

# DECOLONISING THE TEACHING OF INTERNATIONAL ECONOMIC LAW (IEL): A CRITICAL REFLECTION OF TWO GLOBAL SOUTH SCHOLARS SITUATED ON EITHER SIDE OF THE NORTH-SOUTH DIVIDE

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## Abstract

*This paper offers a critical reflection of the authors' experiences as Global South teachers of International Economic Law (IEL) while situated on opposite sides of the North-South divide, engaging with the practicalities of decolonising the teaching of IEL within our respective universities. Although some attention has been given to the decolonisation of the pedagogy of international law broadly defined and IEL as a sub-speciality of international law, limited studies have explored the comparative perspectives and experiences of Global South scholars who teach IEL in universities on opposite sides of the Global North-South divide. Adopting an autoethnographic methodology, we explore the issue of decolonisation and Eurocentrism of IEL through our personal experiences and reflective practice as decolonisation scholars. Our experiences are discussed around two core themes: knowledge production and curriculum design/ teaching strategy. Specifically, this paper highlights our experiences based on our different journeys, first, as students trained in Eurocentric epistemologies and our subsequent efforts as teachers of IEL, seeking to contribute to the decolonisation of IEL teaching and scholarship in our respective institutions.*

*'Throughout the world, new questions and issues are being raised about the pedagogy of international law, the teaching materials used, the perspectives that are fostered and taught, and the assumptions that drive these approaches to teaching.'*<sup>3</sup>

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3 Antony Anghie, *Introductory Message* to TEACHING AND RESEARCHING INTERNATIONAL LAW IN ASIA (TRILA) PROJECT 1, 2-3, (National University of Singapore: Centre for International Law 2020) <https://cil.nus.edu.sg/publication/teaching-and-researching-international-law-in-asia-trila-project-2020-report/> (hereinafter, "TRILA Report").

## 1. INTRODUCTION

At a time when there is a conscious call across the world to decolonise the international legal education curriculum,<sup>4</sup> there is a need for introspective reflection by those who are leading the charge in the Global South and beyond.<sup>5</sup> Over the years, several authors, mainly but not limited to Third World Approaches to International Law (TWAIL) scholars such as Anghie,<sup>6</sup> Mbengue and Akinkugbe,<sup>7</sup> Moshen al-Attar and Abdelkarim,<sup>8</sup> Shako<sup>9</sup> and Eslava,<sup>10</sup> etc., have drawn attention to the impact of colonialism on the teaching and scholarship of international law.<sup>11</sup> These existing studies ‘criticise international law’s Eurocentricity in its various guises.’<sup>12</sup> For example, while Mbengue and Akinkugbe, as well as Shako, interrogate the impact of colonialism on knowledge production, Moshen al-Attar and Abdelkarim, and Eslava focus on the impact of colonialism on the international law curriculum content, design, and teaching strategies.

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- 4 The idea of decolonizing the curriculum is part of a larger conversation which questions the continuing dependence on western and Eurocentric university curricular among academics from the Global South. See Mohsen al Attar & Shaimaa Abdelkarim, *Decolonising the Curriculum in International Law: Entrapments in Praxis and Critical Thought*, 34 LAW & CRITIQUE 41 (2023); Savo Heleta, *Decolonisation: academics must change what they teach, and how*, THE CONVERSATION (Nov. 20, 2016), <https://theconversation.com/decolonisation-academics-must-change-what-they-teach-and-how-68080>.
  - 5 The challenges of researching, studying, and teaching IEL, particularly within universities and tertiary institutions in the Global South, have formed the theme of academic discussions and have received specific attention within conferences on international law. See e.g., *IEL Collective Inaugural Conf., 2019* (pre-conference session on the Teaching of IEL). See also, Suzzie Onyeka Oyakhire, *Teaching IEL as a Nigerian Teacher in the Era of Decolonization (IEL Collective Symposium II)*, UNIV. BRISTOL L. SCH. BLOG (March 27, 2020), <https://legalresearch.blogs.bris.ac.uk/2020/03/teaching-iel-as-a-nigerian-teacher-in-the-era-of-decolonisation/>.
  - 6 TRILA Report, *supra* note 3.
  - 7 Makane M. Mbengue & Olabisi D. Akinkugbe, *The Criticism of Eurocentrism and International Law: Countering and Pluralizing the Research, Teaching, and Practice of Eurocentric International Law*, in THE OXFORD HANDBOOK OF INTERNATIONAL LAW IN EUROPE (Anne Van Aaken, Pierre D’Argent, et al., eds., 2023).
  - 8 Al Attar & Abdelkarim, *supra* note 4.
  - 9 Florence Shako, *Teaching and Researching International Law - A Kenyan Perspective*, AFRONOMICSLAW (Oct. 1, 2020), <https://www.afronomicslaw.org/2020/10/01/teaching-and-researching-international-law-a-kenyan-perspective>.
  - 10 Luis Eslava, *The teaching of (another) international law: critical realism and the question of agency and structure*, 54 THE LAW TEACHER 368 (2020).
  - 11 Like public international law, IEL has been developed to capture and reflect a set of rules developed by scholars based predominantly but not exclusively in the Global North. This dominance of hegemonic assumptions and scholarly views which promote western perspectives of IEL as universal and immutable is largely attributed to colonialism.
  - 12 Mbengue & Akinkugbe, *supra* note 7, at 4.

However, few studies focus on scholars' personal reflective teaching experiences as the core emphasis of their methodological engagement with the discussion on the decolonisation of the teaching and scholarship of international law.<sup>13</sup> Shahabuddin's study is an example and provides his personal experience of teaching and researching international law both as a student and academic in the Global South (Bangladesh) and in the Global North (UK).<sup>14</sup> However, Shahabuddin's study only captures the dynamics of a single narrative across two geographies. Accordingly, this paper aims to contribute to the existing scholarship by offering comparative experiences of two Global South decolonisation teachers of International Economic Law (IEL) in universities on either side of the Global North-South divide. It not only re-emphasises the criticisms of the orthodoxy but also highlights our comparative experiences with this culture.

