

CALL FOR PAPERS
Decolonising Global Migration Law
Hertie School, Berlin, 10 June 2022

Global migration law includes a disparate body of international law, reflecting contingent and contested conceptions of state sovereignty over mobility and migration ([AJIL Unbound, Symposium Framing Global Migration Law, 2017](#)). Postcolonial approaches and critiques are plentiful in other fields of international law ([Anghie 2005](#), [Pahuja 2011](#), [Bhandar 2018](#)), offering insights into the colonial continuities of contemporary international law. Leading TWAIL scholars have examined international human rights ([Mutua 2005](#)) and refugee law ([Chimni 1998](#)). More recent scholarship has criticised migration controls in the Global North in light of their role in perpetuating ongoing colonial domination ([Achiume 2019](#), [El-Enany 2020](#)). Other scholars have deepened our understanding of the links between decolonisation, bordering and displacement ([Shahabuddin 2019](#), [Jain 2020](#)). However, given the deep imbrication of colonialism, migration, mobility, slavery, indentured servitude and nationality, the body of scholarship on 'decolonising global migration law' is surprisingly nascent. Much scholarship on human rights and migration focuses on European regional protections, with some notable exceptions ([Dembour 2015](#), [Kapur 2005](#)), and does not examine the limits and potential of human rights protections in the Global South and their implications for migrants as humans.

In association with the RefMig¹ project, the **Centre for Fundamental Rights at the Hertie School**, the **European University Institute** and the **African Centre for Migration and Society at the University of Witwatersrand** invite abstract submissions on post-/decolonial approaches to key aspects of global migration law, in particular:

- Comparative human rights law on migration control;
- International law on discrimination and migration controls;
- Nationality, statelessness and other residence and membership statuses;
- Global and regional refugee law;
- Transnational criminal law, in particular on smuggling and trafficking;
- Migration and mobility in international economic and labour law.

The aim of this workshop is to bring together a global group of legal scholars at diverse career stages to explore postcolonial approaches to global migration law. We welcome papers examining any post- or decolonial approach to these legal fields and related migration control practices, reflecting for example on:

How does global migration law shape particular conceptions of statehood, sovereignty and nationality, and what do postcolonial approaches reveal about these forms? How do colonial legacies shape North-South and South-South exclusionary practices on migration, and the related construction of insiders/outsideers? What are the colonial legacies in contemporary racialised and gendered exclusion from and distribution of migration and mobility opportunities in global migration law? How does the legal construction of refugeehood reflect colonial continuities and ruptures? How do colonial continuities shape transnational criminal law's approach to migration and mobility? What is the role of international economic law in the distribution of migration opportunities and in structuring exploitative continuities in labour migration? What roles do international organisations, international courts and human rights bodies, as well as domestic courts and human rights institutions, play in entrenching colonial approaches or decolonising global migration law?

¹ RefMig is a Horizon 2020 award funded by the European Research Council (grant number 716968)
www.refmig.org

Submissions

We welcome submissions from researchers examining global migration law from a post- or de-colonial perspective, in particular legal scholars, and those studying law from other disciplinary vantage points, including law and development; legal history; and the sociology and politics (political philosophy, political science and IR) of global migration law. We welcome in particular papers that examine underexplored legal regimes and avoid Eurocentrism. Interested participants should provide an abstract in Word format of no more than 500 words. Together with their abstracts, applicants should provide the following information: name, affiliation, the title of the proposed paper and an email address. To submit an abstract please write to fundamentalrights@hertie-school.org by **15 February 2022** with the heading '**Submission Decolonising Migration Workshop**'. The criteria for selection are originality, quality of research, and fit. We aim for a diverse workshop, bringing together a global group of scholars at various career stages (both established and early-career scholars, including advanced PhD students). Work already published is not eligible for submission. Speakers will be informed of the acceptance of their proposals by **15 March 2022** and be required to submit a full paper by **1 June 2022**. Papers should be between 8,000 and 10,000 words, including references.

Workshop Format

The organisers will hold a hybrid one-day workshop on **10 June 2022**. Each paper will receive comments and feedback from senior academics as well as other workshop participants, who are expected to have read each other's papers.

The CFR has limited funds to support the attendance of early career researchers, in particular those from the Global South.

Organising Committee

Prof. Tendayi Achiume, UCLA Law School and UN Special Rapporteur on Racism, Racial Discrimination, Xenophobia and Related Intolerance

Prof. Diego Acosta, University of Bristol

Prof. Tobias Berger, Freie Universität Berlin

Prof. Cathryn Costello, Hertie School, Centre for Fundamental Rights and Refugee Studies Centre, University of Oxford

Dr. Nadine El-Enany, Centre for Research on Race and Law, Birkbeck College, University of London

Prof. Neha Jain, European University Institute

Prof. Loren Landau, University of Oxford and African Centre for Migration and Society at the University of Witwatersrand

Prof. Jaya Ramji-Nogales, Temple University

Prof. Mohammad (Shahab) Shahabuddin, Birmingham Law School

Vera Wriedt, PhD researcher, Hertie School, Centre for Fundamental Rights

Select Bibliography

Achiume ET, 'Migration as Decolonization' (2019) 71 *Stanford Law Review* 1509

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Bhandar B, *Colonial Lives of Property: Law, Land, and Racial Regimes of Ownership* (Duke UP 2018)

Chimni BS, 'The Geopolitics of Refugee Studies: A View from the South' (1998) 11 *JRS* 350

Dembour M-B, *When Humans Become Migrants: Study of the European Court of Human Rights with an Inter-American Counterpoint* (Oxford University Press 2015)

El-Enany N, *(B)Ordering Britain - Law, Race and Empire* (Manchester University Press 2020)

Jain VR, 'Broken Boundaries: Border and Identity Formation in Post-Colonial Punjab' (2020) 10 *Asian Journal of International Law* 261

Kapur R, *Erotic Justice: Law and the New Politics of Postcolonialism* (Routledge 2005)

Mutua M, *Human Rights: A Political and Cultural Critique* (University of Pennsylvania Press 2002)

Pahuja S, *Decolonising International Law* (CUP 2011)

Ramji-Nogales J et al, 'Framing Global Migration Law' (2017) *AJIL Unbound Symposium*

Shahabuddin M, 'Post-Colonial Boundaries, International Law, and the Making of the Rohingya Crisis in Myanmar' (2019) 9 *Asian Journal of International Law* 334