

KABARAK LAW REVIEW

Call for Papers 2026

Reflecting on 30 years of Mamdani's *Citizen and subject*

&

40 years of the United Nations Declaration on the Right to Development

Introduction

2026 marks two important milestones. First, we mark thirty (30) years since the publication of Mahmood Mamdani's *Citizen and subject*.¹ Second, we also mark forty (40) years since the adoption of the United Nations Declaration on the Right to Development (UNDRtD).² These two texts constitute significant moments in the thinking about the political economy of the Global South, and therefore deeply shape our understandings of law and governance.

Mahmood Mamdani argues that the colonial state was organised into two spheres. The first sphere comprised of a civil regime and mostly located in urban centres. The centres were governed by European legal systems that granted full political rights to settlers while marginalising African residents.³ The second sphere was based on a system of 'native authority'.⁴ It was mainly appointed by the colonial state, which restructured local governance under customary law as a tool of colonial control.⁵

¹ Mahmood Mamdani, *Citizen and subject: Contemporary Africa and the legacy of late colonialism*, Princeton University Press, 1996.

² United Nations Declaration on the right to development, A/Res/41/128, 4 December 1986.

³ Mamdani, *Citizen and subject*, 3-4.

⁴ Mamdani, *Citizen and subject*, 3-4.

⁵ Mamdani, *Citizen and subject*, 3-5.

A decade earlier, the United Nations Declaration on the Right to Development was adopted in 1986 to recognise development as a human right.⁶ It sought to address the persistent inequalities faced by developing countries and to emphasise that all peoples have a right to participate in and benefit from global economic, social, and political progress.⁷

The citizen's place in the development narrative

The UN Declaration on the Right to Development is a contested space. There is a two-pronged discourse that reveals a clear divide between those who view the UN it as a meaningful normative edifice for justice and those who regard it as largely symbolic, lacking enforceable legal force.⁸ In practice, development has often been understood as a society's ability to organise and use available resources for progress.⁹ Yet in parts of Africa, this idea has played out in ways that differ sharply from what the Declaration on the Right to Development envisioned.¹⁰

This analogy mirrors Mamdani proposition that while colonial systems created citizens with rights and subjects under authority, postcolonial development has continued to produce unequal positions within society.¹¹ Some groups are able to shape policy and access resources, while others remain excluded from real influence.¹² In this sense, the promise of development, like the promise of citizenship, often fails to translate into real benefit for those at the margins.

⁶ Daniel Whelan, "Under the Aegis of man": The right to development and the origins of the new international economic order', 6 *Humanity: An International Journal of Human Rights, Humanitarianism, and Development* (2015) 95.

⁷ Daniel J Whelan, Mihir Kanade and Shyami Puvimanasinghe, 'The right to development: Origins, history, and institutional development', Chapter 1, E-Learning module on *Operationalizing the Right to Development in Implementing the Sustainable Development Goals*, 11.

⁸ Whelan, "Under the Aegis of man": The right to development and the origins of the new international economic order', 95-96.

⁹ Walter Rodney, *How Europe underdeveloped Africa*, Black Classic Press, 3-4.

¹⁰ Sean Bloch, 'Stasis and slums: The changing temporal spatial and gendered meaning of home in NorthEastern Kenya', 58(3) *Journal of African History* (2017) 406-409.

¹¹ Mamdani, *Citizen and subject*, 3-5.

¹² John Mbaria and Mordecai Ogada, *The big conservation lie*, Lens and Pens Publishing, 2017, 4-6.

It is at this disunion that the ‘citizen’ is unable to realise his or her rights. The system that has been put in place has now been fashioned to provide an environment that does barely enough to sustain peoples’ rights – thus rendering the acclaimed ‘citizen’ into a ‘subject’.

Who holds power and who is left behind?

Decades after independence, the patterns of governance and authority set during colonial times still shape many societies today.¹³ Given paradigms within the society continue to concentrate resources and decision-making, while most communities often have limited influence over policies that affect their lives.¹⁴ Furthermore, access to rights and opportunities is uneven, and formal institutions sometimes reinforce old hierarchies in new forms.¹⁵ With this in mind, understanding these persistent inequalities is essential to addressing who benefits from governance and development, and who is left behind.

Who really benefits? Rethinking the Right to Development

The Right to Development, as set out in the UN Declaration, sees people as central to development. Article 2(1) makes it clear that everyone should be able to participate in and benefit from development, rather than as a passive actor.¹⁶ Additionally, Article 3(1) reminds us that states have a duty to make development work for all, supporting the realisation of human rights and freedoms.¹⁷ Yet, in practice, what these ideals require remains contested while at times unrealised.¹⁸ These articles raise important questions. Whose voices shape development, who is excluded, and to what extent does the rhetoric of rights translate into meaningful action within African context?

¹³ Ngugi wa Thiong’o, *Decolonising the mind*, Heinemann, 1986, 4-25. See also Ha-Joon Chang, ‘Kicking away the ladder: The ‘real’ history of free trade’, FPIF special report, December 2003, 5-6.

¹⁴ See generally Bloch, ‘Stasis and slums’, 404-405; Gayatri Spivak, ‘Can the subaltern speak?’ in Cary Nelson and Lawrence Grossberg (eds), *Marxism and the interpretation of culture*, University of Illinois Press, 1966, 68-69.

