Rethinking How International Law is Taught in Universities

By:

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I. Introduction

Efforts to decolonize international law to make it more universal and inclusive have been underway for some time, with varying degrees of success. One prominent approach in this pursuit is Third World Approaches to International Law (TWAIL), which seeks to challenge and rethink international law from perspectives that center the experiences and histories of the Global South. However, TWAIL does not prescribe a specific methodology, allowing scholars flexibility in their approaches but sometimes making it challenging to delineate clear tenets that define TWAIL as a coherent scholarly tradition.

In the context of developing cohesive methodologies for this discipline, "Third World" scholars have made great efforts to refine and implement a more inclusive framework. This Insight presents some progress achieved while highlighting the challenges encountered in different areas of international law across regions like Asia, Latin America, and Africa, where scholars have

embraced TWAIL to reframe and advance the teaching of international law.

II. TWAIL as an alternative approach to engaging with International Law

Mainstream international law often projects an illusion of universality and uniformity, shaping legal education in ways that overlook the social inequalities woven into today's global landscape. Presenting international law as an objective, value-neutral, and universally applicable system, mainstream international legal scholarship (MILS) supports a neoliberal educational model that accelerates and deepens various forms of inequality—epistemological, representational, and economic. Teaching law, therefore, should not be done in isolation from its historical and political contexts. To genuinely address these issues, law faculties must challenge and move beyond the intellectual colonization that has defined much of their past. Third World Approaches to International Law (TWAIL) provides legal educators with a framework to critically engage with global power imbalances, offering an essential alternative to conventional international legal discourse.

While there have been critiques that TWAIL's position within legal theory remains ambiguous,[1] its unique adaptability is a key feature: TWAIL can mean different things to the same scholar at different times. This flexibility is intentional, embracing pluralism and resisting a homogenized discourse in international law.[2] Many scholars view TWAIL as both a methodological tool and a theoretical framework.[3] However, identifying a consistent methodology across TWAIL scholarship is challenging. Instead, TWAIL's approach often emphasizes the "global historicization" of international law, incorporating quasi-sociological and anthropological perspectives that aim to examine both global governance structures and the everyday realities of international law as experienced by communities in the Global South.[4]

TWAIL can be aptly described as having a Janus-faced character,[5] serving both reactive and proactive roles in addressing global inequality. Reactively, it critiques international law as an imperialist tool that perpetuates disparities between European and non-European states.[6] Proactively, TWAIL offers a framework for reconstructing an alternative governance system—one that prioritizes the economic and social development of the Global South, aiming to

create a more equitable global order.[7]

III. The Use of TWAIL by “Third-World Scholars”

The flexibility inherent in TWAIL allows each instructor to adapt their pedagogy according to individual preferences and the specific context in which they teach. This flexibility is both a strength and a weakness. On the one hand, it allows for adaptability, enabling instructors to tailor issues and ideas to fit the unique context of their students and region. On the other hand, this lack of a standardized approach presents a challenge in developing a robust, cumulative scholarly tradition for teaching with TWAIL, as there may be little guidance for creating a consistent framework across different contexts.

One of the most prevalent ways scholars incorporate TWAIL into their teaching is through recommended texts authored by TWAIL scholars or scholars from the Global South. A study by Teaching and Researching International Law in Asia (TRILA) revealed that many Asian international law instructors use textbooks written in native languages by Asian authors in their classes.[8] Similarly, a study in Africa found that instructors of international economic law intentionally recommended works by TWAIL scholars or African authors that highlight the inequalities and historical oppression within international law.[9]

In contrast, Rethinking International Legal Education in Latin America (REDIAL)[10] observed a preference for “uncritical Western perspectives” in international law education within Latin America, where instructors often rely on texts from the Global North despite a rich body of work by Latin American scholars in international law and social sciences.[11]

In addition to these textual shifts, there have been efforts to organize workshops, symposia, and seminars focused on the use of TWAIL in teaching and research. For example, the TWAIL Review Summer Academy held in Bogotá, Colombia in 2023 provided an opportunity for participants to engage in discussions about "Third Worldist" perspectives informed by histories of colonialism and imperialism, with an emphasis on using TWAIL to enrich knowledge production, policymaking, and pedagogy across the Global South and beyond.[12] These events reflect the growing momentum for TWAIL-inspired approaches in international law education worldwide.

IV. Challenges

Skepticism from faculty and students

One significant challenge in fostering a decolonial perspective within international law (IL) education is the skepticism—and, at times, open disdain—it receives from both students and faculty. Many see the propositions under TWAIL as unrealistic or impractical due to the dominance of mainstream international law. This reluctance is evident across Africa, Asia, and Latin America,[13] where resistance can stem from prior exposure to neoliberal, mainstream legal education.

