

# Conceptualizing Race and Resisting Racism in International Law

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## 1. Introduction

The racial justice uprising of summer 2020 and subsequent advocacy brought attention to the importance of transnational approaches to combating racial injustice. After protests in support of the movement for Black lives erupted in the United States in response to the police murder of George Floyd, protests condemning police violence and brutality against Black people and other people of colour broke out in countries around the world, often tied to national experiences of racial discrimination. Racial justice activists in the United States explicitly aligned their movement with the demands from other racially marginalized groups, including Palestinians.<sup>1</sup> Similarly, protesters in other countries connected their struggles with the US and global movements; for example, Black migrants waiting in Tijuana, Mexico, to seek asylum in the United States chanted ‘*No puedo respirar*’ (‘I can’t breathe’), evoking language that had been used in US racial justice protests.<sup>2</sup>

Over the past few years, unprecedented global challenges such as the COVID-19 pandemic, forced migration, and greater awareness of the urgent harms resulting from climate change have underscored how structural racism and inequality are transnational issues. The ‘racialized distributional consequences’ of structural inequities shot through the international order were made manifest in the context of what one scholar has called ‘vaccine apartheid’,<sup>3</sup> but the same pattern informs the burdens of risk and cost borne by Black and Brown communities globally in the face of supply chain disruptions, spiralling global food costs, and climate-related catastrophic harms.

This chapter addresses the question of how best to conceptualize questions of race and racism in the context of international law. In particular, we begin from an

<sup>1</sup> Hansi Lo Wang, ‘The Complicated History Behind BLM’s Solidarity with the Pro-Palestinian Movement’ *NPR* (12 June 2021) <<https://www.npr.org/2021/06/07/1003872848/the-complicated-history-behind-blms-solidarity-with-the-pro-palestinian-movement>> accessed 22 November 2024; Aziz Rana, ‘Keynote Speech, UCLA Law Review Symposium 2020: Law and Empire in the American Century’ (2021) 67 *UCLA Law Review* 1432, 1446.

<sup>2</sup> Paulina Olvera Cádiz, Ebony Bailey, and Leslie Meyer, ‘Commentary: “No puedo respirar”. The Black Lives Matter movement is growing in Tijuana’ *San Diego Union-Tribune* (25 June 2020) <<https://www.sandiegouniontribune.com/opinion/commentary/story/2020-06-25/commentary-no-puedo-respirar-the-black-lives-matter-movement-is-growing-in-tijuana>> accessed 24 November 2024.

<sup>3</sup> Matiangai Sirleaf, ‘We Charge Vaccine Apartheid?’ (2022) 50(4) *Journal of Law, Medicine and Ethics* 726.

understanding that international law and international organizations are deeply implicated in producing and embedding racial injustice even as norms and institutions have also been designed at the international level with the goal of pursuing racial justice. The tensions implicit in this dual reality permeate domestic legal systems as well, but pose specific challenges at the international level, particularly for those who work on questions of global racial justice using the international human rights framework. In what follows, we offer illustrative examples of the magnitude of the problem we describe before turning to a more sustained discussion of some of the initiatives we have undertaken in trying to fashion critical perspectives on human rights that enable advocacy and scholarship to resist racism in international law. As we detail, we have placed a premium on building a community of international law scholars and advocates committed to defining alternative and more emancipatory practical interventions and broader research agendas to tackle race and racism in international law. To be sure, the strategies we have developed build on prior work by mentors and colleagues in other settings encompass many overlapping networks of scholars and advocates, constitute only one of a constellation of contemporaneous initiatives pursuing similar goals, and remain limited in important ways. We do not offer this example to suggest it is either the most innovative or advanced amongst strategies for resisting racial injustice in international law, but rather to set forward an example of a collective project that strives to answer the urgent challenges we identify.

