that a knowledge-based understanding of the African problem and the African solution are not enough. This is because many post-modern African development initiatives may be intentionally designed to be as far away from action as possible. Atuguba added that there is lawfication and juridification of African development with no definition between law and development and a call for a new theory and a new operationalization of law to shape development practice. Yet, there has not been an intentional articulation and clarification of the exact relationship between law and development. In many African universities, law and development is not taught at all. It is also important to consider how space is conceived and appropriated in development practice and analytics including the exact geographies of development that ensue for these, and their implication for development strategy. How to deal with ignored pathways for African development and the muted critical voices? Would the affiliations of the UNDP and other donors to this project compromise a resurgence of such pathways and accompanying voices? Will post-Covid-19 change the way development agencies think and act? How does Africa exploit the donor mania on post covid-19 developmentalism? Presentation - unpalatable presentation will not receive a combustible landing. Perhaps making it palatable and digestible may make it ineffective. A call to action (CTA) may mean different things and there is the need to navigate the content and milestones. To left leaning persons and institutions, the more disruptive the CTA, the more successful it is, while others may have different success indicators. There is therefore a need to navigate the tenor, content, and operational milestones of the CTA very gingerly.

Question and Answer Session

Q: How does corruption affect the call to action?
A: Corruption forms only 5% of the problem, so we should not be blinded by corruption. Our system of education, socialization and mass media promotes Africans not knowing themselves form a major part of the problem. This leads to more confusion. There is suppression of debt for debt relief and lower interest payments are hegemonic forces. Counter hegemonic forces develop to counter the hegemonic forces. Africans do not know themselves and have only been taught about other people.

Speaker: Atieno Mboya
Paper Title: Human Vulnerability and Attaining Africa's Seven Aspiration

Mboya discussed the seven aspirations of Agenda 2063 in the light of human vulnerability theory. She explained that the African Union comprises 55 member nations founded on the basis of Pan Africanism for people of African Descent whether they live on the continent or not. It was launched in 2002 as a successor to the OAU to make Africa a proactive rather than a reactive player in the global scene. This Agenda is intended to transform African countries into democratic, innovative, peaceful nations that would influence world affairs over the next 50 years. The speaker emphasized that the Agenda represents an opportunity for Africa to take charge of its destiny, strengthen African integration, and unity. She explained that it is a social, economic, and political rejuvenation that will create a new generation of Pan-Africanists that would consolidate the hopes of the founders of Pan-African vision with the goal of achieving a true renaissance for Africa. It harnesses the lessons,

successes, and strengths of the past to create a new, powerful, peaceful, and just Africa of the future. The agenda has 7 aspirations including: a prosperous Africa based on inclusive growth and sustainable development; an integrated continent politically united and based on the ideals of Pan-Africanism and the vision of Africa's renaissance; an Africa of good governance and democracy, and respect for human rights, justice and the rule of law; a peaceful and secure Africa; an Africa with a strong cultural identity, common heritage, shared values and ethics; an Africa whose development is people driven, relying on the potential of African people, especially its women and youth and caring for children; Africa as a strong, united, resilient and influential global player and partner.

Some of the principles include integration, justice, security, ethical values, participation, and unity and that it is a laudable initiative. To achieve these aspirations, the question is how do we get from here to there? What will be and what is the human cost of the transformation that Africa is going through including: forced evictions, property destruction, police brutality, hunger, lives lost. The transformation envisioned through Agenda 2063 wants to overcome these crises in the continent. To achieve the goals of this Agenda, African states and institutions will want to make the transition on the foundations of expanding joy, collaborations and promises of the future. The theory driving the achievement of these aspirations will matter. Human vulnerability theory pushes us beyond the limits of formal laws and draws universal shared characteristics of the human experience of which Africa is a part to analyze social institutions including laws and policies that determine our resilience over the life course. It starts by asking: who is the subject of law? The legal subject is an all-inclusive and universal construct under this theory. The laws crafted will reflect the assumed needs, capabilities and characteristics of the subject and form the social institutions and relationships that meet the need of the subject. The understanding of the legal subject is an impoverished one that is built on the ideology that values liberty over equality, manipulates contractual concepts such as choice and consent to justify relations of exploitation. This distorts and constrains laws analysis and the concept it uses to organize our social world. It is therefore necessary to break away from this if Africa is to attain the seven aspirations.

The unequal resilience in the international community turns our attention to global institutions and institutions within Africa and each African country. Resilience is produced through institutions and relationships that confer privilege and power. These institutions and relationships are partially defined by law and in order to perpetuate itself every society must be inter-generational. It calls for the examination of the positioning of individuals, groups, and institutions with the need for institutions to be responsive to general and unique vulnerabilities that arise in course of life. The first aspiration captures the relational aspect for Africa and its positioning within the global economy. It calls for a readjustment of Africa's position and for inclusion in growth opportunities and promotion of sustainable development. Human vulnerability theory spotlights the role of the state and its institutions in the equitable distribution of social assets to mitigate vulnerability and promote resilience. The second aspiration references unity for the benefit of Africa and strengthens its position globally. Good governance, democracy, respect for the rule of law etc., contribute to this aspiration. The distribution of the benefits of the global economy is negatively skewed for Africa in comparison to other continents. This leads to equitable distribution of the benefits. Aspiration 5 calls for Africa with a strong cultural identity for Africans in Africa and around the world. Aspiration 6 calls for development driven by the African people. This means gender and inter-generational parity in contribution for African development rather than external donor driven development. Aspiration 7 calls for unity and

resilience in order for the continent to be more influential.

Question and Answer Session

Q: I worry about the consensus and communality we once had across the continent which is fast eroding now due to neoliberal economic hardships and cultural shifts due to globalization. How can Agenda 2063 address some of the positive cultural values we are losing? Does this theory of human vulnerability extend to the traditional way in which Africans settled conflicts? How do we bring peace and unity to people so diverse in culture and language?

A: The seed of discord, terms of hierarchy and classism is endemic in most culture be it the way women are treated or cast culture; how do we tackle this topic without encroaching in the uniqueness and richness of our diversity? I think the problem is also largely due to the educational systems our countries have been built on. Western imported histories that have whitewashed, erased and silenced our cultures and possible ways of being. We need a re-education of ourselves—then again like Vijayashri and others say, how can we do that when we are going cap in hand to these institutions and western countries to fund our education and other systems?

Tuesday, June 22, 2021

Session 2: Realizing Agenda 2063

Speaker: Anthony C. Diala
Paper Title: A Survey of the Foundational values of Indigenous African Laws in Four Countries

Diala discussed how colonialism brought about legal pluralism in Africa – where formal/state laws co-exist with African indigenous laws, using Kenya, Nigeria, Somaliland, and South Africa as case studies. He also discussed how foundational values of indigenous laws resonate with Western human rights principles and how they can be utilized to moderate the rule-based approach of judges.

The speaker commenced by noting that African states are struggling to manage the co-existence of indigenous laws and state laws. The speaker explained that indigenous laws are norms that emerged from African agrarian settings while state laws of African states are remnants and adaptations of European laws, however there is insufficient consideration of indigenous African values by policy makers.

He proceeded to discuss certain foundational values of indigenous laws in Kenya, Nigeria Somaliland, and South Africa – "Ubuntu" (the grundnorm), rules of succession, land ownership and rules of marriage. Ubuntu is the constitution/grundnorm of indigenous laws, it means "a person is a person because of, or through other persons". It exists across many traditional communities in varying forms and it symbolizes humaneness, compassion and group solidarity. It moves past the western concept of natural justice as it promotes reconciliation rather than confrontation. With regards to the rules of succession in many African societies, three principles are generally applicable - best interest of the family (major determinant of group rights and obligations), duty of care to dependents (mitigated

gender hardships of male primogeniture) and preservation of the ancestral home (an important cultural and spiritual symbol).

In indigenous African societies, land is considered communal property held for the common good, even when used by one person. Land cannot be permanently alienated by one person in traditional African societies. Land was/is also used for environmentally sustainable activities such as shifting cultivation which was destroyed by the commercialization of farm to suit colonial interest. With regards to marriage, extended families are fully involved in marriage negotiations and celebrations. Family involvement is being eroded by socio-economic changes such as nuclear families, independent income, and cohabitation.

In conclusion, the speaker noted that the foundational values of indigenous laws resonate with Western human rights principles of dignity and non-discrimination. They could also moderate the rule-based approach of judges and nudge judges towards making fairer decisions.

Question and Answer Session

Q: Could you share more about your methodologies; how did you ascertain indigenous laws since it is not written and changes often?
A: You ask communities "why" they do certain things not "what", that way you will be able to get more information from them. The goal is to find the motivations for their laws.

Q: Did you find that state law was more prevalent in indigenous societies/communities?
A: In rural societies, there is a strong influence of state law and a predominance of indigenous laws. In the urban areas state law is predominant.

Q: Is the absorption of indigenous law into state law wrong?
A: There is no straightforward answer. If we do not ascertain the indigenous values now and put them into our system, they will be wiped out and what we will have is colonial laws imposed by the colonial masters.

