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EXORCISING THE COLONIAL GHOST IN CLASSROOMS: Contextualising Teaching of International Law in the Geographical South

Manwendra K. Tiwari & Swati Singh Parmar

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EXORCISING THE COLONIAL GHOST IN CLASSROOMS: Contextualising Teaching of International Law in the Geographical South

Manwendra K. Tiwari & Swati Singh Parmar***

[Abstract: The large belligerent powers, self-defined as the civilised, clothed in the urbane bourgeois, created a modern cosmopolitan order at a civilizational scale. The remaining world was driven into a cultural subjection and classified by the so-called civilised into these fixed identities while their indigeneity and socio-cultural identities were marginalised. Europe projected itself as the cradle of intellect, of which imperialism is a consciously crafted cultural reference for the rest of the world. The colonial encounters left imperial imprints on the peoples of these colonies, the consequences of which remain evident in the styles and pedagogies of teaching international law in the geographical South. Historical injustice and epistemic inequivalence create a strained relationship between the study of international law and a geographical South student, which drives the focus of this paper. Teaching international law in the geographical South requires contemplation of the contents and methods of teaching, which may bring back to life the contributions of non-European societies which otherwise have been held in a legal vacuum by the European international law. Besides contextuality, exposure to the history and philosophy of international law based on geographical relevance is pertinent for a geographical South class. Redeeming the relegated history of international law in a non-European style has the potential to alter the way the geographical South students view existing international law. Some primary concerns in teaching the subject are foregrounded first, the old Austinian handicap, second, colonial leftover syllabi, third, the lack of revamping the teaching pedagogy and other third-world practical problems. The researchers argue that decolonising the syllabi of international law, structural changes in the syllabi (adding the history of international law and various approaches to international law) and a context-setting in and exposure to the philosophy of international law could considerably change how we read international law.]

Keywords: *International Law, Geographical South, Colonialism, Civilization, Indigeneity.*

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I

Introduction

*If winter comes, can Spring be far behind?*¹

But spring did not mean bluebells, daffodils, tulips, and cherry blossoms. For us, it meant swampy roads, power cuts, damp walls, and leaky roofs- all of those now known to me as third-world issues. While reading P. B. Shelley's poem as per our English curriculum in my school, I could not understand the relevance and awaiting of spring in this poem. The imagistic plenitude of European spring, created by a British poet, had less relevance for a student who had seen the struggles of the spring season in India. Relevance, contextuality, and belongingness of curriculum seemed pivotal more than ever. 'Context' becomes even more significant in teaching international law², especially for those whose identities and histories had been relegated by the European view of International law. In the absence of this contextuality, the third-world classrooms make themselves the focal points of perpetuating the same imperial thoughts, beliefs, and values.

The teaching of international law³ reveals more about such dimensions. Intricately woven into the problems of teaching international law are their historical, cultural, geographical, and financial tangents. As thrilling as it may seem, teaching international law to a geographical South class can be a real challenge with a low-prioritized library, deficient online databases, Europeanised syllabus and an Austinian mind. A sad state of legal education, its declining standards, and *not a real subject* treatment (through the lens of 'practising law') by the policymakers, educational institutions and other fellow academics add to the weight of the challenge. On *not real* treatment of international law, Gerry Simpson highlights, 'This fear (of being consigned to the academic peripheries) arises from a sense that international lawyers are deemed not sufficiently like *real lawyers* by some not our colleagues in the law schools and not savvy enough about global realities according to some international relations scholars'.⁴

¹ P. B. Shelley, ODE TO THE WEST WIND AND OTHER POEMS 37 (1993).

² International law used throughout this paper refers to 'Public international law'. The assertion made in this paper, however, may be true for international human rights law, international humanitarian law, the law of seas, refugee law, asylum law and extradition law.

³ Scholarly works on teaching international law include B. Cheng (ed.), INTERNATIONAL LAW: TEACHING AND PRACTICE (1982); M. Lachs, THE TEACHER IN INTERNATIONAL LAW: TEACHINGS AND TEACHING (1987); B. Broms, *International law in the Law School Curriculum*, in ESSAYS IN HONOUR OF WANG TIEYA 79-90 (R. St. J. Macdonald ed. 1994).

⁴ Gerry Simpson, *On the Magic Mountain: Teaching Public International Law*, 10 EUROPEAN J. INT'L L. 70, 70 (1999).

Reading domestic laws and jurisdictions and the resulting attunement scales down the students' broadened horizons. Delivery of quality teaching of international law for a third-world teacher becomes indispensable in such a demanding situation. A teacher, then, must not merely teach but also engage in some damage control. The geographical South has its own concerns, contexts, and experiences. For instance, the issues of settler colonialism and suzerainty have different hues and have specific meanings for those who have seen it from close and continue to witness them. To include the 'geographical South' in the umbrella term 'global South' would not be correct. The lived experiences of the scholars who are geographically placed in South could not necessarily coincide with those of the 'global South'. Imperialism continues to shape the lived experiences of the geographical South in varying degrees, different from how it interacts with the global South⁵. The struggles of the global South and the geographical South are not always the same because of different locational, access, and other issues affecting the authors in the global South and geographical South differently. The power dynamics that operate between the global North-Global South and that between the geographical South- Global North are placed at different footings. The positionality of the geographical South in the global networks of power is staggeringly different from that of the Global South. The anti-imperialism of the geographical South scholar who continues to witness it and that of a scholar located in the global North is not conditioned by the same social, cultural, and political post-colonial environment. Global South is at the periphery of the post-colonial structures that continue to shape the lives in the geographical South. Most scholars who associate themselves with the global South are either placed, trained, or originated in the global North.⁶ The thinkers who associate themselves with the third world⁷ but are placed (geographically) in the

⁵ Swati Singh Parmar, *Academic Imperialism and Universal academic accessibility: Echoes from the Global South*, RSRR, available at: <https://rsrr.in/2022/08/27/academic-imperialism-in-international-law-and-global-south-perspective/> (last visited on Sept. 4, 2022).

⁶ The editor and The Editorial Board of The Third World Quarterly, *THIRD WORLD QUARTERLY*, available at: <https://www.tandfonline.com/action/journalInformation?show=editorialBoard&journalCode=ctwq20> (last visited on May 5, 2021); Editor and the editorial board of The Global South *THE GLOBAL SOUTH*, available at: <https://iupress.org/journals/globalsouth/> (last visited on May 5, 2021); Advisory Board and editorial collective of Third World Approaches to International Law Review *TWAILR*, available at: <https://twailr.com/> (last visited on May 5, 2021). See also Luis Eslava, *TWAIL Coordinates*, *GRONINGEN JOURNAL OF INTERNATIONAL LAW BLOG*, available at: <https://grojil.org/2019/04/01/twail-coordinates/> (last visited on May 6, 2021), explains how the TWAIL rubrics originated in *Harvard*.