## 2. Transnational understandings of racial injustice

In the wake of the racial justice uprisings, there were multiple efforts to grapple with race and racism from within the United Nations (UN) system. In one prominent example, the United Nations Human Rights Council (the Council), responding to a request of the Africa Group and demands from civil society, held in 2020 its first ever special session on systemic racism. The urgent debate ‘marked a significant shift in global attention to systemic racial subordination as a global phenomenon, with a particular emphasis on anti-Black racism rooted in persisting legacies of colonialism and the trans-Atlantic trade in enslaved Africans.’<sup>4</sup> The special session was unprecedented in its explicit focus on systemic racial injustice and anti-Black racism, and because it was the first triggered by a human rights situation in the United States or any other Western liberal democracy.<sup>5</sup>

Despite these strides forward, the Council’s subsequent resolution stopped short of demanding transformative change. It condemned ‘racially discriminatory and violent practices perpetrated by law enforcement’ but declined to create ‘an independent international commission of inquiry’ to study the situation and bring perpetrators to justice, as many had advocated.<sup>6</sup> Instead, in Resolution 43/1 (2020), the Council

<sup>4</sup> E Tendayi Achiume and James Theo Gathii, ‘Introduction to the Symposium on Race, Racism, and International Law’ (2023) 117 *AJIL Unbound* 26, 26.

<sup>5</sup> E Tendayi Achiume, ‘Transnational Racial In(Justice) in Liberal Democratic Empire’ (2021) 134 *Harvard Law Review* 378.

<sup>6</sup> UN Human Rights Council, Resolution 43/1 (19 June 2020) UN Doc A/HRC/RES/43/1, Article 2. But see ‘Burkina Faso, Iran (Islamic Republic of)\*\* and State of Palestine\*\*’: draft resolution 43/... The promotion and protection of the human rights and fundamental freedoms of Africans and of people of

tasked the High Commissioner for Human Rights with preparing a report on systemic racism by law enforcement agencies, calling on all states to cooperate with the preparation of the report rather than singling out the states where practices of systemic anti-Black racism by law enforcement had resulted in global protests.<sup>7</sup> As Tendayi Achiume has argued elsewhere, the potential of the urgent debate was circumscribed by ‘liberal hegemony [who] can keep the lid on [attempts to address] anti-Black racism through transnational means ranging from naked geopolitical bullying to normative insistence on liberal democratic norms and institutions to obstructive bureaucratic techniques.’<sup>8</sup>

Critiques of how the urgent debate unfolded expose a more fundamental concern with the UN system and international human rights frame more generally—that it creates and embeds racial injustice and acts as a barrier to racial equality. Among those who have offered these insights are Achiume and Gay McDougall, both of whom held positions within the UN’s antiracism architecture during the uprisings and special session. As Achiume has argued, the urgent debate<sup>9</sup> provided a diagnosis of the problem, namely that ‘the international human rights frame not only is neglectful of racial justice, but also can suppress the most promising avenues for achieving this racial justice.’<sup>10</sup> She goes on to note that those responsible for this suppression are ‘nations and regions forming the liberal democratic wing of the international order—the conventional purveyors of the international human rights system as a universal good.’<sup>11</sup> Identifying racial injustice as a ‘systemic feature of the liberal imperial project, rather than a pathology or aberration’ requires that advocates of international human rights law treat it as an ‘institutionalized feature of these systems’ rather than something outside of the human rights frame.<sup>12</sup> This fundamental critique of the international human rights system raises an even sharper question: how do we develop goals for achieving racial justice that take account of this reality in developing an emancipatory strategy?

The challenge is especially acute when combined with an acknowledgement that the United Nations is a flawed institutional setting in which the international struggle for racial justice has often been suppressed and, nonetheless, a principal focal point for coordinating global action against systemic racism. A transnational racial justice movement produced the historic Durban Declaration and Programme of Action (DDPA), for example, a powerful demand and roadmap for undoing systemic racism rooted in the legacies of slavery and colonialism. Yet, powerful nations within the UN have worked tirelessly to marginalize the DDPA and its demands.<sup>13</sup> At the levels of international law practice and scholarship, the challenge of conceptualizing the role of

African descent against police brutality and other violations of human rights’ (17 June 2020) UN Doc A/HRC/43/L.50 (the draft version of the resolution clearly included a plan for such a commission of inquiry).

