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Rethinking international law education in Africa: Towards a dialogic approach*

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*You teach the youth about Christopher Columbus
And you said he was a very great man
You teach the youth about Marco Polo
And you said he was a very great man
You teach the youth about the pirate Hawkins
And you said he was a very great man
You teach the youth about the pirate Morgan
And you said he was a very great man
So you can't blame the youths
(Of today)
You can't fool the youths
Peter Tosh, *You Can't Blame the Youth*, 1977*

Abstract

The study of international law in Africa, particularly as it translates to pedagogy, remains stubbornly anchored to a Eurocentric worldview. Many universities across the continent still use textbooks and materials that place Eurocentric canons and notions at the heart of the theory and praxis of international law. This chapter advances the importance of ensuring that the pedagogical context of international law in Africa takes place within a critical context. In this regard, three dialogic zones of critical engagement are proposed: dialogue within the international legal academy (intra-disciplinary dialogue); dialogue between and among different disciplines (inter/transdisciplinary dialogue); and dialogue between teachers and students.

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1 Introduction

The study of international law in Africa, particularly as it translates to pedagogy, remains stubbornly anchored to a Eurocentric worldview. Many universities across the continent still use textbooks and materials that place Eurocentric canons and notions at the heart of the theory and praxis of international law.¹ International law curricula in many African universities continue to reinforce what Gathii refers to as ‘international law’s limited geography of places and ideas’ – one that omits practices and norms emanating from African scholars and African- based international courts.² The result is an uncritical syllabus that distances students from the stark realities of an international law (and system) and speaking neither to their context nor offering any meaningful solutions to their existential concerns. Such syllabi present international law as a neutral mechanism for addressing global issues with little or no reference to how it continues to be manipulated by the West to achieve its narrow, hegemonic objectives.

Since the 1960s, African scholars have been involved in moves to disrupt the ‘single story’ of international law as an exclusive product of European civilisation. Although these scholars belong to different schools of thought and ideology,³ a common theme is their emphasis on a

- 1 For a survey of the content of international law curriculum in selected African universities, see B Fagbayibo ‘Some thoughts on centring Pan-African epistemic in the teaching of public international law in African universities’ (2019) 21(2) *International Community Law Review* 170-89. The article surveyed thirteen English-medium public and private universities across Southern, West and East Africa. What emerged is how the curricula follow a similar pattern as regards presentation, outline of topics, and prescribed textbooks which still speak to Eurocentrism. For personal accounts on how international law is taught in African universities, see the following sources: S Oyakhire ‘Re-strategising the position of international economic law within the legal education curriculum in Africa’ (2020) 17(1) *Manchester Journal of International Economic Law* 81-97; U Owie ‘A personal reflection on teaching international law in Nigeria’, paper presented at the British Institute of International and Comparative Law (BIICL) Seminar on the Decolonisation of the Teaching of International Law, 23 April 2021 (paper on file with author); F Shako ‘Decolonizing the classroom: Towards dismantling the legacies of colonialism & incorporating TWAIL into the teaching of international law in Kenya’ (2019) 3(1) *Journal of Conflict Management and Sustainable Development* 16-26.
- 2 JT Gathii ‘The promise of international law: A Third World view’ (2021) 36(3) *American University International Law Review* 377 at 380
- 3 Gathii usefully classifies African scholars into ‘contributionists’ who provided an historical perspective of pre-colonial Africa’s contributions to internationality, and ‘critical traditionalists’ who expose unequal structural relations in global realpolitik and call for an overhaul of the international system. See JT Gathii ‘Africa’ in B Fassbender, A Peters & D Hogger (eds) *The Oxford handbook of the history of international law* (2012) 407-28. Similarly, Mutua classifies African international law scholars in two categories: the accommodationists (those who seek inclusion without

pluriversal and contextual disciplinary perspective. This has been achieved through robust presentations of the history of pre-colonial diplomatic interactions, structural imbalances in the global political economy, and express and implicit ways in which hegemonic forces from the global North continue to skew the rules of international law for their own benefit.⁴ However, these efforts take place largely outside the pedagogical environment of international law in Africa.

