Rethinking International Law Education in Latin America

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Education is a powerful tool that can (and probably should) be used to question established models and paradigms and propose alternative ways to explore them. Accordingly, REDIAL (Rethinking International Legal Education in Latin America) project is a network and platform that facilitates dialogue about international legal education in Latin America and other regions of the Global South among scholars located in the 'periphery'. One of the goals of REDIAL is to create awareness about the biases in teaching international law in the Latin American region. It includes not only reexamining the colonial past embedded in the field, but also interrogating ways and possibilities of transforming it in the present.

So far, we have found that an uncritical Western perspective is favored in the

teaching of international law in the region. In many cases, international law is generally presented as a single and objective law that must be applied uniformly in any part of the world and, therefore, leaving no place for regional contextualization or for questioning its premises. Likewise, it is widely preferred to teach it using a bibliography originated in the Global North, despite the substantive contributions of Latin American scholars in International Law and in the Humanities and Social Sciences. These contributions have been made invisible by the colonial past and globalization processes based on asymmetrical power-knowledge relationships.

In this sense, and similar to TRILA, we have conducted preliminary diagnoses about how international law is currently taught in some Latin American cities. The first preliminary diagnosis was focused on the main universities of Bogota (Colombia). In this study, we analyzed 24 syllabi of International Law courses taught at the undergraduate level (in most Latin American countries, law is an undergraduate degree completed in five years). One important finding of this study was that the syllabi rarely included local or regional issues. They also did not question the way in which international law was presented. Another important finding was that most of the courses focused on offering technical skills to students, and to this end, an uncritical and objective approach to international law was favored. We also found that most of the bibliography used was from the US and European authors, and excluded Latin American scholars (approximately 75% of the syllabi did not incorporate regional scholars).

Therefore, we concluded that international legal education at the undergraduate level, in Bogota's universities, is characterized by a Anglo-Eurocentric bias. This bias creates silences of knowledge (epistemologies of ignorance), preventing students from having a situated and broader understanding of international law. The main silences are related to the absence of historical explorations of international law and a critical understanding of the dynamic relationship between international law and local scenarios.

The second preliminary diagnosis focused on the four best-ranked law schools in São Paulo, the largest city of Brazil. In the Brazilian case, regulation determines how international law is taught in Schools of Law. One of the first

findings is that the national regulation promotes an interdisciplinary approach to the teaching of international law, as a pathway to recognizing the many uses of international law within the Brazilian scenario. However, comparing the regulation against international law syllabi at law schools, we found that, with a few exceptions, international legal education still privileges the traditional uses of international law vis-à-vis an interdisciplinary approach. These include a strong teaching of dispute settlements in international courts and tribunals. In addition, the syllabi do not promote dialogue with the domestic context and the current political challenges experienced in Brazil under the presidency of Jair Bolsonaro. This reflection will be published in the article titled "*Reflexões sobre o ensino do direito internacional no Brasil: a formação como jurista internacionalista entre teoria e prática*", as a chapter in an edited book, *Repensar la Educación en Derecho Internacional en América Latina: Avances y discusiones en 2019* (Universidad del Rosario, Bogotá, in press).

In our third preliminary diagnosis, we analyzed postgraduate international law programs in Chile and Colombia. In that study, we found that despite the great number of law schools (195 in Colombia and 141 in Chile) and Master's in law (147 in Colombia and 75 in Chile), there is very limited offering of Master's in international law in those two countries (9 in Colombia and 4 in Chile). Moreover, they are mainly located in the main cities of Colombia and Chile, reproducing the logic of inclusion/exclusion that has always characterized international law itself. We also found that in both countries most of those Master's favored a fragmented conception of international law. Very few are focused on public international law, probably due to the particularities of each country. In Chile, the demand is for international economic law and in Colombia, for international humanitarian law. Furthermore, in both countries, the programs in international law are mainly vocational Masters programs in international law that privileges a professional perspective.

Furthermore, in this diagnosis, we also reflected on the epistemological limitations that emerge from the global system of publications that is imposed on both countries. We focused on how the system fails to recognize and value Latin American journals, forcing scholars to publish in English and about specific issues that reflect interests of the Global North academia and not necessarily local concerns. This context makes it harder to engage with

traditionally excluded local and regional questions and also discourages Latin American law journals as legitimate vehicles for academic exchange.