The TRILA report referred to above acted as a catalyst for critical discussions on a symposium on the *Afronomicslaw* blog<sup>15</sup> about the issues within the broader context of the Global South. A significant outcome of this symposium was the realisation that there are similarities in the challenges and shared experiences of Global South scholars teaching international law more broadly across different jurisdictions within the Global South. It was also clear from the symposium that there is a need for teachers and researchers of international law from the Global South to engage with and question our practice as decolonisation scholars critically and more reflectively. When problematised, the overall conclusion from this symposium is that teachers of international law and subsects like IEL from the Global South, including from Africa, are themselves products of systems and curriculums that create and foster Eurocentric norms and hegemonic assumptions about international law.

Motivated by the TRILA report and the subsequent symposium on *Afronomicslaw* blog, we (the authors of this paper) had subsequent long conversations over phone calls and shared our own experiences as teachers of IEL. These conversations opened the space

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13 The Teaching and Researching International Law in Asia (TRILA) project, which focused extensively on teaching and researching international law and its sub-specialties within universities in Asia is an illustrative example of the value of such perspectives. TRILA Report, *supra* note 3.

14 See Mohammad Shahabuddin, *Teaching and Researching International Law: Some Personal Reflections Via Bangladesh and the UK*, AFRONOMICS LAW (Sept. 25, 2020), <https://www.afronomicslaw.org/2020/09/25/teaching-and-researching-international-law-some-personal-reflections-via-bangladesh-and-the-uk/>.

15 See NUS Centre for International Law & Afronomicslaw, *Symposium Introduction: Teaching and Researching International Law – Global Perspectives*, AFRONOMICS LAW (Sept. 2020), <https://www.afronomicslaw.org/2020/09/14/symposium-introduction-teaching-and-researching-international-law-global-perspectives/> (*Afronomicslaw* is a blog on all aspects of international economic law as they relate to Africa and the Global South).

for us to reflect on our teaching critically and candidly. In these conversations, we discussed our knowledge of decolonisation and the influence of Eurocentrism on our legal education over the years. Given this premise, this paper reflects on our experiences based on our different journeys, first as students from Africa trained in Eurocentric ideologies and now as teachers seeking to contribute to the decolonisation of IEL. For more context, this paper highlights our experience experimenting with critical legal scholarship at a time when Oyakhire taught at a university in Nigeria compared to Omiunu's experience at a university in the UK. Our experience as teachers is crucial to the knowledge production of IEL, especially since teachers are identified as important agents of change within TWAIL scholarship.<sup>16</sup> Also, this paper seeks to prompt our readers to reflect on their experiences as teachers, students, researchers, or practitioners of IEL in Africa and the Global South, especially at a time when IEL is in an era of multiple crises.

Our analysis is structured around two core themes: knowledge production and curriculum design/teaching strategy. Following this introductory section and a brief overview of the methodology adopted, we begin our discussion by examining the impact of Eurocentrism on our teaching of IEL. We re-emphasise here the dominance of Eurocentric constructs on the research, scholarship, and pedagogy of IEL. In this section also, we establish our positionality as Global South Scholars from Africa whose first experience with IEL was as postgraduate students and later as teachers of IEL and how these characteristics have influenced our perspectives and conclusions reached in this paper. We trace our first experiences with TWAIL scholarship and how this exposed us to critical scholarship which questioned these hegemonic structures on which IEL is grounded. Building on this premise, the next section highlights our experience with curriculum design and our teaching strategy. We engage with the broader discussions of decolonisation and its implications for us as teachers of IEL. Here, we limit the discussion to aspects of the decolonisation debates focused on decolonising the (*IEL*) curriculum. We demonstrate our attempts to join other scholars in questioning legal scholarship and practices foregrounded in Eurocentric ideas. The next section summarises our experiences and indicates areas of convergence and divergence, especially as it relates to how our students respond to our decolonisation efforts. We conclude by reflecting on the varying degrees of differences in our experiences shaped by our respective North/South locations.

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16 Mohsen al Attar & Veron Tava, *TWAIL Pedagogy – Legal Education for Emancipation*, 15 PALESTINE YEARBOOK INT'L L. 8, 25-26 (2009).

## 2. A NOTE ON OUR METHODOLOGY

A specific aim of this paper is to critically reflect on our practice as teachers of IEL within the paradigm of the decolonisation of the IEL curriculum. Accordingly, we adopted an autoethnographic methodology for this paper. As described by C.N Poulos, 'autoethnography' involves a researcher writing about a topic of great personal relevance... situating their experiences within the social context.<sup>17</sup> Autoethnography thus requires deep reflection on both one's unique experiences and the universal within oneself.<sup>18</sup> As a methodology, autoethnography involves using the author's personal experiences and connecting the author's insights to self-identity, cultural rules and resources, communication practices, traditions, premises, symbols, rules, shared meanings, emotions, values, and larger social, cultural, and political issues.<sup>19</sup> Autoethnography is thus relevant to this paper since we explore our own individual experiences as teachers of IEL within wider debates of decolonisation and cultures that foster hegemonic assumptions about IEL. Our paper thus defines culture, which is a crucial element in autoethnography, to mean academic culture of learning, researching, and teaching (IEL) in the higher education (HE) sector.

A specific technique adopted within autoethnography methodology is to use self-reflective data whereby authors journal their reflections about their experiences and perceptions related to the topic.<sup>20</sup> Through conversations over phone calls and shared notes, we reflected on our individual experiences with IEL, paying attention to major events that stood out as we interacted with IEL. These events were discussed first regarding our journeys as postgraduate students of IEL and later as teachers teaching IEL in Nigeria and in the UK. We compared notes, highlighting the similar patterns in our experiences and focused on dissimilarities where necessary in relation to the topic. It is important to note that the autoethnographic reflections were not just a static exercise but rather a continuous process of re-evaluating our position, practices, and the broader IEL curriculum.

We also analysed critical scholarship by TWAIL and decolonisation experts, specifically on other reflective research on the experiences of other Global South researchers and teachers of international law, broadly defined. This process enabled us to engage deeply with our personal experiences, providing a reflective and subjective lens on our

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17 Christopher N. Poulos, *Essentials of Autoethnography* viii (2021).

18 *Ibid.*

19 *Id.* at 4.

