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To cite this article: Usha Natarajan, John Reynolds, Amar Bhatia & Sujith Xavier (2016) Introduction: TWAIL - on praxis and the intellectual, Third World Quarterly, 37:11, 1946-1956, DOI: [10.1080/01436597.2016.1209971](https://doi.org/10.1080/01436597.2016.1209971)

To link to this article: <https://doi.org/10.1080/01436597.2016.1209971>



Published online: 22 Sep 2016.



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Introduction: TWAIL - on praxis and the intellectual

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ABSTRACT

This Special Issue emerges from the Third World Approaches to International Law (TWAIL) Cairo Conference in 2015 and addresses the conference theme, 'On Praxis and the Intellectual', by focusing on different aspects of the intellectual as a political actor. In introducing this Issue, we provide some background to the TWAIL network, movement, event, and publications; and delineate our own understandings of scholarly praxis as editors and conference organisers. Broadly, we understand praxis as the relationship between what we say as scholars and what we do – as the inextricability of theory from lived experience. Understood in this way, praxis is central to TWAIL, as TWAIL scholars strive to reconcile international law's promise of justice with the proliferation of injustice in the world it purports to govern. Reconciliation occurs in the realm of praxis and TWAIL scholars engage in a variety of struggles, including those for greater self-awareness, disciplinary upheaval, and institutional resistance and transformation.

ARTICLE HISTORY

Received 17 June 2016
Accepted 4 July 2016

KEYWORDS

Third World
TWAIL
praxis
international law
Global South
Cairo

I. Conspiring in Cairo

Third World Approaches to International Law (TWAIL) is a movement encompassing scholars and practitioners of international law and policy who are concerned with issues related to the Global South. The scholarly agendas associated with TWAIL are diverse, but the general theme of its interventions is to unpack and deconstruct the colonial legacies of international law and engage in efforts to decolonise the lived realities of the peoples of the Global South. The movement coalesced in the 1990s through an alliance of scholars committed to critically investigating the mutually constitutive relationship between international law and the Third World/Global South.¹ For legal projects operating at the margins of the mainstream discipline, the TWAIL network enables solidarity and mutual support through a shared political commitment to advocating for the interests of the Global South. It endeavours to give voice to viewpoints systemically underrepresented or silenced. The group first met at Harvard Law School in 1997 and has grown rapidly since then, with conferences at Osgoode Hall Law School in 2001, Albany Law School in 2007, University of British Columbia in 2008, Université Paris 1 Panthéon-Sorbonne in 2010, and Oregon Law School in 2011. This Special Issue stems

from the TWAIL Conference held in Cairo on 21–24 February 2015.² The Cairo conference marked a significant, albeit belated, milestone as the first time TWAIL scholars have formally convened in the Global South. The Cairo conference was also the largest gathering of TWAIL scholars to date, with 85 speakers from five continents uniting to reflect on the conference theme, 'On Praxis and the Intellectual'.

Against a backdrop of the ongoing revolutionary struggles, conflicts, and contestations across the Middle East and North Africa, we wanted to focus on the intellectual as a political actor: the animation of praxis, broadly conceived as reflection, agitation, and transformative action. What is the role of the intellectual in political life? What is the relationship between our scholarly endeavours and societal structures; whether preserving the status quo, shaping reform, or advocating for radical change? The theme necessitated self-reflection, as TWAIL has sought to distinguish itself from other critical legal approaches through its political and transformative commitments. Building upon past TWAIL meetings,³ and with praxis in mind, this conference provided the space for scholars and practitioners to continue to collaborate and conspire on multiple registers.

We were overwhelmed by the quality and volume of submissions received in response to our call for papers. Over four days, 19 panels brought together eminent and emerging scholars from all over the world to address diverse themes including the politics of writing history, subalternity, Indigenous movements, the legacies of the Bandung Conference, the environment, Palestine, international institutions, Islamic law, national and international criminal law, local and global constitutional law, transitional justice, migration and asylum law, pedagogy and legal education, economic governance, and private ordering. The conference led to two follow-up publication workshops and produced four publications⁴ beginning with this Special Issue, which commences with Professor Georges Abi-Saab's closing keynote address and Professor Muthucumaraswamy Sornarajah's plenary address, followed by nine articles that built on presentations made at the conference.⁵