<sup>7</sup> UN Human Rights Council (n 6) Article 6.

<sup>8</sup> Achiume (n 5) 380.

<sup>9</sup> The ‘Urgent Debate’ is a relatively rarely used form of special session previously convened in the cases of Syria (three times between 2012 and 2018) and Israel (2010).

<sup>10</sup> Achiume (n 5) 380.

<sup>11</sup> *ibid.*

<sup>12</sup> *ibid.*

<sup>13</sup> E Tendayi Achiume and Gay McDougall, ‘Anti-Racism at the United Nations’ (2023) 117 *AJIL Unbound* 82, 84.

race and racism in international law while also drawing on international legal frameworks and institutions to fashion antiracist resistance is stark.

### 3. The invisibility of race in international law scholarship

Despite the urgency of the problem, most international law scholarship to date has not confronted the historical and ongoing relationship between race, racism, and international law. James Gathii recently published a study examining ‘to what extent scholarship has addressed international law’s historical and continuing complicity in producing racial inequality and hierarchy, including slavery, as well as the subjugation and domination of the peoples of the First Nations.’<sup>14</sup> He reviewed all of the scholarship published in the *American Journal of International Law* (AJIL) and *AJIL Unbound* before May 2021 and found that fewer than 2 per cent of the publications in either journal ‘substantially engaged with race in the bodies of their texts.’<sup>15</sup>

There are different ways of understanding the exclusion of race from international law scholarship. A recent *AJIL Unbound* symposium on *Race, Racism, and International Law*, edited by Achiume and Gathii, explored these exclusions within the context of the ASIL (American Society of International Law) itself, as well as in the broader field of international legal scholarship. Henry J Richardson III, one of the authors of the ‘Richardson Report’, which investigates racism within ASIL, describes how African Americans were excluded from ASIL until the early 1960s, as well as being excluded from AJIL’s board of editors until 2014.<sup>16</sup> As he notes, from the time ASIL was founded in 1906, the organization ‘was bathed in the widespread narrative that Blacks are not and must not be seen as the social equals of whites.’<sup>17</sup>

Even after ASIL began admitting some African American members, many themes of importance to Africans and African Americans remained sidelined at ASIL Annual Meetings. Despite some engagement over the years—including reluctant involvement with the global South African anti-apartheid movement—it was not until 2011–2012 that ‘a racial critique was beginning to gather steam in [ASIL], led by Blacks and other minorities, with white allies, building on the emergence of [the Blacks of the American Society of International Law (BASIL) Task Force], and additional minorities on the Executive Council.’<sup>18</sup> It was only in 2020, months prior to the global racial justice movement, that ASIL’s Executive Council was presented with the Richardson Report, and only in November 2021 that the Executive Council adopted a ‘Policy Resolution on Past Discrimination’. That resolution included an apology for ‘past practices that had the effect of excluding people of color’ and resolved that ASIL would ‘do

<sup>14</sup> James Thuo Gathii, ‘Studying Race in International Law Scholarship Using a Social Science Approach’ (2021) 22 *Chicago Journal of International Law* 71.

<sup>15</sup> *ibid.*

<sup>16</sup> Henry J Richardson III, ‘Reflections on Race and the American Society of International Law’ (2023) 117 *AJIL Unbound* 32, 33–34 (Richardson was one of five authors on a committee convened by ASIL to address this question).

<sup>17</sup> *ibid.* 32.