Q: What is happening in the intersection between indigenous and state law?
A: This is called adaptive pluralism and it is producing new laws.

Speaker: Veronica Fynn Bruey
Paper Title: African Union Agenda 2063: Socio-Legal Institutions, Justice and the Rule of Law in Liberia

Bruey discussed the role and purpose of the rule of law in attaining the objectives of Agenda 2063 and the importance of the enforcement of the rule of law in Liberia and in Africa as a whole. The speaker started by discussing global perspectives on the rule of law, noting that the rule of law is a western concept devoid of any single consensus definition.

Bruey proceeded to discuss certain provisions of Agenda 2063 recognizing and promoting the rule of law in Africa. For instance, Aspiration 4 recognizes that respect for human rights and rule of law are

necessary pre-conditions for a peaceful and conflict-free continent. Also, Aspiration 3 provides that there shall be an independent court or judiciary who will dispense and deliver justice in the continent. The speaker emphasized that conflict and displacement continue to abound in Africa despite these laws.

She further discussed the problem of the enforcement of the rule of law in Liberia and how the rule of law and the aspirations of Agenda 2063 can be enforced in Liberia. In this regard, she discussed examples of socio-legal institutions and resolutions attempting to promote the enshrinement of the role of law in Liberia but pointed out that these attempts were neither implemented nor produced the desired outcome. For instance, the recommendations of the Truth and Reconciliation Commission are yet to be implemented due to lack of political will. However, international, and foreign tribunals appear to be more engaged in prosecuting war crimes that occurred in Liberia.

Furthermore, the speaker noted that inconsistencies in applying democratic norms in Liberia, concerns with access to justice, lack of independence of the judiciary and weak institutional quality are the major challenges hindering Liberia from enforcing the rule of law. Lastly, the speaker recommended that the AU re-evaluate the provisions of the Constitutive Act regarding sovereignty and non-interference to give effect to the AU Court of Human Rights and Justice to prosecute African leaders involved in war crimes and crimes against humanity. The speaker also recommended that the AU must promote individual direct access to the Court of Human Rights and Justice.

Question and Answer Session

Q: What are the values that underpin the rule of law in Africa?
A: There are complex and difficult issues within different contexts, there is no uniformity in this regard. It is impossible to decolonize Africa, however, we can bring in, appreciate, and support African laws – especially good aspects of these laws.

Q: Given the lack of integration and motivation in implementing Agenda 2063, what role can the AU and ECOWAS play in this?
A: We need to start from local levels, grow from the local community to the national and to what ECOWAS and AU has to offer. AU and ECOWAS may not help as national leaders continue to ignore legal instruments enforcing human rights.

Q: Do you think we need to go beyond the law to protect human rights in Africa?
A: We need to go back to local and traditional societies and draw on positive aspects of rich cultures of communities. Draw from them, engage them, and use them to drive change.

Speakers: Barry Ackers and Adeyemi Adebayo
Paper Title: The Contribution of Corporate Governance Reforms as an enabler to achieve Agenda 2063

Ackers and Adebayo examined the role of State-Owned Enterprises (SOEs) in achieving the objectives of Agenda 2063 in Africa, particularly, how SOEs can be better positioned through corporate governance reforms to achieve the objectives of the Agenda. The speakers started by

emphasizing the importance of SOEs in achieving governments' developmental objectives and states' socioeconomic goals, but that lack of strong corporate governance culture in SOEs hinders them from achieving these objectives and often times require bail out from the government.

The speakers selected two state SOEs from each of the eight Regional Economic Communities (RECs) in Africa using five index pillars to examine their effectiveness and they utilized the organizational constitution theoretical framework as the basis for their assessment. These pillars are legal and regulatory frameworks, board of directors, performance monitoring measures, controls, transparency and disclosure and stakeholder relations. After explaining the result of their research, the speakers concluded by noting that countries examined in this study appear to have developed SOE frameworks in relation to board of directors as well as for controls, transparency, and disclosure. However, legal, and regulatory frameworks, performance monitoring and stakeholder relations appear deficient. The speakers also noted that countries with high scores have SOE-specific regulations and countries with low scores do not have SOE-specific regulation. They also noted that SOEs and private companies do not have the same mandates therefore, codes applicable to private companies may not be effective in regulating SOEs.

Question and Answer Session

Q: Did you consider other theoretical frameworks in sociology?
A: Yes, we did. Initially, we used stakeholder theory and shareholder primacy, more focused on all structures and enabling environment of organizations and stakeholders (focusing on the need of the society).

Q: How can indigenous laws impact corporate governance structures of SOEs. How can laws on corporate governance brought from other jurisdictions be implemented in Africa?
A: Corporate governance of SOEs is different from corporate governance of privately-owned entities. We also have rule-based corporate governance (focus of discussion) and structure based corporate governance. The rule-based side of corporate governance of SOEs is still growing as we are yet to explore issues that may come with transplanting rules. Also, systemic African problems may hinder the full implementation of the rule-based approach of corporate governance. Public sector accountability enforcement is required to drive reforms in Africa.

Session 3: Environmental Sustainability

Speaker: Elsabe Boshoff
Paper Title: Critical reflections on the concept of "sustainable development" in Aspiration 1 of the Agenda 2063

The speaker explored the definition and connotation of the concept of "sustainable development" in the context of Agenda 2063. The speaker explained that the concept of sustainable development has moved beyond economic well-being/viability to include environmental protection and social equity. Therefore, it is important that the objectives and aspirations of Agenda 2063 recognize all the pillars of sustainable development – economic, environmental, and social. Also, there has been a further

shift in sustainable development as it relates to the planet, as the planetary boundary approach is now being utilized. Planetary boundaries are, "a set of interdependent and politically constructed environmental limits that are global in scale".

The speaker proceeded to discuss how the wordings of the aspirations of Agenda 2063 recognize and promote the attainment of the three pillars of sustainable development, while simultaneously posing a challenge to its attainment. She explains that Aspiration 1 of Agenda 2063, aims towards a prosperous Africa based on inclusive growth and sustainable development, and recognizes environmental protection as a cogent part of sustainable development. However, some paragraphs of aspiration 1 present a challenge to sustainable development. For instance, para. 12 of aspiration 1 makes reference to GDP as a vocal point for progress measurement. This standard is not in line with the new standard of the measurement of prosperity. Also, GDP promotes inequality. In addition, aspiration 6 of the Agenda makes reference to sustainable development and promotes equality for all, particularly, women and youths.

The speaker concluded by recommending that sustainable development should be implemented as development within planetary boundaries because it is central to maintaining the quality of life and well-being of people within planetary limits. Furthermore, Africa should move away from thinking of sustainable development in terms of GDP and natural resources and adopt a more nuanced approach to sustainable development.

Question and Answer Session

Q: How well do you think African governments are positioned to balance economic sustainability with environmental sustainability?
A: The question Africans should be asking is where we see our strength outside natural resources. Many African countries are still fixated on oil, mineral and gas. This is not a good approach. We should instead focus on the development of green economy like the dam project.

Speaker: Emmanuel Kasimbazi
Paper Title: Understanding the Perspectives of Sustainable Electricity Generation from Biogas in Africa

Kasimbazi explored the opportunities and limitations inherent in the generation and utilization of biogas energy as an alternative to fossil fuel energy in Africa. He defined biogas energy as anything that can generate energy except for fossil fuels which are not renewable, sources of biogas energy are agricultural crop waste, manure, sewage waste and abattoir waste. Energy production using biogas reduces the risk of climate change. It also provides clean, efficient energy and reduces chronic diseases. The speaker proceeded to discuss the extent to which renewable and clean energy is recognized and promoted under legal instruments in Africa and in other international instruments. He explained that Goal 7 of the Sustainable Development Goal emphasizes access to renewable and cleaner energy for all and the need for reduction on the dependence on fossil fuel consumption. Also, Agenda 2063 emphasizes the utilization of renewable and environmentally friendly energy to propel sustainable development in Africa. In addition, many international instruments such as UNFCCC support the development of biogas for electricity generation. National legal instruments such as the Kenyan

Energy Act 2006, the Uganda Energy Policy 2002 and the Nigerian Electric Power Sector Reform Act 2005 promote the use of biogas. The speaker further noted that Africa has the potential to generate biogas energy and the continent has made some progress in this regard. For instance, many African countries have projects promoting biogas, however, issues such as lack of technology and awareness hinder its growth on the continent. The speaker also explained the challenges to the effectiveness of biogas energy in Africa which include - noise pollution, smell from waste, finance and economic challenges, inadequate capacity to install high volume of biogas, lack of policy and regulatory framework and lack of government support. Government support is key to harnessing biogas energy as evidenced in the success of Germany and Thailand.

The speaker concluded by noting that Africa has the capacity to produce biogas, however lack of awareness, lack of funding and lack of government's support hinder its growth. Awareness needs to be raised so that people know that waste can be used to produce energy.

Question and Answer Session

Q: Do you think small- or large-scale biogas production is more viable in Africa?
A: Yes, both are environmentally friendly. We have the waste, instead of polluting the environment we can take the energy and recycle it. It promotes waste management and enhances power.