This chapter advances the importance of ensuring that the pedagogical context of international law in Africa takes place within a critical context. In addressing this, the chapter begins with a brief discussion of why critiquing the Eurocentric basis of the teaching of international law in Africa is essential. It then moves to highlight the challenges to decolonising international law education in Africa. It concludes by proposing three dialogic zones of engagement: dialogue within the international legal academy (intra-disciplinary dialogue); dialogue between and among different disciplines (inter/transdisciplinary dialogue); and dialogue between teachers and students. It must be emphasised that this proposal is by no means a one-size-fit-all prescription in that African nations have diverse political, social, cultural, economic, and legal contexts. It is rather a suggested flexible template that can be adjusted to suit existing and aspirational conditions.

2 The imperative of critiquing Eurocentric (legal) education

A syllabus that presents Eurocentric canons and ideas as the singular vision of the discipline, ignoring the socio-cultural, political, and economic realities of African students, is false, alienating, and unsustainable. As Peter Tosh famously notes in the song, *You can't blame the youth*, this is tantamount to fooling young students and then turning around and blaming them for lacking consciousness. Disciplinary detachment of this sort also has some more specific and interrelated negative implications. This section identifies four such implications.

being critical of the structural ideation of international law); and those who are highly critical of the existence and fairness of the international legal regime. See M Mutua 'Typologies of scholarship on Africa' (2013) 107 *Proceedings of the Annual Meeting of the American Society of International Law* 189 at 191.

- 4 See generally, Gathii (n 3) 418; M Mutua & A Anghie 'What is TWAIL?' (2000) 94 *Proceedings of the Annual Meeting of the American Society of International Law* 31-40; B Chimni 'Third World Approaches to International Law: A manifesto' (2006) 8(1) *International Community Law Review* 3-27; JT Gathii, O Okafor & A Anghie 'Africa and TWAIL' (2013) 20 *African Yearbook of International Law* 9-13.

The first is that it deprives African students of knowing the contributions of their forebearers to the practice of internationality; of understanding the knowledge systems underlying such conduct; of seeing the manifestations of such knowledge in various modes of contemporary socio-cultural, political, and economic interactions; and of relating such knowledge to current realities.⁵ Lack of exposure to critical scholarship such as *Third World Approaches to International Law (TWAAIL)* prevents African students from gaining a true understanding of how explicit and implicit structural imbalances continue to shape Africa's marginal disciplinary position. Essentially, it robs students of the benefit of a three-dimensional understanding of a system that perpetuates their marginality. For example, the veto power exercised by the so called 'big five' at the United Nations (UN), leadership of the World Bank and International Monetary Fund (IMF) by the United States and Europe respectively, manipulative use of aid and loans, intellectual marginalisation of African scholarship, illicit financial flows from Africa, and intervention in the affairs of developing nations, are all matters that require considered and critical assessment in a pedagogical environment.

The second point, which flows directly from the first, is that Eurocentric pedagogy deprives students and their teachers of much-needed critical consciousness. According to Freire, critical consciousness is

characterized by depth in the interpretation of problems; by the substitution of casual principles for magical explanations; by the testing of one's 'findings' and by openness to revision; by the attempt to avoid distortion when perceiving problems and to avoid preconceived notions when analyzing them; by refusing to transfer responsibility; by rejecting passive positions; by soundness of argumentation; by the practice of dialogue rather than polemics; by receptivity to the new for reasons beyond mere novelty and by the good sense not to reject the old just because it is old – by accepting what is valid in both old and new.⁶

Thus, critical consciousness presents an holistic prism for evaluating issues as a means of identifying appropriate and contextual solutions. Building on Freire's idea, Aronowitz observes that critical consciousness has three components:⁷

- 5 See generally, B Fagbayibo 'Studying the past in present tense: International law in the Benin Empire' (2021) 48 *Politikon*, 468-85. See also, J Levitt 'African origins of international law: Myth or reality?' (2015) 19 *UCLA Journal of International Law & Foreign Affairs* 113-65.
- 6 P Freire *Education for critical consciousness* (1998) 18.
- 7 S Aronowitz 'Foreword' in S Macrine (ed) *Critical pedagogy in uncertain times: Hopes and possibilities*. (2009) ix at ix.

[S]elf-reflection, that is, realizing the famous poetic phrase, 'know thyself', which is an understanding of the world in which they live, in its economic, political and, equally important, its psychological dimensions. Specifically, 'critical' pedagogy helps the learner become aware of the forces that have hitherto ruled their lives and especially shaped their consciousness. The third goal is to help set the conditions for producing a new life, a new set of arrangements where power has been, at least in tendency, transferred to those who literally make the social world by transforming nature and themselves.