<sup>18</sup> *ibid.* 34.

everything in its power to right those wrongs of exclusion.<sup>19</sup> Whether and how this commitment will transform international law scholarship on race and racism remains to be seen, as Richardson himself noted.<sup>20</sup>

Similar concerns about the exclusion of race from international spaces of legal scholarship and academic exchange have been raised in the European context. For instance, Mohsen al Attar has vividly described the disproportionately white and male scholars featured at a recent European Society of International Law conference, even though the theme of the conference was inclusion in international law.<sup>21</sup> He noted in particular how Achiume, the sole woman of colour on a panel comprised of white male scholars, was the only one to speak about racial justice.<sup>22</sup>

#### 4. Building a community of scholars working on race and racism in international law

When the lacuna is this large, it is necessary to build and sustain a community of scholars invested in addressing it. Over the years, there have been a range of efforts to bring together scholars thinking critically about race and international law. From our perspective, beyond conceptualizing and investigating the role of race and racism in international law, it is imperative to identify alternative, emancipatory strategies. Our approach has been to adopt a scholarly commitment to building community through convenings that help define and expand a shared research agenda for pursuing racial justice through international law practice and scholarship. In this section we describe our efforts to create space in legal scholarship for work of this nature. In the next section, we provide examples of initiatives led by others, while acknowledging that our account is far from exhaustive or representative.

In October 1999, Ruth Gordon convened a symposium at Villanova University School of Law that focused on ‘Critical Race Theory and International Law: Convergence and Divergence’, which explored how critical race theory (CRT) ‘can assist in understanding, and possibly transforming, the international system, and ascertaining how an international dimension might enrich the Critical Race critique of race and rights.’<sup>23</sup> The scholarship arising from this symposium ‘highlighted the work that critical race scholars have done to address racial discrimination in the structure

<sup>19</sup> American Society of International Law, ‘Diversity, Equity, and Inclusion at ASIL’ (ASIL) <<https://www.asil.org/about/DEI>> accessed 26 November 2023.

<sup>20</sup> Richardson (n 16) 35–36.

<sup>21</sup> Mohsen al Attar, ‘Tackling White Ignorance in International Law—“How Much Time Do You Have? It’s Not Enough”’ *Opinio Juris* (30 September 2022) <<https://opiniojuris.org/2022/09/30/tackling-white-ignorance-in-international-law-how-much-time-do-you-have-its-not-enough/>> accessed 22 November 2024; See also Mohsen al Attar and Claire Smith, ‘Racial Capitalism and the Dialectics of Development: Exposing the Limits and Lies of International Economic Law’ (2020) 35 *Law and Critique* 149; Mohsen al Attar, ‘Symposium on Systemic Racism and Sexism in Legal Academia: The Promise of Victory’ *Opinio Juris* (16 May 2022) <<https://opiniojuris.org/2022/05/16/confronting-race-and-gender-based-oppression-in-legal-academia-the-promise-of-victory/>> accessed 22 November 2024.

<sup>22</sup> E Tendayi Achiume, ‘The In- or Ex-clusiveness of International Law’ (2023) 34(1) *European Journal of International Law* 225.

<sup>23</sup> Ruth Gordon, ‘Critical Race Theory and International Law: Convergence and Divergence’ (2000) 45(5) *Villanova Law Review* 827, 829.

and operation of the international human rights system, including through intersectional analyses that bring structures such as gender to bear.<sup>24</sup> Similarly, in July 2018, Antony Anghie held a symposium on Third World Approaches to International Law's (TWAIL) past, present, and future at the National University of Singapore School of Law.<sup>25</sup> Subsequently, in August 2018, Achiume, Jim Anaya, and Justin Destautels-Stein led a workshop on 'International Law and Racial Justice' at the University of Colorado, Boulder, School of Law where scholars discussed 'the place of race-centric analysis in contemporary international legal scholarship.'<sup>26</sup>