⁷ See generally, Makau Mutua, *What is TWAIL?*, 94 *AMERICAN SOC. INT'L L. PROCEEDINGS* 31 (2000).

global North⁸ cannot be on the same footing as those in the geographical South. South, as of now, has not become as global as the north has. Global South as a metaphor to denote the culturally or politically marginalised⁹ may become misleading if it includes geographical South within its ambit. Global South has assumed itself and been acknowledged as the South, but their voices do not always correspond with those placed in the geographical South. The challenges for the geographical South are not always intellectual and ideological like those of the global South. In the geographical South, sometimes the problems are tricky, practical, and unique. There are hierarchies in the metaphor used to denote the South and if the global South were to be given a rank, it would always be better off than the geographical South in terms of access, privileges, visibility of scholarship,¹⁰ and outreach of their voices.

In any case, geography and international law share an interesting relationship.¹¹ The significance of the body of international law that developed in India,¹² China,¹³

⁸ See, Mukoma Wa Ngugi, *Rethinking the Global South*, THE JOURNAL OF CONTEMPORARY THOUGHT 35 (2012), reprinted at: <http://www.globalsouthproject.cornell.edu/rethinking-the-global-south.html> underscoring that 'the periphery is always located in the third world and the centre is always the West...Unable to escape this locked and unequal dialectic, many postcolonial thinkers end up affirming the very relationships they are trying to undermine.'

⁹ See, Nour Dados and Raewyn Connell, *The Global South*, 11 CONTEXTS 12 (2012); Anne Garland Mahler, *Global South* in OXFORD BIBLIOGRAPHIES IN LITERARY AND CRITICAL THEORY, available at: <https://www.oxfordbibliographies.com/view/document/obo-9780190221911/obo-9780190221911-0055.xml?rskey=SNw1Qq&result=1&q=global+south#firstMatch> (Eugene O'Brien ed., 2017).

¹⁰ Ole Bjørn Rekdal, *Academic urban legends*, 44 SOCIAL STUDIES OF SCIENCE 638 (2014). Rekdal argues how the game of citation has been the creation of academic urban legends.

¹¹ See generally, Anthea Roberts, IS INTERNATIONAL LAW INTERNATIONAL? (2017).

¹² See, C.H. Alexandrowicz, AN INTRODUCTION TO THE HISTORY OF THE LAW OF NATIONS IN THE EAST INDIES (1967); Hiralal Chatterjee, INTERNATIONAL LAW AND INTER-STATE RELATIONS IN ANCIENT INDIA (1958); Nagendra Singh, 1 & 2 INDIA AND INTERNATIONAL LAW: ANCIENT AND MEDIEVAL (1973); C. Weeramantry in his dissent in *Legality of the Threat or Use of Nuclear Weapons*, Advisory Opinion, 1996 I.C.J. Rep. 255, (July 8), highlighting South Asian tradition regarding the prohibition on the use of hyper-destructive weapons; M. K. Nawaz, *The Law of Nations in Ancient India*, THE INDIAN YR. BOOK OF INT'L AFFAIRS 172 (1952); Upendra Baxi, *Kautilyan Principles and the Law of nations: A comment*, THE INDIAN YR. BOOK OF INT'L AFFAIRS 230 (1967); C. H. Alexandrowicz, *Treaty and Diplomatic Relations between European and South Asian Powers in the Seventeenth and Eighteenth Centuries*, 100 COLLECTED COURSES OF THE HAGUE ACAD. OF INT'L L. 207 (1960).

¹³ See, Eric Young-Joong Lee, *Early Development of Modern International law in East Asia- with Special Reference to China, Japan and Korea*, 4 J. OF THE HIST. OF INT'L L. 42 (2002).

Japan,¹⁴ Korea,¹⁵ and others has been ignored and overlooked in the history of international law. Scholars have highlighted the reflections of international law in South Asia's religious texts, traditions, and cultures¹⁶ (such as Hinduism,¹⁷ Buddhism,¹⁸ Islam¹⁹), but such texts are yet to be recognised in the mainstream universal discussion. These concerns are partly reflected in the meagre amount of international law scholarship produced from South Asia compared to the potent rich discourses it could contribute.²⁰ It is even more pronounced when we see a smaller number of Indian students opting for international law as a specialisation in their post-graduation (LL.M.) program.²¹ This is partly an outcome of a smaller number of international law teachers in graduate programs to introduce and

¹⁴ See, Yanagihara, *Japan* in THE OXFORD HANDBOOK OF THE HISTORY OF INTERNATIONAL LAW 475-499 (B. Fassbender and A. Peters eds., 2012).

¹⁵ See, J. S. Pae, *The Historical Background to the Development of International Law in Korea* in KOREAN INTERNATIONAL LAW 7-33(1981).

¹⁶ See, C. G. Weeramantry, *Insights for International Law from Religious Reflections on Peace*, 29 MONASH UNIV. L. REV. 213 (2003). See also Brian D. Lepard, RETHINKING HUMANITARIAN INTERVENTION: A FRESH LEGAL APPROACH BASED ON FUNDAMENTAL ETHICAL PRINCIPLES IN INTERNATIONAL LAW AND WORLD RELIGIONS (2002).

¹⁷ See, K. R. R. Sastry, *Hinduism and International law*, 117 RECUEIL DES COURS 507 (1966); M. K. Sinha, *Hinduism and International Humanitarian Law* 87 INT'L REV. OF THE RED CROSS 285 (2005); Surya P. Subedi, *The Concept in Hinduism of Just War* 8 J. OF PEACE AND CONFLICT STUDIES 339 (2003).

¹⁸ See, A. T. Ariyaratne, *Buddhism and International Humanitarian Law*, 15 SRI LANKA J. OF INT'L L. 11 (2003); Matthew J. Moore, *Buddhism and International Law* in COMPARATIVE POLITICAL THEORY IN TIME AND PLACE 51-77 (D. Kapust & H. Kinsella eds., 2017).

¹⁹ See, Mohamed Elewa Badar, *Jus in Bello under Islamic International Law* 13 INT'L CRIMINAL L. REV. 593 (2013); M. Cherif Bassiouni, *Islamic International Law and International Humanitarian Law* in THE SHARI'A AND ISLAMIC CRIMINAL JUSTICE IN TIME OF WAR AND PEACE 150-246 (M. Cherif Bassiouni ed., 2013).

