Between a Rock and a Hard Place: Teaching International Law in Sri Lanka

By:

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This post explores the challenges of teaching International Law (IL) in Sri Lanka with reference to biases arising from dominant narratives, issues pertaining to study materials and teacher training, divisions caused by language, and the global 'North-South' dynamics.

Professor Stephen Hopgood, in 'Endtimes of Human Rights' contends that in the present 'Godless' 'neo-Westphalian' world, International Human Rights Law (IHRL) has become a 'moral authority'. Professor Samuel Moyn points out that 'perhaps the essential point of international law is to protect individual human rights' and that therefore we impressionably perceive IHRL as our 'Last Utopia'.

These comments—though made in relation to IHRL around a decade ago—hint at two perceptions concerning IL: first, that IHRL is perceived as synonymous or at least as *the most* important component of IL; and second, IHRL, and by

extension the whole of IL, is perceived as a problem-solver. This is a dominant strand of thinking pertaining to IL in Sri Lanka. The opposite of this is a xenophobic approach that views IL as the problem-creator for the domestic sphere, victimizing local political or military 'heroes'. It is in these rigid and situated understandings—that, IL could do no wrong, or, IL is *the wrong*—that we lose the liberty to appreciate and critique IL's nuances.

This explanation may seem abstract and disjointed for a post on teaching IL in Sri Lanka. Yet, these domestic perceptions formed by dominant narratives within the general Sri Lankan populace invariably impact the attitudes with which students enter the university system, posing the first barrier that we as university teachers have to overcome. Of these two sometimes unconscious camps, one group tends to discern IL as a 'moral authority' that 'disciplines' nations such as Sri Lanka of which the democracy and some social practices are considered to be 'tribal' for various reasons (see here, here, and here). The other group tends to perceive IL from an ethnocentric perspective that demonises IL and reduces it to an 'international conspiracy' against Sri Lanka's national security, territorial integrity, and sovereignty—all of which are selling points at election campaigns and are therefore entrenched within the identity politics of Sri Lanka. These artificially bifurcated dominant narratives are challenging. They are at odds with one another. They hinder the possibility of students assessing IL in its own right. And, both teachers and students struggle to escape from these biases.

These perspectives that are inherently dichotomous therefore pose challenges for teachers of IL in relation to the selection of reading materials, designing lesson structures, and in relation to pedagogy and the personal research expertise of the teacher of IL. Thus, how the teaching is structured to deconstruct IL would feed into the perceptions the students had already formed of the teacher through their own leniency to one of the dominant narratives. In lived reality, some teachers of IL, who are known to have research affiliations and expertise outside academia, are adjudged as maintaining an international allegiance to the detriment of domestic interests. When such teachers critique domestic laws, policies, existing local systems of governance, and structures, and portray the benefits of IL, they are suspected of having ignoble connections with various international and local Non-Governmental Organizations. Such

teachers are therefore termed ‘dollar crows’ meaning that they are traitors who sacrifice the interest of the country for money. Those who wish to avoid being termed as such may therefore alter their pedagogy to a risk-averse style of teaching which in itself is detrimental to a critical understanding of IL and by extension also contributes to the diminishing of critical and liberal thinking that a university should in general inculcate within the students.

The above obstacles that impede the teaching of IL in Sri Lanka are further exacerbated by a class and language struggle that have influenced what is taught, and how it is taught for courses of IL. Simply put, the pedagogy, reading materials, the general exposure to IL that students receive at the undergraduate level of the University are shaped more or less by whether the course is taken in English medium or in the vernacular—Sinhala or Tamil, and the nature of postgraduate education the teacher has received. This introduces a certain privilege to those who are capable of studying IL in English, not only because of their ability to read and construe materials that are discussed in class in a more nuanced manner, but also because of the external exposure to which they are privy due to their ability to access more materials, and materials of a different quality, than those who are studying in the vernacular.

A stark example of this reality arose when teaching a course on International Humanitarian Law in Sinhala. The students of the class brought an example of a human experiment claimed to have been carried out on Jewish people in the concentration camps of Nazi Germany. These ‘examples’ had been drawn from a Sinhalese YouTube channel that was purportedly dedicated to disseminating information on ‘historical’ incidents. When checked, the said channel was found to be full of material recognised as ‘Creepypasta’ (shocking presentation of a mix of fact and fiction that are circulated without verification) that was intermingled with historical incidents for an added touch of plausibility. While the students of an English medium class may not have fallen prey to such materials, the reason for that potential invulnerability is attributable to their language skills and the ability to cross-check such materials against thousands of other *reliable* sources available on the internet which is not a luxury that is available to those studying IL in the vernacular. This evinces a problem of pervasive colonialism in study materials as well as on the internet in general. This therefore puts those with English language skills on a pedestal, and

thereby making language a tool of access to privilege that invariably makes teaching IL in the vernacular especially challenging.

Teacher training approaches in the local system aggravate some of the issues highlighted above particularly given that the teachers of law in Sri Lankan university systems are not necessarily exposed to subject-specific pedagogical training programmes operated by and at an institutional level. The mandatory training programme on teaching in higher education is a general course of teaching that is far removed from the subject-specific pedagogical and methodological skills required in the teaching of IL especially from within a so-labelled 'third world' context. This issue leads to multiple problems pertaining to teaching. First, a qualitative divide is automatically created between different teachers of IL depending on their access to language, resources, quality of postgraduate education, and personal will to maintain a standard of delivery premised on external exposure. Particularly within the Sri Lankan University system that primarily self-identifies as 'teaching universities' *as opposed to* 'research universities', a false dichotomy is created thereby failing to recognise how teaching and research in reality feed into and from one another. This impacts how IL is taught, what is taught, and for what it is taught. Second, issues pertaining to teacher training translate into how or whether teachers of IL are able to keep up with the rapidly changing landscape of IL. Third, what I have observed is that within academia that is roughly bisected into the so called 'Global North' and the 'Global South', there is minimal interaction with the latter that is initiated by the former, whereas involvement of the former is more frequently sought out or even *relied upon* by the latter. Even when scholars of the 'Global North' engage with scholars of the 'Global South', it is questionable whether the latter category is *authentically* of the 'South' because in most circumstances scholars of the 'North' engage in pet projects pertaining to the 'South' (see here and here) thereby creating a name for themselves as scholars of the 'South'. It is aggravated also because the *authentic* scholars of the South themselves have been perhaps indoctrinated by a Western-driven agenda through education received outside the 'South' and their knowledge production is primarily targeted at a Western audience. Furthermore, 'Southern' scholars face challenges in publishing their work and this results in them having to resort to not so authentic IL related literature pertaining to the South for class discussions which creates a vicious circle and

confines students of countries like Sri Lanka to literature, *if any*, on the 'South' coming from the 'North'. This brings us back full circle into the dominant narratives that influence the collective psyches of those living in Sri Lanka that were heretofore explained.

These are practical issues that I have encountered in my seven years of teaching IL-related course components at both undergraduate and postgraduate levels in multiple institutions within the university system of Sri Lanka. It is high time that pedagogical, methodological, ethical, and sociological challenges of this nature are discussed and addressed if IL is to be assessed for what it is without plummeting into the depths of myriad situated perspectives, colonialism, linguistic barriers, paucity of resources, and sheer divisions within the academic world.

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