In addition to reflecting on the conference theme, the Cairo conference – as with previous TWAIL conferences – was an opportunity for the network to take stock and look to the future. It provided a forum for the TWAIL community to both reconnect and grow. Seeking to deepen and reimagine engagement with underexplored alliances, we wanted to engage with Indigenous movements, environmental issues, and transnational intellectual and political actors in the Middle East and North Africa. We also pursued relationships with potential interdisciplinary allies in cognate fields, focusing on interdisciplinary approaches to population movement. TWAIL conferences have attempted to be opportunities for building useful links between like-minded networks and resources in the global North with those in Africa, Asia, and Latin America in mutually beneficial ways. In reviewing the preparation and correspondence for the conference and workshops, it remains clear that our aspirations for wide inclusion and a sharp focus on praxis were not without their challenges, which included limited funding, visa barriers, political instability and insecurity, long-distance travel, unilingual proceedings, translation costs, and editorial and political differences, among other things. While the final programme and publications reveal some progress along desired lines, they also show that much more remains to be done, reflecting only a partial achievement of our goals as well as the limits of our roles as momentary organisers within an organically evolving scholarly movement. Nonetheless, each successive TWAIL gathering has sought, and will continue to grow, alliances and solidarity between international lawyers and scholars committed to protecting the interests and amplifying the voices of the peoples

and movements systematically excluded from, and by, international law. This form of scholarly relationship building serves as the main register for our praxis as conference organisers and editors, though it forms only a small part of the wide spectrum of institutional and social movement praxis that conference participants engage with in their scholarly work and wider lives.

II. Diversities of praxis

The wider theme of praxis was present throughout the four days of the conference. The influence of many formative theorists and exponents of praxis loomed large, from Marx and Gramsci to Arendt and Fanon, but perhaps none more so than Paulo Freire. 'Reflection and action' is a mantra of *Pedagogy of the Oppressed*, where praxis is described as 'reflection and action directed at the structures to be transformed'.⁶ The oppressed, writes Freire, 'whose task it is to struggle for their liberation together with those who show true solidarity, must acquire a critical awareness of oppression through the praxis of this struggle'.⁷ For international legal scholars, activists, and practitioners whose work is animated by solidarity with oppressed peoples, a critical awareness of international law's role in such oppression is vital if the law is to be a terrain of transformative struggle. Over the course of the conference, we heard varied articulations of this critical awareness, including the idea that 'if you don't do international law, international law will do you', evoking the central TWAIL themes of counter-hegemony and resistance. Also resurfacing was the question of how TWAIL understands its relationship with Critical Legal Studies, a movement strongly influential on TWAIL scholars but sometimes subject to critique for its disconnection from material realities. In the Middle Eastern context, the legacy of Lebanese teacher and intellectual Hassan Hamdan (aka Mahdi Amel) was resonant.⁸ Mahdi Amel brought Marxism to the homes, villages, mosques, and tobacco farms of south Lebanon in the 1970s, but constantly emphasised the importance of the colonised Arab world. Rather than importing concepts wholesale, he adapted and innovated in order to situate these philosophies of praxis within their own local realities.

This latter sense is closest to our understanding of praxis as the relationship between what we say and what we do, as the inextricability of theory from lived experience. Understood in this way, praxis is central to TWAIL as TWAIL scholars have argued that – from its foundational precepts to its contemporary discourse, from its disciplines and institutions to its operationalisation and implementation – international law contributes to actualising injustice and misery in the lives of Third World peoples while professing to do the opposite. After making this argument, TWAIL scholars attempt to reconcile what we say as international lawyers with what we do by engaging in a variety of struggles, including those for greater self-awareness, disciplinary upheaval, and institutional resistance and transformation.

The Cairo conference generated multidisciplinary and intersecting debates revolving around this axis of praxis, with many rich and diverse articulations of praxis itself, from the minute and technical and pragmatic, to the grand and theoretical and utopian. Subjects of particular contemporary interest were concerns about environmental justice in an era of climate change and increasing ecological degradation, as well as the not-unrelated issue of population movement – whether regular and irregular labour migration, development-induced or environment-induced displacement, or mass and protracted forced displacement of particular concern in the Arab region. These subjects and others generated conversations about how we theorise the state and the international order, and what kind of alternative

sovereignties, non-sovereignty, or post-sovereignty we can imagine – debates destined to continue given the nature of urgent global challenges. The broad spectrum of ideas spanned in Cairo ranged from Indigenous conceptions of spirituality and responsibility, to social movement enactments of radical democracy, to visions of a new international economic anarchy that pluralises our economic thinking and challenges the orthodoxies of the prevailing neoliberal (dis)order.