20 Robin Cooper & Bruce V. Lilyea, *I'm Interested in Autoethnography, but How Do I Do It?*, 23 QUALITATIVE REP. 197, 199 (2022).

roles as Global South scholars teaching IEL. This critical self-examination of how our positionality—being trained in Eurocentric institutions—shaped both our teaching and understanding of decolonisation was crucial in identifying the intellectual risks and barriers we faced in different jurisdictions. By examining our educational journeys, we were able to unpack the ways in which Eurocentric training continues to shape our teaching methods and how this necessitates conscious efforts to unlearn and re-learn critical perspectives such as TWAIL.

### 3. BEYOND EUROCENTRIC NARRATIVES: DECOLONISING IEL KNOWLEDGE PRODUCTION

In this section we discuss the influence of Eurocentrism on our teaching of IEL. By examining the dominance of Eurocentric materials in our academic journeys, we reflect on how Eurocentric principles shaped our knowledge and understanding of IEL and how this has influenced our pedagogical approaches.

The research, scholarship, and pedagogy of IEL, especially in the post-World War II era, has been framed by Eurocentric epistemological constructs.<sup>21</sup> This Eurocentric framing of IEL was transplanted and subsequently embedded across the Global South via the instrumentality of colonialism and imperialism. As Lebeloane aptly puts it, ‘although colonists did not introduce education in Africa, they introduced some new sets, some of which either replaced and or supplemented those which had been there before.’<sup>22</sup> This imperial legacy of colonialism is an important premise for us as authors of this paper because we were both trained within a Nigerian legal system, a post-colonial state influenced by the Eurocentric framing of law and legal pedagogy.

Although there are various dimensions to the issue of Eurocentrism in IEL, like Mbengue and Akinkugbe<sup>23</sup>, we limit our discussions on Eurocentrism to the domination of Western and European scholarly works in the IEL syllabi. As Oyakhire notes, the syllabus and materials used in teaching IEL in Nigerian universities present the theories of international trade as prescribed by Western scholars such as David Ricardo

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21 Eurocentrism is defined as the sensibility that Europe is historically, economically, culturally, and politically distinctive in ways which significantly determine the overall character of world politics.’ See Meera Sabaratnam, *Decolonising Intervention International Statebuilding in Mozambique* 20 (2017) (The reach of Eurocentrism is not restricted to IEL or international law more broadly. In fact, the gamut of the legal disciplines such as the Law of Equity and Trust, Law of Inheritance and Succession and Administration of Estates and Wills Law, are also embedded in colonial prescriptions).

22 Lazarus Donald Mokula Lebeloane, *Decolonizing the school curriculum for equity and social justice in South Africa*, 82 KOERS BULLETIN CHRISTIAN SCHOLARSHIP 1, 5 (2017).

23 Mbengue & Akinkugbe, *supra* note 7.

and Adam Smith. These scholars prescribe the concepts of comparative advantage, trade specialisation, and trade liberalisation as universally accepted economic pillars and foundational theories of international trade.<sup>24</sup> These concepts, which presented a one-size-fits-all approach to trade policies, failed to account for the diverse economic realities and histories of countries outside the Western sphere.<sup>25</sup>

Similarly, teaching about the structure of the international trading system is framed along the lines of liberal/neo-liberal tenets. Accordingly, topics centred on trade sanctions, trade remedies, regional trade agreements, and dispute settlement mechanisms are discussed and presented as a single objective view that must be applied uniformly everywhere. This limits the possibilities for regional contextualisation or questioning its premise.<sup>26</sup> We note here that the emphasis on Western perspectives is a consequence of the way the knowledge of international law and its sub-sects, such as IEL, have been documented and projected over time. This dilemma is described by Mbengue and Akinkugbe, who state that

teachers of international law in many parts of the Global South remain indoctrinated in the Eurocentric approaches to international law. In the African context, many of these teachers of international law are pedagogically conservative – formalistic and doctrinal – in their approaches to the subject. In many cases, this is not a deliberate choice.<sup>27</sup>

This claim is reinforced by the argument made that ‘to teach international law is to augment Eurocentrism within its praxis, and the alternatives are limited and unsatisfactory.’<sup>28</sup> This dominance is not only restricted to academia or knowledge produced within the classrooms of the HE sectors but also in the ‘world of the practice of international law.’<sup>29</sup>

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24 See Oyakhire, *Teaching IEL*, *supra* note 5.

25 See generally D. Ukwandu, *David Ricardo's Theory of Comparative Advantage and Its Implication for Development in Sub-Saharan Africa: A Decolonial View*, 8 AFR. J. PUB. AFF. 17 (2015).

26 Amaya Álzvez Marín, Laura Betancur Restrepo, et al., *Rethinking International Law in Latin America*, AFRONOMICSLAW (Sept. 17, 2020), <https://www.afronomicslaw.org/2020/09/17/rethinking-international-law-education-in-latin-america> (hereinafter *Rethinking International Law*).

27 Mbengue & Akinkugbe, *supra* note 7, at 14.

28 Al Attar & Abdelkarim, *supra* note 4, at 43.

29 See also James Thuo Gathii, Wing-Tat Lee Chair Int'l L. Loy. Univ. Chi. Sch. L., Grotius Lecture Presented at the 2020 Virtual Annual Meeting of the American Society of International Law: The Promise of International Law: A Third World View 9 (2020) (hereinafter *The Promise of International Law*).



A recurring criticism of international law is the absence of developing or third world voices in the historical landmarks of the subject of international law.<sup>30</sup> Specifically, there is little or no recognition of the contributions of non-European states to the evolution of modern international law. Gathii highlights this issue, observing that ‘... there is often too little if anything at all in our casebooks and in our practice about the international law produced in places like Arusha, Tanzania.’<sup>31</sup> He adds that even when such contributions from non-European states are acknowledged, they are frequently marginalised as less significant sources of theoretical innovations in international law compared to their European counterparts.<sup>32</sup>

This limitation is also reflected in IEL in that the research, practice, scholarship and teaching of IEL are biased and skewed towards Eurocentric experiences, which are usually portrayed as universal principles,<sup>33</sup> overshadowing the diverse perspectives of other regions. Shako notes that in Kenyan law schools, for instance, the international law curricula tell a single story of the European experience.<sup>34</sup> Also, the literature and pedagogy adopted in teaching depend heavily on European perspectives, thus silencing, distorting or excluding Indigenous knowledge, scholars and critiques while perpetuating incomplete narratives.<sup>35</sup> Similarly, for the period IEL has been taught at the University of Benin, Nigeria, where both authors did their undergraduate studies, the curriculum has been developed to emphasise and reflect the rules developed predominantly in the Global North.<sup>36</sup>

The studying and teaching of IEL in Nigeria is relatively new.<sup>37</sup> As such, the earliest exposure to IEL for several Nigerian lawyers and scholars occurs during their postgraduate studies overseas (for example, in European or North American Universities).<sup>38</sup> This was certainly the case for both authors, who were first exposed to IEL at the postgraduate level while studying in South Africa and the United Kingdom,

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30 Antony Anghie, *The Evolution of International Law: colonial and postcolonial realities*, 27 *THIRD WORLD Q.* 740 (2006); see also *The Promise of International Law*, *supra* note 29, at 3.