For these students and colleagues, mainstream international law often serves as the default framework, supported by neoliberal values embedded in colonial legacies. As a result, it can be difficult for TWAIL-oriented discussions to gain traction in classrooms where prevailing educational narratives have already shaped ways of thinking. This calls for more deliberate, strategic approaches to shift these entrenched ideologies toward a more inclusive and critical view of international law.

Limited Student Interest in IL

Another barrier to integrating TWAIL perspectives is the limited interest students show in international law as a subject. Many perceive IL as abstract, remote from their daily lives, and disconnected from their regional realities and needs. The challenge is compounded when students encounter complex legal doctrines rooted in Western culture, which can feel both inaccessible and irrelevant.

Paucity of TWAIL Resources and Recommended Texts

A pressing challenge in incorporating TWAIL into international law education is the scarcity of relevant materials. In fields like international trade law, it is often difficult to find materials that offer counter-narratives to the dominant hegemonic principles. As a result, instructors are frequently forced to teach against the syllabus, by informally integrating TWAIL perspectives into their courses.[14]

The challenge is compounded by the fact that most TWAIL publications are housed in journals from the Global North, which are often inaccessible to scholars and students in the Global South due to subscription costs. Additionally, the prohibitive prices of English textbooks and casebooks further restrict access, particularly in regions where financial resources for academic materials are limited.[15] Moreover, there's a noticeable bias in academic publishing, where mainstream outlets prioritize works that reinforce conventional narratives, sidelining scholarship that challenges the status quo. Studies analyzing major international law textbooks reveal a lack of representation of diverse, non-Euro-American perspectives,[16] thereby perpetuating hegemonic structures in knowledge production and dissemination.

Language Barriers and Translation Issues

The language barrier is another significant hurdle. Non-English-speaking students often struggle to access key texts on international law that are predominantly available in English. Conversely, English-speaking students may find it challenging to engage with non-English sources that offer alternative viewpoints. The quality of translations of key textbooks from English into other languages can also be inconsistent, leading to misinterpretations of critical concepts and ideas.[17]

Despite these challenges, there are encouraging developments in making TWAIL resources more accessible. Publications like the Third World Approaches to International Law Review (TWAILR) and Afronomics are paving the way for greater inclusivity by providing platforms for alternative perspectives. These journals are making concerted efforts to democratize access to critical scholarship, offering valuable resources for both students and educators. However, there remains a significant need for more locally produced resources, including textbooks that address various areas of international law from a TWAIL perspective.

V. Conclusion

As academics, we must critically reassess our roles in shaping the narratives of international law. Whether we are scholars from the Global North or South, we have a responsibility to present an accurate and comprehensive historical

account of international law, acknowledging its complexities and contradictions. The experiences and perspectives of Third World peoples are integral to this reevaluation, as they reveal the deep-seated influences of colonization and exploitation that underpin the current global legal order.

The classroom remains a powerful space for challenging and reshaping entrenched ideological viewpoints. Mainstream international law has long used this space to reinforce selective and, at times, misleading narratives, often sidelining the voices and experiences of the Global South. As educators, our influence extends beyond lectures—we shape minds through the texts we recommend, the case studies we emphasize, and the perspectives we prioritize. The choices we make in what to study, how to study it, and where to disseminate our findings significantly impact our students' understanding of international law. These resources must be accessible, relevant, and reflective of the diverse realities they aim to address.

However, as scholars from the Global South, we must tread carefully to distinguish between educating and indoctrinating. The goal should be to empower students, not to impose a single narrative. Achieving this balance requires presenting multiple perspectives side by side—examining the roles of both colonizers and the colonized, highlighting instances of dominance and marginalization, and exploring the dynamics of enrichment versus exploitation. We should examine the structuring of the current global order alongside the resistance from Third World nations. By incorporating recent events into our analysis, we can critically interrogate the existing frameworks of international law.

The formation of ideological viewpoints starts with what is taught and read. We have to recognize this and act intentionally. These conversations should be actively promoted in regional and national Societies of International Law and International Law Associations. Our approach needs to be intentional, outcome-focused, and deeply committed to a more inclusive and equitable understanding of international law. By embracing this challenge, we can move towards a more pluralistic and genuinely representative understanding of international law that reflects the diverse histories and voices of the world.

Footnotes

[1] M. al Attar, TWAIL: A Paradox within a Paradox, (2020) International Community Law Review, at 163.