We also grappled with more immediate praxical questions of if, how, and when to deploy international legal argument, whether as sword, shield, or strategy of rupture. The conference engaged explicitly with three main registers of praxis pertinent to the international law scholar: political engagement with international institutions, scholarly engagement, and pedagogy. On engagement with international institutions, approaches ranged from participation for subversive purposes or transformative purposes, via actively resisting international institutions, to ignoring them altogether. Obiora Okafor's opening keynote address examined praxis beyond, but not necessarily without, the academy, and the limits and possibilities of 'TWAILING' the UN, reflecting on his experiences as the then Vice-Chair, now Chair, of the UN Human Rights Council Advisory Committee.⁹ On scholarly engagement, we reflected on praxis as here and now in our scholarship and our intellectual encounters, as well as our constitution of disciplinary expertise, from the politics of publication, citation, syllabus construction, and event organisation, to those of hiring, admissions, and collaboration. The importance of pedagogy as praxis was also highlighted, with emphasis on inter-generational legacies and on teaching international law in ways that allow Third World struggles and perspectives to emerge organically through common sensibilities. Our discussions and panels approached the issue of praxis through, among other things, reflecting on the legacy of the Bandung Conference upon its sixtieth anniversary; addressing TWAIL's own subalterns and biases (including issues of Indigeneity, gender, and caste); focusing on private spheres of ordering and governance; and learning from operations of praxis in Islamic Law; with each pointing in its own way towards what TWAIL praxis may entail.

III. The conference Special Issue

On the back of these rich exchanges, we are delighted to introduce this Special Issue comprised of selected papers from the conference, which we hope goes some way toward representing the wonderful diversity of themes and approaches that we heard in Cairo. The issue opens with the contributions of Georges Abi-Saab and Muthucumaraswamy Sornarajah, whose closing keynote panel in Cairo produced a remarkable conversation between two formative Third World voices in international law. While their remarks in the debate were of relevance to international law more generally, both focused on their experience with international tribunals and dispute resolution, particularly in the field of international investment law. Abi-Saab outlined the possibility of infiltration and operation 'behind enemy lines', with Sornarajah holding that compromise is impossible and we should never concede or move to the middle ground. The keynotes generated discussions that teased out many of the crucial dilemmas of tactics and strategy, resistance and reform, and nuances in between; with areas of disagreement indicating fruitful avenues for ongoing inquiry.

These themes are reflected in their written pieces here. Abi-Saab begins with a 'three act psychodrama' surveying the Third World's ups and downs in international law from formal decolonisation through to the recent economic crisis and contemporary challenges. He then

reflects on some of the different tactics available to the Third World intellectual in praxis by looking back on some of his experiences over the last five decades as a judge, arbitrator, teacher, scholar, and member of his national delegation. Sornarajah delineates the techniques used by adherents of neoliberal international law to protect and conserve their interests, and advocates a confrontational response. He identifies a framework of common contemporary concerns around which Third World lawyers could build collectivity and solidarity – concerns that centre on the operations of private power that increasingly fashion international law.

Following these two viewpoints, the issue's first full length article by Nesrine Badawi advocates for a praxis of critical comparativism as a means of better understanding legal paradigms and the biases and blind spots that underlie them. Badawi undertakes a comparison of international humanitarian law with Islamic laws regulating armed conflict, building on contextual and critical interpretations to illustrate the operations of power in both fields. Her analyses of *jihād* overcome the shortcomings of functional comparativism through her consistent refusal to essentialise either Islamic law or international humanitarian law. By not treating international law as the objective benchmark against which other legal systems are measured, Badawi sheds light usefully on how violence is channelled and legitimised through both fields. The article opens much needed space for a plurality of understandings of the potentialities and shortcomings of both Islamic laws of war and international humanitarian law, and at a time when the regulation of armed conflict is of increasing interest across the Middle East and North Africa.

