THE CLARKE INITIATIVE FOR LAW AND DEVELOPMENT IN THE MIDDLE EAST AND NORTH AFRICA

Activity Report
2019-2020

Cornell University
Law School
Lawyers in the Best Sense
A Note from the Director

1.

Welcome, Ahlan wa Sahlan!

Thank you for reading the Activity Report for the 2019-2020 academic year (as of Fall 2019), of the Clarke Initiative for Law and Development in the Middle East and North Africa. Your comments, suggestions and questions are welcome.

Kind regards,

Chantal Thomas Radice
Radice Family Professor of Law
Director, Clarke Initiative for Law and Development in the Middle East and North Africa
Email: ct343@cornell.edu

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2. About the Clarke Initiative

The Clarke Initiative for Law and Development in the Middle East and North Africa is a cumulative project that focuses on current legal, political, economic, and social changes in the Middle East.

Made possible by the generosity of Cornell alumnus Jack Clarke, the Initiative seeks to be a part of the continuing academic and legal development in the region.

The Initiative includes collaborations with Middle East and North Africa specialists in academia, policy, and the legal profession, both in the United States, in the region, and globally.

This academic year, the Clarke Initiative has continued to host a wide range of events, as discussed in the following pages. We remain grateful for the opportunity to enrich contemporary research and scholarship on this crucially important region.

3. Workshop on Gender Equality

On October 1, the Clarke Initiative hosted a workshop, “Gender Equality within the Muslim and Middle Eastern World.” The event was organized by Professor Mohamed Araf, a 2018 Clarke Initiative Distinguished Visiting Scholar, and featured presentations by Professor Araf and Professor Radwa elSaman. Cornell Law School’s Elizabeth Brundige moderated the discussion.

About the Speakers:

Mohamed 'Araf is a Professor at the Faculty of Law of Alexandria University in Egypt; Adjunct Professor of Law at Indiana University; Visiting Professor at the University of Brasilia; and was a Visiting Scholar and Adjunct Professor at Cornell Law School (Spring 2019). Mohamed received his LL.B from Alexandria Univ; LL.M. from the University of Connecticut Law School and SJD from Indiana University. He has taught in the UK at Northumbria & Manchester Universities, in Italy at Parma; Milan; Naples, & Bologna Unv.; in Croatia at Rijeka Univ; in France, at Sorbonne Univ., and in the Netherlands at Groningen
Univ. He recently spoke and taught in various Arab countries, Tunisia, Morocco, Lebanon, Qatar, United Arab Emirates, and Kuwait.

Radwa Elsaman is a Professor at the Faculty of Law of Cairo University in Egypt and a visiting scholar at Boston University’s School of Law. She received her LLM and SJD from the American University's Washington College of Law. She consulted with the World Bank Group, USAID, GIZ, and the EU. She is also a gender activist in the Middle East; a fellow of the AAUW (American Association of University Women) in Washington DC; and the founder of the “Gender Studies Institution” which is the first academic institute in gender studies in Egypt associated with Marburg University in Germany.

4. Workshop on Africa in the Middle East / The Middle East in Africa

On November 18-19, the Clarke Initiative served as a primary sponsor of an interuniversity collaborative Workshop on “Africa in the Middle East / The Middle East in Africa,” held in New York City at the Hagop Kevorkian Center for Near Eastern Studies of New York University.

This aim of this workshop was to bring together a unique and dynamic group of scholarly perspectives from historical and historically-minded research, focused on topics that transcend the traditional area studies boundaries that have acted to artificially separate the Middle East and North Africa region from the study of Sub-Saharan Africa.

The program was designed to foster cooperation and collaboration between academics with transregional research agendas to foster closer connections between the study of the Middle East, North Africa, and Sub-Saharan Africa across disciplines and time periods. Additionally, the program was especially designed with a view to supporting up-and-coming scholars and facilitating dialogue between senior and junior academics.

In addition to the Clarke Initiative and the Kevorkian Center, the Workshop was also sponsored by: The Institute for African Development (Cornell), The Ottoman and Turkish Studies Initiative (Cornell), The History Department (Cornell), The Center for the Study of Africa and the African Diaspora (NYU), and Ottoman and Turkish Studies (NYU).
About the Keynote Address: There are some entire villages in Morocco that are still considered as outcast groups deprived from basic social and administrative services. The Moroccan government is still acting as the pre-colonial establishment of the old regime of slavery and denies them any claim to legal ownership of their lands. The most illustrative example is the villages of Khandaq Ar-Rayhan in the area of Chefchaouen (south of Tangier). These are four small villages inhabited by descendants of slaves. Their ancestors were maroons who established distinct settlements that are now a testimony of the resistance to chattel slavery in Morocco. There are about 500 families living in this area on the legal and social margins in the region. The dominant culture in the region and the political administration do not recognize them and invoke memories which connect the group’s past to an origin of slavery and racial discrimination. We may trace the origin of this group to the ‘Alawi ruling dynasty. Many primary sources attest to the fact that the dispersion of the blacks in all Morocco happened during the period of the ‘Alawi Sultan Mawlay Isma’il (1672-1727). Mawlay Isma’il ordered to enslave all black Moroccans to serve his authority. The collection of black Moroccans reached 240,000 and were scattered in all over Morocco. This enslaved population gradually separated themselves from the government and claimed their original status of freedom, as a great number of them (such as the Haratin) were indeed free upon their enslavement by Mawlay Isma’il. This keynote address underlays factors that maintained the Moroccan social identities and examine the historical roots of this marginalized group that led to the present dilemma of racial identity and discrimination in Morocco.