Building on these earlier encounters, in March 2019, Bâli and Achiume hosted at UCLA Law a symposium on 'Critical Perspectives on Race and Human Rights: Transnational Re-Imaginations' which brought together CRT, TWAIL, and human rights scholars, including early career scholars across these areas, to engage in critical reflection about the role of human rights in achieving racial justice and equality.<sup>27</sup> This symposium was intended 'to foster a transnational conversation among domestic and international legal scholars, and incubate a network of multi-disciplinary academics interested in advancing critical, reconstructive, and even radical engagements with the human rights frame broadly construed, but with a focus on racial justice.'<sup>28</sup> Some of the scholarship arising from the symposium was published in a special issue of UCLA Law's Journal of International Law and Foreign Affairs, which contributed to meeting the gap in scholarship that investigates race and racism in international law.<sup>29</sup>

Alongside this symposium, Asli Bâli and Achiume organized two workshops at UCLA Law. In the first, senior scholars were paired with early career scholars to provide feedback and mentorship on their written work. The second workshop, which focused on 'Race, Empire and International Law', convened CRT and TWAIL scholars to reprise the conversation that began at the Villanova symposium. Participants 'interrogated the history of transnational legal analysis and political mobilisation challenging racial domination' and 'discussed the difficulties and the possibilities of subaltern knowledge production across different fields (such as law, sociology, history) and at different scales (domestic and international), and interrogated some of the very premises that had motivated the convening.'<sup>30</sup> Through this workshop, Bâli and Achiume sought to create space for participants to ask questions that were so often excluded, '[f]or example, can we meaningfully talk about race globally or transnationally or must race always be engaged locally? Can we meaningfully talk about empire, even

<sup>24</sup> E Tendayi Achiume and Asli Bâli, 'Race and Empire: Legal Theory Within, Through, and Across National Borders' (2021) 67 UCLA Law Review 1386, 1393.

<sup>25</sup> Third World Approaches to International Law Conference (TWAIL Singapore) (National University of Singapore, Singapore, 2 February 2018) <<https://law.nus.edu.sg/twail/index.html>> accessed 22 November 2024.

<sup>26</sup> International Law and Racial Justice (University of Colorado Boulder Law School, Boulder, 3–4 August 2018) <[https://www.colorado.edu/law/sites/default/files/attached-files/ilrj\\_workshop\\_themes.pdf](https://www.colorado.edu/law/sites/default/files/attached-files/ilrj_workshop_themes.pdf)> accessed 22 November 2024.

<sup>27</sup> See generally Achiume and Bâli (n 24).

<sup>28</sup> *ibid* 1395.

<sup>29</sup> (2020) 24 UCLA Journal of International Law and Foreign Affairs 2. This symposium issue features the following authors: Prince Zeid bin Raad Zeid al-Husseini, Kristen Carpenter and Alexey Tsybkarev, Catherine Powell, Janine Silga, Kai Ambos, and Mia Lattanzi.

<sup>30</sup> Achiume and Bâli (n 24) 1396.

European colonial empire, in global terms when important distinctions inhere, for example, between settler and non-settler colonial projects?<sup>31</sup> Sustaining and extending the momentum of these convenings, Bâli and Achiume hosted another symposium in January 2020 at UCLA Law, this time focused on ‘Transnational Legal Discourse on Race and Empire.’ At this convening, and in the subsequent publications in the UCLA Law Review, participants explored ‘the significant contributions that a TWAIL-CRT union stand to make to our legal understanding of racial injustice and inequality as transnationally constituted and sustained.’<sup>32</sup>

Since 2020, the authors have organized and participated in several projects endeavouring to strengthen the community of scholars engaged in questions of race and racism in international law, and to create space for early career and senior scholars alike to collaboratively think critically and develop work that will help to meet the gap in traditional international law scholarship.