In a similar vein, Ladson-Billings advances a 'theory of culturally relevant pedagogy' which is anchored in three paradigmatic framings: academic success (a context-driven assessment of academic excellence); cultural competence (that allows learners to maintain their cultural integrity throughout the learning process); and critical consciousness (which ensures that students develop a broader socio-political consciousness that allows them to critique societal inequalities).⁸ This type of approach ensures that the student's cultural worldview mediates and moderates the learning environment, so affirming his or her physical and cognitive presence.

Third, perpetuation of the Eurocentric approach reinforces the perception of the supremacy of European standards and the inferiority of non-European ideas. Students are indoctrinated to regard themselves as inferior with the result that they feel compelled to regurgitate European superiority and unconsciously accept that their civilisation and critique is incapable of contributing meaningfully to international law or disrupting Eurocentric claims of equivalency with universal norms.

A fourth and final consequence of detaching the teaching of international law from its continental context is that it renders students ineffectual as actors and ineffective as change agents. An uncritical Eurocentric syllabus cannot equip African students with the skills necessary to address the developmental and ideational challenges facing the African continent head on. It is an exercise in 'mis-education' and not fit for purpose. To counteract this problematic situation, there is a need to repurpose the direction and vision of international law education in Africa. Such a repurposing is two-fold. First, international law education must be recognised as a broad process of imparting to students the knowledge they require to interrogate, challenge, and think beyond the narrow confines of theory in order to better understand its application. Second, students should appreciate the connection between actions and

8 G Ladson-Billings 'But that's just good teaching! The case for culturally relevant pedagogy' (1995) 34 *Theory into Practice* 159 at 160-63.

effects that continue to situate the global South at the periphery of the global system, and so re-claim their ability to become meaningful actors in redressing these issues. A critical approach that situates students and teachers within a non-hierarchical and pluriversal understanding of international law will help them to use their knowledge effectively and efficiently for the benefit of their society.

3 Obstacles to decolonising international law pedagogy

Before discussing how to repurpose the ecosystem of international law education in Africa, it is useful to understand some of the issues that are likely to hinder such an exercise. One of the major obstacles to a critical pedagogical approach is the conservative environment of international law education in Africa which is a colonial heritage.⁹ Generations of scholars received their legal training steeped in the Eurocentric paradigm and have themselves become the conduit through which such knowledge is transmitted and preserved. Conservative Eurocentric training ensures that law is learned in disciplinary isolation, with minimal exposure to multidisciplinary perspectives, creating a false a-political disciplinary stance.¹⁰ This position further places an excessive, a-historical premium on issues that are presumed to ‘hold relevance for the present’.¹¹ For decades, this has been the entrenched culture in many law schools across the continent, with little or no effort to either accommodate radical voices or provide a genuine decolonial framework within which to change the status quo. Furthermore, it has ensured the prioritisation of a neo-liberal approach to legal education in many African universities.¹² In this regard, the instruction materials not only affirm neo-liberal rhetoric; the syllabus is also structured to respond to the trends (and dictates) of the ‘market’.¹³

9 Fagbayibo (n 1) 182.

10 See M Ndulo ‘Legal education in an era of globalisation and the challenge of development’ (2014) 1(1) *Journal of Comparative Law in Africa* 10 at 17.

11 J Zollmann ‘African international legal histories – international law in Africa: Perspectives and possibilities’ (2018) 31 *Journal of History of International Law* 897 at 902.

12 Fagbayibo (n 1) 183.

13 C Schwobel-Patel ‘Teaching international law critically – Critical pedagogy and *Bildung* as orientations for learning and teaching’ in B van Kilink & U de Vries (eds) *Academic learning in law: Theoretical positions, teaching experiments and learning experiences* (2016) 99 at 109-110. See also M Mamdani *Scholars in the marketplace: The dilemmas of neo-liberal reform at Makerere University, 1989-2005* (2007) 103-105.