²⁰ For a richly placed arguments for a bottom-up reading of international legal history with the political and financial costs incurred by the Princely states of India, see Prabhakar Singh, *Indian Princely States and the 19th-century Transformation of the Law of Nations* 11 J. OF INT'L DISPUTE SETTLEMENT 365 (2020). See also B. S. Chimni, *Is there an Asian Approach to International Law: Questions, Theses, and Reflections*, 14 ASIAN YEARBOOK OF INT'L L. 249 (2008); B. S. Chimni, *Asian Civilizations and International Law: Some Reflections*, 1 ASIAN J. OF INT'L L. 39 (2011); V.S. Mani, *International Humanitarian Law: An Indo-Asian Perspective* 83 INT'L REV. OF THE RED CROSS 59 (2001); S. Ghosh, *Maritime Trade between the Persian Gulf and West Coast of India (C. 3rd Century A.D. to 7th Century A.D.)* 64 PROCEEDINGS OF THE INDIAN HISTORY CONGRESS 132 (2003); C. Joseph Chacko, *India's Contribution to the Field of International Law Concepts*, 93 COLLECTED COURSES OF THE HAGUE ACADEMY OF INTERNATIONAL LAW, available at: http://dx.doi.org/10.1163/1875-8096_pp1rdc_A9789028613027_02 (last visited on May 1, 2021).

²¹ See, Upendra Baxi, *Teaching of International Law in India in 2000 A. D. -Some Non-Utopian Proposals*, available at: <http://upendrabaxi.in/documents/Teaching%20of%20international%20law%20in%20india%20in%202000%20A.D%20-%20some%20nonutop.pdf> (last visited on May 2, 2021).

thereby encourage the students to understand international law and that eventually creates a procrustean bed. In addition, European books have set the standards for teachers in the South. The teachers are trained in the pedagogy²² that has been built on Eurocentrism. For instance, Richard Falk argues that even the staunch anti-Western works by non-Western international legal scholars have 'relied on Western approaches in a relatively uncritical manner'. He attributes this peculiar issue to the European dominance of international law scholarship and the training of the scholars that have been western.²³ Mohsen Al Attar notes:

'While textbook authors now pay homage to other civilizations, their effusions are ornamental only. Instead of supporting epistemological equivalency, they centre European International Law throughout their works, exorcising the brutalities of European history that generated the law in question'.²⁴

The colonial ghost that continues to live in the geographical South in its curriculum, pedagogy and timing of introducing the teaching of international law needs to be exorcised. There remain many other factors that make this issue a complex one. With this paper, I focus on four primary concerns. Part II discusses how the age-old debate of finding Austinian elements in international law still haunts today's geographical South classroom. Part III highlights the neglected history of international law and its significance in reviving students' interest towards the subject. Part IV focuses on the need to introduce critical approaches to international law like the Third World Approach, Fourth World approach, Feminist approach and others to the students. Part V deals with the lost glory of philosophy in geographical south classroom and underscores its significance in understanding international law.

²² See generally, Mohsen Al Attar and Vernon Tava, *TWAIL Pedagogy- Legal Education for Emancipation* 15 PALESTINE YEARBOOK OF INT'L L. 2010. For an insightful graphic representation of an alternative pedagogy with post-coloniality, see, Mohsen al Attar, *Moving the Centre of International Legal Education*, III TRADE, LAW AND DEVELOPMENT 266-275 (Spring 2011).

²³ Richard Falk, Preface to B S Chimni, *INTERNATIONAL LAW AND WORLD ORDER: A CRITIQUE OF CONTEMPORARY APPROACHES* 9 (1993).

²⁴ Mohsen Al Attar, *Must International Legal Pedagogy Remain Eurocentric?*, 11 ASIAN JOURNAL OF INTERNATIONAL LAW 176 (2021).

II

The Austinian Redundancy

In Indian legal education, International Law is mostly introduced in the sixth semester in a five-year law degree program (comprising of ten semesters)²⁵ and the third or fourth semester in a three-year law degree program (comprising of six semesters),²⁶ both of which are extremely late in terms of reception of such a subject by the students. The subject is introduced at a time when enough non-receptance for meta-domestic legal discourse has been developed in young minds making it difficult for them to understand international law. B.S. Chimni underscores:

‘The positivist approach also failed to come to grips with the nature and character of international institutions... However, a positivist methodology focusing on formal legal texts occludes the possibility of arriving at this understanding’.²⁷

Students are taught international law when they have developed the Austinian handicap²⁸ while learning the domestic black letter laws and when they eulogise *enforcement*, *sanction*, and *coercion* as elements of laws, as they function in domestic law. They eventually try to search for the same elements in international law. Their understanding of the legitimacy of law is derived from the elements of *coercion*, which in the case of the legitimacy of international law must be seen through the element of *compliance*. Antony Anghie, who made the most deeply penetrating arguments for the third world, had already revealed how positivism is intricately linked to *coloniality*.²⁹ This unnecessary and colonial Austinian comparison between international and municipal law becomes a slippery ground for a third world teacher as well, even more in cases where she has not studied philosophy and the history of international law during her graduate degree program.

Unfortunately, with over-burdened teachers, the teaching of domestic laws is limited to reading and interpreting the black letter laws and referring to their applications through case laws. It mostly does not involve extensive debates, evaluation, or critical thinking in those subjects. The transition for students from having read domestic law in this manner to reading international law is instant. This

²⁵ Bar Council of India Rules of Legal Education, 2008, available at: <http://www.barcouncilofindia.org/wp-content/uploads/2010/05/BCIRulesPartIV.pdf> (last visited on May 2, 2021).

²⁶ Bar Council of India Rules of Legal Education, 2008, *Id.*

²⁷ B. S. Chimni, *Teaching, Research and Promotion of International Law in India: Past, Present and Future*, 5 SINGAPORE J. OF INT’L & COMP. L. 368, 371-372 (2001).

²⁸ D. J. Harris, CASE AND MATERIALS ON INTERNATIONAL LAW 6 (2015). He uses a phrase ‘The Austinian Handicap’ to describe the Austin’s rejection of international law as a real law.

²⁹ Antony Anghie, *Finding the Peripheries: Sovereignty and Colonialism in Nineteenth-Century International Law*, 40 HARVARD INT’L L. J. 1 (1999).

transition clearly requires preparing young minds for the receptibility of international law. A contextual understanding of the philosophy on which the premise of international law is built becomes pivotal to creating a conducive mind in the ferment that questions, evaluates, and critiques international law and its premises. Most of the international law curriculum in Indian Universities are short-sighted and deflect from providing such a context before a deep dive of students into the concepts and principles of international law.

Coming from the third world, students are conscious of the standard of 'civilization'³⁰ used to push Asia, Africa, Americas, and the Pacific to the periphery of histories, institutions, decisions, participations, and representations in international law. Often this leads one to view international law as an unjust system. They have notions about the complete institution and principles of international law being an unjust system dominated by victors' justice,³¹ based also on their views regarding the imbalanced power equations that they had been chaotically exposed to through the instances of proxy wars during the cold war, self-defence attacking,³² drone attacks,³³ civilian deaths in such strikes,³⁴ U.S. raid in Abbottabad,³⁵ and the military interventions in the Middle East. On the question of the degree of coherence between the human rights principles and practices, Boaventura Santos argues:

'This question gains a particular urgency in contact zones between the global North and the global South, ... because it is there that the discrepancy between principles and practices tends to be highest. More and more frequently, we witness the massive violation of human rights in the name of human rights, the destruction of democracy in the name of democracy, the killing of innocent civilians in the name of supposedly protecting them, ... the massive deployment of surveillance techniques ... The

³⁰ See generally, G. W. Gong, *THE STANDARD OF 'CIVILIZATION' IN INTERNATIONAL SOCIETY* (1984).