Reem Bahdi and Mudar Kassis assess the prospects for decolonisation in Palestine through the example of a judicial education initiative seeking to promote dignity within a colonial condition overlaid by the paradox of development aid. This article specifically focuses on the authors' experiences organising the Karamah (dignity) initiative aimed at judicial education in the Palestinian justice system. Among other outcomes, the project afforded members of the Palestinian judiciary the opportunity to resist doing the 'dirty work' of occupation and otherwise exacerbating the indignities of everyday life for their fellow Palestinians. In a context of occupation and development aid that simultaneously reinforces and obscures the colonial condition, the authors emphasise the inescapable hurdles of performing praxis (and not just solidarity) on such colonial terrain. In this vein, Bahdi and Kassis' emphasis on judicial dignity and professionalisation-under-occupation serve as interesting counterpoints to Reynolds' contribution pointing to when the expected 'civility' of 'professional intellectuals' contributes to stymieing decolonisation efforts in Palestine.

John Reynolds' article interrogates a spectrum of international lawyers as public intellectuals, from traditional and professional intellectuals to organic and amateur intellectuals, through the lens of solidarity for Palestine. Moving from these larger archetypes to the specific examples of the Salaita and Schabas affairs, this article rehabilitates the notion of partisan, subversive, 'guerrilla' intellectuals operating within international law as a space for social movements. In recounting the repressive use of 'civility' to arrest academic freedom, Reynolds also demonstrates the limits of liberal legality that ruptures when truth is spoken, and tweeted, to power. The article engages with a running concern throughout this conference and Special Issue of how to contend with the threat of cooption, 'mainstreaming', and silencing of the language of struggle and resistance; and the negotiation of such risks through directed outrage and incivility when faced with atrocity in an uncivil world. Ultimately, the article concludes by way of contrast between the different types of intellectuals and the

different spaces and tactics of praxis for anticolonial lawyers, both within current solidarity campaigns for Palestine and in contemplation of actual decolonisation that is yet to come.

Ali Hammoudi brings us back to an earlier register of decolonisation in the Middle East context. His piece tells a story of resistance to colonialism, and rejection of international legal instrumentation in the form of the treaty. The 1948 *wathba* in Iraq – mass mobilisation against the revised Anglo–Iraq Treaty – is situated as an episode of ‘conjunctural resistance’ against the semi-colonial governance that had been constructed by the Mandate system. In refusing to accept this unequal treaty, the Iraqi masses sought a broader liberation from the semi-peripheral sovereignty that had been juridically manufactured under British administration. Hammoudi emphasises the centrality of the Iraqi labour movement to this revolutionary move to subvert the imperialist strains of international law, and the importance of situating it within the broader conjuncture of decolonisation in the international legal order. In doing so, the article challenges what the author sees as the narrowness of certain TWAIL accounts of Third World resistance and calls for more attention to be paid to the structural and conjunctural dynamics of such resistance. This prompts reflection on how we view and study resistance to colonial ordering and international law, and how this in turn may help our analysis of international law’s history and contemporary practices in its making and unmaking.

Vanja Hamzić follows this with a compelling account of the early twentieth century life and work of Tatar Muslim and Bolshevik intellectual and revolutionary, Mir-Said Sultan-Galiev. This article draws on Sultan-Galiev’s praxis to rehabilitate the idea of Muslim Marxism and to trace the connections between Marxist thought on socio-economic justice and Muslim understandings of belonging, class consciousness and socio-political selfhood. Hamzić traces these syntheses of Muslim and communist lifeworlds in Sultan-Galiev’s oeuvre, and situates them especially ‘in the Worlds designated as Third’. In the context of Tatar resistance to Russian imperialism, Sultan-Galiev’s revival of the *jadidist* concealment practice of *satr* – as a strategic means of protecting religious faith and anti-colonial commitments in order to evade censure and political violence – offers a fascinating window into his particular Muslim subjectivity and praxis. With this analysis, Hamzić provides reason for us to reflect upon and rethink accepted contemporary narratives on Muslim social and political consciousness.

Adil Hasan Khan calls for a close attentiveness to our inheritance from previous generations of Third World scholars as a means of understanding how to more ethically respond to ‘disastrous times’ present and past. He argues that the importance given to legacy is more than just an enduring characteristic of the TWAIL movement, but rather it is an indispensable part of a just and effective praxis in the present. Khan undertakes a sympathetic yet nuanced assessment of the conduct and scholarship of Radhabinod Pal and Upendra Baxi in the wake of two disasters: respectively, the nuclear holocausts in Hiroshima and Nagasaki and fire-bombing of Tokyo, and the massive Bhopal industrial disaster. Through these two studies, Khan illustrates that our framing and contextualising of the past and how we understand its relationship to the present affects among other things our capacity for compassion and responsiveness to suffering. That is to say, through our conduct, international lawyers participate in constructing and producing ‘disasters’. In the difficult task of attempting to formulate a responsible, just, and useful disciplinary response from the point of view of those directly engaged in the struggle to survive disastrous times, Khan directs that we would be wise to learn from our ancestry.