Q: What are the benefits of biogas energy over other green energy?
A: We have the source, which is a major benefit. It protects the environment, and instead of sending those waste to the environment, it can used to produce energy. But there is lack of knowledge and awareness about it.

Q: Where should the pressure of lobbying government to adopt biogas and awareness program come from? Citizens, academics, civil society etc.?
A: The faster way to raise awareness of biogas energy is from experts who will bring it to the attention of the government and the government will then put the advice of experts into a policy, communities and civil societies should come later.

Q: What lessons can be learnt from other countries?
A: The government gives the initiative support. African governments hardly provide support. Government supports, policies and experts support are required. Government support is key in driving this project.

Q: What is the economic visibility of biogas in comparison to Hyrdo power?
A: Hydro power produces more, however, biogas can produce small projects for little purposes such as cooking. For instance, it can provide power to a lab for vaccine instead of waiting for a long time for large power projects.

Speaker: Nkiruka Maduekwe
Paper Title: Ensuring Environmentally Sustainable and Climate-Resilient Economies and Communities for the African Child by 2063: Lessons from Kenya

Maduekwe discussed rights of the African child (everyone below the age of 18 years) under various legal instruments in Africa. She noted that Article 24 of the African Charter on the Rights and Welfare of the Child protects rights of children in Africa and that Article 14 of the Charter guarantees every child's right to enjoy the best attainable state of physical, mental, and spiritual health. Furthermore, aspiration 1 of Agenda 2063 protects the right of children to a healthy and well-nourished environment. She however also pointed out that certain factors hinder the right of the African child to a healthy and well-nourished environment. Chief amongst these factors is the impact of climate change on the environment. For instance, due to the impact of climate change, food items have become more expensive – in addition to inadequate nutrition and scarcity of safe drinking water.
The speaker proceeded to explain that certain countries in Africa such as Kenya have enacted laws managing the impact of climate change. For instance, the Kenyan Climate Change Act 2016 and the Constitution of Kenya guarantees the right of every person to a healthy environment. Kenya also has laws guaranteeing the right of children to a healthy society.

Question and Answer Session

Q: Is there any case law in Kenya deciding on the environmental rights of children?
A: There are no case laws on this in Kenya, case laws are mainly focused on land issues.

Q: Kenya seems progressive in environmental issues in Africa, what other countries in Africa can we learn from?
A: South Africa has a law on carbon tax which can be adopted by other countries

Q: What are the challenges to implementing climate change legislation that promotes children's rights in Nigeria?
A: We are working on that, before the end of the year, Nigeria should have one. We are borrowing ideas from Kenyan laws. Nigeria has a Child's Right Act, with the new law and the human rights enforcement rules, we should be able to promote children's environmental rights in Nigeria. Nigeria is not without a framework even though it does not have a climate change Act.

Session 4: Corporate Governance and Tax Reform

Speaker: Daniel Olika
Paper Title: Improving Domestic Resource Mobilization for Actualization of Agenda 2063 Through Effective Taxation in Africa

Olika discussed how the mobilization of financial resources, specifically taxation, can be harnessed to attain the objectives of Agenda 2063 in Africa. The speaker commenced by explaining that the goals of Agenda 2063 cannot be attained without adequate financing, that the Agenda is primarily hinged on Africa's ability to mobilize sufficient financial resources and the utilization of domestic resource mobilization can be used as a mechanism for increasing financial mobilization.

He defined domestic resource mobilization as the process through which countries raise and spend their own funds to provide for their people, and it erases issues such as sovereign debt etc. Increasing tax revenues is one of the ways to optimize domestic resource mobilization. A major challenge however, is the difficulty in implementing taxation in the informal economy. Informal economy refers to those set of economic activities that are not regulated or protected by the government and comprises of micro, small and medium scale enterprises, over 80% of the African population is employed in the informal sector. Nigeria has tried to use bank account transactions and receipts to tax the informal sector, but this strategy has not succeeded so far.

Olika further explained that certain other factors such as the digital economy, illicit financial flows, base erosion, profit shifting and lack of comprehensive tax policy, hinder effective taxation in Nigeria. With regard to the digital economy, many countries in Africa lose tax revenues to tech giants such as Microsoft, Google, and Facebook. The permanent establishment rules are the major reason for this revenue loss. This is a global problem which requires a global solution, and international organizations such as the OECD are exploring solutions to this problem. Some countries are also exploring and imposing digital service tax. Current efforts to improve domestic resource mobilization are adoption of presumptive tax system, imposition of digital service taxes, participation of African countries in the OECD and adoption of national tax policies.

The speaker recommended the following ways to tackle the challenge of effective taxation in Africa: shifting emphasis from formalization of the informal economy to tackling multiple taxation issues in the informal economy, providing incentives for participation in the formal economy, increasing the use of technology, implementing voluntary tax declaration programs, conducting regular review of tax laws and active participation in the OECD by African countries.

Question and Answer Session

Q: What's the incentive to pay taxes if tax revenues end up being mismanaged?
A: A way to tackle this is to fight illicit financial flows and ensure that tax revenues generated within the continent are used for the purpose for which they are generated. Regardless of whether tax revenues would be allotted, tax revenues need to be mobilized and collected.

Q: Has there been any effort at regional integration in Africa to come up with a regional policy on taxes?
A: Taxation is jurisdictional, it goes to foundational issues of sovereignty, therefore it is within the state competence to enact tax laws and policies. There are no efforts at the regional level to create integration on tax policies, we only have tax treaties between member states.

Q: Do you know if any African country has received funding from developmental banks to assist with institution building?
A: I am not aware that any state has received aid, but some have received support for technical capacity to cater to issues relating to international tax laws through the provision of training to African tax authorities.

Q: Do you think exempting small businesses from taxation is a good thing and an improvement for African countries?
A: Exemptions in tax law are based on the tax principle of fairness to put less burden on businesses and provide opportunities for businesses to grow. These businesses are considered the life blood of developing countries and exemption should continue to be granted to them. Data seems to suggest that it improves revenue one way or the other based on a statistical analysis conducted.

Speaker: Stanley Omotor
Paper Title: Agenda 2063 and AfCFTA: Do We Need More Tax Treaties?

Omotor examined the relationship between Agenda 2063 and the Agreement establishing the African Continental Free Trade Area ("AfCFTA"/"Agreement") in identifying whether African countries need more tax treaties to achieve the objectives of both the Agenda and the Agreement. The speaker began by explaining that one of the Call to Actions in Agenda 2063 is to establish a free trade area in the continent. The speaker noted that this call to action was realised following the establishment of the AfCFTA which came into force in 2019 and the commencement of formal trading under the Agreement on January 1, 2021. The speaker added that the Agreement establishes a single and liberalized market for goods and services and requires State parties to progressively eliminate tariffs and non-tariff barriers to trade. The speaker used two case scenarios to demonstrate how the free movement of goods and services across the continent is envisaged under the AfCFTA but pointed out a gap - tax treaty gap- in the current trade and economic relations in the continent. Omotor noted that many African countries have less than 6 tax treaties with other African countries and this may pose a challenge in achieving the objectives of Agenda 2063 and the Agreement. The speaker compared this situation with the US-Mexico-Canada Agreement and the Regional Comprehensive Partnership. On the implication of tax treaties on foreign direct investments, the speaker explained that multinational companies often examine tax implications and concerns before investing, therefore, tax treaties affect the level of FDI which a country receives.

Omotor therefore recommended that the AU should lead conversations on tax treaties amongst African nations, and that the UN model on tax treaties should be adopted with modifications and caution in negotiating these tax treaties. He added that African countries should also negotiate more favourable tax treaties with other developed countries such as the US, China, Canada, UK, and Australia.

Question and Answer Session

Q: What is the implication of tax treaties on tax exemption? Does it not impact tax revenues, particularly poor countries? How do we strike a balance between tax treaties and harnessing tax revenues?
A: Tax treaties regulates double taxation; it does not reduce domestic taxation revenue. It will increase economic activities but curtail double taxation.

Q: Fuel subsidy, what is the position of the treaty in addressing fuel subsidy where fuel is taken to other countries after producing?

A: The treaty allows countries to prevent low price foreign products from entering into their economy by adopting. It is left for the government to ensure that the cost of production is not too high compared to other countries.

Speaker: Oludolapo Makinde
Paper Title: Corruption, Corporations and Agenda 2063

Makinde examined how Artificial Intelligence (AI), corporate governance (CG) strategies and Corporate Social Responsibility (CSR) strategies can be utilized to combat corruption in corporations. She started by explaining that corporations play a huge role in promoting sustainable development in Africa and they can be utilized in attaining the objectives of Agenda 2063. She however noted that corruption hinders corporations from achieving their sustainable development objectives. The speaker also examined corruption in Africa through a TWAIL lens, stating that there exists a belief that African states are very corrupt since they are always ranked very low on the transparency index scale.