³¹ See, Daniel Butt, 'Victors' Justice'? *Historic Injustice and the Legitimacy of International Law* in *LEGITIMACY, JUSTICE AND PUBLIC INTERNATIONAL LAW* 163-185 (Lukas H. Meyer ed., 2009).

³² See, G. S. Corn, *Self-defense Targeting: Blurring the Line Between the Jus ad Bellum and the Jus in Bello* in *NON-INTERNATIONAL ARMED CONFLICT IN THE TWENTY-FIRST CENTURY* 57-92 (Kenneth Watkin & Andrew J. Norris eds., 2012); Christian Schaller, *Using Force Against Terrorists 'Outside Areas of Active Hostilities'-The Obama Approach and the Bin Laden Raid Revisited* 20 *J. OF CONFLICT & SECURITY* L. 195, 207 (2015).

³³ See, Mwatana, *Death Falling from the Sky, Civilian Harm from the United States' Use of Lethal Force in Yemen*, available at – <https://mwatana.org/wp-content/uploads/2021/03/Death-Falling-from-the-Sky.pdf> (last visited on Feb. 2, 2021).

³⁴ See also, Foreign Policy, *NATO Killed Civilians in Libya. It's Time to Admit It*, available at: <https://foreignpolicy.com/2021/03/20/nato-killed-civilians-in-libya-its-time-to-admit-it/> (last visited on Mar. 27, 2021); Airwars, *Civilian harm in Libya from 2012 to the present days*, available at: <https://airwars.org/conflict/all-belligerents-in-libya-2011/> (last visited on Mar. 27, 2021).

³⁵ Helen Duffy, *Case Study II: Osama Bin Laden – 'Justice Done'?* in *THE 'WAR ON TERROR' AND THE FRAMEWORK OF INTERNATIONAL LAW* 747 (2015).

ideological investments used to conceal such a discrepancy are as massive as the brutality of such practices'.³⁶

Besides, the celebrated textbooks and the histories, told by those books to us emanated from the first world. L. Oppenheim was a German, J.G. Starke was an Australian, Malcom Shaw was a British, Malcolm Evans was a British- all celebrated contemporary textbooks came from the Global North. Students from the geographical South have treated the subject, its philosophy, contents and creators to be alien. Insights into the international law are disproportionately pulled toward Roman philosophers, including Francisco De Vitoria, Francisco Suárez, Alberico Gentili, Hugo Grotius, Samuel Pufendorf, Christian Wolff, and others.³⁷ Each discussion on the history of International Law is pulled to Greco-Roman philosophy and Christian theology. Each discussion on Sovereignty takes us to Westphalia.

The epistemic injustice is so pervasive that the reference point for geographical South teachers has been Malcolm Shaw. However, it is unfortunate that scholars from the geographical South have not explored the non-European perspectives enough in a textbook setting. There is also no textbook on public international law written by the geographical South,³⁸ which sustains the epistemic imbalance. 'Reform, rather than repudiation'³⁹ is needed to address many complex issues.

In the geographical South, international law debates among students can be confined to their moot court competitions. Apart from the limitations of a third-world classroom, there is a general trend of reluctance amongst students to read from books. Low interest in a subject possibly begets reluctance towards investing in books. The forgotten glory of libraries and hard copies of books are some real concerns. Also, most of the students are aspiring judicial officers, and the state-wise syllabus for the judicial entrance examinations does not include international law within its prescribed curriculum. This short-sightedness certainly leads students to regard international law as non-lucrative. In the limited resources, lived experiences, and resistance towards the subject, innovating the teaching practices to revive the existing under-reading of the subject amongst the students becomes a significant step.

In law graduation courses, Public international law is often treated as a dictation class by the teachers who themselves had no interest or exposure to the subject.

³⁶ Boaventura de Sousa Santos, *EPISTEMOLOGIES OF THE SOUTH* 41-42 (2014).

³⁷ See, George P. Cavallar, *Vitoria, Grotius, Pufendorf, Wolff and Vattel: Accomplices of European Colonialism and Exploitation or True Cosmopolitans?* 10 *J. OF THE HISTORY OF INT'L L.* 181 (2008).

³⁸ See, Mohammad Shahabuddin, *BANGLADESH AND INTERNATIONAL LAW* (2021). Mohammad Shahabuddin in 2021 authored the book titled 'Bangladesh and International law'. Though regarded as first ever analysis of international law from Global South perspectives but specific references to Bangladesh make it contextual and different from a textbook that may be regarded one for the South Asia.

³⁹ *Supra* note 27, at 369.

Many Indian students are not even exposed to occident styled Malcolm N. Shaw's book till they participate in the national rounds of an international moot court competition like the Phillip C. Jessup moot court competition. It is usually in the post-graduation that Shaw, Starke, Oppenheim, and other works by European thinkers are introduced as 'universal'. While it is common for law students to have not come across the monumental works of Antony Anghie,⁴⁰ B.S. Chimni,⁴¹ R.P. Anand,⁴² James Thuo Gathii,⁴³ C. H. Alexandrowicz,⁴⁴ and many other under-read works. As Francis Bacon said, 'Some books are to be tasted, others to be swallowed, and some few to be chewed and digested',⁴⁵ Anghie's book for a geographical South student surely turns out to be the one to be chewed. These texts offered the much-needed alignment towards the subject that is pivotal in an early career in the academic. As third world scholars, we unconsciously pick the works by Global North and start our academic journeys from that as the points of reference and reliance, while we completely fail to see the rich arguments in the 'beyond-European' works.

Three extremely neglected debates that were critical to locate international law debates in a geographical South class - first, history; second, various approaches to international law; and third, the philosophy. These three areas are substantially missing from the syllabus of public international law during graduation and post-graduation studies.

⁴⁰ See, Antony Anghie, *IMPERIALISM, SOVEREIGNTY AND THE MAKING OF INTERNATIONAL LAW* (2005).

⁴¹ B. S. Chimni, *INTERNATIONAL LAW AND WORLD ORDER* (2017); B. S. Chimni, *Third World Approaches to International Law: A Manifesto*, 8 *INT'L COMMUNITY L. REV.* 3 (2006); B. S. Chimni, *The Self, Modern Civilization and International Law: Learning from Mohandas Karamchand Gandhi's Hind Swaraj* 23 *EUROPEAN J. OF INT'L L.* 1159 (2012); B. S. Chimni, *International Law Scholarship in Post-Colonial India: Coping With Dualism*, 23 *LEIDEN J. OF INT'L L.*, 23 (2010).

⁴² See, R. P. Anand, *ASIAN STATES AND THE DEVELOPMENT OF INTERNATIONAL LAW* (1972).