31 *The Promise of International Law*, *supra* note 29, at 3.

32 *Id.* at 5.

33 Babatunde Fagbayibo, *Some Thoughts on Centring Pan-African Epistemic in the Teaching of Public International Law in African Universities*, 21 *INT’L CMTY. L. REV.* 170, 171 (2019).

34 Florence Shako, *Decolonizing the Classroom: Towards Dismantling the Legacies of Colonialism & Incorporating TWAIL into the Teaching of International Law in Kenya*, 3 *J. CONFLICT MGMT. & SUSTAINABLE DEV.* 16, 17 (2019).

35 *Ibid.*

36 The University of Benin is one of the Federal Universities in Nigeria. IEL was introduced as an optional course in the Faculty of Law in the 2007/2008 academic session way after the authors had completed their undergraduate training in law. See Suzzie Onyeka Oyakhire, *Re-Strategising the Position of International Economic Law within the Legal Education Curriculum in Africa*, 17 *MANCHESTER J. INT’L ECON. L.* 81 (2020).

37 *Id.* at 85.

38 Oyakhire, *supra* note 5.



respectively.<sup>39</sup> Although Oyakhire's postgraduate experience was in South Africa, counter-narratives and critical and alternate perspectives of IEL were not readily available. Undoubtedly our knowledge and appreciation of IEL were influenced by the perspectives of our teachers, usually teaching from, or at least influenced by, a Eurocentric grounding. This is not to say that we did not encounter critical scholars at the postgraduate level who challenged the norms. These scholars, however, constituted the minority and the syllabus's structure and the discipline's nature foreclosed or at the least muted any counter-narratives about the principles of IEL.

As such, a level of scholarly rebellion and intellectual curiosity was necessary for us to explore beyond the strictures of Eurocentric taught master's programmes. Perhaps we were not fortunate to meet teachers who were radical enough to deviate from the status quo, or we probably encountered teachers in the same position we have found ourselves – products of a conditioned environment. We are trying to highlight here that there was limited space for intellectual curiosity beyond the epistemological frame presented to us. More importantly, this paper is a result of our reflections on the impact of our postgraduate experience on our approach to teaching IEL. This is mainly because teachers of IEL, who themselves are products of Western education, may struggle to deviate from conventional epistemological frames.<sup>40</sup> Hence, there is a propensity to recycle the same across generations of students.

Over the years, we, too, as teachers, recognised the need to confront questions about the lack of pluralism in the scholarship and teaching of IEL. Critical scholarship depicted in decolonisation and TWAIL literature provided a basis for us to reflect on and re-evaluate the dominant narratives of IEL scholarship and consider alternative ways of teaching IEL. As Gathii explains, '...TWAIL not only questions international law's presumed universality, but it theorises and views international law from the perspective of the Third World...This perspective also challenges the hierarchical and unequal manner in which rules of international law from some parts of the world become predominant while others are regarded as subordinate or irrelevant.'<sup>41</sup> However, the accessibility and acceptance of these counter-narratives have been an issue, with 'gatekeepers' of the dominant narratives not ceding ground without a push-back. For emphasis, a recent publication with the objective of chronicling the experience of teachers of international law globally invariably excluded the perspectives of scholars and teachers from the Global South.<sup>42</sup> This amplifies the hegemony that teachers of

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39 When both authors were undergraduate students at the University of Benin, Nigeria, public international law was only available as an optional module. International Economic Law or International Trade law was not part of the undergraduate syllabus.

40 Heleta, *supra* note 4.

41 *The Promise of International Law*, *supra* note 29, at 17.

42 A quick look at the table of content confirms that contributors were mostly from the Global North.

international law and its subsets from the Global South continue to stress in their reflections about teaching international law.

As such, students who are not curious enough to go beyond 'paywalls' and other gatekeeping mechanisms found in some Western universities and even in universities in Africa will continue to walk in the oblivion of the counter-narratives about IEL. In one of our phone chats, we realised that we fall into that category of scholars who, as students, walked oblivious of the counter-narratives. We eventually allowed our intellectual curiosity to take us beyond the boundaries of dominant narratives. However, we wonder about the extent to which we are already formed in our ways. Now, being exposed to the body of TWAIL and other critical legal scholarships at the post-doctoral level, we ask ourselves: Do we need to be decolonised, i.e., unlearn, re-learn what we already know or thought we knew about IEL?

Although we acknowledge the role the emergence of TWAIL scholarship and other critical scholarship traditions has played in challenging these hegemonic and Eurocentric assumptions about IEL, we recognise also that TWAIL and other critical perspectives on IEL may not be widely known to teachers of IEL across Africa and beyond. This assumption is made because personally, as postgraduate students of international law about 15 years ago and later as teachers of international law and IEL in the past 9 years, our first knowledge of TWAIL happened only recently. Our ignorance about TWAIL influenced our understanding of the principles and teaching of IEL. Although we had taught IEL by sometimes giving developing country examples to our students, this was done without any critical engagement with international law as advanced by TWAIL scholarship. This means that we taught without reflecting on the criticisms of international law as biased in favour of Eurocentric experiences and portrayed as universal principles. We taught without appreciating the need for alternative voices in disrupting the dominant hegemonic principles.

Similar acknowledgements exist about the limited exposure to and knowledge of international law from a TWAIL perspective in Latin American universities.<sup>43</sup> The lack of exposure to TWAIL scholarships aligns with Oyakhire's argument that in Nigeria and Africa, generally, undergraduate legal education is not preparing law students and, by implication, future teachers of IEL for indigenous knowledge and expertise of IEL.<sup>44</sup> This also reinforces the earlier point made about how knowledge of IEL is acquired from teachers imparting knowledge from the Western perspectives that they are exposed to. Moreso, our own experiences before and after encountering TWAIL underscore the ideological shift that accompanies such knowledge, as described by

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43 Rethinking International Law, *supra* note 26.