In what Ramose describes as the ‘northbound gaze’,¹⁴ academic research and activities in many African universities are subjected to a Eurocentric epistemic standard of assessment and evaluation. African scholars are compelled by institutional requirements to publish in ‘leading international journals’, which are often based in the global North and bring with them an implicit expectation of conformity to Eurocentric canons if authors hope to see their articles published.¹⁵ This position has at least three negative implications. First, it limits the space and motivation for scholars and researchers to develop and own the process of knowledge production. Second, it ensures that global North-based journals engage in ‘systematic bias in the peer review process’ of articles emanating from Africa.¹⁶ This situation results in the limited citation and marginalisation of African scholar(ship).¹⁷ For example, between 2010 and 2019, the *American Journal of Political Science* published 11 articles (of the 579 articles published during that period) on Africa, with none authored by African-based political scientists.¹⁸ Similarly, Gathii observes that since its founding in 1907 until May 2021, the *American Journal of International Law*, has published only 64 (of a total of 5 109) articles that have substantially engaged with the question of race in international law.¹⁹ He notes that factors such as the conscious exclusion of people of colour from the editorial board, the subtle censorship of critical scholarship, the notion that white racial superiority forms the basis of international law, and the thinking that scholarship on minority rights elsewhere has no relevance for the United States’ domestic system, largely explain this phenomenon.²⁰ Third, scholarship, including that which can promote critical approaches, is often published by publishers in the global North, making journals and books expensive and so inaccessible to an African readership. Insufficient funding, therefore, curtails access to knowledge and equal opportunity to participate in the production of knowledge.

14 M Ramose ‘“African Renaissance”: A northbound gaze’ (2000) 19(3) *Politeia* 47-61.

15 E Marincola & T Kariuki ‘Quality research in Africa and why it is important’ (2020) 5(38) *ACS Omega* 24155 at 24156.

16 As above.

17 See generally, F Obeng-Odoom ‘The intellectual marginalisation of Africa’ (2019) 17(3-4) *African Identities* 211-24.

18 GM Bob-Milliar ‘Introduction: Methodologies for researching Africa’ (2022) 121 (484) *African Affairs* e55 at fn 10.

19 JT Gathii ‘Studying race in international law scholarship using a social science approach’ (2021) 22(1) *Chicago Journal of International Law* 71 at 75.

20 Gathii (n 19) 93-104.

The issue of chronic lack of funding for research and development at many universities in Africa is a further concern.²¹ Lecturers are underpaid, overworked, and have little time for quality research. The lack of financial incentives is further complicated by the fact that external funding remains the only source in many cases. External funding is not always altruistic, with funders often determining the type, scope, and parameters of the research agenda.²² Furthermore, external funding is often channelled to science and technology, with little or nothing earmarked for the humanities.²³ For teachers to engage in a meaningful critical approach to international law education, there must be a sustained and deliberate policy approach that provides training and the requisite funding for critical research and development initiatives.

4 Towards a dialogic approach

In mapping the way forward for the adoption of a critical approach to international law education in Africa, this section discusses the need for continued meaningful dialogue between and among the following critical stakeholders:

- dialogue within the international law academy;
- inter/trans-disciplinary dialogue; and
- dialogue between teachers and students.

4.1 Dialogue within the international law academy (intra-disciplinary dialogue)

The first type of dialogue is one that brings together international law teachers and practitioners at national and regional levels to set an agenda on how to ensure that critical concerns are identified and proactively engaged. This could include multiple initiatives at national, regional, and continental levels by law schools, professional bodies, civil society organisations, and academic associations of law teachers. One way to achieve this is by refocusing the agenda of the 'International Law Seminar for African Universities', organised by the African Union Commission

21 Fagbayibo (n 1) 183; Marincola & Kariuki (n 15). See also D Teferra 'Funding higher education in Africa: State, trends and perspectives' (2013) 11(1-2) *Journal of Higher Education in Africa* 19 at 22-33.

22 PT Zeleza 'Manufacturing and consuming knowledge: African libraries and publishing' (1996) 6(4) *Development in Crisis* 293 at 295-96. See also, W Kigotho 'International Funders Determine the Research Agenda' (2021) <https://www.universityworldnews.com/post.php?story=20210113120713100> (accessed 21 September 2022).

