

Institution: SOAS
Unit of Assessment: 20 Law
Title of case study: Informing Approaches to Improving Human Rights in South Sudan and Foreign Policy in the UK (Mashood Baderin)
<p>1. Summary of the impact (indicative maximum 100 words)</p> <p>The predominant perception of the relationship between Islamic law and international human rights law is that of one grounded in conflict, with Islamic law often presented as fundamentally incompatible with the tenets of international human rights. Mashood Baderin's research challenges this notion, arguing that, while the two legal systems operate differently in terms of scope and application, they also share important commonalities that facilitate the fulfilment of human rights obligations in Muslim states. The research has resulted in Baderin's appointment to a number of high-profile advisory roles that have enabled a significant contribution both to the guaranteeing of human rights in Islamic countries, and to the shaping of UK foreign policy.</p>
<p>2. Underpinning research (indicative maximum 500 words)</p> <p>Professor Mashood Baderin has been researching international and comparative human rights law for the past sixteen years, with a specific focus on the interaction between international law, human rights law, and Islamic law in Muslim states. He joined SOAS as Professor of Law in 2007 where he was Head of the School of Law from 2009-2012. He previously lectured at Brunel University and the University of the West of England, prior to which he practiced law in Nigeria as a barrister and solicitor of the Supreme Court.</p> <p>Since completing his PhD in 2001, Baderin has produced an extensive body of work that explores the relationship between Islamic Law and international human rights and how the two might be harmonised. <i>International Human Rights and Islamic Law</i>, for example, published in 2003 and 2005, with an updated second edition expected in 2014, asked whether international human rights and Islamic law are compatible, and if it is possible for Muslim states to comply simultaneously with international human rights law and Islamic law.</p> <p>Since his arrival at SOAS in 2007, Baderin developed these ideas in specific contexts and in relation to specific strands of Islamic law (e.g. outputs b and c) to develop their wider impact on human rights practice in Muslim states. For example, a 2013 book chapter, "Islamic Law and International Protection of Minority Rights in Context", explores the legal provisions for the protection of minority rights in both Islamic law and international law, with a view to integrating the two. The argument underpinning this research is that, while there are differences between Islamic and international human rights in terms of scope and application, these do not preclude the establishment of a common ground. He proposes that international human rights law engage in active dialogue with Islamic law, in order that the latter becomes a channel through which international human rights law can be progressed, enforced and guaranteed in the Islamic world. Baderin's research draws largely on evidence from Islamic jurisprudence and international human rights practice, with frequent use of country-specific examples to support his arguments.</p> <p>Baderin's research constitutes an entirely original contribution to the study of Islamic law and international human rights law. Prior to his path-breaking research, no significant work published in the UK attempted to synthesise international human rights law and Islamic law. Indeed, the widely accepted and largely unchallenged academic perspective on this issue was previously adversarial, particularly in the US, where the two were seen to exist in a permanent opposition. Baderin's work successfully undermines this approach in its proposal that this conflict can be mitigated by positively establishing the concept of international human rights from <i>within</i> the tenets of Islamic law. Owing to this unique harmonising approach, coupled with his persuasive and eminently readable style, Baderin's research and resulting expertise has proved influential and even instrumental to those working in human rights policy and practice in the UK and internationally who</p>

wish to transcend the unhelpful dichotomy that has hindered a positive exchange of ideas.

3. References to the research (indicative maximum of six references)

- a) "Islamic Law and International Protection of Minority Rights in Context." In *Islam and International Law: Engaging Self-Centricism from a Plurality of Perspectives*, edited by Marie-Luisa Frick and Andreas Th. Müller, 209-48. Leiden: Brill, 2013.
- b) "An Analysis of the Relationship between Shari'ah and Secular Democracy and the Compatibility of Islamic Law with the European Convention on Human Rights." In *Islam and English Law: Rights, Responsibilities and the Place of Shari'a*, edited by Robin Griffith-Jones, 72-93. Cambridge: Cambridge University Press, 2013.
- c) "Islamic Law and the Implementation of Human Rights Law: A Case Study of the International Covenant on Civil and Political Rights." In *International Human Rights Law: Six Decades after the UDHR and Beyond*, edited by Mashood A. Baderin and Manisuli Ssenyonjo, 337-57. Aldershot: Ashgate, 2010.
- d) "Islam and Human Rights in the Constitutions of African States: Agenda for Good Governance." In *Islam and Human Rights*, edited by H. Elliesie, 99-128. Frankfurt: Peter Lang Publishers, 2010.
- e) "Islam and the Realization of Human Rights in the Muslim World." In *Research Handbook on International Human Rights Law*, edited by Sarah Joseph and Adam McBeth, 440-66. Cheltenham: Edward Edgar Publishers, 2010.

4. Details of the impact (indicative maximum 750 words)

Since 2008, Baderin's evolving body of work concerning the relationship between Islamic law and international human rights has resulted in international recognition of his expertise and its widespread uptake, notably through his appointment as an advisor to DFID and FCO in the UK, and as UN Independent Expert on the situation of human rights in the Sudan.

