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**Review: Repensando y Renovando el Derecho Internacional dentro, desde, y sobre la América Latina – Conference at Universidad de los Andes, Universidad Externado de Colombia, & Universidad del Rosario (Bogotá, Colombia), September 2017**

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# Repensando y Renovando el Derecho Internacional dentro, desde, y sobre la América Latina

Universidad de los Andes, Universidad Externado de Colombia, & Universidad del Rosario (Bogotá, Colombia),  
September 2017

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## REVIEWED BY DANIEL R. QUIROGA-VILLAMARÍN

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From the 26<sup>th</sup> to the 28<sup>th</sup> of September, the international symposium “Rethinking and Renewing the Study of International Law in/from/about Latin America” convened in Bogotá, Colombia. This event, co-organized by three leading Colombian research universities, aimed to provide critical insights for students, practitioners and scholars who are concerned with the relationship between the Latin American region and international law. Each day had a different topic; the first (held at *Los Andes*) revolved around international law and imperialism, and neo/post-colonialism. The second (*Rosario*) delved into current historical and historiographical debates regarding Latin America and international law. Finally, the third day (*Externado*) centered around critical perspectives regarding pedagogy and teaching international law. With nearly 80 panelists, three keynote speakers, two book launches, the launch of a special edition of a law review, and hundreds of participants, this event represents the most salient example of a growing interest for critical and historical approaches to international law in the region.

At first glance, it may be surprising to find that the keynote addresses on a conference on Latin America were delivered by nationals of Finland, Sri Lanka, and Australia. This, however, may be easily explained by the trajectory of Professors Martti Koskenniemi, Antony Anghie, and Anne Orford. The importance of their past research for contemporary critical and historical approaches to international law is hardly overstated.<sup>1</sup> Each day, the keynote speakers had the opportunity to discuss the three thematic approaches of the conference—imperialism, history,

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<sup>1</sup> For example see: Martti Koskenniemi, *The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870–1960* (Cambridge: Cambridge University Press, 2009); Antony Anghie, *Imperialism, Sovereignty and the Making of International Law* (Cambridge: Cambridge University Press, 2007); and Anne Orford, *International Authority and the Responsibility to Protect* (Cambridge: Cambridge University Press, 2011).

and pedagogy—with professors of the host universities. These discussions were followed by open Q&A sessions in which students and practitioners participated. Simultaneous interpretation during the event facilitated the interaction between the international professors and the audience.

On the first day of the symposium, the morning session was reserved for discussions of the way imperialism historically shaped modern international law, and how—in many cases—colonialism persists in the both theory and practice of international law. Professor Anghie eloquently argued how international law was a product of the colonial encounter rather than a lone creation of European actors.<sup>2</sup> In a similar vein, professor Koskenniemi claimed that the professionalization of international law in the 19<sup>th</sup> century was closely tied to the Victorian liberal internationalist project and its ‘civilizing mission.’<sup>3</sup> In turn, professor Orford claimed that international law depended on the segregation of the ‘civilized peoples’ from the *others*, in a way she currently saw in operation against the aboriginal peoples of Australia.<sup>4</sup> These lively discussions were followed by the launch of the book *Imperialism and International Law*, published by *Los Andes* the year before. In the book, three of the leading texts regarding imperialism and international law were translated from English into Spanish to facilitate their reading by an ever-growing audience of Colombian and Latin American students and scholars.<sup>5</sup>

On the next day, the morning session addressed the growing historical interest, and the corresponding variety of historiographical discussions, regarding the relationship between Latin America and International Law. Orford argued that adopting a strict contextualist methodology—following the approach of the Cambridge School—could impair the critical impulse of the recent “turn to history” in international law.<sup>6</sup> Anghie stated that the historical dynamics of international law could help us to understand its present application, citing the International Criminal Court as an interesting example.<sup>7</sup> Finally, Koskenniemi concluded by claiming that we must study the lawyers behind international law as people with

<sup>2</sup> See also: Antony Anghie, “Finding the Peripheries: Sovereignty and Colonialism in Nineteenth-Century International Law,” *Harvard International Law Journal* 49, no. 1 (1999): 1–71.

<sup>3</sup> Martti Koskenniemi, “International Law and Empire—Aspects and Approaches,” in *International Law and Empire: Historical Explorations*, ed. Martti Koskenniemi, Walter Rech, and Manuel Jiménez (Oxford: Oxford University Press, 2017).