⁴³ James Thuo Gathii, *Alternative and Critical: The Contribution of Research and Scholarship on Developing Countries to International Legal Theory* 41 *HARVARD INT'L L. J.*, 263 (2000); James Thuo Gathii, *Imperialism, Colonialism, and International Law* 54 *BUFFALO L. REV.* 1013 (2007).

⁴⁴ C. H. Alexandrowicz, *AN INTRODUCTION TO THE HISTORY OF THE LAW OF NATIONS IN THE EAST INDIES (16TH, 17TH AND 18TH CENTURIES)* (1967).

⁴⁵ Francis Bacon, *Of Studies*, in *THE ESSAYS* 233-234 (1908).

III

(Anti) Colonial History of International Law

The relics of coloniality have relegated the teaching of international law to the corner. A pertinent concern of under-reading the history of international law⁴⁶ by the students had to be addressed. The history of a subject is the foremost critical element for understanding that subject. Unfortunately, history often is the most neglected one.⁴⁷ And the cost of neglecting history is irreparable. The history of international law has long been missing from not only our students' plates, but also from their appetites. History connects one to the subject. History evokes a desire to know the present and foresees and predicts the future. History and approaches set the discourse on international law and give perspectives without which an understanding of international law can be vague. Short of the historical backdrop, one cannot acknowledge the treatment of non-Europeans as 'passive objects of European domination,⁴⁸ colonial doctrinal innovations, contributions of the Ancient civilizations near the East, the legacy of cultural subordination,⁴⁹ the glorification of Hugo Grotius⁵⁰ and the disproportionate spaces claimed by Europe in the scholarships.⁵¹ Europeans rested the idea of colonialism on the insistence of civilised and uncivilised, and history, by the third world, must be read in that setting and not as an apolitical narrative. A study of the history of international law can help one find the reasons, ways, and manners for addressing the alien- European clothing of international law. For instance, the huge disparities between the 'developed' and

⁴⁶ Deletion of Chapter on History of International Law in the 9th edition of R Jennings & A Watts (eds.), *OPPENHEIM'S INTERNATIONAL LAW: VOL. I PEACE* (2008).

⁴⁷ See, Virginia Berridge & John Stewart, *History: a social science neglected by other social sciences (and why it should not be)* 7 *CONTEMPORARY SOC. SCI.* 39 (2012); L. Oppenheim, *The Science of International Law: Its Task and Method*, 2 *AM. J. OF INT'L L.* 313, 316 (1908) holds that the history of international law is 'certainly the most neglected province of it' and that the 'master-historian of international law has still to come'.

⁴⁸ Bardo Fassbender and Anne Peters (eds.), *THE OXFORD HANDBOOK OF THE HISTORY OF INTERNATIONAL LAW* 2-22 (2012). See also S. Chesterman, *Asia's Ambivalence about International Law Institutions: Past, Present and Futures* 27 *EUROPEAN J. OF INT'L L.* 948 (2016).

⁴⁹ *Supra* note 39, at 114.

⁵⁰ Hugo Grotius has been eulogized as the architect of the Westphalian system and modern law of seas. Hedley Bull celebrates his contributions to regard him as the 'intellectual father of the first general peace settlement of modern times' while he also has been revealed to be an architect of the 'early modern colonial rule'. See Peter Borschberg, *Hugo Grotius' Theory of Trans-Oceanic Trade Regulation: Revisiting Mare Liberum (1609)* 34 (Institute of International Law & Justice, Working Paper No. 2005/14 2005).

⁵¹ James Thuo Gathii, *Studying Race in International Law Scholarship Using a Social Science Approach* 22 (1) *CHICAGO J. OF INT'L L.* 71 (2021).

the 'underdeveloped' countries⁵² serve as a potent reason to impede viewing international legal order (especially international economic law) as a just and fair one. The old civilizational standards of race and religion were never done away with. With unanimous criticality for colonialism, the standard of civilization changed in its form and outlook. The irrational appearance of the imperial adventure was attempted to be rationalized by transforming the civilizational value in terms of development. The cultural imperialists were now *developed*; others were *developing* or *underdeveloped*, on the scientific-looking scales steered by the western sense of economic development. The *civilized-uncivilized dichotomy* was renewed with the terminology of 'modernity'⁵³ and 'development'. The idea of development, which has strong colonial antecedents,⁵⁴ has been crafted with universal appeal, just like the ideas of 'civilization' and 'modernity'. Globalization is an adapted version of imperialism⁵⁵ that replaced *civilized* and *uncivilized* by 'backward' and 'advanced'.⁵⁶ Capitalism shares a deeply entangled relationship with the European settler project.⁵⁷ These revelations possibly could strengthen the thought among the students that 'we do not live in a just world'⁵⁸ that may eventually develop into a distaste for the subject by a student from the third world. The conscious overlooking of the histories that developed in the Asian and African continents and a replacement of the world-view of European and non-European accounts of history with a globalised 'European international law history' has been revealed through scholarly works.

The mainstream academic inquiries largely come from the First World,⁵⁹ the essential dichotomy between the orient and the occident must not be lost from us, making history the most important chapter for a third world international law student. Teachings of history in a geographical South class should have the cultural

⁵² Alan Buchanan, JUSTICE, LEGITIMACY, AND SELF-DETERMINATION: MORAL FOUNDATIONS FOR INTERNATIONAL LAW 53 (2004).

⁵³ See, Dipesh Chakrabarty, *The Muddle of Modernity*, 116 THE AMERICAN HISTORICAL REV. 663 (2011).

⁵⁴ *Supra* note 39, at 247.

⁵⁵ B. S. Chimni, THE THIRD WORLD AND INTERNATIONAL ORDER: LAW, POLITICS AND GLOBALIZATION 47-75 (2003).

⁵⁶ See generally, Arturo Escobar, ENCOUNTERING DEVELOPMENT: THE MAKING AND UNMAKING OF THE THIRD WORLD (2007).

⁵⁷ Jennifer Harvey, WHITENESS AND MORALITY 15 (2007).

⁵⁸ Thomas Nagel, *The Problem of Global Justice*, 33 PHILOSOPHY & PUB. AFFAIRS 113, 113 (2005) notes, 'We do not live in a just world. This may be the least controversial claim one could make in political theory'.

⁵⁹ Talita Das, *Cambridge Studies in International and Comparative Law (International Law Titles) - Gender and Geographical Rep Breakdown*, available at: <https://docs.google.com/spreadsheets/d/1JPM3X5K6CFiCHgyuV4svh9XXT3GXV8r7361WRQXVBE/edit#gid=1100251025> (last visited on Mar. 7, 2021).

and civilizational narratives⁶⁰ of history along this axis, around which other debates are built on. To reveal the social and epistemic relations of international law to the students from the geographical South allows their introduction to the 'powerful knowledge'.⁶¹

However, this is difficult, given that most students do not get a chance to read history in their graduation programs. In five years, integrated courses in legal education, ancient history, medieval history and modern history are included in some law schools' curricula. However, 'world history' which is important for an understanding of international law remains absent in the curriculum.

