Teaching and Researching International Law – A Kenyan Perspective

By:

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The global discussion on teaching international law is a critical in these unprecedented times. My reflection begins with the words of Professor BS Chimni in the Teaching and Researching International Law in Asia (TRILA) Report:

> We would be failing in our duties as teachers of international law if we did not acquaint our students with the mainstream view. But at the same time, we would not be doing justice to our students if we didn't tell them about different critical approaches—feminist, Marxist, TWAIL [Third World Approaches to International Law] and others—that explain the logic and dynamics of an international system that results in half the world still remaining poor, marginal and oppressed.

The need for discussions integrating critical perspectives in the teaching and researching of international law in Kenya cannot be understated. As it stands, international law in Kenya is taught mainly from a Eurocentric perspective. The bulk of textbooks utilized in dispensing the curriculum are written by European scholars as they are deemed to be the best in explaining international law principles. The consequence of this is that it is only the mainstream narrative that is taught as the be-all and end-all of international law discourse. The literature used and the pedagogy adopted in the teaching of international law remains rife with exclusions and distortions of indigenous knowledge, voices, critiques and scholars. There is a need to decolonize the approach to the teaching of international law that is prevalent in law schools in Kenya, an issue which I have discussed more in depth in a previous publication.

These remnants of the effects of empire echo into the lecture halls with the consequent subjugation of African voices, stories and history. Even though Kenya is politically independent, the class compulsions of the roots of colonization persist. That which is local or native is perceived as inferior or inadequate. The late Albert Memmi in his book 'The Colonizer and the Colonized' speaks of the 'mummification of the colonized society' which implies that even when a nation has won its freedom, the relics of colonization remain and sometimes grow even stronger, resulting in a kind of neo-colonization by the elite sections of society—those sections which have appropriated the cultures of the colonizer to such an extent that they seek to propagate it as both modern and inevitable.

In the context of the teaching of international law, it is important to infuse critical perspectives, such as the Third World Approaches to International Law (TWAIL), in order to give a platform to indigenous voices and develop a more critical understanding of international law. However, there might be some push back in institutions which do not accept progressive new ideas in the teaching of international law. While some institutions are amenable to incorporation of critical perspectives, some will not allow any alteration to the curriculum and to ideas that are not mainstream.

A robust critical pedagogical and engaged epistemology is the means of dismantling and acting upon longstanding inequities created by dissemination

of purely Eurocentric knowledge. This means that there is an obligation on the part of scholars to publish even more and add important African voices to the teaching and research of international law. Further, a repository of the works of African scholars in international law should be maintained to enable access to scholarship from an African perspective. The argument has been that these works are inaccessible or 'few' which is an argument that can be debunked by maintaining and growing a repository. It will also play a role in resolving the issue of lack of materials and scholars picking up books that only analyze the mainstream narrative of international law. (Afronomicslaw Blog will host a repository of African international law scholarship in the near future.)

There is also a need to reflect on the approaches to teaching and rethink the methods utilized in disseminating information. Traditional lecture methods of teaching lead to what Paulo Freire termed the banking model of education. It is narrative in character and the teacher is an active participant explaining principles and concepts to passive students. Education is therefore similar to banking; a process of depositing knowledge. This limits the critical analysis that is needed in the understanding of international law.

The use of the Socratic Method enhances the classroom experience. It is named after the Classical Greek philosopher Socrates and is a form of dialogue based on asking and answering questions to stimulate critical thinking and to draw out ideas and underlying presuppositions. This is a great approach in the teaching of international law as it allows the students to be active participants in their own learning and to questions narratives that have been perpetuated over time. This method can be supplemented using case materials and these two result in a more effective teaching strategy that does not limit the students' thinking. However, the shift to using alternative methods of teaching also means that the teacher must no longer see himself or herself as the 'owner' of information to be given to the student but as a facilitator of information. The teacher becomes a guide in the learning process and the learner takes an active role in his or her own learning. The objective is not to cover the syllabus but to arouse a curiosity in the student which lasts long after the syllabus has been covered.

In conclusion, in teaching and researching international law in Kenya, the key

shift that could be considered is the incorporation of critical perspectives, the increase in publication of international law scholarship by African scholars and the shift to more effective teaching strategies.

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