Makinde explained that multinational corporations often import corruption risk from their countries in the global north to countries in the south, including Africa as anti-corruption laws in the north are more stringent. She further explained that the low standard of living in African countries pushes many people to engage in petty bribery to make ends meet, and that this is one of the underlying causes of corruption. The speaker suggested that corruption in Africa can be addressed through CG strategies, AI, and CSR principles. CG and CSR principles can motivate companies to consider the impact of their activities on stakeholders and the larger community when making decisions. AI has the ability to predict and even prevent corruption. CG and CSR principles promote the establishment of corporate anti-bribery policies, CSR nudges companies to take internal steps to curtail anti-bribery policies, and it fosters the principle of accountability and transparency of companies. She also noted that institutional shareholders can demand action on environmental, social and governance (ESG) issues including corruption.

In terms of AI, regtech can be used to enhance business regulation using information technology. AI could take the form of social media, algorithms, machine learning, amongst other things. Many of which are being used in the public sector across the world including India, Brazil, and Ukraine. In fact, in some countries a search can be through a database to determine if an individual is corrupt. AI provides a platform for someone to sift through large database.

The speaker also discussed a number of challenges to the utilization of CG, CSR principles and AI to combat corruption. This includes concerns that AI negatively affects the right to privacy and other human rights issues, low utilization of digitalization process in Africa, CG and CSR measures can be reduced to box ticking exercise, CSR can be utilized as a tool for fraud, and the need to be mindful of replicating western-centric perspectives.

Question and Answer Session

Q: Are there ways to overcome the challenges of using AI to combat corruption?
A: It is not clear how to combat the issue of bias in AI. In utilizing AI, we should look at issues from an African lens and consider how it fits into African culture.

Q: With the challenges of enforcement mechanisms, political will, and institutions to enforce these ideas, how do you think Agenda 2063 can raise awareness of certain challenges relating to enforcement?
A: The underlying factor behind most of the challenges in Africa is corruption. Citizens need to start challenging the corrupt and questionable practices of multinational corporations and governments.

Q: Can we talk more about the TWAIL approach to corruption?
A: For instance, tipping is legal in western culture, but in the African setting, gift giving as a form of appreciating work done, is considered to be a form of corruption. Is there a substantial difference between the two? Also, in the north, lobbying is not considered corruption, but shouldn't it be? These are questions we need to avert our minds to. Also, African governments need to avoid adopting anti-corruption laws without considering how they affect the African citizenry.

Wednesday, June 23, 2021

Session 5: Women and Gender Equality

Speaker: Luwam Dirar
Paper Title: The Emancipation Conundrum: Decolonization, Law, and Gender in Eritrea, South Africa, and Nigeria

In this presentation, Dirar discussed women's emancipation in Africa in the past, the present, and the potentials for advancement in the future. Starting with the past, Dirar argued that the African Union (formerly the Organization for African Unity (OAU)) excluded the concerns of women and the OAU relegated women's interests to a gradual realization process without any sense of urgency. Instead, the OAU chose to focus on the anti-apartheid, decolonization movements and achieving equality with other states across the globe.

The speaker also asserted that women and men did not have a shared idea of emancipation in the past. In Eritrea, for instance, women expected equality while men expected women, especially the independence fighters, to be masculine in order to belong to the guerrilla. Next, Dirar highlighted Margaret Ekpo in Nigeria and argued that the Parliament of Nigeria and Northern Cameroun did not support her efforts to secure a seat in Parliament in 1959 because they saw women as privies to their male family members in community organizations and politics. Women's participation in women-specific issues, including women's emancipation, was seen as secondary to political freedom. African leaders such as Kwame Nkrumah supported this position. The speaker further argued that the OAU rejected arguments by women leaders for inclusion based on a quota system implemented beyond the state level.

Finally, Dirar questioned the primary contradiction in achieving gender equality in the post-colonial period, noting that there are long-lasting effects on women's participation in political leadership in Africa because women's issues remain divorced from the prevalent African social issues.

Question and Answer Session

Comment by participant: The situation in South Africa highlights the work by South African women/feminist leaders even in the face of the prioritization of the anti-apartheid struggle.

Q: Does your research look into the contributions of past African leaders like Thomas Sankara? His thoughts concerning the exclusion of women and the hierarchy of issues differed from that of Haile Selassie, Kwame Nkrumah, and Julius Nyerere. Also, does the current African human rights system and ideas provide potential solutions to many of the present struggles?
A: My research has not explored Sankara's position as my focus was limited to Selassie etc. Regarding the second question, I am still trying to figure out what next. I find that human rights discourse has not been beneficial concerning the issues I seek to address and has its problems. I believe that there is room for more judicial activism at this stage but is conceptualizing her framework for this approach.

Q: How does your paper engage with the pre and post-colonial position?
A: My focus period starts from the 1950s, including the colonial period under Ethiopia's Selassie. Selassie demonstrated an anti-colonial stance on the global stage, but domestically, subjugation of Eritrean people and women continued. However, my study focuses on how political actors understood women's rights.

Q: Is there anything in the past period of women's leadership that we can look to as the next step? This approach would move the discourse beyond a western feminist approach towards more indigenous African feminist approaches.
A: While it is a struggle to move away from Eurocentric feminist thought, the movement was complex, and the experiences varied. Therefore, it is difficult to find some uniformity of narrative to form an indigenous feminist approach. My approach is to capture the broader experience as much as possible.

Q: Are any generalizable achievements from the past?
A: The idea of success in women's participation, according to African leaders, involves doing the bare minimum, which should not qualify as achievements.

Comment by participant: It is also important to contextualize the pre-colonial period to avoid erasing women's activism during that time. Such erasure is something that often occurs in post-colonial theory.

Q: Why did you choose to focus on the three countries mentioned in your paper?
A: Eritrea is interesting because it was not considered a colony in the traditional sense. Nigeria was a typical colony with significant experiences of women's leadership. I chose South Africa because of its unique experience with apartheid and colonization.

Comment by participant: Suggested a book by Veronica Bruey titled "Patriarchy in Africa" as a helpful resource, especially as it contains a chapter on Eritrea's experience with patriarchy.

Speaker: Rita Ozoemena
Paper Title: A people-driven Development of the African Union: Exploring Opportunities for Gender Equality

In this presentation, Ozoemena started by focusing on the conception of people within the African Union (AU) framework and how that informed attitudes to gender equality. She noted that there is a shift regarding development in Africa, and her research examined gender equality within that shift.

The presentation also looked at the AU agenda over the past 50 years and the AU gender framework and conception of gender to achieve Agenda 2063. She noted that the notion of people in the African Charter of Human and Peoples' Rights (ACHPR) does not include any specific definition of people but instead highlights the enshrined rights and how various groups in Africa claim these rights. According to specific markers, the Charter describes 'people' by their shared interests, territorial link, group identity, etc. Groups like the Niger Delta people in Nigeria consolidated their identity as a distinct group using these markers.

Ozoemena argued that the concept of people in the ACHPR reinforces patriarchy and the hierarchy between men and women. The Charter does not explicitly recognize women, but also, the AU's focus was to avoid external domination and achieve emancipation for African states. The AU gender framework, which encompasses legislative instruments like the AU Solemn Declaration on Gender Equality in Africa and the Constitutive Act of the African Union, recognizes some provisions on gender equality. However, this is geared towards acceptability by the international community rather than addressing the equality concerns raised by women.

Looking towards the future, the speaker observes some improvement in women's participation in leadership and governance in Africa but that there are continuing constraints regarding issues relating to socio-economic inclusion and sexual and gender-based violence. Concerning gender roles, women remain mainly involved in the private sphere, where their efforts often go unnoticed and unappreciated. Additionally, research shows that achieving gender parity on socio-economic and political issues will take a significant amount of time.

Looking at the AU Agenda 2063, Ozoemena concluded that the AU is hoping for a people-driven approach to development which will require partnership and participation from women and women groups.

Question and Answer Session

Q: Please further explain how we can rethink women's rights on the continent to take the gender question more seriously.
A: The focus should be on the right to development. This approach reaffirms community in contrast with the human rights approach, which is more individualistic. The African community faces attitudinal challenges that hinder continental development. Addressing this challenge is key to realizing that it is unnecessary to look elsewhere for a development plan and aid beyond what we have in Africa.

Q: With reference to the patriarchal connotations of the term 'we the people' in different constitutional provisions of African countries – is its use in the African context a borrowed term or is it simply your critique that the term is patriarchal?

A: It is my critique of how the various constitutions denote people as a concept and based on women's reality in the political space, which remains poor.

Q: With reference to your concluding statement that "the future is female," as well as your analysis of people as a concept and its impact on gender equality in socio-economic spaces – do you worry about achieving these aspirations in respect of women's participation and inclusion?

A: While I am worried about how we will get there, fundamental to progress is the attitudinal change I spoke about and provides examples from Namibia and Tanzania concerning changes to particular cultural practices harmful to women. The fact that the AU is also focusing on a people-driven approach to change, particularly the involvement of women and youth, shows change and progress.

Comment by participant: on whether the term "we the people" is a borrowed term. Commenter notes that in Agenda 2063, the AU seems to be asking the international community to respect the vision of the AU and its members for themselves. She suggests that the Agenda's drafters were perhaps looking at their independence but that the term may not reflect any particular meaning. In response, Ozoemena noted that in the context of the right to development, African leaders recognize that we are a people regardless of how the term was derived.