Considering the studies undertaken so far, it is possible to assert that international legal education in the region is mainly characterized by an orthodox approach that understands international law as a neutral discipline, rendering invisible its Anglo-Eurocentric bias. There are a few examples of local universities that promote a shift towards a more constructive, critical and creative approach to international law as well as to a contextualized understanding of the field, as the Brazilian case illustrates. However, it is worth noting that there is an increasing interest in rethinking the premises and biases of the discipline and the many ways international law could be taught in the region.

In addition to the previous three diagnoses, REDIAL as a collaborative project is open to dialogue with colleagues from other Latin American countries, and has promoted the organization of different academic events. The academic events were conceived as spaces to dialogue with colleagues from other Latin American countries in order to keep researching state-of-the-art international legal education and rethinking it in (and for) the region.

Furthermore, some REDIAL members have pursued research projects, analyzing specific problems related to the application and understanding of international law in the Latin American context. One of these research projects is the one pursued by Amaya Alvez in collaboration with Arnulf Becker about how international law, since the 1990s, has come to recognize indigenous peoples' demands. Alvez and Becker argue that despite Chile's return to democratic rule, it has ignored the demands of indigenous peoples. One of the main reasons for this is Chile's colonial past. The other research project was led by Fabia Veçoso in which she analyzed the five Conferences of Latin American Law Schools, held between 1959 and 1974. In this research, Veçoso found out how during those conferences, Latin American scholars continuously discussed methods and forms to improve legal education in Latin America.

In addition to the pursued research projects, REDIAL has promoted open academic spaces for reflection, among a wider network of colleagues, on the

teaching and learning of international law in Latin America. In this form, REDIAL co-organized an academic international conference held in Bogotá in 2017. This conference was a collaborative effort between Universidad de los Andes, Universidad Externado, Universidad del Rosario and REDIAL. It is important to highlight this as it was the first time that these three Universities joined efforts to create an open space to reflect on the teaching and learning of international law in Latin America. In preparation for this event, we published in *Revista del Estado* a special issue on REDIAL. Also, as a result of this conference, we published three books that included the papers discussed during the conference.

After the 2017 conference, we organized another one held in October 2019 at Universidad del Rosario (Bogotá) titled "*Repensando la Educación en Derecho Internacional en América Latina"*. The proceedings of this conference, in which academics from different parts of the world gathered, will be published with Universidad del Rosario Press at the end of 2020 (R*epensar la Educación en Derecho Internacional en América Latina: Avances y discusiones en 2019,* Universidad del Rosario, Bogotá, in press).

One of the chapters in the aforementioned publication is the ongoing research project, in Guatemala, led by Carlos Arturo Villagrán and Luis Pedro Cazali. They analyzed how the local offering of international legal education in Guatemala is extremely limited and characterized by being conceptual, functionalist and banking-centric. It is conceptual as it merely communicates legal concepts from a foreign and decontextualized perspective; functionalist as it collects foreign concepts in an uncritical mode, harming local and regional sensibilities; and banking-centric, in borrowing the concept from Paulo Freire, as it simply aims for information storage by passive students ("*Sacrificio del pasado: un diagnóstico de la enseñanza del derecho internacional en Guatemala*").

Beyond our ongoing work and research, for us, REDIAL members, it is an important step forward to open a direct dialogue with researchers and other networks from other parts of the world, especially from the Global South. Hence, for us, it is very important to start a conversation and to learn from the experiences of the networks of Teaching and Researching International Law in

Asia (TRILA) and Afronomicslaw. For instance, the findings and conclusions of the TRILA Project—2020 Report and different publications in Afronomicslaw make it clear that there are similar challenges in the teaching of international law in Africa, Asia and Latin America.

We all share a history of violence and exploitation, in which the colonial venture was structured through international law, as Antony Anghie and other TWAIL scholars have explored in detail. This shared history and the re-enactment of schemes of exploitation today impacts the present contexts of the Global South in ways that demand a reexamination and a reconceptualization of our teaching and researching practices in the field. REDIAL definitely benefits from the experiences of TRILA, TWAILR and Afronomicslaw, and other initiatives from the Global South. An expanded dialogue and the exchange of experiences can definitely enrich and transform our understandings of international law and our academic practices.

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