The reading of history must be arranged outside the class schedule, by way of evening lectures, and those inside the usual classroom lectures may remain sporadic. This certainly can result in the students' increased association with the subject. Not only is it important to tell the history of international law, but it is equally important to introduce them to how to use historical methods to read international law *backwards*. One such article that can instil amongst the students a non-European tradition is a non-conformist study done by relocating the Indian colonial theatre in international legal history through native actors.⁶²

Introducing the debates of coloniality and semi-coloniality, the much-needed impetus for the students to read international law could be seen. In addition, the rich literature of post-colonial studies, like those relating to the subalterns, can be introduced. Works by Gayatri C Spivak,⁶³ Sudipta Kaviraj,⁶⁴ Partha Chatterjee,⁶⁵ and Ranajit Guha⁶⁶ can inspire the students reading valuable inter-disciplinary discourses. This could also reflect the students' further readings and research works.

⁶⁰ See, R.P. Anand, 'Family of 'Civilized' States and Japan: A Story of Humiliation, Assimilation, Defiance and Confrontation' in *STUDIES IN INTERNATIONAL LAW AND HISTORY* 24-102 (R. P. Anand, ed., 2004).

⁶¹ See, M. Young and J. Muller, *Three Educational Scenarios for the Future: lessons from the sociology of knowledge*, 45 *EUROPEAN J. OF EDU.* 11 (2010)

⁶² Prabhakar Singh, *Indian Princely States and the 19th-century Transformation of the Law of Nations* 11 *J. OF INT'L DISPUTE SETTLEMENT* 365 (2020).

⁶³ Gayatri Chakravorty Spivak, *Can the Subaltern Speak?* in *MARXISM AND THE INTERPRETATION OF CULTURE* 271-313 (Cary Nelson, Lawrence Grossberg, eds., 1988).

⁶⁴ Sudipta Kaviraj, *CIVIL SOCIETY: HISTORY AND POSSIBILITIES* (2001).

⁶⁵ Partha Chatterjee, *THE BLACK HOLE OF EMPIRE: HISTORY OF A GLOBAL PRACTICE OF POWER* (2012).

⁶⁶ Ranajit Guha, *HISTORY AT THE LIMIT OF WORLD-HISTORY* (2002); Ranajit Guha, *DOMINANCE WITHOUT HEGEMONY: HISTORY AND POWER IN COLONIAL INDIA* (1998).

IV

Approaches to International Law

The lack of a relevant cognate disciplinary approach to international law is much more pronounced in classes than in the syllabus. Approaches to international law is another neglected area in the classroom study of the subject. Less emphasis is laid on the teaching of approaches. Even lesser emphasis is laid on such approaches that can assist the students in rethinking the hierarchies of power and knowledge in international legal theories, like the post-colonial approaches, feminist approaches and queer approaches.⁶⁷ Initiating reading sessions of monumental texts like the Third World Approaches to International Law (TWAIL) manifesto⁶⁸ could expose the students to new reference points. The works that turned the history of international law like that of Antony Anghie⁶⁹ could also become the reference point. This practice could bring two changes. Most of the students from the third world regard international law to be the aegis of the global north and have a contextual flawed understanding of concepts regarding enforcement, coercion, and sanction. Showing them the approaches from the kaleidoscope of the geographical South could repair this flawed understanding. Second, students will be introduced to the formalist, realist, and critical approaches to international law with equal significance, which otherwise is dealt with considerably less by the textbook writers when it is to critical law approaches. Third world and Feminist approaches to international law could occupy much more space in students' led discourses, unlike the disproportionately less space accorded to them in the textbooks. Introducing the Fourth World Approaches to International Law (FWAIL) to the students, could not only offer nuanced perspectives but also inadvertently address the *aversion* some of them had towards the study of the subject because of their perceptions about international law to be driven by the first world. Beyond resistance to international law, students will also be able to challenge the entrenched inequalities in a valuable way.

For teaching the approaches especially TWAIL and FWAIL (that find disproportionately less place in textbooks), one cannot depend on the generic

⁶⁷ See generally, Dianne Otto, QUEERING INTERNATIONAL LAW: POSSIBILITIES, ALLIANCES, COMPLICITIES, RISKS (2018); Dianne Otto, *Queering Gender [Identity] in International Law*, 33 NORDIC J. OF HUMAN RTS. 299 (2015); Dianne Otto, *Taking a Break from Normal: Thinking Queer in the Context of International Law*, 101 AMERICAN SOCIETY OF INTERNATIONAL LAW ANNUAL PROCEEDINGS 119 (2007); Gabrielle Simm, *Queering CEDAW? Sexual orientation, gender identity and expression and sex characteristics (SOGIESC) in international human rights law*, 19 GRIFFITH LAW REVIEW 374 (2020).

⁶⁸ B. S. Chimni, *Third World Approaches to International Law: A Manifesto*, 8 INTERNATIONAL COMMUNITY L. REV. 3 (2006).

⁶⁹ *Supra* note 40.

textbooks on Public International law. For this, either the books⁷⁰ devoted to detailed and varied perspectives in international law or selected papers like TWAIL⁷¹ and FWAIL⁷² must be referred to.

V

Redeeming the glory of Philosophy

For the understanding and appreciation of the subject, reading its philosophy is crucial. Locating the philosophical strength of international law with those of the meta legal, surpluses for the international society has been a rhetorical tautology. Unfortunately, the philosophy of international law has neither been brought to the mainstream discourse in legal thought nor has it travelled to non-European classrooms.⁷³ The consequential less weight on the philosophical foundations of international law distresses the legal and institutional framework of international law in the eyes of the geographical South students. The unfamiliarity of students with the philosophy of international law paired with the voluntary nature of standards exposes the presumptive ineffectiveness of international law.

⁷⁰ Andrea Bianchi, *INTERNATIONAL LAW THEORIES. AN INQUIRY INTO DIFFERENT WAYS OF THINKING* (2016).

⁷¹ James Thuo Gathii, *TWAIL: A Brief History of Its Origin, Its Decentralized Network, and a Tentative Bibliography*, 3 *TRADE, LAW & DEVELOPMENT* 26 (2011); Antony Anghie & B. S. Chimni, *Third World Approaches to International Law and Individual Responsibility in Internal Conflicts*, 2 *CHINESE J. OF INT'L L.* 77 (2003); Prabhakar Singh, *Indian International Law: From a Colonized Apologist to a Subaltern Protagonist*, 23 *LEIDEN J. OF INT'L L.* 79 (2010); Arturo Escobar, *Encountering Development: The Making and Unmaking of the Third World*, 2 *ENCOUNTERING DEVELOPMENT: THE MAKING AND UNMAKING OF THE THIRD WORLD* 1 (2011); Luis Eslava & Sundhya Pahuja, *Beyond the (Post) Colonial: TWAIL and the Everyday Life of International Law*, 45 *J. OF L. AND POLITICS IN AFRICA, ASIA AND LATIN AMERICA* 195 (2012).