23 Teferra (n 21) 38-42.

for International Law (AUCIL).²⁴ This requires a shift from its current preoccupation with mainstream Eurocentric approaches to international law, to one that emphasises a decolonised trajectory. TWAIL scholarship and other critical materials should become major components of these seminars. The AUCIL should also encourage the establishment of national and regional chapters of international law teachers across the continent as a means of identifying issues and perspectives that can shape its training and pedagogic agenda.²⁵

Furthermore, law faculties, teachers, and students across the African continent can establish coalitions and associations for the continuous sharing of knowledge and information around this crucial topic. Scholars such as Ndlovu-Gatsheni, Mignolo, and Al Attar and Tava, have described this type of intervention as ‘epistemic freedom’, ‘epistemic disobedience’ and ‘reform at the periphery’ respectively. Ndlovu-Gatsheni defines ‘epistemic freedom’ as ‘the right to think, theorise, interpret the world, develop own methodologies and write from where one is located and unencumbered by Eurocentrism’.²⁶ Mignolo posits that the aim of ‘epistemic disobedience’ is

the unveiling of epistemic silences of Western epistemology and affirming the epistemic rights of the racially devalued, and decolonial options to allow the silences to build arguments to confront those who take ‘originality’ as the ultimate criterion for the final judgement.²⁷

Similarly, Al Attar and Tava’s idea of ‘reform at the periphery’ is one that challenges scholars to sidestep institutional apathy by developing programmes that subvert Eurocentric canons that underpin international law.²⁸ At the core of these ideas is the need for scholars to own and shape the entire ecosystem of the knowledge production matrix. Put differently, they are to be guided by Madlingozi’s observation that ‘decolonisation is

24 African Union ‘International Law Seminar for African Universities, Addis Ababa, Ethiopia, 21 December 2016-28 February 2017’ (2016) International Law Seminar for African Universities, Addis Ababa, Ethiopia <https://au.int/en/announcements/20161221> (accessed 21 September 2022).

25 Fagbayibo (n 1) 184.

26 S Ndlovu-Gatsheni *Epistemic freedom in Africa: Deprovincialization and decolonization* (2018) 3.

27 W Mignolo ‘Epistemic disobedience, independent thought and de-colonial freedom’ (2009) 26(7-8) *Theory, Culture and Society* 159 at 162.

28 M Al Attar & V Tava ‘TWAIL pedagogy – Legal education for emancipation’ (2009) 15 *Palestinian Yearbook of International Law* 7 at 10.

always a disruptive phenomenon'.²⁹ The question then is: 'How should international law scholars in Africa respond to this monumental task?'

Beyond the traditional modes of book publications and journal articles, more must be done to encourage the open-access publication of critical works in blogs, online journals, online research repositories, and the citation to works published on such platforms. There are a number of commendable initiatives in this regard. These include the increasing establishment of (international) law blogs and social media interventions;³⁰ open access journals such as the *African Journal of International Economic Law*, the *African Human Rights Law Journal*, and journals published by the Council for the Development of Social Science Research in Africa (CODESRIA); academic student association;³¹ seminars and conferences on critical approaches to international law;³² bibliographic essays on critical international law scholarship;³³ increasing publication of essays by

29 T Madlingozi 'Decolonisation is always a disruptive phenomenon: On social movements and the "decolonial turn" in constitutional theory' (2019) https://www.youtube.com/watch?v=u_2m1dyrKuE (accessed 21 September 2022).

30 Important blogs in this regard include the AfronomicsLaw blog <https://www.afronomicslaw.org/>; *Third World Approaches to International Law Review* (TWAILR) <https://twailr.com/>; *OpinioJuris* <http://opiniojuris.org/>; *African Network of Constitutional Lawyers* (ANCL) <https://ancl-radc.org.za/>; *AfricLaw* <https://africlaw.com/>. Similarly, there is an increase in the intervention of critical scholars, students, and other social actors on social media platforms such as Twitter, Facebook, Instagram, and LinkedIn. See B Fagbayibo 'Thus saith the Euro-America validation cathedral – The task of challenging and changing the narrative of eurocentric international law in Africa' (2020) <http://opiniojuris.org/2020/08/31/critical-pedagogy-symposium-thus-saith-the-euro-america-validation-cathedral-the-task-of-challenging-and-changing-the-narrative-of-eurocentric-international-law-in-africa/> (accessed 21 September 2022).

31 One such example is the AfronomicsLaw Academic Forum, 'which brings together undergraduate and graduate students as well as early career researchers from across the world interested in international economic law issues relating to Africa and the Global South' <https://www.afronomicslaw.org/2020/05/08/announcement-of-afronomicslaw-org-academic-forum-a-new-editor-and-three-contributing-editors> (accessed 21 September 2022).

32 This includes the Forever Africa Conference and Events (FACE), the British Institute of International and Comparative Law (BIICL) Conference on Teaching International Law, the Max Planck Institute for Comparative and International Private Law (Hamburg) and the University of the Witwatersrand School of Law virtual workshop on decolonial comparative law, and the Kéba Mbaye Conference on African approaches to international law, with a focus on international human rights law. See Fagbayibo (n 30).