Speaker: Anna Sallah
Paper Title: The Missing Link: Reflecting the Social Fabric in the Legal Implementation Measures Against Female Genital Circumcision in Africa

Sallah's presentation focused on the persistent occurrence of Female Genital Circumcision (FGC)/Female Genital Mutilation (FGM) despite its criminalization and argues that critically examining the legislative frameworks is key to understanding its continuous occurrence. Sallah also contends that the context of social and cultural interaction of society with its laws requires some attention. She found that the western framework of international law is opposed to cultural norms in Africa. Using the Third World Approach to International Law (TWAIL), she traced the history of international law to demonstrate this. She identified the Treaty of Westphalia as a critical building block of international law. As a result, international law represents Roman antiquities and Christianity. The concept of civilization in international law embodied these sources, and the Europeans used it to displace African social constructs under the guise of international law. Therefore, colonialism and post-colonialism reflect how international law with its European origins impacts Africa's social and cultural experiences.

Sallah's position is that because international law is opposed to African social constructs, it does not impact the normative ideals of FGM in the communities where the practice remains. Using deterrence theory, she also argues that international law does not deter FGM because FGM is, in fact, a normative crime – those who practice it have conflicting internal standards and have not internalized the criminalizing law as a norm. Consequently, the speaker found that deterrence through law needs to be sensitive to people's inner convictions about FGM. Using theoretical approaches of legal pluralism and 'vernacularization' as propounded by Sally Engle Merry and others, she suggests that the way

forward lies in localizing international laws and norms rather than a 'copy/paste' approach. Accordingly, international law should merge with African customs and social norms to have the desired effect.

Sallah concluded that with regard to Agenda 2063, this approach considers the intersectionality of African women and the issues they face.

Question and Answer Session

Q: Is reforming international law or replacing it a way forward and how we can account for the contradictions within local customs in seeking to localize international norms?
A: It is not realistic to replace the present international law entirely as not everything in international law is bad. Reforming works within the system, and the reality is that we sometimes need the partnership with the 'West' while maintaining an African perspective. Regarding conflicting customs, Sallah argued that leaders influence change, and while there may be different thought-leaders around a particular issue like FGM, the approach may be to form a coalition with leaders who are willing to explore the changes suggested.

Q: Have you looked at the idea that legislation is not the best way to change attitudes as legislation may 'nocturnalize' practices like FGM? Instead, we should be looking at the law's limit and how attitudinal change may be a better focus.
A: The law remains vital because it criminalizes FGM already, and so it needs to be examined due to its implications for families. While I am aware of myriad of options or alternative approaches, I did not look at all of them.

Q: Culture influences law and vice versa, so the law is a significant contributor to the FGM conversation. FGM has its proponents, including among women, and the way forward may involve reaching some sort of compromise. For instance, former President Sirleaf of Liberia banned FGM for girls under 18 to require consent before performing FGM. Has the speaker considered this an acceptable option? Also contrast this with another example of Kenya where the courts recently denied the right of an adult woman to FGM as it was against domestic and international law.
A: The main issue with FGM is that practitioners force FGM upon minors. In adulthood, there would be individual agency, so this may be a good compromise. Even if we accept agency/adulthood, there remains the issue of community pressure which plays a significant role in individual decisions.

Session 6: Responses to COVID-19 – the State and Economy

Speaker: Dunia Zongwe
Paper Title: Your Wallet or Your Lungs; Juggling Between Employment Rights, Efficiency and Public Health During Pandemic

Zongwe discussed the impact of the Covid-19 pandemic and the resulting lockdown on employment contracts and the rights of employees. He commenced by noting that the Covid-19 pandemic is

presented as a dilemma between saving lives and saving the economy, juggling three concerns – health, employment and efficiency.

The speaker explained that government responses to the covid-19 pandemic include declaration of state of emergency, passing special emergency regulation and regulations addressing the impact of covid-19 on health. For instance, in Kenya, the government declared a public health emergency after Covid-19 broke out, however, existing legal framework - contract law and labour law did not anticipate the pandemic and are ill-suited to address the economic and employment challenges brought about by the pandemic. Employment laws in South Africa, Kenya and Namibia restrict employers' ability to amend contract terms due to the effect of the pandemic.

Zongwe recommended that the "cheapest-cost avoider" (CCA) principle should determine whether to change contract terms or retrench employees as a result of the pandemic. In Kenya, the least cost avoidable principles holds that the law must allow businesses to change terms or retrench employees insofar as emergency declarations or regulations have frustrated the performance of contracts. The speaker suggested that governments should agree to pay employers to retain employees since they have the capacity to do that, and that this strategy will make governments more cautious when making decisions.

Question and Answer Session

Q: What is the implication of Covid-19 and health intersection on Agenda 2063?
A: Regulations on Covid-19 have had an impact on cross border trade. In many instances, the volume of trade decreased. The cheapest cost avoidance principle takes into account that the decisions of the government have an impact on health, employment and cross border trade.

Q: How do the recommendations of the paper play a role in Agenda 2063?
A: Health is related to Agenda 2063. Some of the regulations on health made by governments have indirect impacts on cross border trade, entrepreneurship and long-term employment.

Q: Can most African countries afford to pay employers to keep employees?
A: African governments will likely be unable to pay employers, and if government cannot afford to pay why should employers pay? Government can generate funds internally, borrow from international organizations. Businesses cannot afford or do not have the capacity to generate such funds or borrow money. If such a burden is imposed on businesses, that will result in businesses performing humanitarian duties which the government ought to perform.

Q: Is efficiency the best area to focus on in terms of the impact of the pandemic on trade and employment?
A: Many developing countries have scarce resources. In this case, employment is scarce and limited and we have to ask ourselves, "how do we deal with scarce resources particularly in the context of the Agenda?" We have to think economically.

Speakers: Linda Mushoriwa & Esther Njieassam
Paper Title: Covid-19 and the African Union's Agenda 2063: Realizing Africa's Aspiration for a Peaceful and Secure Africa in the Face of a Global Health Crisis

Mushoriwa and Njieassam examined the challenge of peace and security in Africa and how insecurity, particularly in Mozambique and in other parts of Africa may hinder the attainment of the objectives of Agenda 2063. The speakers examined the conflict in Mozambique, how Covid-19 escalated the conflict and what can be done by international organizations to ameliorate the conflict. The speakers commenced by discussing relevant policies and laws addressing peace and security in Africa.
They proceeded to discuss the nature of the conflict in Mozambique and stated that marginalization is the main reason for the conflict which grew in size in the beginning of 2020. The conflict has led to 623 people being displaced and over 2000 dead. Humanitarian crisis is in force in Mozambique, as there have been extra judicial killings and execution of civilians, firing into crowds etc. These challenges not only pose a threat to life but also to foreign direct investment opportunities, and consequently, a threat to socio-economic growth in the country. It further poses a challenge to peace in the eastern part of Africa.

The speakers further discussed the impact of covid-19 on the conflict in Mozambique. They noted that the covid-19 pandemic exacerbated the already fragile situation in some parts of Mozambique, as it provided an opportunity for the groups to plan and make more aggressive attacks. In addition, Mozambique has inadequate health infrastructures to respond to the covid-19 pandemic. There are no systems in place to adequately cater for the needs of citizens. People are more afraid of the conflict than the pandemic.

Mushoriwa and Njieassam explained that due to the principle of subsidiarity, the AU is incapacitated in responding to the crisis in Mozambique. The principle states that if there is a regional organization that can directly deal with a conflict in a region, such regional organization should handle it, and other international organizations should not hinder such efforts. Thus, the AU has not taken any concrete steps to deal with it. The SADC (the regional organization) have met to discuss the conflict in Mozambique but are yet to take concrete steps to address the conflict. The SADC has however deployed its military to the conflict zone – which the speakers hope is a good step towards resolving the conflict.

Question and Answer Session

Q: What legal frameworks are required to ensure that regional bodies and states can respond to conflict during the Covid-19 crisis?
A: This is an unprecedented conflict, so the legal framework on how the AU and other regional bodies respond to conflict is the Constitutive Act. Therefore, the Act should be amended to address the issues of conflict and the global pandemic. It is mainly about how individual countries respond to Covid-19 - that is more important than regional organizations.

Q: Should the Mozambique government take a huge chunk of the blame since the pandemic has exacerbated the conflict?

A: The government is also to blame. By hiring private military companies to tackle the conflict, it exacerbated the conflict. How do we prosecute companies that are not held accountable under international law and international humanitarian law?

