

SOUTH AFRICAN JOURNAL ON HUMAN RIGHTS

CALL FOR ABSTRACTS

SPECIAL ISSUE: INTERNATIONAL LAW, THE GLOBAL SOUTH AND THE QUESTION OF
PALESTINE

(EDITORS: E. TENDAYI ACHIUME, NOURA ERAKAT & CHRISTOPHER GEVERS)

By the end of December 2023 – amid Israel’s genocide of the Palestinian people in Gaza, which had killed over 21,100 Palestinians, displaced 1.9 million, destroyed more than 355,000 homes and literally scorched the earth of Gaza – the Universal Declaration on Human Rights (UDHR) celebrated its 75th Anniversary. Israel’s military campaign followed Hamas’s 7 October 2023 attack that killed 1,139 Israelis and foreign nationals, including 695 civilians and 36 children, and took approximately 240 hostage, the majority of which remain captive in Gaza. Unlike in previous years, the UDHR’s anniversary celebrations on 10 December were muted, overshadowed by the United States veto of a Security Council resolution calling for an ‘immediate humanitarian ceasefire’ in Gaza co-sponsored by 97 states. Two days later, an Emergency Special Session of the UN’s General Assembly passed, by an overwhelming majority, a non-binding resolution to the same effect.

December 2023 was also the 75th anniversary of the adoption of the Genocide Convention, which South Africa invoked against Israel in a filing at the International Court of Justice (ICJ) in late December, accusing Israel of committing genocide against Palestinians in Gaza. On 26 January 2024, the ICJ granted a provisional measures order against Israel, finding that it had ‘prima facie’ jurisdiction to hear the case and that South Africa’s claim that Israel was committing genocide in Gaza was sufficiently ‘plausible’ to justify the Court’s extraordinary intervention. This case joins another case pending before the ICJ, brought by the General Assembly, seeking an Advisory Opinion on the legal consequences of Israel’s ‘prolonged occupation, settlement and annexation of the Palestinian territory’ and ‘its adoption of related discriminatory legislation and measures’, plainly put: apartheid. South Africa’s ICJ application also follows the referral of the situation in Gaza to the International Criminal Court (ICC) in November 2023. Global South states have played notable roles in all of these international proceedings.

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As matters stand, multiple international legal institutions dedicated to the protection and promotion of human rights, and the maintenance of international peace and security, are seized with the question of Palestine. Invariably, this has come about by the actions of states in the Global South – and, in recent times, of South Africa in particular. Yet, the prospects of resolving the denial of Palestinian self-determination – or even mitigating its devastating impacts on civilians and civilian life – seem bleaker than ever before.

In 1978, on the occasion of the 30th Anniversary of the UDHR, African states collectively sounded a note of caution:¹

[A]s far as the black man in southern Africa is concerned, this is the darkest night, which is not being illuminated even by the feeble light of the Universal Declaration of Human Rights [...] The same applies to Palestine, where the rights of the Palestinians are ignored and trampled on. The tension we see in the Middle East and which every day threatens security throughout the world has its origin in the flouting of the inalienable rights of the Palestinian people. Without an awareness of this Palestinian reality [...] the world can expect further evils, which could be avoided.

South Africa has come a long way since those ‘darkest’ times, owing in large part to the solidarity and support – often at great cost – of the people and states of the Global South, including through their heterodox use of international legal norms and institutions. Palestine has, of yet, not escaped its darkest night.

This Special Issue of the *South African Journal on Human Rights* on International Law, the Global South and The Question of Palestine invites scholars and activists to critically explore why this is the case, and what lessons might be learnt – for better and worse – about the Global South’s engagement with colonialism, apartheid and racial injustice in South Africa and Palestine. How do those lessons illuminate paths to avoid and paths yet to be taken? What are the risks and the potential of such engagement and what may other case studies also offer in this regard?

We welcome contributions across different theoretical and methodological (legal, socio-legal and inter-disciplinary) approaches.

¹ Statement by Mr Gayama (on behalf of the African Group of States) ‘Thirty years of the Universal Declaration of Human Rights’, *UN General Assembly: Thirty-Third Session* (11 December 1978), 1300-1301.

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Abstracts of 400-500 words should be sent to gevers@ukzn.ac.za and kok.ioey@gmail.com by 30 April 2024. Successful applicants will be advised by the end of July 2024. Final papers will only be due at the end of 2024 and publication is expected during the first half of 2025. All papers will be subject to the SAJHR's processes of peer review prior to publication.

Deadline for abstracts: 30 April 2024

About the journal

Founded in 1985 by the Centre for Applied Legal Studies (CALS) and housed at the School of Law, University of Witwatersrand, Johannesburg, the *South African Journal on Human Rights* (or *SAJHR*) is the leading South African public law journal, publishing scholarship of the highest standard for a worldwide readership. The journal is dedicated to the advancement of scholarship on human rights, constitutional and justice-related law in South Africa.