33 See Gathii (n 2); JT Gathii 'TWAIL: A brief history of its origins, its decentralized network, and a tentative bibliography' (2011) 3(1) *Trade Law and Development* 26-66; JT Gathii 'Africa and the disciplines of international economic law: Taking stock and moving forward' Opening Keynote Address delivered at the 5th Society of International Economic Law Biennial Conference, University of Witwatersrand

scholars on online repositories such as Academia, Social Science Research Network (SSRN), and ResearchGate; and open access book publications such as those of the Pretoria University Law Press (PULP).

However, there is more to be done to sustain and improve this momentum. One major way of doing this is by shifting the ‘northbound gaze’ evaluation of the academic standard or quality of research and research methods, to a ‘gaze’ that focuses on the lived realities and existential concerns of the continent. In other words, it speaks to taking our validation structures more seriously. This position will require several genuine commitments on the part of scholars, policy makers, and practitioners. One imperative is the establishment of more, and the strengthening of existing African-based and African-run law journals and publishing houses. Second is a departure from Eurocentric metrics of determining the acceptable scientific standard of research. This is in no way a call to exclude rigorous quality control of outputs; rather it speaks to understanding the biases of Eurocentric gatekeeping, especially the way in which it silences knowledge that is deemed critical of extant methods and approaches. The point is to accept multiple narratives and how these narratives should be moderated and mediated by lived experience. Simply put, empiricism should inform theory-building. This position unequivocally rejects the notion that in the geo-politics of knowledge, the African experience is temporary, waiting to either be refuted or accepted by Euro-American scientists/knowledge purveyors.³⁴ Third is the need for genuine and robust collaborative research efforts between and among experienced and emerging international law scholars within the African continent and across the global South.³⁵ In conclusion, it should be emphasised that collaboration with legal scholars and institutions in the

Schreiner School of Law, Johannesburg, South Africa, 7 July 2016 1-20 https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3002108 (21 September 2022); B Fagbayibo ‘African approaches to international law’ (2021) <https://www.oxfordbibliographies.com/view/document/obo-9780199796953/obo-9780199796953-0225.xml?rskey=jxrDUX&result=5> (accessed 21 September 2022).

34 P Hountondji ‘Scientific dependence in Africa today’ (1990) 21(3) *Research in African Literatures* 5 at 6. See also A Anghie *Imperialism, sovereignty and the making of international law* (2005) 2.

35 There have been a number of commendable efforts in this regard. See, eg, O Vilhena, U Baxi & F Viljoen (eds) *Transformative constitutionalism: Comparing the apex courts of Brazil, India and South Africa*. (2013). Another example is the online symposium in September 2020, jointly organised by the AfronomicsLaw blog and the Centre for International Law of the National University of Singapore on reflections by Asian and African scholars on the critical teaching of international law in the global South. See <https://www.afronomicslaw.org/2020/09/14/symposium-introduction-teaching-and-researching-international-law-global-perspectives> (accessed 21 September 2022).

global North is not in itself a bad thing; the problem arises where such collaboration reinforces the hierarchisation of knowledge systems.

4.2 Inter/transdisciplinary dialogue

The second type of dialogue speaks to engaging with scholar(ship) from disciplines beyond international law, such as literature, sociology, history, cultural studies, anthropology, philosophy, ethics, international relations, and politics. The idea here is to engage with scholarship in these fields on issues such as the history of internationality in pre-colonial Africa, societal factors underlining that history and present engagements, ideological issues that shape global imbalances, racial/racialised international system, feminist approaches, and critical research methodologies. Such trans-disciplinarity promotes the skills necessary to engage in innovative and meaningful pedagogical initiatives. This allows legal scholars to break with the prevailing disciplinary isolation by presenting them with new and invigorating research paths and imaginations. Legal scholars such as Gathii,³⁶ Akinkugbe,³⁷ Tamale,³⁸ and Banda³⁹ have shown how social science methods can assist in unmasking – and redressing – international law’s blind spots. For example, Tamale engages disciplines such as sport, medical science, law, religion, sociology, and technology to dissect the idea of Afro-feminism, and the imperative of decolonising the concept.⁴⁰ Similarly, Banda explores the plight of African migrants and asylum seekers through the lens of novels, poems, short stories, and human rights.⁴¹ Through this approach, she is able to highlight the nuances in the intersectional issues that shape the experiences of these marginalised groups.