About the Speaker: Dr. Chouki El Hamel received his doctorate from the University of Sorbonne (Paris, France). His training in France at the Centre de Recherches Africaines was in pre-colonial African History and Islamic Studies. His research interests focus on the spread and the growth of Islamic culture and the evolution of Islamic institutions in Africa. What interests him most as a scholar is the culture of silence. He is particularly interested in investigating the subaltern relationship of servile and marginalized communities to ruling institutions, power, race and class and gender politics within Islamic culture dominant or otherwise. He taught courses in African History and Islamic societies at Duke University in Durham, N.C. He was a scholar in residence at the Schomburg Center for Research in Black Culture in New York City and a Fulbrighter in 2017.

Workshop Roundtable on Art and Architecture

About the Roundtable: How do we read the history of connections between the Middle East and Africa through the history of art and architecture? This roundtable will discuss different approaches to answering this question that challenges traditional associations
and archival connections between these two regions and transcend the usual temporal scopes applied to these relationships. Focusing on art objects cultures from Ethiopia and Swahili port cities, this roundtable focused on unsettling normative ideas about area studies, and point towards new applications of artistic sources for historical interpretations. Topics of discussion included: “Architecture as Archive: Medieval Ethiopia and its Middle Eastern Connections” by Finbarr Barry Flood, “The Arts of Swahili Port Cities: Beyond the Area Studies Paradigm” by Prita Meier, and “Qur’anic Evidence: Harar and its Red Sea Manuscript Culture” by Sana Mirza.

About the Roundtable Discussants:

Finbarr Barry Flood is William R. Kenan Jr. Professor of the Humanities at the Institute of Fine Arts and Department of Art History, New York University. His research interests include Islamic architectural history and historiography, cross-cultural dimensions of material culture, image theory, and Orientalism.

Prita Meier is an Associate Professor of Art History at NYU. Her research interests are art and architecture of Africa; Port Cities and visual cultures of the Indian Ocean world; Comparative urbanism; the Cultural Dimension of Globalization; modernity in Africa; Islamic arts of Africa; histories of photography in Africa.

Sana Mirza is an education specialist at the Freer|Sackler, the Smithsonian’s museums of Asian art. She is also a Doctoral candidate at the Institute of Fine Arts, New York University specializing in Islamic Art. Sana’s dissertation focuses on Qur’an manuscripts produced between the 17th and 19th centuries in the city of Harar, in present-day Ethiopia.

Workshop Panel Presentations

Panel 1: Empires that Bind: Connecting East Africa, the Persian Gulf, and the Ottoman Empire.
- Chair: Fred Cooper, NYU
- Discussant: Amal Ghazal, Simon Fraser University
- Panelists:
  - Özgül Özdemir, Stanford University
Panel 2: Political Thought and Identity Politics from Mauritania to Zanzibar.
- Chair: Bernard Freamon, Seton Hall Law School. Professor of Law at Seton Hall Law School.
- Discussant: M’hamed Oualdi, Princeton University.
- Panelists:
  - Zeyad el-Nabolsy, Cornell University
  - Erin Pettigrew, New York University
  - Jeremy Aaron Dell, Dartmouth College
  - Nathaniel Mathews, SUNY-Binghamton

Panel 3: Sudan in the 20th Century
- Chair: Siba N’Zatioula Grovogui, Cornell University.
- Discussant: Noah Salomon, Carleton College.
- Panelists:
  - Alden Young, University of California–Los Angeles
  - Rebecca Glade, Columbia University

Panel 4: Slavery, Race & Colorism I
- Chair: Mostafa Minawi, Cornell University
- Discussant: Bruce Hall, University of California – Berkeley
- Panelists:
  - Razan Idris, University of Pennsylvania
  - Afifa Ltifi, Cornell University
  - Zavier Wingham, New York University
  - Lacy Feigh, University of Pennsylvania