⁷² Hiroshi Fukurai, *Fourth World Approaches to International Law (FWAIL) and Asia's Indigenous Struggles and Quests for Recognition under International Law* 5 *ASIAN J. OF L. & SOC.* 221 (2018); Rashwet Shrinkhal, *Evolution of Indigenous Rights under International Law: Analysis from TWAIL Perspective*, 19 *THE ORIENTAL ANTHROPOLOGIST* 7 (2019).

⁷³ There is paucity of textbook or reference book from an Indian author on Philosophy of International Law. Rather, there are merely a few recent works on the subject like Samantha Besson & John Tasioulas (eds.), *THE PHILOSOPHY OF INTERNATIONAL LAW* (2011); David Lefkowitz, *PHILOSOPHY AND INTERNATIONAL LAW A CRITICAL INTRODUCTION* (2020), and Anthony Carty, *PHILOSOPHY OF INTERNATIONAL LAW* (2017).

Philosophy induces the student to be better thinkers and evolve their analytical reasoning,⁷⁴ which is pivotal for the subject they largely treat as European. Philosophy can also teach students to abandon the obsessive culture of citing authorities.⁷⁵ The value of the famous cases of *Riggs v. Palmer*,⁷⁶ *Henningsen v. Bloomfield Motors*,⁷⁷ and *Oppenheimer v. Cattermole*⁷⁸ can be cherished when one realises how important it is to travel beyond the black letter law and to find answers to legal questions in abstraction. Philosophy therefore can teach one the redundancy of fixation of concepts. The *Right of Passage* case⁷⁹ sits at a precise mutual hostility of two international law principles- right to self-determination and prohibition on the use of force. It further highlights the stark difference between the East and the West in their interpretations of international law principles.⁸⁰

Works like *The Philosophy of International Law*,⁸¹ *Philosophy and International Law*,⁸² and *Philosophy of International Law*⁸³ and some classics, like those by Immanuel Kant⁸⁴ and Hans Kelsen,⁸⁵ can benefit those who have a lesser contextual understanding of the subject. It can also prepare aspiring academics to dispel their disbelief in the subject given their perceived *low ranking* and *undesirability* as traditional styled, non-glorious subjects (in comparison to highly valued corporate law,⁸⁶ procedural law, and other domestic-substantive laws).

Reading works by contemporary thinkers,⁸⁷ a lost practice among South Asian scholars, can offer additional help to academics and students. Interactions and

⁷⁴ On relevance of philosophy for understanding law, see James H. Tufts, *Why should law and philosophy get together?*, 25 INT'L J. OF ETHICS 188 (1915); Fredric L. Bor, *The nexus between philosophy and law*, 26 J. OF LEGAL EDU. 539 (1974).

⁷⁵ *Studying philosophy as a law student*, available at: <http://www2.law.ox.ac.uk/jurisprudence/student/study.htm> (last visited on Apr. 10, 2021).

⁷⁶ *Riggs v. Palmer*, (1889)115 N.Y. 506, 22 N.E. 188.

⁷⁷ *Henningsen v. Bloomfield Motors*, (1960) 32 N.J. 358, 161 A.2d 69.

⁷⁸ *Oppenheimer v. Cattermole*, (1976) AC 249, 72 ILR 446.

⁷⁹ *Case Concerning right of passage over Indian territory (Portugal v. India)*, Judgment, 1960 I.C.J. Rep. 6 (Apr. 12).

⁸⁰ Quincy Wright, *The Goa Incident*, 56 AM. J. OF INT'L L. 617 (1962).

⁸¹ See, Samantha Besson & John Tasioulas (eds.), *THE PHILOSOPHY OF INTERNATIONAL LAW* (2011).

⁸² See, David Lefkowitz, *PHILOSOPHY AND INTERNATIONAL LAW A CRITICAL INTRODUCTION* (2020).

⁸³ See, Anthony Carty, *PHILOSOPHY OF INTERNATIONAL LAW* (2017).

⁸⁴ See, Immanuel Kant, *PERPETUAL PEACE A PHILOSOPHICAL ESSAY* (1903).

⁸⁵ See, Hans Kelsen, *PRINCIPLES OF INTERNATIONAL LAW* (2003).

⁸⁶ *Teaching and Researching International Law in Asia (TRILA) Project*, CENTRE FOR INTERNATIONAL LAW, NATIONAL UNIVERSITY OF SINGAPORE 84 (2020) notes, 'most of their students did not understand the importance and relevance of IL, because of the lack of IL-related jobs and less lucrative salaries, as compared to a corporate law practice'.

⁸⁷ James Thuo Gathii, *Writing Race and Identity in a Global Context: What CRT and TWAIL Can Learn From Each Other*, 67 UCLA LAW REVIEW 1610 (2020); Mohsen al-Attar, *I Can't Breathe: Confronting*
Contd...

exposure with contemporary thinkers and their works can help academics, more than students, navigate better through the meandering journey of learning international law in the geographical South.

The Real Third World Issues

Some other vital difficulties including the financial constraints of third world teachers limiting their participation and exposure at international conferences, low student-teacher ratio, involvement of teachers in administrative works, involvement of teachers in several student activities, leaving them with meagre time for research, were some other issues. The student-teacher ratio in India is alarming which is much less than those of Brazil, China, and United States.⁸⁸ This is also impacted by the shortage in the number of Professors, which is almost become a chronic issue in the Indian scenario.

‘He was simply unapproachable for hours before his class...For him, each class was an occasion to update a section in an encyclopaedia of knowledge; each dialogue in the classroom was a starting point for reformulation and research’.⁸⁹

Upendra Baxi highlights this about Julius Stone. This is motivating for the teachers, but in the third world, the unrealistic expectations from a teacher on academic, research, administrative, and innovative fronts impede to achieve such levels of teaching. The Academic Progress Indicator (API),⁹⁰ mandated by the University Grants Commission (the grants-providing agency for Higher education in India), assesses teachers’ performance heavily by drawing from their research publications, research projects, research guidance, and guidance and training courses. These over-ambitious mandates are short-sighted. Teachers are made to enter a rat race to achieve these high markers, and often, real classroom teaching is complied with cosmetically. This affects the quality of their research work, affecting their delivery in the classrooms. For instance, in India, the problem of plagiarism rotting higher education had become so serious that the University Grants Commission, in its 530th

the Racism of International Law, available at: <https://www.afronomicslaw.org/2020/10/02/i-cant-breathe-confronting-the-racism-of-international-law/> (last visited on Mar. 10, 2021); Balakrishnan Rajagopal, Richard A. Falk, Jacqueline Stevens (eds.), INTERNATIONAL LAW AND THE THIRD WORLD: RESHAPING JUSTICE (2008); Usha Natarajan, John Reynolds, Amar Bhatia, Sujith Xavier (eds.) THIRD WORLD APPROACHES TO INTERNATIONAL LAW ON PRAXIS AND THE INTELLECTUAL (2019).