¹⁵ Caroline Kioko, ‘Aid, power and neocolonialism: A tragedy in three parts’, in Caroline Kioko and Jite Phido (eds), *Reclaiming Africa’s development narrative*, Kabarak University Press, 2025, 10-11.

¹⁶ United Nations Declaration on the Right to Development, Article 2(1).

¹⁷ United Nations Declaration on the Right to Development, Article 3(1).

¹⁸ Graham Harrison, ‘Development as maendeleo and its undergirding capitalist, violent and brutal nature’, *The Elephant*, 21 January 2022.

Kabarak Law Review Volume 5, set to be published in December 2026, is dedicated to reflecting on these 30 years since the publication of Mamdani's *Citizen and subject* and 40 years of the United Nations Declaration on the Right to Development.

In what ways has Mamdani's treatise impacted on African scholarship on the post colony? Did the Declaration usher in a development practise and discourse that saw development as a right and not as magnanimous assistance to formerly colonially exploited peoples of the Global Majority? What does the future hold for the discourses inspired by these two texts?

The sub-themes of the 2026 focus on these 30- and 40-year milestones include:

1. How has Mamdani's *Citizen and subject* shaped contemporary thinking on colonialism and the post colony?
2. Customary authorities continue to wield power in postcolonial states. Does the reality of legal pluralism challenge entrenched hierarchies?
3. Have university curricula been reconsidered to centre African perspectives? What opportunities lie unused from the discourses inspired by a rethinking of
4. power structures in the post colony? How has the legal academy – including the teaching of law and society – in Africa been impacted by the notions advanced by the two texts under review?

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1. Does the Draft Covenant on the Right to Development finally address the critical gaps in the 1986 Declaration?
 2. Are there any claims to the right to development on the African Year of Reparations declared by the African Union? To what extent does the right to development trace its origins from radical claims for reparations for colonial plunder and economic exclusion?
 3. Legal regimes continue to intersect across human rights, trade, finance, and investment law. This has revealed how institutional silos shape development outcomes. How can this be rethought?
 4. Resource constitutionalism ensures sovereign control over natural resources leads to equitable benefit-sharing and prevents local displacement. Do national constitutions in Africa articulate the right to development?
 5. Structural barriers in the global economy, including trade agreements, and illicit financial flows, continue to limit development opportunities. Has international law integrated the guarantees contained in the 1986 Declaration?

Kabarak Law Review therefore invites original, insightful contributions, especially interdisciplinary studies, reflecting on 30 years of Mamdani's *Citizen and subject* and 40 years of the United Nations Declaration on the Right to Development.

Category A: Full-length articles (double-blind review)

These are scholarly pieces between 8,000 words – 10,000 words exclusive of footnotes. These contributions will undergo double-blind peer review twice conducted by scholarly peers who are independent of the Editorial Board.

Deadline for submission is **30 April 2026**.

Category B: Short commentaries (single-blind review)

- a. Honouring our Elders: Conversations with the Living-Dead – this section involves tributes to African scholarly elders. This year's focus is on Wangari Maathai, Doudou Thiam, Amílcar Cabral, Nawal El Saadawi, Jeanne Martin Cissé and Ngũgĩ wa Thiong'o. 2026 also marks 40 years since the death of Cheikh Anta Diop. Reflections on his contributions are welcome.

Contributions should be between 3,000 words - 5,000 words.

- b. Kianjokoma Brothers Tribute (Police Accountability Review) – this section commemorates the lives of Benson Njiru Ndwiga and Emmanuel Mutura Ndwiga (known as the Kianjokoma Brothers), who fell victim to police brutality on 1 August 2021 during COVID-19 curfew enforcement. Emmanuel was a second year student at Kabarak Law.

We invite commentaries of no more than 3,000 words on various aspects of the law and politics of accountability for police brutality.

- c. Case notes and book reviews – this section features articles of no more than 3000 - 5000 words reviewing a recent book or case of scholarly importance, including full as well as single chapter book reviews.

The Editorial Board, in particular, invites reviews of the following books

- Walter Rodney's *How Europe underdeveloped Africa*, and
- Mercy Amba Oduyoye's *Daughters of Anowa: African women and patriarchy*.

Submission guidelines

- All contributions must be the original work of the author(s) and must not have been submitted to any other publication for consideration.
- Only natural persons may be designated as authors. AI tools may not be credited as authors or co-authors. AI outputs **cannot** be submitted as original research.
- *Kabarak Law Review* is committed to promoting indigenous knowledge production and promote equitable knowledge production. The Editorial Board encourages authors to proactively incorporate diverse works with a view to expand our knowledge base, and especially from Global Majority thinkers, and those written in languages other than English, where possible.
- All submissions should be sent through the Online Journal System (OJS) accessible here please contact the Editor-in-Chief in case of any inquiries <<https://journals.kabarak.ac.ke/index.php/klr/about/submissions>>.
- The authors should adhere to the Kabarak Legal Citation Guide (KALCI) accessible here <<https://kabarak.ac.ke/kalci>>.
- The short commentaries will under-go single-blind peer review.
- Authors are expected to incorporate the review comments, where necessary, and submit the revised paper by 31 August 2026. Only the accepted papers at this stage will be published.
- Deadline for full length articles is midnight of **31 May 2026**.
- Deadline for remaining articles is midnight of **31 July 2026**. Please feel free to contact the Editorial Board to clarify any queries you may have on this Call for Papers at email <kabaraklawreview@kabarak.ac.ke>.