44 See Oyakhire, *supra* note 36, at 86.

Gathii. He notes that ‘TWAIL scholars are therefore always self-aware and conscious that their scholarship and practice is trapped within problematic structures of knowledge that represent partial interests and priorities as they struggle to move them beyond those problematic foundations.’<sup>45</sup>

We emphasise here that our seeming unfamiliarity with TWAIL scholarship is that there was little or no consciousness of the alternative perspectives, including decolonisation efforts, when we were studying at undergraduate and postgraduate levels. This is because there was little or no institutional engagement and awareness about the issues of decolonising the curriculum back then in our respective institutions. At best, our knowledge of decolonisation debates was at an individual level of inquiry. We also admit that awareness of the decolonisation discourse, particularly regarding decolonising the curriculum, comes from the *#feesmustfall*<sup>46</sup> and *#Rhodesmustfall*<sup>47</sup> protests in South Africa we experienced between 2017 and 2018.

Subsequent research to understand the reasons behind the protests led to the discovery of more literature about decolonisation within the context of researching and teaching international law, which is relevant to us as teachers of IEL. However, our discovery and engagement with the decolonisation debates were based on our personal inquiries and curiosity, with no support or conducive environment within HE institutions for engaging with the decolonisation debates at this point. This is unsurprising because, despite the initial momentum of the South African protests, there remains little or no institutional engagement with decolonising the law curriculum in many African universities. Adebisi corroborates this point and argues that in African universities, ‘decolonisation is stalled’.<sup>48</sup> The same can be said for the UK, with Moghli and Kadiwal pointing out that ‘it is only recently that reassessment of curricula in UK HE has been linked to the broader movement to decolonise universities.’<sup>49</sup>

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45 *The Promise of International Law*, *supra* note 29, at 23.

46 See Khanyi Mlaba, *South Africa's Students Protests: Everything to Know About a Movement that Goes Back Decades*, GLOB. CITIZEN (Apr. 8, 2021), <https://www.globalcitizen.org/en/content/south-africa-student-protests-explained/>; see also M. Greef, K. Mostert, et al., *The #FeesMustFall Protests in South Africa: Exploring First-Year Students' Experiences at a Peri-Urban University Campus*, 35 S. AFR. J. HIGHER EDUC. 78 (2021).

47 Eve Fairbanks, *The birth of Rhodes Must Fall*, THE GUARDIAN (Nov. 18, 2015, 1:00 AM) <https://www.theguardian.com/news/2015/nov/18/why-south-african-students-have-turned-on-their-parents-generation>; see also Amit Chaudhuri, *The real meaning of Rhodes Must Fall*, THE GUARDIAN (Mar. 16, 2016, 2:00 AM) <https://www.theguardian.com/uk-news/2016/mar/16/the-real-meaning-of-rhodes-must-fall>.

48 Foluke I. Adebisi, *Decolonisation of Knowledge Production and Knowledge Transmission in the Global South: Stalled, Stagnated or Full Steam Ahead?*, AFRONOMICSLAW (Oct. 21, 2020), <https://www.afronomicslaw.org/2020/10/20/decolonisation-of-knowledge-production-and-knowledge-transmission-in-the-global-south-stalled-stagnated-or-full-steam-ahead>.

49 Mai Abu Moghli & Laila Kadiwal, *Decolonising the curriculum beyond the surge: Conceptualisation, positionality and conduct*, 19 LONDON REV. EDUC. 1 (2021).

#### 4. DECOLONISING THE IEL CURRICULUM AND TEACHING STRATEGY

As indicated earlier, within the field of IEL, the dominant hegemonic principles that promote Western perspectives of IEL as universal are attributed to colonialism and post-colonial institutions developed post-Bretton Woods.<sup>50</sup> For example, within the context of international trade, a multilateral trading system under the General Agreement on Tariffs and Trade (GATT) was established. This system offered trade liberalisation, market access and elimination of trade barriers as the foundational principles of international trade.<sup>51</sup> The historical antecedents of these norms show that they served or at least served at some point the trade interests of Western powers. On the other hand, these now entrenched economic principles and practices contradict or outrightly exclude pre-colonial practices of international trade which existed within societies in Africa, for example.<sup>52</sup> This marginalisation of African practices is reproduced in the curriculum and, by implication, the teaching of IEL in several African Universities.<sup>53</sup>

The influence of Eurocentrism on our learning of IEL, which we ‘inadvertently’ transfer to our students through our teaching, illustrates the crucial role that curriculum plays in perpetuating the imperial orthodoxy across generations. To break this cycle, it is imperative that we decolonise the IEL curriculum. However, it remains unclear what it means to decolonise the IEL curriculum. This dilemma is aptly captured in an article in *the Conversation* piece titled: “What do ‘they’ mean by decolonisation?”<sup>54</sup> This is because the different conceptions of decolonisation would influence how a teacher of IEL approaches the topic of decolonising IEL teaching and curriculum. For example, should a teacher in an African University look for case studies and practices that seek to redefine the established principles, or should they merely give local (African) experiences of the interactions with these established international principles? More importantly, is the aim of decolonisation the same for a Global South scholar teaching IEL in Europe?

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50 See Rachel E. Cononi & Rebecca Hellerstein, *50 years after Bretton Woods: What is the Future of the International Monetary System? An Overview*, NEW ENG. ECON. REV. (1994).

51 Oyakhire, *supra* note 5.

52 *Ibid.*; see also Aboyade Sunday Ariyo, *Trade Across Frontiers: An Overview of International Trade Before the Advent of Modern Economic System in Nigeria*, 35 HISTORIA ACTUAL ONLINE 53 (2014).

53 Babatunde Fagbayibo, *Fela’s music can decolonise international law in African universities*, THE CONVERSATION (May 13, 2018, 4:38 AM), [https://theconversation.com/felas-music-can-decolonise-international-law-in-african-universities-95816\\_](https://theconversation.com/felas-music-can-decolonise-international-law-in-african-universities-95816_).