It should be emphasised that a transdisciplinary approach is not new in the African context. Beyond the field of law, disciplines such as history, philosophy, and literature have adopted different transdisciplinary tools. One such example is the Ibadan School of History. Here, Nigerian historians from the 1950s began exploring and utilising oral sources to reconstruct pre-colonial events, and in some cases refute colonial historiography

36 Gathii (n 19) 71-109.

37 OD Akinkugbe ‘Reflections on the value of socio-legal approaches to international economic law in Africa’ (2021) 22(1) *Chicago Journal of International Law* 24-36.

38 S Tamale *Decolonization and afro-feminism* (2020).

39 F Banda *African migration, human rights and literature* (2020).

40 Tamale (n 38).

41 Banda (n 39).

which saw Africa as primitive and backward.⁴² In addition, this school devoted significant intellectual energy to the writing of textbooks for high school and university students by making language studies a prerequisite for the study of history, publishing numerous academic articles, organising regular annual conferences, establishing a professional body of historians, and creating publication platforms for researchers.⁴³ These are meaningful interventions that contemporary scholars should adopt and adapt to the process of critical pedagogy and the praxis of international law.

4.3 Dialogue between teachers and students

The third type of dialogue, that between teachers and students, is crucial as it centres students at the core of the design of their pedagogy and promotes the legitimacy and ownership of the intended product. Such a dialogue needs to be a continuous process, with both teachers and students testing, evaluating, and improving pedagogical approaches. The idea of an interactive and a highly participatory learning environment has always been an important component of Africa's indigenous knowledge systems.⁴⁴ Additionally, as Mazrui rightly emphasises, this interaction is a vital element of academic freedom, serving 'as a necessary intellectual infrastructure for mental development and intellectual creativity'.⁴⁵ Below I highlight three factors that should mediate such an approach.

First is the importance of engaging multifaceted, extratextual materials in the research and teaching of international law in Africa. This involves recognising a role for literature, poetry, music, cinema, documentaries, artefacts, and especially indigenous knowledge, in the exploration of historical and material perspectives on internationality.⁴⁶ The literary works of, for example, Chinua Achebe, Ngugi wa Thiong'o, Wole Soyinka, Binyavanga Wainaina, Ama Ata Aidoo, and Chimamanda Ngozi Adichie expose valuable nuances in problematic global issues. The music of Fela Anikulapo-Kuti, Bob Marley, and other socially-conscious musicians

42 See, eg, R Hess 'JF Ade Ajayi and the new historiography in West Africa' (1971) 14(2) *African Studies Review* 273-85.

43 See generally, JD Omar-Cooper 'The contribution of the University of Ibadan to the spread of the study and teaching of African history within Africa' (1980) 10(3) *Journal of the Historical Society of Nigeria* 23-31.

44 See, eg, IN Goduka 'Indigenous epistemologies – Ways of knowing: Affirming a legacy' (1999) 13(3) *South African Journal of Higher Education* 26 at 32. See also D Nabudere 'Towards the establishment of a Pan-African University: A strategic concept paper' (2003) 8(1) *African Journal of Political Science* 1 at 10.

45 A Mazrui 'Academic freedom in Africa: The dual tyranny' (1975) 74(297) *African Affairs* 393.

46 Chimni (n 4) 22.

offers valuable critical avenues through which to perceive global imbalances and could also serve as an important gateway to the works of critical scholars.⁴⁷ The same logic applies to using publications that have adopted extra-textual sources to explore critical issues in international law.⁴⁸ The use of these tools requires open-minded and innovative teachers. For example, when teaching aspects of international law such as human rights, the promotion and protection of democracy, and UN reforms students could initially explore extratextual sources, come up with their own interpretations, and explore how these relate to existential concerns. This approach bolsters the relatability and ready understanding of concepts that may initially appear technical and detached from the reality of African students studying international law.

