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ARBEITSVORHABEN

The Future of Law in Africa: How Commissions are Challenging Law's Rigidity

Like many other governments throughout the world, African governments are famous for establishing commissions to deal with stormy matters of public importance. The issues include women's rights, ethnic violence, land ownership, boundary disputes, education policy, public health, food security, regulation of labor relations, corruption in government, national and social cohesion, constitution making, and unlawful killings - all matters that touch upon every area of our socio-political, economic, and legal existence. Critics often warn that the establishment of a commission is usually an indication that the government has no intention of doing anything about the problem. Indeed, commissions are often criticized for buying time, burying issues, and being a waste of time and resources. Despite these criticisms, recent trends show that the African governments continue to use commissions and that their use is in fact escalating. What is it about commissions that makes African governments continue to use them despite all these criticisms? Have commissions as they are used in Africa remained true to their roots? How have commissions behaved in their encounter with African socio-political contexts? This project examines how commissions became technologies of rule and governance to regulate and manage diverse tensions in Africa. We take up the Law of Commissions in Africa as a body of law to reflect on how the laws produced by commissions are challenging conventional "rigid" narratives about law by creating, deploying, and developing their own modes of legal and social thought and exercising, managing, institutionalizing and professionalizing power. I argue that commissions in Africa break down the boundaries of the law, illuminate law's rigidity, and challenge conventional understandings of law and what it constitutes in Africa. The future of law in Africa lies in unpacking, understanding, and unraveling the law of commissions.

Recommended Reading

Kabira, Nkatha. "Constitutionalizing Travelling Feminisms in Kenya." *Cornell International Law Journal* 52, no. 1 (Spring 2019): 137-169.

Kabira, Nkatha, and Patricia Kameri-Mbote. "Woman of Law: Women's Triumph in Kenya's Constitution of Kenya 2010." In *Changing the Mainstream: Celebrating Women's Resilience*, co-edited with Wanjiku Mukabi Kabira, Patricia Kameri-Mbote, and Agnes Meroka, 31-48. African Women Studies Center, University of Nairobi, 2018.

Kabira, Nkatha, and Wanjiku Mukabi Kabira. "Okoth the Dream Keeper: Breaking Down the Boundaries of Law." In *The Gallant Academic: Essays in Honour of HWO Okoth Ogendo*, edited by Patricia Kameri-Mbote and Collins Odote, 205-220. School of Law, University of Nairobi, 2017.

Der Gesang der Wanjiku, der Gesang der Wig

Dieser Gesang verwendet zwei Figuren, die Frau Wanjiku und die Wig, um von zwei gegensätzlichen, aber einander bedingende Auffassungen von der Zukunft des Rechts in Afrika zu erzählen. Die erste Figur ist die „Wig“ (Perücke). Sie repräsentiert die Anwälte, Richterinnen, richterlichen Beamten, die Eliten, die Herrschenden, den gesamten Berufsstand der Juristinnen und Juristen – sie alle schätzen aufgrund ihrer Ausbildung Bestimmtheit, Berechenbarkeit und Objektivität – die Kennzeichen des Rechtsformalismus. Die zweite Figur ist die Frau Wanjiku. Sie ist eine allegorische, historische Kunstfigur, die für die normalen Männer und Frauen steht. Der Gesang ist von der Dualität inspiriert, die den Geist, die Seele und Körper der Individuen beherrscht, wenn sie auf fremde Normen und Institutionen treffen – das doppelte Bewusstsein, wie W.E.B. Dubois sagen würde.

Was geschieht, wenn Wig Wanjiku begegnet: Wie erlebt Wig Wanjiku und wie reagiert Wanjiku auf Wig? Wie sprechen die beiden miteinander? Was verhandeln sie miteinander? Wie nehmen sie die Realität des jeweils anderen wahr? Ist das eine erfreuliche Verbindung? Begegnen sie einander jemals auf geistiger Ebene? Wenn Wanjiku Wig begegnet, müssen beide eine neue Denkweise begreifen, eine neue Art, die Welt zu beschreiben, einen neuen Weg finden, der mit ihren Wirklichkeiten übereinstimmt.

PUBLIKATIONEN AUS DER FELLOWBIBLIOTHEK

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Constitutionalizing traveling feminisms in Kenya

<https://kxp.k1oplus.de/DB=9.663/PPNSET?PPN=1725198592>

Kabira, Nkatha (Nairobi, 2018)

Woman of law : Kenyan women's triumph in the constitution of Kenya 2010

<https://kxp.k1oplus.de/DB=9.663/PPNSET?PPN=1726174816>

Kabira, Nkatha (Nairobi, 2017)

Okoth the dream keeper : breaking down the boundaries law

<https://kxp.k1oplus.de/DB=9.663/PPNSET?PPN=1725201593>

Kabira, Nkatha (Kampala, 2008)

Separating the baby from the bath water : women's rights and the politics of constitution-making In Kenya

<https://kxp.k1oplus.de/DB=9.663/PPNSET?PPN=1725200112>