54 Heleta, *supra* note 4.

To answer the above question, it was important for us to take a step back to engage with broader questions about decolonisation and the decolonisation movement. This was imperative because decolonisation is not as straightforward as it may sometimes appear. The concept of decolonisation broadly conceived is grounded in critical theory.<sup>55</sup> The foundations of decolonisation have been described to include 'deconstruction and reconstruction, self-determination and social justice, ethics, language, internationalisation of indigenous experiences, history and critique.'<sup>56</sup> However, a specific issue associated with it is the complexity of navigating through debates on the scope and context of the decolonisation concept. Notably, some authors have cautioned that the definition of decolonisation is unsettled and thus means different things at different times.<sup>57</sup>

In acknowledging that there are several definitions of decolonisation, it was important to clarify what decolonisation means to us. Our approach also aligns with Adebisi's view that decolonisation enables [academics] to 'confront the history and effects of imperialism upon academic practices in law.'<sup>58</sup> We do not, for the purpose of this paper, refer to decolonisation in the sense of self-determination and independence of Third World countries from colonial rule in the 1950s-1970s. We limit our reference to decolonisation within the context of decolonising the curriculum within the HE sectors. Decolonisation involves our attempts to join other scholars in questioning legal concepts and practices which foreground Eurocentric ideas and acknowledge the existence and contribution of non-Western philosophies and practices, especially from the Global South to the developments of these concepts or legal histories.

We have specifically found the context of decolonisation within discussions on the teaching of law in both the Global South and Global North HE sectors relevant to our analysis. Within this context, decolonisation in universities across the North-South divide could be construed as 'a move from a hegemonic or Eurocentric conception of law connected to legal cultures historically rooted in colonialism...to more inclusive legal cultures.'<sup>59</sup> It involves the analytical process of questioning European power and

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55 'Critical theory aims to demystify and disrupt dominant narratives, interpretations and ways of knowing and understanding legal phenomena.' See Clair Gammage, *Critical Perspectives of International Economic Law*, AFRONOMICSLAW (Jan. 15, 2020), <https://www.afronomicslaw.org/2020/01/14/critical-perspectives-of-international-economic-law/>.

56 Lebeloane, *supra* note 22.

57 See, e.g., Chuma Himonga & Fatimata Diallo, *Decolonisation and Teaching Law in Africa with Special Reference to Living Customary Law*, 20 POTCHEFSTROOM ELEC. L. J. / POTCHEFSTROOM ELEKTRONIESE REGSBLAD 1, 4 (2017); Lebeloane, *supra* note 22.

58 Foluke Adebisi, *Decolonisation and the Law School: Initial Thoughts*, AFR. SKIES (July 22, 2019), <https://folukeafrica.com/decolonisation-the-law-school-initial-thoughts/>.

59 Himonga & Diallo, *supra* note 57, at 5.

aims to confront the mind from coloniality.<sup>60</sup> As Moshen Al Attar and Abdelkarim summarise, ‘by applying a decolonial critique, scholars unearth the perversion of Eurocentrism that pervades international law.’<sup>61</sup>

In our conversations about the meaning of decolonisation, we identified that we had different points of emphasis and priorities when thinking about the concept of decolonisation. For Oyakhire, decolonisation means the need to ‘reform [the] public international law curriculum so that it could find some cultural [and contextual] grounding in Africa.’<sup>62</sup> For Omiunu, it goes beyond pushing for reforms to the public international law curriculum but also means championing initiatives in the UK HE sector which enables academics and students to ‘confront the history and effects of imperialism upon the academic culture related to the teaching and scholarship on IEL.’<sup>63</sup> In effect, decolonisation for Oyakhire involves rethinking and reframing the curriculum and bringing Global South experiences to the centre of teaching, learning, and researching IEL.<sup>64</sup> This is also applicable for Omiunu, but it also entails navigating the institutional and cultural barriers that gatekeep the orthodoxy within the UK HE sector.

A point of convergence for us was that, at minimum, decolonisation is a reflective practice that provides alternative ways of thinking about the effects of unequal power structures on how knowledge is produced, transmitted, and exchanged.<sup>65</sup> This entails drawing attention to the dominance of Eurocentric epistemologies within the IEL curriculum while pushing for a recognition of the existence of alternatives to Eurocentric views. We also agreed that decolonisation means bringing to our consciousness and our students the existence of alternative voices which question the very foundations of IEL. We agreed that this can be achieved by incorporating the research of Global South scholars in our reading lists. Although this approach is criticised by Moshen Al Attar and Abdelkarim as minimalist when they suggest that ‘what decolonisation offers is a momentary relief in the form of recognition against exclusion for scholars who occupy liminal spaces within academic institutions...’<sup>66</sup> Nonetheless, we share

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60 Lebeloane, *supra* note 22, at 2.

61 Al Attar & Abdelkarim, *supra* note 4, at 42-43.

62 Arnold Nciko Wa Nciko, *The Hutians – Decolonising the Teaching of Public International Law in African Law Schools to Address a Real Problem*, AFRONOMICSLAW (Sept. 17, 2020) <https://www.afronomicslaw.org/2020/09/17/the-hutians-decolonising-the-teaching-of-public-international-law-in-african-law-schools-to-address-a-real-problem/>.

63 Adebisi, *supra* note 58.

64 Heleta, *supra* note 4.

65 Adebisi, *supra* note 58.

66 Al Attar & Abdelkarim, *supra* note 4, at 50.

the opinion that attempts at decolonising the curriculum, no matter how minimal, contribute to awareness in terms of questioning the hegemony. This is, in fact, our experience, as our exposure to and engagement with literature on decolonisation led us to the discovery of TWAIL and introduced us to thinking about IEL critically.