On 11–12 March 2022, UCLA Law hosted a closed-door workshop on Critical Law & Security Studies (CLASS), the third convening of a group of scholars exploring questions of law and security from a critical perspective. Emerging out of concerns that predominant approaches in conventional scholarship fail to attend to the relationship between national security and counterterrorism framings on the one hand and struggles over race and colonialism on the other, CLASS has evolved into a collective project to reshape core research agendas spanning the fields of critical race theory, national security law, and international humanitarian law. The group first gathered around the work of the CLEAR (Creating Law Enforcement Accountability & Responsibility) program at CUNY Law—and its indomitable director, Ramzi Kassem—and a shared interest in developing critical scholarship that analyses the systemic racism at the heart of the so-called Global War on Terror (GWOt) domestically in the United States and transnationally by the coalition of states that embraced the GWOt framing. Inspired by Kassem’s work exposing the New York police department’s racialized surveillance of Muslim communities—and suing to force reforms<sup>33</sup>—the group workshoped research scrutinizing the racialized character of counterterrorism globally. Drafts produced by one convening resulted in a symposium in the *Boston Review*, titled ‘Islam on Trial’, investigating anti-Muslim racism as a governance strategy in the war on terror.<sup>34</sup> The goal of CLASS workshops has evolved over time but at the heart of the project remains the commitment to critical

<sup>31</sup> *ibid.*

<sup>32</sup> *ibid.* See also S Priya Morley, ‘Promise Institute for Human Rights, Trans-National Re-Imaginations, UCLA School of Law’s Inaugural Series of Convenings on Race, Empire and Human Rights’ *UCLA Promise Institute for Human Rights* (April 2022) <<https://promiseinstitute.law.ucla.edu/wp-content/uploads/2022/06/Trans-NationalRe-ImaginationsUCLASchoolofLawsInauguralSeriesofConveningsonRaceEmpireandHumanRights.pdf>> accessed 22 November 2024; S Priya Morley, ‘Connecting Race and Empire: What Critical Race Theory Offers Outside the U.S. Legal Context’ (2022) 69 *UCLA Law Review Discourse (Law Meets World)* 100.

<sup>33</sup> NYCLU, ‘Court Releases Report on NYPD Reforms After Landmark Muslim Surveillance Settlement’ (NYCLU, 8 June 2018) <<https://www.nyclu.org/en/press-releases/court-releases-report-nypd-reforms-after-landmark-muslim-surveillance-settlement>> accessed 22 November 2024.

<sup>34</sup> Amna A Akbar and Jeanne Theoharis, ‘Forum: Islam on Trial’ (*Boston Review*, 27 February 2017) <<https://www.bostonreview.net/forum/amna-akbar-jeanne-theoharis-muslims-and-constitution/>> accessed 22 November 2024 (The ‘Forum’ on ‘Islam on Trial’ featured writing by many of the core CLASS participants including Amna Akbar, Jeanne Theoharis, Wadie Said, Sudha Setty, and others).

engagement with the field of ‘national security law’ and a collective project to fashion alternatives to the liberal imperium of the war on terror and its racial entailments. The opportunity to host a convening of CLASS allowed us to connect our critical perspectives on race and human rights to projects examining how two decades of American-led counterterrorism have legitimated both the sidelining of human rights and deep structures of racial and religious subordination across the Muslim-majority world and Muslim communities in the Global North.

On 19–20 May 2022, building on the initial convenings at UCLA Law in 2019 and 2020, UCLA Law hosted a closed workshop focused on Palestine and international law. This convening brought together TWAIL scholars and Palestinian scholars from different disciplines with the goal of discussing priorities for a shared research agenda on Palestine and international law. The occupation and subordination of Palestine was, alongside South African apartheid, one of the paradigmatic global issues that inspired scholars of the Global South, whose legacy is carried forward in TWAIL scholarship. Yet, while Palestinian colonial subordination persists, Palestine and Palestinians have not received sustained attention within TWAIL scholarship. This convening sought to foster greater TWAIL engagement with Palestine and the ongoing settler colonial subordination of Palestinians. Participants, who came from law and other disciplines, drew on different methodological approaches, including TWAIL, CRT, political economy, and subaltern theory in considering the question of Palestine in international law. Participants also engaged in comparative analysis, considering Palestine in relation to other settler-colonial, postcolonial, or neocolonial/imperialist contexts. This exchange of ideas illuminated the racial and colonial logics at the centre of the ongoing situation in Palestine and the (failure of) current international legal responses to it. Alongside this convening, the Promise Institute for Human Rights at UCLA Law held a public event on Palestine and Apartheid Under International Law.<sup>35</sup> Following this convening, participants are preparing scholarship for publication in different publications, including the *Journal of Palestine Studies*, the *Third World Approaches to International Law Review* (TWAAILR), the *Palestine Yearbook*, and others. With the support of co-organizers Noura Erakat, Vasuki Nesiah, and John Reynolds, the authors organized a follow-up convening at NYU and Rutgers in June 2024.