Speakers: Zvikomborero Chadambuka & Altayesh Terefe
Paper Title: COVID-19's Implications: On Institutionalizing Social Assistance Schemes in Sub-Saharan Africa

Chadambuka and Terefe discussed the viability of the social assistance measures carried out by African countries during the pandemic. The speakers noted that the measures adopted have negatively affected the continent, particularly, the informal economy. The speakers commenced by explaining that the informal economy plays an important role in poverty alleviation in Africa and stated that it enables governments to avoid the cost of social assistance and escape responsibility for high unemployment. The speakers explained that the pandemic caused socio-economic issues and the responses adopted by governments further exacerbated the socio-economic impact of the pandemic. Governments adopted the following preventive measures to address the health impact of the pandemic; international travel bans, quarantine rules, restriction on movements and lockdown. These measures brought with them economic challenges, including income loss due to the lack of market access, rising unemployment, slowing down the already sluggish economic growth and aggravating poverty.
Chadambuka and Terefe recommended certain measures to combat the social impact of the pandemic including decentralizing the distribution of incentives to alleviate the impact of the pandemic. Also, pandemic governance is generally executive-centered; institutionalization needs to make it less executive-centric because corruption could be high.

Question and Answer Session

Q: What are the tradeoffs of social assistance schemes? If African governments extend social assistance to all citizens, isn't there a risk that the debt burden will become unsustainable? What is the trade off in respect of other investments and priorities of government? How many African countries have the capacity to collect the taxes needed to support social assistance?
A: There is a capacity to improve the tax system and other systems. There exists some capacity in terms of financial and other resources. But there is a broader reform issue, the issue of social assistance scheme cannot be considered in isolation. There are many tradeoffs that need to be made. In the short run, there might be financial strain on the state, and they may need to reshuffle their public spending to respond to priorities regarding public welfare.

Q: In the informal sector, how does social and health determinant play a role in social assistance schemes?
A: It's an exchange between the government and the people.

Session 7: Land and Livelihoods

Speaker: Mary Jiyani
Paper Title: Re-imagining African Land Rights Using a Decolonial Framework: Land Reform in Malawi

Jiyani discussed the history of land reforms/ownership and features of colonial land law in Malawi. Colonial land ownership is defined as formal whereas indigenous ownership is described as extra judicial and informal. She explained that the features of colonial land law in Africa dependencies are land rights centered on crown & settler interests not indigenous policies, widespread alienation of land to the crown and settlers, insecure and undefined rights for indigenous inhabitants, linear progression – commonly held land to privately held land.

The speaker explained that land law reforms in Malawi are due to increasing globalization and market liberalization, and that economic theories suggest that "formal" land tenure rights facilitate financial capital formation. Customary land rights in Malawi fall in two categories: Matrilineal & Uxorilocal and Patrilineal & Virilocal. however, colonialism did not acknowledge any of these types of ownership. After Malawi gained independence in 1964, the government argued that these customary forms of land ownership have been immobilized and stuck in the family stage. The land tenure mirrored the colonial system, thus, creating a silent land crisis until 1994.

Jiyani further explained that the land reform of 2016 commenced in 1996. The Presidential Commission accepted that granting certificates of claim was detrimental to indigenous communities but for political and economic expediency, the state should refrain from overturning these rights. There are now two types of land rights in Malawi – public and private. In conclusion, the speaker identified the vestiges of coloniality which are edifice of property, influence of Bretton Woods Institutions and social conflict.

Question and Answer Session

Q: To what extent is it possible to escape the clutches/vestiges of colonialism in land tenure system in African countries?
A: It is very difficult, if at all possible, to escape it. Malawi is severely under resourced and relies on Bretton Woods institutions to survive so they have to abide by their rules.

Q: How much of the land is still in the hands of settlers and how is this being addressed? How does land ownership affect livelihood in Malawi, particularly the youths in agriculture and other livelihoods that involve land ownership?
A: Not very many lands are in the hands of settlers. The majority of land ownership is with indigenous Malawians. The type of land in the hands of indigenous Malawians is what is in question, the most desirable lands for agriculture are with the settlers. There is also a big problem with land grabbing by multinational companies which affects indigenous rights over lands.

Q: Did you look into Namibia's land tenure?
A: No, I am yet to because of its colonial history.

Q: International financial institutions often say that property rights are a key feature of development, and that any attempt at land reforms particularly indigenous ownership is often considered backward. What is your opinion on this?

A: It is often argued that customary land systems are the reason why African countries have not been progressive and some studies have tried to counter this argument. It is a question of not showing how it will not hinder development. Common law systems also pose some challenges as well. If common law systems are not adopted, it affects its effectiveness. So, there is a need to work within the existing framework to gain acceptance.

Speaker: Temitayo Olarewaju
Paper Title: International Law and Land Grabs: Hollowed Hope of Justice

Olarewaju discussed the role of international law in curtailing land grabs particularly in the context of international criminal law. The speaker commenced by exploring the meaning of land grabs, He explained that land grabs vary in terms of inclusion or exclusion of foreigners in a particular jurisdiction, land size, relevant jurisdiction, manner of acquisitions and use of land. He asserted that in a way, international law curtails and encourages land grabs.

The speaker noted a number of criticisms of international law's current engagement in relation to land grabs, including neo-colonialism, affective and fiction of justice project, legal pluralism and benefit of the global north. Despite these criticisms, critical scholars still have a measure of hope that international law can be utilized to achieve justice on land grab issues for the following reasons: optimism, absence of alternative, hegemonic pragmatism, hegemonic contestation and faith in international law.

Comment: Efforts by the global south to reclaim and assert themselves under international law has proved abortive. There is a need to work round illegitimate institutions to push for change. Rather than giving up and letting international law be despite its many inadequacies, it is better to work with international institutions and transform them from the inside out.

Question and Answer Session

Q: What made you interested in land grabs and international law?

A: Historically, international law has not done a lot of good in relation to land grabs and marginalized people. Despite the wrongs of international law or inefficiency, most critical scholars still have some faith that international law can do some good.

Q: How would you look at international law as an obstruction to the achievement of the Agenda 2063 considering that most of the international law is Eurocentric?

A: This relates to a conversation on conception of property, how international organizations are putting forward a conception of property in line with western values. International law has promoted a lot of wrongs or some inconsistent ideas in Africa but if considered further, certain theories can still be utilized for some good in Africa.

Q: The disappearance of corporations in international land grabs regime. Has international criminal law been effective in identifying private companies involved in inequitable distribution of land?
A: International criminal law will not solve this problem; it is usually easier to go under civil law. I think that forming a conception of how international law can prevent land grabs would be helpful. Land grabs appear to be prioritized under international criminal law by the new President of the court. The absence of the answerability of corporations in international law is a major criticism of international law.

Q: Did you discover any countries that tried to create an alternative method of land ownership that has been successful?
A: Scholars have argued that if states fail to comply with international law, they might be worse off as they might prevent foreign investments (not referring to land matters on this issue). I cannot think about any country that has successfully done away with colonialism and prioritized customary law entirely. What we have now are better ways to formalize customary land ownership and not prioritize them.

Thursday, June 24, 2021

Session 8: Continental Integration

Speaker: Brenda Kombo
Paper Title: De-Centering Legal Expertise in the Quest for an Emancipatory African Continental Free Trade Area (AfCFTA)

Kombo explored the need to rethink the role of law in attaining the objectives of AfCFTA. She commenced by analyzing the role of free trade as a major factor for economic integration and growth in Africa and the various policies and laws promoting economic integration in Africa whilst emphasizing the role of law in attaining the economic integration objectives of these policies.
The speaker further explained that to achieve the objectives of the AfCFTA, it has to be implemented within the framework of international trade law (WTO). However, the AfCFTA is silent on human rights, environmental protection, and African values. Kombo concluded that questioning the role of law and its relationship to politics and social change, can render more visible, the diverse change of legal arrangement that can promote free trade to realize the Africa we want.

Question and Answer Session

Q: What do you think about the role of law vis-à-vis politics in the attainment of the objectives of AfCFTA?
A: Trying to challenge the dichotomy between law and politics, using the law as an enforcement mechanism that countries follow through in their agreement such as the Lagos Plan of Action. The law should not be thrown out, but a nuanced approach where the law is not at the center can be mobilized to achieve the objectives of the AfCFTA.

Q: How can the law relate/link to other normative systems such as politics to achieve the objectives of AfCFTA?
A: We recognize the impact of colonialism and how it was responsible for creating links between different systems of law (customary, state etc.). We are developing laws that respond to needs, we should not throw out the law or rely on the law exclusively but use the law creatively to attain the objectives of the rules.

Q: For the judicial system to propel social change you need certain agreements within the society to drive the social change. If there is a consensus on the social change, the judicial system will drive change. Do you have some suggestions on how consensus can be attained to drive social change?
A: Eastern countries failed because they have not developed a consensus on the role of law. Perhaps the first step is to establish a democratic consensus on the goals of social change. Maybe the consensus exists in the documents of the AU and OAU as countries have ratified these agreements to govern them. The role of the law can be to serve as a facilitating force to achieve these objectives.

Speaker: Dennis Ndambo
Paper Title: Pan-Africanism Re-Emerging: The African Continental Free Trade Area as a Prism for Re-interpreting International Law

Ndambo explored Africa's contributions to international law and international trade law. He commenced by noting that the history of international law has been narrated from a European/Western/global north perspective, however social scientists have provided evidence of African, Arabic, Chinese and Indian societies' contribution to international law. For instance, some scholars have explained that certain international principles have their origin in practices of ancient communities in Africa, Asia, and Latin America. The speaker further explained that trade and cooperation between cultures of ancient Africa, Middle East, Indian and China gave rise to the nascent rules of international trade law.