However, our journey towards integrating TWAIL scholarship and alternative perspectives in our IEL teaching underscored a broader system challenge in terms of the negligible institutional engagement with decolonising the law curriculum in many African and UK universities. Despite growing awareness and individual efforts, the institutional momentum necessary for meaningful curriculum decolonisation still needs to be improved, calling for a concerted push towards embedding these critical perspectives within legal education frameworks. A specific challenge arising from this status quo is the limitation experienced in critically engaging with the curriculum. Fagbayigbo corroborates this point when he explains that 'lack of exposure to critical scholarship such as Third World Approaches to International Law (TWAIL) prevents African students from understanding how explicit and implicit structural imbalances continue to shape Africa's marginal disciplinary position.'<sup>67</sup>

It is important to reflect on the utility of this statement to teachers in Africa. This happens where the teacher lacks total academic freedom to develop the course syllabus and in instances where the teaching of IEL is co-assigned. Where co-teachers or module leaders are not interested in engaging with critical ideologies or questioning established teaching and knowledge system structures, especially where decolonisation is not institutionalised, there is little freedom to introduce alternative perspectives to the students aimed at pluralising the syllabus. As indicated earlier, the curriculum and teaching syllabus have been developed to reflect dominant hegemonic principles that promote Western perspectives of IEL and are accepted as truth by co-teachers of the course. Therefore, for Oyakhire, the decolonisation of the curriculum and the integration of content representing diverse viewpoints was primarily an individual initiative. While the institutional curriculum structure remained largely unchanged, Oyakhire's teaching approach was characterised by a deliberate effort to incorporate examples of alternative perspectives, challenging the dominant narratives and fostering a more diverse idea of the international trading system.

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67 Babatunde Fagbayigbo, *A Critical Approach to International Legal Education in Africa: Some Pivotal Considerations*, THIRD WORLD APPROACHES TO INT'L L. REV. (Nov. 28, 2019), <https://twailr.com/a-critical-approach-to-international-legal-education-in-africa-some-pivotal-considerations/>. Babatunde Fagbayigbo, *A Critical Approach to International Legal Education in Africa: Some Pivotal Considerations*, THIRD WORLD APPROACHES TO INT'L L. REV. (Nov. 28, 2019), <https://twailr.com/a-critical-approach-to-international-legal-education-in-africa-some-pivotal-considerations/>.



## 5. CONVERGENCE AND DIVERGENCE: EXPLORING THE INTERPLAY IN OUR DECOLONIZING JOURNEYS

Since our exposure to decolonisation scholarship, we have become more aware of the need for (re)positioning Global South experiences and alternative perspectives in our teaching. For example, in illustrating the aims of international trade modules taught by both authors in our respective universities, we included materials in our respective syllabi that invited our students to engage with dominant narratives of international trade critically. This approach generally aligns with a significant objective of decolonisation scholarship, which is to ensure that the Global South is centred within IEL scholarship and that IEL recognises and engages with the interests and priorities of Global South countries as it pertains to the production and curation of knowledge.<sup>68</sup> Oyakhire's experience experimenting with critical legal scholarship in an African University compared to Omiunu's experience of experimenting with critical legal scholarship in a European University presents interesting results.

First, although our audiences differed, our aims were similar. Oyakhire engaged with an audience of African students who needed to realise that the IEL world is not flat and that it is okay to challenge the status quo about knowledge. Omiunu engaged with an audience dominated by Western students but also preached the same message. Evidently, with the differences in our audiences, we had mixed reactions. For example, after engaging with the materials and discussions in class, Omiunu had several students voluntarily opt to do a final year dissertation on a topic of IEL, which challenges the dominant narrative. The uptake was not massive, with an average of one student a year opting to do a dissertation on a topic of IEL from a critical perspective. This is evidence that there is a limited appetite for a different take on IEL epistemology. The experience of Oyakhire in this regard was the interest of about 6 IEL students in the same academic session opting to do their final year-long essay on topics critically evaluating the impact of certain WTO principles and practices on developing countries generally and in Africa specifically.

Second, we discovered that our grounding in Eurocentric frames of IEL comes through in the level of risk we are willing to take when experimenting with counter-narratives on IEL. For example, Omiunu observed that he was initially cautious about not upsetting the 'apple cart' when considering what to include in the reading list. He further observes that during his first year of teaching IEL, he stuck to conventional

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68 James Thuo Gathii, Wing-Tat Lee Chair Int'l L. Loy. Univ. Chi. Sch. L., Opening Keynote Lecture Delivered at the 5<sup>th</sup> Society of International Economic Law Biennial Conference: Africa and the Disciplines of International Economic Law: Taking Stock and Moving Forward 1, 19 (July 7, 2016).

topics and reading materials. In the second year of teaching the module, Omiunu felt confident introducing more critical perspectives of IEL. In hindsight, Omiunu recalls feeling more inclined to deviate from the status quo when working with co-module leaders engaged in critical legal research. For Oyakhire, most of the reading list still focused on conventional topics and reading materials. Materials on more critical perspectives of IEL were mentioned with caution or sometimes only by way of inference, knowing that the reality was that other teachers on the module would grade the students on the established perspectives. In hindsight, Oyakhire acknowledges that she should have been bolder in incorporating more TWAIL content in the curriculum and reading list that transcends the mere incorporation of TWAIL in teaching. She recognises that mere mention of TWAIL narratives or alternatives is not sufficient and that a more transformative approach is needed to change the dominant Eurocentric perspective that pervades IEL teaching and scholarship in Nigeria.

In essence, Omiunu initially approached the integration of critical perspectives with caution, reflecting a concern about disrupting established norms. Over time, he became more confident in introducing such perspectives. Oyakhire's experience suggests a more cautious, consistent approach, possibly due to concerns about institutional or collegial support for radical changes. In hindsight, we also recognise that our initial hesitations to integrate critical perspectives into the IEL syllabi within our respective institutions were due to perceived fears that we would face backlash from institutions that we felt were ambivalent towards decolonisation and the need to decolonise the curriculum. These challenges reflect broader issues of perception held by decolonial scholars about the institutional culture and attitude towards decolonisation in the HE sectors. In this context, we found ourselves oscillating between two of De Oliveira Andreotti et al.'s four 'spaces of enunciations' for decolonisation in HEIs - the 'soft-reform' and 'radical-reform' spaces.<sup>69</sup> Operating in the 'soft reform' space as decolonisation activists are tricky, especially for early career researchers who are conscious of the potential backlash that can come from getting on the wrong side of the system. In this soft reform space, the institution may have demonstrated a willingness to engage in debates and discussions about decolonising the curriculum. However, there is a conditioned environment for engaging in changes to the orthodoxy. In the words of Moghli and Kadiwal, when operating in the 'soft space', as a decolonial scholar, 'difference is recognised, but it needs to be tamed within the terms of those 'doing the including', without challenging existing power relations, structural disparities, and subjectivities.'<sup>70</sup>

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69 Vanessa de Oliveira Andreotti, Sharon Stein, et al., *Mapping interpretations of decolonization in the context of higher education*, 4 DECOLONIZATION: INDIGENEITY, EDUC. & SOC'Y 21 (2015).

