Book Symposium Introduction: South-South Migrations and the Law from Below: Case Studies on China and Nigeria

By:

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I am elated to introduce the symposium on my new book South-South Migrations and the Law from Below Case Studies on China and Nigeria (Hart, 2023). At the nexus of international law and migration, this book seeks to understand the impact of international law on the everyday lives of migrants in the Global South by studying two migrant communities in China and Nigeria. International court decisions, the corruption of the elite in the Global South, and the refusal of states to uphold their obligations towards people who are excluded from the privileges of citizenship shape how migrants experience law, as well as how they forge their paths to justice, recognition, and access. This book and symposium contribute to efforts to understand and document how international law impacts migrant communities, but also how these communities fill the lacunae created by law and migrant status through their

acts of contestation and innovative approaches. It delves into the evolving approaches to migration and international obligations in the two states as they face new migration-related challenges.

On one hand, migration in the Global South challenges the preconceived notions of what a desirable destination is; people migrate every day to so-called undesirable states because every state is simultaneously an origin, transit, and destination country, despite the designation of different countries in the Global South as either origin or transit points to the Global North. The conceptualization of the Global South is not strictly a geographical one but one shaped by shared experiences of colonialism (in the words of B.S. Chimni) and a wide range of factors including wealth, hardships caused by poor governance, insecurity, economic opportunities, and the failure of international development policies make people to seek better lives within the Global South. These migrations created different types of communities, including new asylum-seeking or undocumented communities.

On the other hand, dominant discourses usually engage with the Global South as merely a source of case law; places where international law’s legitimacy is proved or tested for legal dissection. However, international legal norms and decisions have serious consequences in the daily lives of people in the Global South. International Law leaves the protection of certain migrants to the discretion of the state, creating hierarchies in favor of protecting national interests. Like South-North migrations, South-South migrations are used to justify discrimination and structural violence imposed by state actions and negligence. Centering the narratives and struggles of people’s everyday lives is a way to understand, critique, and improve international law. As a result, this book explores research methodologies and methods that give epistemological and empirical freedom. Third-World Approaches to International Law (TWAIL) makes it possible to decenter dominant narratives and practices of international legal scholarship and foreground the use of non-traditional research methods and methodologies to gain an understanding of the impact of the law in the Global South. TWAIL also enables the use of empirical evidence to escape the traps of the rules and norms; allowing us to find evidence in the real experiences of people.

This symposium brings together four scholars of International Law to reflect on the issues and themes discussed in the book, each contributing their understanding of different aspects. Tendayi Achiume (Professor of Law, at the University of California) gives a comprehensive and thought-provoking reflection on the book, highlighting themes of formal and informal legal bordering processes, the legal and institutional creativity of migrant communities, and the ubiquity of racial hierarchy in immigration law and enforcement. Shaimaa Abdelkarim (Assistant Professor of Postcolonial Legal Theory and Critical Race Studies, University of Birmingham) focuses on the book as a TWAIL project unpacking the themes of the futurity of international law and the impact of non-citizenship within the Global South. Samuel Woldemariam (Lecturer of Law, University of Newcastle) continues the discussion, discussing the methodological implications of the book and giving a thoughtful reflection on the opportunities and challenges of TWAIL embracing the Global South as the core of its methodology. Finally, Christiana Sagay (Doctoral Researcher of Law, University of Ottawa) wraps up the symposium with an excellent reflection on the nuances and interplay of Global South migrations and international law and concludes that individuals are the ultimate subjects of international law and their expectations to be participants in shaping the laws that affect their lives are valid.

I am grateful to Afronomicslaw.org for hosting this book symposium and to the contributors for providing diverse and insightful analyses of this significant topic.

Contributors

Tendayi Achiume: Book Review of South-South Migrations and the Law from Below: Case Studies on China and Nigeria by Oreva Olakpe

Shaimaa Abdelkarim: Book Review of South-South Migrations and the Law from Below: Case Studies on China and Nigeria by Oreva Olakpe

Samuel Woldemariam: Review of South-South Migrations and the Law from Below: Case Studies on China and Nigeria by Oreva Olakpe

Christiana Sagay: Unveiling Nuances, Empowering Voices, and Challenging Dichotomies in South-South Migration Dynamics

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