Ndambo proceeded to discuss the Pan-African movement and the different institutions and initiatives involved in the movement. He also discussed how the OAU was replaced with the AU and the guiding principles of the AU. In addition, the role of African states in the UN was discussed. African states succeeded in enlarging the membership of the UN Security Council and the Economic and Security Council. The speaker also talked about the role of African states at the WTO, noting that Africa played an influential role in negotiations during the various WTO rounds. He further discussed the following roles of AfCFTA in strengthening Africa's trade and regional supply chains. The AfCFTA is likely to give structural and financial support to informal workers. The AfCFTA can be seen as a Pan-Africanist strategy as the AfCFTA has been formulated to foster solidarity within the African continent. The AfCFTA could also help avoid some of the major defects of the WTO and challenge the bias in the international legal system. Ndambo concluded by recommending that Africa should interpret and modify laws to suit the challenges and nuances of the environment which in which it is to be applied.

Question and Answer Session

Q: How do you look at Pan-Africanism in the light of AfCFTA?

A: The presentation could be construed as examining the potential of AfCFTA. The AfCFTA however seems to be a bit confusing. For instance, it seeks to achieve certain goals but adopts other existing principles of international law. We can however reinterpret international law to suit our circumstances.

Speaker: Roselyne Okech
Paper Title: Promoting Regional Tourism in Africa: Lessons, Challenges & Prospects

Okech discussed how to harness Africa's potential in tourism to the fullest. She started by discussing the potential of tourism as a viable economic activity. She stated that consumer spending in hospitality and recreation in Africa is projected to reach about $261.77 billion by 2030. Many countries have recognized the advantages of international tourism in the economy. However, African tourism is threatened by land availability, investors' access to finance, taxes on tourism investments, low levels of tourism skills, lack of security of safety, high crime, public health, visa requirements, red tape, and bureaucracy.

The speaker further explained that there has been a steady regional tourism growth in few countries, and there is a need to harness overall economic development in these countries. However, many African countries still fail to fully understand tourism's potential as a driver of economic development. Furthermore, infrastructure and ICT are central to the promotion of tourism in Africa, the current level of ICT is low and needs to be improved upon to promote tourism in Africa.

Okech also discussed how African countries can adopt some best practices from the European Union in harnessing the economic benefits of tourism. The EU encourages free movement in terms of passport/visa and single currency between Europeans which promotes stronger tourism activities and trade in the EU. She suggested that Africa consider the adoption of visa free travel and one uniform currency to enhance greater economic reforms and remove hinderances and roadblocks in visa applications. Okech concluded by discussing certain challenges to tourism cooperation in Africa which include lack of cooperation amongst member states to agree on a legal framework, trade technology and industry, corruption, terrorist threats, security and crime, multilingualism, and tribalism as well as political power.

Question and Answer Session

Q: All the conditions for the attainment of African tourism such as single currency and visa free travel are not impossible, but the political dynamics of leaders in power and the prevailing misconceived idea of sovereignty hinders it. How do you think we can address this issue?
A: Certain people – particularly people in power hinder the attainment of economic power and prefer to keep the people poor.

Speaker: Micheal Addaney
Paper Title: Governing for Socio-Economic Development in Africa: The Strategic role of the AUDA/NEPAD Development Agency

Addaney discussed the role of AUDUA/NEPAD in delivering and implementing the objectives of Agenda 2063. He started by explaining that the AUDUA/NEPAD are responsible for delivering on the objectives of Agenda 2063, including effective planning and implementation of policies necessary to give effect to the Agenda. The evolution of NEPAD is a necessary step towards enhancing socio-economic governance in delivering sustainable development in Africa. The AUDUA/NEPAD is also taking the role of encouraging research on the area of economic development in Africa.

The speaker proceeded to discuss the shortcomings of these organizations in attaining their objectives and how the strategies adopted by these organizations are inadequate. First, the Agenda is not people-driven as a lot of people are not aware of its existence, let alone aware of their role in achieving its objectives. Second, they have failed to have a face in many African countries. Furthermore, the organizations focus on poverty reduction without defining the term itself and do this by seeking international support. Addaney recommended that organizations should rely on internal support and resources to achieve the African goal of development. He further emphasized that it is important they rely on Africa's internal resources in exceptional cases, on external resources, and also address the lack of anticipatory governance and planning based on unique conditions of Africa. Addaney noted that the AUDUA/NEPAD is a structural mandate, and its effectiveness will determine how it is fleshed out and structured in the coming years.

Question and Answer Session

Q: Is there a paradigm shift even with the new mandate for NEPAD?
A: At least on paper we see a paradigm shift in terms of policy making but the question is how to transform this into reality.

Q: Part of the critique of NEPAD is its adoption of a new liberal approach in achieving its mandate. Can we see them doing things differently?
A: The NEPAD is considered an international organization tailored in conformity with UN institutions. It's a "copy and paste" situation. Instead, Africa should frame institutions in a way that conforms with the demands of Africa.

Session 9: Technology and Development

Speaker: Jake Okechukwu
Paper Title: Legitimizing Artificial Intelligence for Human Rights in Africa

Okechukwu commenced this session by mentioning the importance of artificial intelligence (AI) to Agenda 2063. He mentioned that Agenda 2063 is impossible without AI because of the pivotal role AI plays as the driver of the 4th industrial revolution. Re- imagining agenda 2063 will therefore require a re-imagination of AI in Africa. AI is still a foreign concept therefore Africans need to think critically

of the impact of AI and its role within the continent. This will also require re-imagining the socio-legal foundations in Africa.

AI is defined as technology trained to act naturally and although there is no legal definition for AI, the use of AI is ubiquitous in Africa. Human Rights is used to refer to standards that allow people to live and interact. Africa can be viewed as comprising of the geographical location, the ideas or as including Africans in the diaspora. It is to determine the definition of Agenda 2063 refers to.

In order to legitimize AI in Africa, different frames need to be considered. A legal legitimization will comprise of rules and laws that guide the development and deployment of AI. A regional African framework containing guiding principles and norm settings will be required. Another frame is institutional legitimization. This refers to laws enacted and enforced as guiding principles for product domination or resistance. The final frame considered is popular legitimization. This includes inculturation and the process through which an ideology becomes recognized as norms and conventions is.

To legitimate AI in Africa, varied legitimacy, African legitimacy, and innovative legitimacy were recommended. Varied Legitimacy refers to leapfrogging to 2063 that is self-propelled and relativist. African legitimacy defines which AI to legitimize and which not to legitimize based on the unique situations in Africa. These systems should be conversant with norms and culture. It should also be home grown, safe, and collaborative. It should not allow algorithmic bias or scientific racism that excludes peoples, languages either consciously or through a lack of representation. Innovative legitimacy can hypothetically be described as "letting the masquerade dance in tennis shoes." Okechukwu concluded by stating that legitimizing AI for Africa will require innovation that recognizes the uniqueness of Africans and Africa.

Question and Answer Session

Q: Are you suggesting that AI should be homegrown / local. What about AI through cross border interactions especially since the data used to build these are voluntarily given. Plus is it possible to control AI in Africa?
A: I am for home grown AI but I also acknowledge that some may not be homegrown. When it is not homegrown, it should be safe. AI is faced with a myriad of challenges including human rights concerns, security, and more. Africans don't own the backend of these AI tools and data is often being used although rules may be used to control these. Although some rules exist, they are not thorough.

Q: Recently farmers in India were protesting the introduction of AI for agriculture. Is AI in agriculture beneficial or detrimental?
A: AI is reactive. It gets to a region even before rules are created. AI systems have been helpful for agriculture although it doesn't affect the farmers. In Tanzania and Mali, predictive tools are used to know the next drought thereby preparing themselves towards that, which helps farmers get more yield. It also predicts soil quality and size of crops. However, since they are not produced locally, farmers pay a lot more for the AI tools than the value they derive from using them. There will be more protests about this going forward. It is exactly the way Amazon makes more than those who own the products sold on their platforms or even Uber, who earns more than drivers.

Speaker Name: Susan Isiko
Paper: Women, E-commerce, and the Africa We Want
Isiko commenced the discussion by stating that to improve the representation of women in e-commerce in Africa, it is necessary for development to be people-driven, and able to unleash the potentials of women and youth. The goal of such inclusive and sustainable development should include empowering women with equal economic rights. Attention should also be given to removing obstacles to full participation in all areas of human endeavor. Women entrepreneurs should also be supported.

Several opportunities exist for women and e-commerce in Africa and these opportunities are capable of increasing the GDP in Africa. For instance, closing the gender gap by 2025 could add $15bn to GDP. This is evidenced by the large numbers of women who are very active in e-commerce in Cote d'Ivoire, Kenya, and Nigeria. Women are also switching to high income sectors and their involvement in e-commerce also includes cross-border trade.