70 Moghli & Kadiwal, *supra* note 49.

Third, we both agreed that embedding ourselves in networks such as the African International Law Network (AfIELN), Afronomicslaw, TWAIL, and the IEL Collective has been a liberating experience that has given us the confidence to challenge the status quo in our teaching of IEL. We both observed that the proliferation of these networks and the accessible materials they generate have been useful to us as tutors who did not benefit from these insights when we were students. Oyakhire, for example, introduced her students to the AfIELN, Afronomicslaw blogs and the Afronomicslaw Academic Forum, an informal space that brings together undergraduate students interested in IEL as they relate to Africa and the Global South.<sup>71</sup> Oyakhire believes that these networks allowed her students to get more exposure to critical thinking embedded in TWAIL outside of the classroom by interacting with other African students and scholars of IEL on social media spaces.

## 6. CONCLUSION

This paper focused on our shared experiences, highlighting the similarities in our encounters with IEL, which reinforced Eurocentric epistemology as students, and how this influenced the way we taught IEL. This comparative perspective offers valuable insights into the challenges and opportunities of decolonising IEL pedagogy in different contexts. We outlined our first experiences with TWAIL scholarship and how this exposed us to critical scholarship, which questioned the hegemonic structures on which IEL is grounded.

This comparative lens also provided rich insights into how geographical and institutional contexts influence the ability to experiment with decolonial approaches. Notably, our comparative reflections showed that despite shared goals, institutional structures, resources, and student reception varied across the North-South divide, shaping the authors' engagement with the decolonisation process. Instructively, while the reflections revealed that autoethnography is valuable for personal insight, it also exposes the limitations imposed by broader institutional structures. Notably, institutional resistance to decolonisation was a recurring challenge in both Nigeria and the UK even though some of the resistance encountered was unconscious. This highlights the need for broader methodological engagements that involve institutional critique and advocacy beyond personal reflections.

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71 See Academic Forum, AFRONOMICSRAW, <https://www.afronomicslaw.org/category/academic-forum> (for more information about the AfronomicsLaw Academic Forum).

The question may be asked: why are we, as teachers of IEL, concerned with decolonising the curriculum through our teaching? This question is relevant when considered within the context of our training and experience, as we have highlighted in the preceding sections of this paper. To us, the idea of decolonisation and specifically decolonising the curriculum is particularly relevant, considering that IEL, both as a subject and practice, is in an era of multiple crises. In this context, we recognise that foundational concepts such as multilateralism, free trade and trade liberalisation rooted in Eurocentrism are constantly being challenged in the way states adopt these concepts. The way these concepts are constantly evolving in practice affects the way we teach these concepts.

We have sought answers from publications by TWAIL scholars which show that these seemingly universal concepts were foisted as part of colonisation. Alternative literature shows that states historically embraced the idea of protectionism, self-interest and bilateral rather than multilateral trade. Our attention as teachers and researchers is drawn to the fact that Western states that entrenched these foundational principles which served their interests have begun to move away from these principles. These events have thus forced us to question these practices or get a historical knowledge of how these concepts came to shape IEL practices. Through our encounters with historical literature, mostly from TWAIL scholars, we found that there is no way of teaching IEL without, as a minimum, drawing the attention of our students to pre-colonial trade practices. Even if this is limited to just including such literature as part of the supplementary reading list.

Like the 2020 report by the TRILA project and the Afronomicslaw symposium mentioned in the introductory section, this paper confirms that Global South scholars teaching IEL across different jurisdictions, whether located in the Global South or Global North, share similar experiences. It confirms that teachers of international law who are products of the Eurocentric systems run the risk of perpetuating the culture. We, however, recognise that location is a determinant factor for the level of intellectual experimentation for us as IEL teachers seeking to engage in the decolonising process. Consequently, some differences arise because of the location of our universities in the North-South divide.

For example, in engaging with materials and literature on TWAIL, decolonisation or critical thinking generally, Omiunu, as a teacher in the UK, had more access to these materials. This exposure helped improve his knowledge of the varying debates underlying the topics. On the other hand, Oyakhire, while a lecturer in Nigeria, had limited access to these materials, which sometimes required institutional access to

databases not readily available. The proliferation of open access knowledge sources such as Afronomicslaw.org, TWAILR, and the IEL Collective have undoubtedly democratised the knowledge creation space, which gave Oyakhire some access to much-needed materials.

Also, Omiunu had more opportunities to attend conferences where developments in the decolonisation and TWAIL debates were discussed and analysed. The provision is readily available in universities in the Global North to fund/sponsor his attendance at these conferences when compared to most Global South Universities, especially in Africa. Consequently, Oyakhire, on the other hand, had limited opportunities to attend these conferences in the absence of funding from her university and had to rely on scholarships/bursaries offered by conference organisers to attendees from the Global South in consideration of the cost of attending. These factors generally affected the output of both teachers on their students, generally shaped by the amount of information available to them as they engaged with decolonising their IEL curriculum. Although this paper has highlighted the authors' decolonisation efforts as IEL teachers, we acknowledge that our work can go beyond the classroom. Through our research, we can continue to disrupt dominant narratives and promote decolonisation in IEL by organising workshops and seminars on decolonisation and supporting the development of young IEL scholars and teachers from Africa. The autoethnographic methodology adopted for this study not only facilitated a deep reflection on our positionality as Global South scholars but also revealed the challenges and complexities we encounter in a bid to decolonise IEL. The findings of this study also demonstrate that while autoethnography provides critical personal insights, the broader institutional and structural challenges associated with decolonisation demand a more collective and systemic approach if we are to achieve meaningful changes. It is also important to emphasise that the comparative element of this methodology reinforced the need for contextual sensitivity in decolonisation efforts, while the reflections on subjectivity highlighted the importance of ongoing reflexivity in navigating Eurocentric knowledge systems. We also hope that future research further expands on how methodological approaches, like autoethnography, can be complemented by institutional critique and collaborative efforts in the broader movement to decolonise IEL.