Khan's piece is followed by an important contribution from Zoran Oklopcic which examines the field of constitutional studies. This paper addresses a significant gap in reflection and scholarly praxis on constitutionalism from a Third Worldist perspective. Oklopcic sets out by questioning why a Third World approaches to contemporary constitutional studies movement has not emerged in a manner analogous to that of TWAIL in the context of international law and its coloniality. Oklopcic moves, in response, to begin charting the contours of a 'Southern constitutionalism'. While acknowledging TWAIL's own ambiguities and internal frictions, the paper takes inspiration from the sustained impact that TWAIL has had on intellectual production in international legal studies over the past 20 years. In navigating towards this Southern constitutionalism, the paper plots the initial course to be traversed as one of 'constitutional imagination' that begins with locating the South of Western constitutionalism. This 'South' is the critical antithesis to positivist Western constitutional modernity: the liberal comparative constitutionalism that has traditionally overlooked questions of inequality, class, and imperialism; and the methodological and geographic biases that have projected parochial constitutional experiences in the global North as universally representative. Oklopcic sketches an intricate map towards 'ex-centric' approaches to constitutionalism, while at the same time leaving certain grey zones that compel us to think more concretely about what a praxis of TWAILing constitutionalism entails for lawyers, scholars, and theorists of the South.

Adrian Smith closes our Special Issue with a trenchant critique that reflects the multiple registers of praxis even as it challenges disciplinary orthodoxies about migration and speaks to a 'migration gap' in TWAIL scholarship. This article first acknowledges and then demolishes the supposed silos between discourses of development and security in the global governance of migration and specifically temporary labour migration. Rather than being bound to the balancing acts of harmonizing migration with either security or development, Smith outlines how these two discourses mutually constitute the 'unfreedom' of migrant workers and their bodies. Smith emphasises the role of racialised, securitised global capitalism in constructing migrant workers from the Global South as, simultaneously, agents of development and existential threats. Such racialised 'threats' are both mobilised and contained by the logics of development and security that mutually reinforce each other in pursuit of public and private accumulations of capital. However, Smith also notes that every programme seeking to pacify migrant workers and their communities inherently acknowledges ordinary workers' powers to resist. Already working at the intersection of law and political economy, Smith's article serves as an important call to TWAIL and other critical legal scholars to recognise the nexus of racialisation, pacification, and resistance in the supposedly disconnected realms of migration, security, development, and law.

We are grateful to Richard Falk for his support and his Foreword to the Special Issue, which so succinctly captures the essence of the conversations we have hoped to provoke. Praxis and intellectual work in and of the Global South are crucial sites of struggle in the 'ongoing agenda' of decolonisation, as Falk puts it. In a context in which the persistence and proliferation of Western-orientated international legal regimes have contrived to keep much of the Global South trapped within structures evolved during the colonial era, the role of international lawyers is critical to exposing and unravelling those structures. Falk frames his own remarkable praxis of dissident scholarship and political activism (spanning six decades to date, from his formative critiques of the Vietnam War to his trenchant analysis of the ongoing oppression of Palestine) as increasingly aligned to TWAIL and Third World voices over time. In describing how his resolve was redoubled rather than weakened by his ostracism from

Western professional sites of power and knowledge production, Falk impels us to engage in a praxis of the South in pursuit of radical epistemologies that can liberate international law from its colonial and elitist shackles.

IV. The place of praxis, the praxis of place

In organising the Cairo conference, our understanding of praxis as central to TWAIL – a striving to reconcile international law's promise of justice with the proliferation of injustice in the world it purports to govern – was manifest in our desire to gather together in the Third World. At the same time, we do not invoke divides and dichotomies with intent to fetishise the South or to essentialise its location by representing it as being in any way beyond the peripheries of institutional international law.