Panel 5: Slavery, Race & Colorism II
- Chair: Michael Gomez, New York University
- Discussant: Eve Troutt-Powell, University of Pennsylvania
- Panelists:
  - Michael Ferguson, Concordia University
  - Bam Willoughby, Cornell University
  - Beeta Baghoolizadeh, Bucknell University
5. Spring Symposium on Chinese and Middle Eastern Financing and Investment in Africa (*Postponed due to COVID-19 pandemic*)

On **April 17-19**, the Clarke Initiative will co-sponsor the Spring Symposium of the Cornell University Institute for African Development, which this year will be themed around "**Chinese and Middle Eastern Financing and Investment in Africa.**"

**About the Symposium:**

Africa's economy showed robust growth until around 2013. Consumer spending was up and investment in infrastructure echoed the commodity-fueled growth sweeping a significant portion of the continent. Between 2014 and 2017, however, growth slowed to rates not seen in two decades, but they remain on a firm footing. Chinese investments have played a major role in this development.

China/Africa relations have a long history, with modern China/Africa relations having originated during the 1955 Bandung conference where Asian and African leaders met in Indonesia to strategize ways to confront colonialism and the cold war. In the 1960s and 1970s China/Africa relationships revolved mainly around ideological solidarity with African socialist countries such as Tanzania, Zambia, Zimbabwe and Mozambique. Newly independent African states and the liberation wars taking place in the Southern African region were supported by China as were infrastructural development in a handful of countries, notably Tanzania and Zambia. In the last two decades, there have been profound changes in Africa’s relations with China, noticeably seen in the phenomenal growth in trade between Beijing and African countries. The China/Africa bilateral trade relationship has increased steadily. According to statistics by China Customs, between January-December 2017 alone, the import and export value of China-Africa trade amounted to US$170 billion, an annual increase of 14.1%, 2.7 percentage points higher than the annual increase of all foreign trade in the same period. Among these increases, China’s exports to Africa reached US$94.74 billion, up 2.7%; China’s imports from Africa reached US$75.26 billion, up 32.8%; the trade surplus was US$19.48 billion. This represents a decrease of 45.2% since 1996 when the surplus was $5.6 billion. In 2016, South Africa was the largest buyer of Chinese goods, followed by Egypt and Nigeria.
The increased Chinese investments in Africa have raised a myriad of debates especially in Western Europe and the United States. Some view China’s emergence in Africa beside the region’s colonial history, evoking visions of an impending round of another foreign plunder of Africa’s natural resources. Yet still there are others who see China’s late arrival in Africa as an anachronism, synonymous with huge construction machinery destroying the region’s rain forests and natural beauty. Still others see China as propping up autocratic regimes and thereby undermining human rights and democracy in Africa. On the other hand, many Africans view China’s interest in Africa as refreshing and therefore laudable, especially in contrast to what they view as the often paternalistic, patronizing and culturally prejudiced attitudes and perceptions Western society seemingly perpetuates as to what Africa is as both a country and a people.

An economic engagement that has largely been ignored in investment and development literature on Africa is Middle Eastern investment in Africa. The economic boom seen in Middle Eastern countries has resulted in Arab investors spreading their investments to both north and sub-Saharan Africa in search of high returns that are becoming harder to find in saturated western markets. With the establishment of the African Continental Free Trade Area, Africa will require increased investment in infrastructure if it is to obtain the greatest benefit from changes to its trading regime. Gulf States/Arab nations, while already strong investors in the sub-Saharan tourism and service industries, are well positioned to increase their investment in African infrastructure. Gulf States could take advantage of those infrastructure requirements and set the foundation for investment in more industry-focused sectors like agribusiness. The food security of the Gulf States is heavily dependent on foreign imports. Europe and the Americas have been the traditional markets supplying food to them, but recent developments in sub-Saharan Africa may encourage Gulf investors to embrace potential opportunities in Africa. Member states poured about $30 billion into African companies between 2007 and 2017, according to the Dubai Chamber of Commerce. The United Arab Emirates alone is now home to more than 10,000 African companies, and its fellow GCC states — Saudi Arabia, Qatar, Oman, Kuwait and Bahrain — also have established trade ties with the continent. (Stratford)

The symposium will explore investment and development finance which is an important area of policy discussions in Africa and other developing areas of the world, as well as those that will give a brief overview of the scale of both Chinese and Middle Eastern investment in Africa. Additionally, multifaceted and multidisciplinary analytical approaches that will consider the role of Chinese and Gulf State investments in the development of Africa, especially Africa’s efforts to create a free trade area are welcomed. Furthermore, the symposium will look at the role foreign investment can play in resource mobilization for infrastructure development as well as the links between law, trade, and regional integration. The overall objective of the conference is to discuss and inform policies to pave the way forward for Africa’s response to Gulf States investments.

More Details to Come!