⁸⁸ Department of Higher Education, Ministry of Human Resource and Development: Education Quality Upgradation and Inclusion Programme (EQUIP) Five Year Vision 2019-2024 17 (2019).

⁸⁹ Upendra Baxi, *Teaching as Provocation* in ON BEING A TEACHER 150, 152 (Amrik Singh ed., 1990).

⁹⁰ University Grants Commission, UGC (MANDATORY ASSESSMENT AND ACCREDITATION OF HIGHER EDUCATIONAL INSTITUTIONS) (SECOND AMENDMENT) REGULATIONS, 2013 1 (2013).

meeting on 20th March 2018, approved⁹¹ the UGC (Promotion of Academic Integrity and Prevention of Plagiarism in Higher Educational Institutions) Regulations, 2018.⁹²

Resituating history and approaches through readings are some primary intellectual concerns that need attention. In addition, there are generic real third-world problems like low budgetary allocation to the library,⁹³ even lower for the costly (international law) books by international publications, and reluctance amongst students to buy such books on their own. There seem to be slim chances of the student reading renowned works in hard copies. Substantial academic discourses from third world scholars like those by R.P. Anand⁹⁴ and Nagendra Singh,⁹⁵ which were published by the local publisher in India, have been considerably lost in intellectual imperialism. For such reasons and others, often the third world scholars, for their works, choose the publications of the global North possibly which guarantees a larger audience, the authenticity of voice, or broader visibility. This makes the works produced in the geographical South by the geographical Southerners costly too. This indirectly adds to the epistemic inequivalence as the students in the geographical South often remain unaware of the third world scholars' works. Sadly, in the absence of such works in the library and the teachers not well-connected to the international legal discourse, the students have marginalised means to be aware of such works. Reading sessions could be of help just to an extent. Some pragmatic and sustainable alternatives must be devised in such situations. One such alternative can be initiating the screening of movies and talks by international law thinkers, available on the United Nations Web TV,⁹⁶

⁹¹ UGC Letter on 'Regulations on Plagiarism', available at: [https://www.ugc.ac.in/pdfnews/7044741_UGC-letter-reg-Regulations-on-Plagiarism-\(1\).pdf](https://www.ugc.ac.in/pdfnews/7044741_UGC-letter-reg-Regulations-on-Plagiarism-(1).pdf) (last visited on Aug. 6, 2020).

⁹² University Grants Commission (Promotion of Academic Integrity and Prevention of Plagiarism in Higher Educational Institutions) Regulations, 2018.

⁹³ See, Faizan Mustafa, Jagteshwar Singh Sohi, Sidharth Chauhan, Sudhanshu Kumar & Vaibhav Ganjiwale, *Suggestions for Reforms at the National Law Universities set up through State Legislations*, NATIONAL ACADEMY OF LEGAL STUDIES AND RESEARCH 21 (2018). Even in economically advanced states like United States, scholars have realised that the growth in the use of law libraries for imparting legal education has been lagging. See Horack, *The Small Law Library and the Librarian*, 6 LAW LIBRARY JOURNAL 6 (1937).

⁹⁴ *Supra* note 41.

⁹⁵ Nagendra Singh, 1 & 2 INDIA AND INTERNATIONAL LAW: ANCIENT AND MEDIEVAL (1973).

⁹⁶ UN WebTV is United Nation's official streaming video platform. Coverage of meetings of the Security Council, General Assembly, Economic and Social Council, Human Rights Council, International Court of Justice trials, etc. Available at: <https://media.un.org/en/webtv/> (last visited on 12 May, 2021).

United Nations Audio-visual Library,⁹⁷ YouTube channels of NUS Law,⁹⁸ and others. Through this, the students, who otherwise could not read the works of these thinkers, could now even watch them. Audio-visual associations are strong as they create a permanent record in the audience's memory⁹⁹ and can effortlessly motivate the students to read the works of the thinkers they watch.

VI

Conclusion

Europe as a cultural model of reference created political, economic, and epistemological inequivalence between Europe and Non-Europe. International law was created in a hierarchy of references where non-European history, theology, and philosophy were appropriated. The cultural, political, and geographical experiences of the geographical South keep them on the other side of the axis of inequality in international law. European society devised the white man's burden to lay grounds for the civilizing mission- a mission that robbed the non-European societies of their lands, polity, economy, culture, theology, and language. Though, the possession of non-European lands ended with the advent of decolonisation, colonialism was retained in the intangibles. These concerns have a distinct relevance on the contemporary teachings of international law in the geographical South. The teaching of international law and its pedagogies continue to retain the imperial values and the colonial psyche. Eulogizing European works and Greco-Roman theology continues to aft the teaching and pedagogy of international law in the non-European geographical South. This places the recipient of international law study by the geographical South students in a peculiar, strained situation.

The problems of teaching international law in a geographical South class start from the infrastructure of the library, library funds for the books from international publications, lack of interdisciplinarity, the deficit of exposure of the students to subjects like world history, international relations and international politics that are important to understand the functioning of international law. Without these contextualities, the understanding of students about international law is impeded

⁹⁷ Audio visual archives of the United Nations including series on League of Nations, meetings of the General Council, Security Council, Economic and Social Council, raw footage of UN field projects, *available at*: <https://www.unmultimedia.org/avlibrary/> (last visited on May 12, 2021).

⁹⁸ *National University Singapore Law*, *available at*: <https://www.youtube.com/channel/UCkoJz8qOmSgejpedw4eslIQ> (last visited on May 12, 2021).

⁹⁹ Tarcisio Gazzini, *A Fresh Look at Teaching International Law- A Few Pedagogical Considerations in the age of Communications*, 29 LEIDEN J. OF INT'L L. 971, 973 (2016).

by reluctance and sometimes, aversion towards the subject. This aversion towards the subject is rooted in viewing it as a system that perpetuates injustice.¹⁰⁰ In such a scenario, introducing them to the post-colonial texts, non-European history of international law, and critical approaches to international law can out them of rough edges. Through the lens of coloniality and semi-coloniality, students might develop a better association with the subject. The dissociation with the subject may also be addressed by introducing them to the philosophy of international law. These are some non-exhaustive primary concerns in teaching international law; however, a series of other practical aspects make teaching international law in a geographical south class challenging.

¹⁰⁰ See generally, Thomas Pogge, *The role of international law in reproducing massive poverty* in THE PHILOSOPHY OF INTERNATIONAL LAW 417-436 (Samantha Besson & John Tasioulas eds., 2010) critically views the global economic order in producing the injustices; Jerry Simpson, *GREAT POWERS AND OUTLAW STATES: UNEQUAL SOVEREIGNS IN THE INTERNATIONAL LEGAL ORDER* (2004) highlights the inequality and power differentials among states in the international society. He underlines the relegating of inequality to the political realm while conveniently focussing on the formal equality by the international law.