If gathering in the Global South is noteworthy, it is also of note that the conference was hosted at the American University in Cairo, an institution with American missionary origins and close links to United States and Egyptian state institutions as well as the private sector. Similarly, while most of the Conference participants originate from the South, more than half are based in institutions in the North. For the most part, postcolonial scholars have employed distinctions such as that between North and South, First World and Third World, developed and developing, coloniser and colonised, not so as to reinforce these distinctions but to do just the opposite: to analyse how such distinctions have come about with a view to breaking them down. Since the movement's early days, TWAIL scholars have continuously negotiated the tactical and strategic possibilities and pitfalls of utilising the concept of the Third World. The notion of the Third World, and any meaning attached to holding a TWAIL meeting here, is employed and done with cognisance of: continuously shifting global alliances; increasing inequalities of wealth and power and the maintenance of poverty traps in wealthy states and islands of privilege in poor states; and patterns of subordination and domination that cut across North and South creating, among other things, a transnational capitalist class and a Fourth World of Indigenous peoples and unrecognised nations.¹⁰ As such, we employ the concept not with a view to asserting an essentialised Third World identity but to deconstruct it, so as to allow for a fuller disciplinary engagement with the plural, hybrid, ever-evolving, and contested performance of identity everywhere.

In seeking out such disciplinary engagement, it is equally important to recognise that the contested constructions of identity and law that characterise both the 'Third World' and 'international law' are no less relevant when it comes to our scholarship. For example, not long after the initial gathering of the TWAIL network in 1997, James Gathii published his influential essay on 'International Law and Eurocentricity' in the *European Journal of International Law*.¹¹ Two decades later, Eurocentricity still reigns within our discipline, exemplified in the same journal's continuing worldview: 'We divide the world into four regions for our statistical purposes: the European Union, the Council of Europe countries outside the EU, the US and Canada, and the rest of the world.'¹² In effect this division 'sees' the world as comprised of the West, places near the West, and the rest. That the rest of the world amounts to 'most of the world'¹³ is apparently inconsequential, with three continents in their complexity and diversity collectively reduced to the status of nameless other – a 'none of the above' in the geographical categories of mainstream international law. In fact, it is here in 'most of the world' that TWAIL is not a peripheral eccentricity, but rather a grounded and coherent explanation of the field of international law.

In the longer view, the Third World places of 'most of the world', including cities like Cairo, have led the way in seeking to reshape Eurocentric international law and relations. From the 1919 revolt against colonial rule to the 2011 uprising to overthrow an authoritarian president, Cairo has had significance in the history of Third World peoples' struggles against domination both foreign and domestic. The Arab League was founded in Cairo in 1945 and its first action was to condemn French colonial presence in Syria and Lebanon. In December 1957, Cairo hosted the first major Third World meeting after the Bandung Conference, the Afro-Asian People's Solidarity Conference, where the aftermath of the Suez Crisis provoked a much more partisan stance against the First World than had been the case at Bandung. Cairo also played host to the first Afro-Asian Women's Conference in 1961, the Second Conference of Non-Aligned States in 1964, and various other such meetings, leading Vijay Prashad to recount how, during this period, 'Cairo became the favoured destination for a host of Afro-Asian solidarity meetings'.¹⁴

In the contemporary context, for those based in this region, the Arab uprisings over the past five years have inevitably provoked a closer examination of the notion of praxis. Intellectuals in Cairo are confronted on a daily basis with what role we play in the events unfolding around us; whether the courage and hopefulness with which revolutionaries confronted the might of the state in Tahrir Square in January and February 2011, or the fearfulness, acquiescence, and despair that followed during the swift counter-revolution that silenced dissent through coercion, torture, and death. While praxis is of relevance to intellectuals everywhere, some places make it harder to remain oblivious to the consequences of our actions and inactions than others. In such difficult times, there is a greater need for solidarity, and the coming together of the largest gathering of TWAIL scholars thus far was a meaningful and appreciated expression of unity. While not without their own gaps, exclusions, and silences, such meetings mean a great deal to those seeking to collectively think through whether and how we can put forward principled and effective responses to the fast-proliferating patterns of contemporary global injustice. We are hopeful that TWAIL scholars will continue to meet in the Third World to think through the conundrums of praxis and accountability inherent to such critical scholarship.