In relation to UK policy, Baderin was commissioned in 2008 by DFID as a human rights expert on scoping visits to the Sudan, having previously undertaken similar work in 2003. The role involved engaging with the Government of the Republic of the Sudan and other relevant stakeholders to identify how the country could be best supported in fulfilling its human rights obligations. Baderin's findings were outlined in two reports submitted to DFID. More recently, he was invited in 2013 to join the UK Foreign Secretary William Hague's Human Rights Advisory Group, which meets regularly to discuss pressing human rights issues and to offer external, impartial advice on foreign policy practice. Hague's invitation letter stated that he felt it 'important to have a Muslim perspective on the human rights issues affecting our foreign policy (...). We plan to hold a discussion on human rights in Islamic countries at a future advisory group and would very much welcome your input.' (1, below) Baderin has since also participated in the third Jubilee Dialogue meeting, "How Will Religion Shape Foreign Policy in the Next Ten Years?", organised by FCO, assembling leading thinkers under the Chatham House Rule to debate the key issues behind global societal transformation (2). Participants at the third meeting included the Senior Minister of State Baroness Warsi, religious leaders, theologians and experts in religious affairs.

However, Baderin's most significant impact has been outside the UK, through his appointment in 2011 as UN Independent Expert on the situation of human rights in the Sudan, a mandate renewed for an additional year in 2012 (3). Similar to his DFID post, Baderin was required to meet with the Sudanese government, its international partners, NGOs and human rights defenders to ascertain the technical assistance and capacity building needs of the Sudanese government for it to comply with international human rights mechanisms. Drawing on his research on the relationship between Islamic law and international human rights in an African context, and his fluency in Arabic, Baderin

was ideally positioned to adopt this post, as acknowledged in the report of the Consultative Group to the President of the Human Rights Council:

'Mr Baderin has extensive academic and in-country experiences as a specialist in human rights and Islamic law. The Consultative Group was impressed by Mr Baderin's awareness of the issues specific to the situation in the Sudan, his ability to express a clear, focused and practical approach to the mandate and his knowledge of the legal and cultural context. The Group remarked in particular his ability to articulate the relationships between Islamic law and culture within Sudan.'

To date, Baderin has completed three visits to the Sudan on behalf of the UN (5, 6). His findings and recommendations have been discussed in numerous international press conferences and were compiled in a report to the UN Human Rights Council in September 2013 (4, 7).

In addition, Baderin's research has impacted upon the teaching of Islamic law and international human rights in higher education. It constitutes 'a main source of reference' for the module 'Islamic Law and Human Rights' at the University of Khartoum, for example, as part of the cross-disciplinary Post-Graduate Diploma in Human Rights. Mohamed Abdelsalam Babiker, Assistant Professor of International Law at the University, explains that Baderin's material was chosen (8):

'because it promotes a harmonious relationship between human rights and Islamic law. In this respect, it addresses contemporary and difficult issues, both in law and practice, that pertain to the Sudan as a modern Muslim state. Since 2005 his scholarship has been taught and there is no doubt whatsoever it generates serious debate, inspires and engages the minds of our students on contemporary critical rights and relate them to the Sudan's context. Many of our graduates are currently practicing lawyers, judges and human rights activists working in international and national NGOs.'

Through his direct involvement in monitoring human rights compliance in the Sudan, Baderin continues to make a significant, practical contribution to the reform and promotion of human rights in Muslim-majority countries in Africa. Moreover, both his ground-breaking research and his advisory roles ensure not only that a Muslim perspective is considered in the on-going discussions surrounding human rights policy and practice in the UK, but also raise awareness of the potential positive interaction between Islamic law and international human rights.

5. Sources to corroborate the impact (indicative maximum of 10 references)

1. Letter from the Foreign Secretary William Hague
2. Link to Jubilee Dialogue page 'How Will Religion Shape Foreign Policy in the Next Ten Years?' <https://www.wiltonpark.org.uk/jubilee-dialogues-religion-and-foreign-policy/> [Most recently accessed 18.11.13]
3. Report of the Consultative Group to the President of the Human Rights Council relating to the Special Procedures mandate holders to be appointed at the 19th session of the Human Rights Council:
<http://www.ohchr.org/Documents/HRBodies/SP/Nominations/HRC19/ReportoftheConsultativeGroup.pdf> [Most recently accessed 18.11.13]
4. Article on Mashood Baderin's recommendations regarding human rights in the Sudan:
<http://www.un.org/apps/news/story.asp?NewsID=45243#.UjLnjcakq2A> [Most recently accessed 18.11.13]
5. Article on Baderin's meeting with the United Nations Mission in Darfur:
<http://unamid.unmissions.org/Default.aspx?ctl=Details&tabid=10997&mid=14162&ItemID=18753> [Most recently accessed 18.11.13]
6. Catalogue of press releases and statements issued by Mashood Baderin following his visits

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to the Sudan with the UN:

http://www.ohchr.org/en/NewsEvents/Pages/NewsSearch.aspx?MID=SR_Sudan [Most recently accessed 18.11.13]

7. Mashood Baderin's report to the UN Human Rights Council, September 10, 2013:
<http://reliefweb.int/report/sudan/report-independent-expert-situation-human-rights-sudan-mashood-baderin-advance-unedited> [Most recently accessed 18.11.13]
8. Letter from Professor Mohamed Abdelsalam Babiker at the University of Khartoum