Book Review Symposium Introduction: Sustainable Development, International Law, and a Turn to African Legal Cosmologies, Godwin Dzah (CUP, 2024)

By:

Godwin E. K. Dzah

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I am very happy to introduce the symposium on my book, Sustainable Development, International Law, and a Turn to African Legal Cosmologies, by Cambridge University Press in May 2024. This symposium features four very thoughtful and critical reviews. These four reflections should be read as companion pieces together with my introduction. They address different aspects of the book, provide points of convergence and divergence, and foreshadow future research. I am grateful to these reviewers for their kind engagement with my book, for their constructive criticisms and positive

feedback. I am equally grateful to the editors of AfronomicsLaw.org for curating this symposium.

In preparing the reader of these reviews, I have set this out a summary of this book below. As I argue in the book, a lot has been said or written about sustainable development in international (environmental) law. There are presently quite a number of leading textbooks on this subject, and an even larger number of monographs on the subject. At this point, sustainable development seems to have established itself as a core component of international (environmental) law. Yet, sustainable development continues to elude us. This is especially true for the Global South, and particularly Africa. This is the thrust of my book, as it attempts to answer the question of what might international environmental law look like from the perspective of the Global South. However, that question is too broad to investigate.

Therefore, I narrowed down further to address a relatively manageable question within the broader context of international law. It is in this sense that this book emerges as a primer, a first of its kind, and a pioneering legal study on the concept of sustainable development from a non-Western (African) perspective. Using a Third World Approaches to International Law (TWAIL analysis), I argue that history plays a significant role in the deconstruction of the concept as sustainable development is a product of a master Eurocentric history, itself a constant process in the history-making project of international law.

The main claims I make in this book are along the three divisions of the book. The first argument addresses the concept of sustainable development. Ever since the concept made its way into international law in the 1972 United Nations Conference on the Human Environment (the 1972 Stockholm Conference), at least as the classical textbooks tell us, the concept has flourished and has become a unifying force in its attempt to mediate development and environment, with social considerations tagging along in this process. However, as some legal scholars have noted, sustainable development operates as a discreet technology that generates both compromise and consensus without truly addressing how to deal with the hard questions that must be answered in balancing the three pillars of the concept – namely, the environment, development and social considerations.

I argue that it is important to examine the tripartite constitution of sustainable development as law, history, and politics to understand how it straddles the economy, environment and society. This is what I call the logic of sustainable development, which presents itself as four phases of a genealogical analysis in human relations with the non-human (natural) world. In what I describe as a conceptual progression of sustainable development as an idea, this human-nature interaction starts with human conceptualization of nature, which involved an artificial separation between human and the nonhuman. This separation became prominent with the intermingling of religion (particularly Christianity), and Eurocentric visions of property and dominance, all aided by international law (and the making of European imperialism). Effectively, it was this first stage that intensively commodified nature and justified all kinds of uses. As society distanced itself from nature, humans constructed the environment as a placeholder for an idea that did not really have a definitive habitation. In a sense, the environment was an invention at both ends of a broad spectrum: on one hand, its loose characterization justified continuous commodification and new uses, and on the other hand, the idea of the environment provided a basis for early advances towards protection. These early signs of engaging with the environment soon ruptured as international law had to respond to the unique concerns of postcolonial states. Development was re-conceptualized to accommodate the new experiences of postcolonial states. However, development still carried with it its neoliberal imprint, which traces back to Eurocentric ideas that turned nature into the environment. It would seem the allure of development was so strong, and became integral to the mission of international financial institutions that it was almost impossible to think of anything else. Yet, this brand of development, like nature and environment, too was an extension of Eurocentric ideologies. By the time we arrive at fourth stage of this idea, now styled as sustainable development, it is evident that the concept’s promise was elusive, even possible to say illusory.

In part two, I addressed the question of how sustainable development had succeeded in assuming universal significance in international law. Between 1972 and 1992, barely a 20-year period, the concept had undergone rapid assimilation and dissemination. Today, the concept of sustainable development is connected to almost any cause that deserves global attention. In this regard, the concept as presently constituted is a product of Eurocentric hegemony. By

disguising itself as a universally accepted, sustainable development avoids scrutiny.

Regrettably, this false universalism, which subordinates non-Western ideas and knowledge systems forcibly, coopts the endorsement of the Global South. This understanding of the false universalism of sustainable development requires its examination in the Global South, and more specifically in Africa. This legal inquiry involves a study of the concept's history, evolution, internalization and operationalization in Africa. I argue that whereas Africa served as the laboratory for early developments in international environmental law and early treaties underpinning the discipline and ultimately sustainable development, African approaches to the internationalization and operationalization of the concept have largely failed to advance African indigenous legal conceptions.

Part three of this book argues that African indigenous law (customary law) can serve as an alternative pathway for reimagining sustainable development. I argue that environmental ethics, can establish a firm foundation for an ecological interdependence where human society and nature are mutually integrative. This new foundation, which I call ecolegality (or ecological law it has been referred to in the emerging literature), denounces human dominance over nature. Ecolegality goes back to correcting the original sin of the conceptual separation of humans and nature that marked the beginning of the problem that sustainable development attempted to address. I conclude this argument by noting that the capacity of African customary law to transform sustainable development means it cannot remain at the periphery. It must take centre-stage.

The central proposition here on Indigenous or customary law will breathe new life into the concept even beyond Africa, and in places where indigenous cosmologies are still integral to the relationship between humans and the non-human natural world. While this book is a pioneering study, it only scratches at the surface of a bigger question of how international law concepts must be contextualized to address global problems that have specific local or regional significance. I hope that others will pick up from where I have left it.

This symposium presents the thoughtful reviews of different legal scholars. Beginning with **Temitope Onifade**, a law lecturer at the University of Bristol,

undertakes a broad-brush review of the book. In adopting a panoramic approach to this review, Onifade connects the main themes in the book to phenomena that is present in both law and non-law spheres. However, he narrows down to talk about how the book highlights the importance of culture and customary law and how multiple views on how constitutes law might be important in reimagining sustainable development. **Elsabé Boshoff**, a doctoral candidate at the Norwegian Centre for Human Rights, University of Oslo, conducts a detailed review by drawing on some of the substantive views offered by the book, and at the same time asking critical questions on what might be missing in the analysis. Boshoff highlights these themes by examining several chapters of the book. Her analysis highlights the eco-centric value of the book by arguing it presents a new layer of insight into the growing scholarship in this emerging area of law. She notes that the book could have explained a bit more into detail on the dynamics of operationalization of ecolegality. Nonetheless, she suggests this could be the focus of future works. **Dr. Irekpitan Okukpon**, an assistant professor of law at the University of Bradford, presents a very thoughtful reflection on the book. Dr. Okukpon's focuses on both substantive content and the analytical rigor that TWAIL offers. One of the standout points in Dr. Okukpon's review is that she underscores the value of the proposals made in the book and the value of these propositions to the global community, international and comparative law studies, and legal pluralism in rethinking sustainable development. Finally, **Dr. Rosemary Mwanza**, a senior research fellow at the Department of Law, Stockholm University presents a thought-provoking review. Dr. Mwanza argues the book succeeds at highlighting a TWAIL analysis can do more than deconstruction, as it demonstrates a TWAIL analysis can also inspire transformation. Her analysis also points out future work must address the possible shortcomings of African indigenous cosmologies in revitalizing sustainable development.

Once more, I want to thank these reviewers for their excellent work. At this time, I invite readers to enjoy them the same way I have done. Thank you!

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