Ultimately, moving towards TWAIL praxis holds out hope of one day speaking of international law without it being a synonym for structural bias. We might even imagine a gathering of establishment international lawyers or institutions telling each other, 'if you don't do TWAIL, TWAIL will do you'. In looking toward such scenarios, we do so with particular attentiveness to the danger of cooption, which looms large for formerly emancipatory language, for scholars and activists, and for supposedly counterhegemonic and anticolonial discourses and practices. In part encapsulated in the debates between our plenary speakers, and wider conversations and challenges at the conference and beyond, these issues will not be resolved anytime soon.

Disclosure statement

No potential conflict of interest was reported by the authors.

Notes on Contributors

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John Reynolds is Lecturer in International Law at the National University of Ireland, Maynooth. His research focuses on the operation of international law in states of emergency and in contexts of conflict, crisis and coloniality. Recent publications include 'Anti-Colonial Legalities: Paradigms, Tactics & Strategy' (*Palestine Yearbook of International Law*, 2015) and 'Apartheid, International Law, and the Occupied Palestinian Territory' (*European Journal of International Law*, 2013).

Amar Bhatia is an Assistant Professor at Osgoode Hall Law School, York University, Canada. His research focuses on transnational migration in a settler-colonial context and the intersection of immigration law, Aboriginal law, treaty relations, and Indigenous legal traditions. Semi-recent publications include 'We are all here to stay? Indigeneity, migration and "decolonizing" the treaty right to be here' (*Windsor Yearbook of Access to Justice*, 2013 [2015]) and 'The South of the North: Building on Critical Approaches to International Law with Lessons from the Fourth World' (*Oregon Review of International Law*, 2012).

Sujith Xavier joined the University of Windsor Faculty of Law in January of 2014 as an Assistant Professor. He is a Barrister and Solicitor (Law Society of Upper Canada) and is the current Director of the Transnational Law and Justice Network. In June 2016, Professor Xavier was appointed Interim Managing Trustee of Home for Human Rights, one of the oldest non-governmental organisations in Sri Lanka. His interests span domestic and international legal theory, international law, Third World Approaches to International Law (TWAAIL), as well as the intersections of law and society with an emphasis on race, colonialism and imperialism, gender, and sexuality. Professor Xavier's publications appear in the *European Journal of International Law*, *German Law Journal*, *Mexican Yearbook of International Law*, *Transnational Human Rights Review*, *Transnational Legal Theory* and *Journal of International Criminal Justice* (forthcoming). Professor Xavier teaches Access to Justice, Administrative Law, Public International Law, and International Criminal Law.

Notes

1. The terms Third World, Global South, developing world, and so on, have been extensively problematised and unpacked by TWAAIL scholars since the commencement of the movement so we will not repeat this analysis here. See for example, Mickelson, "Rhetoric and Rage"; Rajagopal, "Locating the Third World"; and Chimni, "Third World Approaches to International Law."

2. The authors co-organised the TWAIL Cairo Conference.
3. We built particularly on discussions at the previous TWAIL gathering in Oregon where, through the interrogation of capitalism and the common good, Michael Fakhri had set out to 'provide an opportunity for scholars to continue to strategize and collaborate, thereby pushing TWAIL towards praxis'. See *Call for Papers for the Third World Approaches to International Law (TWAIL): Capitalism and the Common Good*, University of Oregon, 20–22 October 2011.
4. Two publication workshops were held on 6–8 June 2015 at University of Windsor, Canada, and 11–13 September 2015 at Maynooth University, Ireland, to review conference paper drafts. These papers were eventually published in this Special Issue of *Third World Quarterly*, a TWAIL Cairo Symposium in the *Windsor Yearbook of Access to Justice*, a mini-symposium in the *Journal of International Criminal Justice*, as well as an *AJIL Unbound* symposium on TWAIL praxis (all forthcoming 2016).
5. The opening keynote address by Professor Obiora Chinedu Okafor leads a group of 10 papers in the TWAIL Cairo Symposium in the *Windsor Yearbook of Access to Justice*.
6. Freire, *Pedagogy of the Oppressed*, 107 (emphasis in the original).
7. Freire, *Pedagogy of the Oppressed*, 33.
8. Prashad, "The Arab Gramsci."
9. See Note 5.
10. On transnational capitalist class, see Chimni, "Capitalism, Imperialism International Law," and on the Fourth World see Coulthard, "Beyond Recognition."
11. Gathii, "International Law and Eurocentricity."
12. Weiler, "Vital Statistics."
13. Chatterjee, *Politics of the Governed*.
14. For an account of Cairo's role during this period see Prashad, *The Darker Nations*, 51–61.

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