Despite these opportunities, there are also challenges that undermine the goals or opportunities. For example, internet connectivity and cost for example is a major challenge. A lot of businesses do not have access to internet or may not be able to afford the high cost of internet access. Women also often have smaller and lower average sales than their male counterparts. This results in fewer employees, lower profit and more. Furthermore, lack of electronic and digital payments can reduce the number of sales. A lot of women are not able to use electronic or digital payments because they do not have internet connectivity, or they cannot afford it. Others rely solely on cash payments because they do not trust digital payments. This may lead to insecurity, theft, and fraud. Many women also lack adequate access to transportation of goods which affects sales and profit. Challenges women face in e-commerce may also be heightened by a lack of access to finance. For instance, 7% of women apply for Jumia loans while 11% of men apply. Successful e-commerce platforms that could be beneficial for businesses are also foreign e.g Jumia, Souq, Kilimall.

Several national and regional efforts are underway to aid women in e-commerce. In recent years, legislation to improve trust has been developed. Examples are Uganda protection and privacy law, and local e-commerce places like Safeboda Uganda which provide community support. Regional efforts to provide finance information e.g EAC-COMESA-ECOWAS, and 50 million African Women Speak platform are also useful components of national and regional aids for women in e-commerce. Simplified trade regions for cross-border / small scale traders help accelerate economic integration people thereby enabling more women get the help they need. Several international partners that focus on women in trade have been emerging. International trade centres like SheTrades focus on Africa and provide e-commerce platforms where women can trade. It also provides opportunities to trade in soft skills. UPU/UNCTA is another that engages in cross border delivery of parcels which many women can take advantage of. Other international partnership opportunities are Jumia foods / Carrefour, Jumia Foods, Uganda/UNDP; Safeboda, Uganda/UNCDF/Swedish/IDCA and research by international institutions like IFC, UNECA etc.

Despite Agenda 2063, it is interesting to find that AFCFTA, which aims at accelerating intra-African trade and boosting Africa's trading position in the global market by strengthening Africa's common voice and policy space in global trade negotiations does not say anything specific about women in

trades. Although women are mentioned in the preambles. Thus, further strengthening the need to reimagine Agenda 2063. It is also important to learn the lessons Covid-19 taught, especially the importance of e-commerce. Many people in Africa are poor and but many more have been further plunged into financial difficulty due to Covid. It is therefore necessary to pay attention to grow e-commerce in Africa. Health partnerships (e-commerce platforms, international community, etc.,) are another aspect that is required.

Questions and Answer Session

Q: Can cryptocurrencies be beneficial especially for the unbanked?
A: There may be more risks than opportunities. Cryptocurrencies are not regulated now, and mobile money is more ubiquitous in Africa although it doesn't work in North Africa yet. There are always people who are smarter, abuse the systems, and the vulnerable will be worse for it.

Speakers: Timiebi Aganaba, Mustapha Agbadi and Nifemi Awe
Lecture Title: The Future of Space Governance for Africa

Many countries including some African countries are in space, with the USA having the highest spending on space till date. Africans use earth observing satellites and satellite communication is very important. For instance, satellites are better than fiber especially during natural disasters. Modern societies use global navigation in space which plays a key role in transportation, enabling air crafts to fly shortest distances. As of July 2020, because the process of having satellites is a complex one, only 9 African countries are in space. This has cost about $ 4 billion within the last 4 years alone. By 2024, about 20 countries will have satellites launched in Africa.

The Agenda 2063 is for inclusive growth. African Union (AU) has taken steps to be involved in indigenous space capacity, addressing users' needs in Africa and promoting collaborators. AU has approved the private space actors. Reference was made to the newspace Africa industry report 2019 which mentions that space is growing and will be worth $10.29 billion in 5 years. The licensing requirement for Nigeria is contained in the National Space Research and Development Agency Act 2010. Some important sections include: Section 6(e) which discusses implementation of strategies, Section 7(b), Section 9(1), Section 6(k), Section 9(2-4), and Section 9(4). The licensing requirement for South Africa is contained in the South African National Space Agency Act 2008 and the Space Affairs Act of south Africa 1993. Notable sections include: Section 5(2)(a), Section 11, Section 11(2) SAA, Section 13 SAA and Section 21 SAA. Despite existing licensing requirements, there remains the need to encourage public-private partnerships and private space companies. Private companies should also be seen as partners and not competitors and a governance structure that embraces dialogue should be embraced. Till date, space governance is a current pressing global concern. Over 100,000 satellites will be launched by the end of the decade. Many resources have been secured in space and many others are going to secure asserts in space.

Question and Answer Sessions

Q: What is the USA's position on Africa's space?
A: The USA has been absent because of arms deals. So, this gave China the opportunity to exploit

Africa's space. However, the USA is opening up now. There are a lot of opportunities for the USA now because of lessons learnt from the impact of their absence. Spacex is opening room for USA space companies to come into Africa.

Q: Will satellites be used for the benefit of citizen rather than for surveillance?
A: Satellites are used mainly as military operations. Although they are used for other things. Other countries are using their satellites for military surveillance on Africa and there is no hiding from anything due to the use of mobile phones which is ubiquitous in Africa. The benefits outweigh the risks and Africa also needs to able to monitor their borders and others for intelligence reports.

Q: Is space as important as to Africa considering the several other problems facing Africa including hunger, poverty, etc?
A: Space is important. Africans fall behind because they do not get into the game early. Space is an integral part of human existence. For instance, we can use phones because of space. With development, nobody waits for the other, so it is important for Africa to start now and not fall behind.

Q: Will a TWAIL approach be useful here?
A: AI systems have disproportionately marginalized Africans. A TWAIL approach is not just about complaining about this situation but about how to remove the hegemonies that encourage such marginalization. There are issues regarding intellectual properties and TWAIL is a relevant approach for every form of critical research.

Closing Remarks

Speaker: Penelope Andrews
Paper Title: Decolonialization as world making

Andrews discussed how the current Black Lives Matter (BLM) movement consists of a global anti-colonial and anti-racist movement and identified lessons this recent anti-colonial movement can learn from the first anti-colonial movement. She commenced by explaining that recent BLM movements can be described as a demand for accountability. They relate to historical wrongs which continue to impact contemporary life. She further discussed the similarities between the recent BLM movements and what happened in the initial anti-colonialism movement.

The speaker proceeded to discuss the first Pan African conference held on 23-25 July 1900, where 37 delegates attended with 20 other participants and observers from Africa, the West Indies, the UK and the US and how African leaders who refused to subject themselves to racism also contributed to the struggle. She further discussed the BLM movements and how after George Floyd's death and the movement started, it resonated in many other places such as Canada, Australia, and France. There were also movements in universities including the removal of the names of slave masters on signposts, and generally a decolonialization movement sweeping through the United States. Andrews emphasized that not only should the legal infrastructure of colonialization be destroyed, but also the economic infrastructure.

She also noted concerns that if the BLM movement is resonating globally, that there exists the danger of centering American experience in colonialism and Black struggles. In response to this, she advised that the American experience should not be the focal point of all struggles of Black people around the world. Finally, Andrews considered the role of women in Pan-African movements. She noted that while women played a role, their contributions have not been sufficiently recognized like that of their male counterparts. She however pointed out that in relation to the recent movement, the role of women and the women that played a role in the movement are very much recognized.

Question and Answer Session

Q: What is your view on the new unity movement? What is the role of English language in the decolonialization movement?

A: The new unity movement was popular during the apartheid movement in South Africa and was mainly a Marxist movement. The new unity movement should have had more influence but didn't. The movement has been lost and it is now a politics of race which has not been transformative. On the question of language, English is still the hegemonic language, although it is codified that all languages are equal, but English is still used for commerce.

Q: Are there subsequent Pan African meetings that occurred in Africa or the Pan African movement is a western concept and was just a form of movement capturing only the elites?

A: The last Pan African meeting was held in Africa. Most African countries have struggled to give effect to the promises of post-colonialism. During this period, certain places such as New York, London provided a safe refuge for Black people to hold their meetings. So, it was safer and easier to hold the meetings there rather than colonized African states.

Q: Elaborate on how Africa can centralize its own issues

A: I was struck by how the BLM movement affected South Africa, how issues of police brutality surfaced even though it was Black people against Black people. It depends on how we center our issues in global contexts. Indigenous ways of thinking and doing has been discounted, unfortunately. They can however be a good approach to things.

Q: How much of these historical events can we make central to Agenda 2063 in order to guide our futures across Africa?

A: BLM movement is strong, but I do not see it reaching out to assist in de-colonialization in Africa. I see very much focus on American institutions and the end of slavery, but I do not see a focus on Agenda 2063 and the challenges that African institutions are faced with.

Q: Do you think the Agenda 2063 will carry forward the ideals of the earliest pan-Africanists?

A: The ideals of Pan-Africanism is confined to the African continent. I have not seen a movement formally and informally, but I have seen a push for de-colonialization outside formal institutions. These activities have largely been triggered by BLM movements.

Q: In the colonialization period, states were responsible for colonialization, but now we have international organizations in these states. Issues relating to resource extraction, imposition of external law and social control also exist. How can we deal with this issue?

A: This problem is everywhere in the global north and south. International corporations have become government themselves because they determine how resources are spent.