[2] Justine Bendel, ‘Third World Approaches to International Law: Between theory and method’ in Deplano, Rossana, and Nicholas Tsagourias (eds), Research Methods in International Law (Edward Elgar 2021) at 403.

[3] See Obiora Chinedu Okafor, ‘Newness, Imperialism, and International Legal Reform in Our Time: A TWAIL Perspective’ (2005) 43 Osgoode Hall Law Journal 171, at 177. ; James Thuro Gathii, TWAIL: A Brief History of Its Origins, Its Decentralized Network, and a Tentative Bibliography, (2011) 3:26 Trade L. & Dev. at 34.

[4] Michelle Burgis-Kasthala, ‘Scholarship as Dialogue? TWAIL and the Politics of Methodology’ (2016) 14 Journal of International Criminal Justice 922-934.

[5] M. al Attar, TWAIL: A Paradox within a Paradox, at 166.

[6] Amoroso, Daniele, et al. 'Third World Approaches to International Law (TWAIL) and Inequality in International Criminal Justice: A Critical Assessment, More Equal Than Others?’ (2022) T.M.C. Asser Press at 59, https://doi.org/10.1007/978-94-6265-539-3_4, at 63

[7] Ibid.

[8] Antony Anghie, JR Robert G Real, Teaching and Researching International Law in Asia (TRILA) Project (2020) Report, 68-69.

[9] Jane Ezirigwe, TWAIL As A Scholarly Approach To Teaching International Economic Law In Selected African Universities: Pedagogy And Challenges (2024) 5 TWAIL Review 51-72, at 65, https://twailr.com/jane-ezirigwe-twail-as-a-scholarly-approach-to-teaching-international-economic-law-in-selected-african-universities-pedagogy-and-challenges/

[10] REDIAL emerged in 2014 with the guiding questions: What is taught as international law in Latin America today? How is it taught? Are there common Latin American elements? What aspects can we rethink to modify regional

teaching practices? See Paola Andrea Acosta Alvarado , Amaya Álvez Marín , Laura Betancur-Restrepo , Fabia Veçoso & Daniel Rivas-Ramírez, Rethinking International Legal Education in Latin America: Reflections toward a Global Dialogue (2019) https://twailr.com/rethinking-international-legal-education-in-latin-america-reflections-toward-a-global-dialogue/#:~:text=REDIAL%20is%20a%20network%20and,the%20conversation%20with%

[11] Amaya Alvez Marín, Laura Betancur Restrepo, Enrique Alberto Prieto-Rios, Daniel Rivas-Ramírez, Fabia Veçoso, 'Rethinking International Law Education in Latin America' (17 September 2020) afronomicslaw.org/2020/09/17/rethinking-international-law-education-in-latin-america.

[12] See https://twailr.com/twail-2023-summer-academy-call-for-applications/.

[13] See Jane Ezirigwe, TWAIL As A Scholarly Approach To Teaching International Economic Law In Selected African Universities: Pedagogy And Challenges, at 67- 68; Antony Anghie, JR Robert G Real, Teaching and Researching International Law in Asia (TRILA) Project (2020) Report,16-17; Paola Andrea Acosta Alvarado , Amaya Álvez Marín , Laura Betancur-Restrepo , Fabia Veçoso & Daniel Rivas-Ramírez, Rethinking International Legal Education in Latin America: Reflections toward a Global Dialogue (2019).

[14] Jane Ezirigwe, TWAIL As A Scholarly Approach To Teaching International Economic Law In Selected African Universities: Pedagogy And Challenges (2024) at 69.

[15] Antony Anghie, JR Robert G Real (2020) at 20-21.

[16] Henry Jones, Aoife O'Donoghue, History and self-reflection in the teaching of international law, March 2022, London Review of International Law, Volume 10, Issue 1, 71–103, https://doi.org/10.1093/lril/lrac008; Amaya Alvez Marín, Laura Betancur Restrepo, Enrique Alberto Prieto-Rios, Daniel Rivas-Ramírez, Fabia Veçoso, 'Rethinking International Law Education in Latin America' (17 September 2020) afronomicslaw.org/2020/09/17/rethinking-international-law-education-in-latin-america.

[17] Tran Viet Dung, Teaching and Researching International Law in Vietnam: An Assessment Based on Ho Chi Minh City University of Law's Experience, September 15, 2020, https://www.afronomicslaw.org/2020/09/15/teaching-and-

researching-international-law-in-vietnam-an-assessment-based-on-ho-chi-minh-city-university-of-laws-experience/

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