A second mediating factor is to ensure that the displacement of Eurocentric epistemic framing in international law is ethically progressive. The project should have at its heart a genuine effort to address concerns of the marginalised and voiceless in the global power matrix. This includes issues such as gender equality and empowerment, LGBTIQ (lesbian, gay, bisexual, transgender/transsexual, intersex and queer/questioning) equality, refugees and internally displaced persons, mainstreaming of indigenous and ethnic knowledge systems and practices into the practise of international law, and meaningful poverty alleviation strategies. Ignoring the suffering of the most vulnerable essentially leads to replacing an oppressive system with another that although seemingly deodorised, is equally oppressive. In addition, it expands learners' range and understanding of intersectionality. A critical approach is one that obliges us to shed our blind spots and deal with others in a humane and considerate manner in a world we all share.

A third mediating factor is continuously to gauge and incorporate students' views on and contributions to the decolonisation agenda. Such an approach avoids the prevalent 'banking concept of education',⁴⁹ where

47 B Fagbayibo 'Critical pedagogy of international legal education in Africa: An exploration of Fela Anikulapo-Kuti's music' in R Adeola, MG Nyarko, A Okeowo & F Viljoen (eds) *The art of human rights: Commingling art, human rights and law in Africa* (2019) 7-22. See also, B Fagbayibo 'Choral intervention: Situating the role of music in reshaping international law in Africa' (2021) <https://sms.cam.ac.uk/media/3513940> (accessed 21 September 2022).

48 Fagbayibo 2019 (n 47); Banda (n 39); C Gevers 'International law, literature and worldmaking' in S Chalmers & S Pahuja (eds) *Routledge handbook of international law and humanities* (2021) 191-207. Another important source is 'TWAAILR: Extra' which serves as a repository of musical compilations, poems, and fiction and non-fiction writings on critical international law <https://twailr.com/category/extra/> (accessed 21 September 2022).

49 P Freire *Pedagogy of the oppressed* (2005) 72.

students are expected blindly to accept, memorise, and regurgitate what they are taught. Rather, both teachers and students assume the position of active learners and shapers of the pedagogic environment. As Shako rightly asserts:

Teachers of international law, especially critical international law, must also become learners... In embracing the challenge to learn ourselves, we inadvertently help students to appreciate critical international law and engage in critical arguments and draw their own analysis and conclusions. Through new pedagogies, we move towards inclusive African narratives and prevent the silences and distortions of Eurocentric learning.⁵⁰

As the 2015-2016 #FeeMustFall protests in South Africa have shown, students can no longer be treated as uninformed participants in the quest to decolonise curricula.⁵¹ Any meaningful engagement with students must centre their socio-cultural, economic, and political realities in curriculum development and teaching methods. This requires that teachers genuinely commit to the values of humility and compassion in the learning environment. Humility denotes the readiness to learn and unlearn ideas. Compassion speaks to understanding and respecting the different backgrounds of students, and a demonstrated commitment to integrate these into the fabric of their learning. For example, it allows teachers to embrace youth culture, mainly expressed through art and social media, as an important element of pedagogy.

5 Conclusion

It is evident from the discussion above that more needs to be done to decolonise international law education in Africa. The current Eurocentric approach continues to deny both students and teachers the opportunity of meaningfully engaging with the problems of international law. In

50 F Shako 'Critical pedagogy symposium: Is attempting to teach critical legal scholarship virtually the real pandemic?' (2020) <http://opiniojuris.org/2020/09/01/critical-pedagogy-symposium-is-attempting-to-teach-critical-legal-scholarship-virtually-the-real-pandemic/> (accessed 21 September 2022).

51 B Kamanzi, '#FeesMustFall: Decolonising education' (2016) <https://www.aljazeera.com/opinions/2016/11/3/feesmustfall-decolonising-education> (accessed 21 September 2022). There are other proactive initiatives by students across the continent. One is the 'Hut' initiative by undergraduate law students at the Strathmore University in Nairobi, Kenya. Here, students meet every Friday to engage in critical conversations about the law. See A Nciko 'The Hutians – Decolonising the teaching of public international law in African law schools to address a real problem' (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> (accessed 21 September 2022).

redressing this position, this chapter argues for deliberate and proactive intellectual investment in three types of dialogue within and across disciplines: intra-disciplinary dialogue, inter/transdisciplinary dialogue, and dialogue between teachers and students. The proposed interactive engagements should be open-ended, with the continued understanding that issues evolve and require context-based interventions. Through this, we shall be able to engage in meaningful self-assessment of methods, especially by avoiding the replication of bad practices of silencing and othering views that do not fit into our ideological paradigm. It is hoped that this chapter will make a modest contribution to the important quest of redefining the content and purpose of educating Africa in international law.