<sup>4</sup> Anne Orford, ed., *International Law and Its Others* (Cambridge: Cambridge University Press, 2006).

<sup>5</sup> René Urueña, Liliana Obregón, and Luis Eslava, “Imperialismo(s) y Derecho(s) Internacional(ES): Ayer y Hoy,” in *Imperialismo y Derecho Internacional*, ed. Martti Koskenniemi, Antony Anghie, and Anne Orford (Bogotá: Ediciones Uniandes, 2016), 11–94.

<sup>6</sup> Anne Orford, “The Past as Law or History? The Relevance of Imperialism for Modern International Law,” in *International Law and New Approaches to the Third World: Between Repetition and Renewal*, ed. Mark Toufayan, Emanuelle Tourme-Jouannet, and Hélène Ruiz (Paris: Société de législation comparée, 2013).

<sup>7</sup> Antony Anghie and B.S Chimni, “Third World Approaches to International Law and Individual Responsibility in Internal Conflicts,” *Chinese Journal of International Law* 2, no. 1 (2003): 77–103.

projects, in order to understand how the history of law is also a history of the legal profession.<sup>8</sup> Afterwards, the event continued with the book launch of the Argentinean scholar Juan Pablo Scarfi's *The Hidden History of International Law in the Americas*.<sup>9</sup>

Finally, on the third day, the discussion revolved around the special issue of the Law Review *Revista Derecho del Estado* (Externado). It focuses on education in international law and on the topic of imperialism.<sup>10</sup> This issue includes several essays produced by the REDIAL ('Rethinking the Education of International Public Law in Latin America') network of scholars. Born from a collaborative project grant given by the Institute for Global Law and Policy at Harvard Law School (IGLP), the REDIAL network aimed to promote reflection on the importance of critical and interdisciplinary teaching, as well as the study of international law in the region.<sup>11</sup> With this discussion, the conference attempted to relate theoretical critiques of international law with the practical experiences of teaching and learning international law and history in the classrooms.

In the afternoon, each day had several panels in which students and scholars—mostly from Latin America—had the opportunity to present their works in progress to their peers. The panels offered a wide variety of topics, including "Human Rights and Social Movements," "Indigenous Peoples and First Nations," "International Investment Law," "Education and International Law," and "Crime, Safety and Post-Conflict Governance."<sup>12</sup> The best papers will be selected and published in a collection of books edited by the three universities in tandem in 2018. A prevalent discussion in all of the panels was, how history could inform critical perspectives of international law. History could show the contingency of our current institutional arrangements and highlight the roads not taken. The study of the (global) history of law could inform projects of normative reform for its (also global) future.

As a panelist—and also an organizer—this event gave me a unique opportunity to reflect on the intersections between historical and sociological approaches for contemporary critical legal research. It offered a platform for scholars and students from the region to reflect on the new insights provided by cutting-edge work in the social sciences and the humanities (in particular historiographical methodologies) to enrich their understanding of the law. To (re)think and renew the study of international law from a Latin American perspective requires studying how the

<sup>8</sup> Wouter Werner, Marieke De Hoon, and Alexis Galán, eds., *The Law of International Lawyers: Reading Martti Koskenniemi* (Cambridge: Cambridge University Press, 2017).

<sup>9</sup> Juan Pablo Scarfi, *The Hidden History of International Law in the Americas* (Oxford: Oxford University Press, 2017).

<sup>10</sup> *Revista Derecho del Estado* 39, no. 1 (2017), <http://revistas.uexternado.edu.co/index.php/derest/issue/view/479>.

<sup>11</sup> "IGLP Collaborative Research Grants," Institute for Global Law and Policy, <http://iglp.law.harvard.edu/network-news/iglp-collaborative-research-grants/>.

<sup>12</sup> For the full program see: <https://www.uexternado.edu.co/wp-content/uploads/2017/09/Programa.pdf>.

region interacted with global phenomena (such as imperialism or colonialism), and the effects such interactions had on the way Latin America and international law were shaped thereafter.

This conference has not only offered a theoretical critique of imperialism as a historical experience, but also a practical statement for the future of international law. By fostering south-south cooperation between three leading universities in Colombia, and linking such efforts with colleagues around the region, this event was able to connect local students with global questions in ways that would have been impossible to imagine for a single university. We are convinced that this conference, which has united scholars and students from around the region, has achieved its purpose of promoting critical and interdisciplinary research into the past of international law as a way of (re)imagining the future of both international law and Latin America.