In March 2023, Achiume and Gathii edited a symposium issue of *AJIL Unbound*, published on behalf of the *AJIL* which was focused on Race, Racism, and International Law.<sup>36</sup> As noted above, *ASIL* has recently grappled with its own history of excluding racially marginalized scholars and scholarship focused on race and racism.<sup>37</sup> The very fact of the symposium was itself an important achievement in explicitly tackling gatekeeper institutions in international law scholarship that have long excluded the topic of race from the pages of leading peer-reviewed journals in the field. But beyond its path-breaking character in forthrightly addressing race in a forum organized by the

<sup>35</sup> UCLA Promise Institute for Human Rights, ‘Palestine and Apartheid Under International Law’ (24 May 2022) <<https://promiseinstitute.law.ucla.edu/event/palestine-and-apartheid-under-international-law/>> accessed 27 November 2023.

<sup>36</sup> Achiume and Gathii (n 4).

<sup>37</sup> *ibid* 26.

American Journal of International Law, the symposium also highlighted new and provocative scholarship across a range of different substantive areas of international law while adopting a diversity of methodological approaches. From an article investigating the racial hierarchies shaping international migration and mobility,<sup>38</sup> to the application of Marxist methodologies to offer a ‘materialist’ conception of race and racism analysing the expansion of capitalism into the non-European world with attendant processes of racialization,<sup>39</sup> to a contribution examining calls for reparations for racial and ecological injustices advanced by the Caribbean Community’s Reparations Commission,<sup>40</sup> the symposium charts a roadmap for the kinds of research agendas necessary to fill the gap produced by the erasure of race in a discipline studying systems, practices, and norms that are, in fact, shot through with racial hierarchies.

Moreover, aspects of the symposium build on themes addressed and developed in earlier convenings that brought together different subsets of the contributing scholars. Vasuki Nesiah builds on Adelle Blackett’s work, which was featured in our 2019 symposium, to develop her argument about the legacies of slavery that inflect the racialized commodified labour that is a product of the contemporary international labour law regime.<sup>41</sup> Christopher Gevers continues to explore themes from work he showcased at UCLA in his exploration of the overwhelmingly white character of histories of international law. Highlighting the paradoxical marginalization of race in histories of slavery—which focus overwhelmingly on white abolitionists, judges, officials, and settlers—his call for excavating the still unwritten histories of slavery is both a reminder of the centrality of race in the evolution of the discipline and practices of international law and its methodological erasure.<sup>42</sup> The article by Noura Erakat, Darryl Li, and John Reynolds draws on and develops the conversations initiated by the 2022 workshop we convened on Palestine and international law.<sup>43</sup> Their argument that ending apartheid in Israel–Palestine is impossible without recognizing the right to self-determination of Palestinians through a process of decolonization and reparations echoes many of the themes developed by applying the lenses of CRT and TWAIL to reveal that ‘race and colonialism are conjoined concepts’.

On 11 March 2023, the Promise Institute for Human Rights at UCLA Law held an expert convening on Setting Institutional Priorities on Climate Reparations and Racial Justice: Learning from Social Movements. The uneven allocation of the burdens of climate change maps on to systemic racial discrimination, inequality, and marginalization within and between countries, all of which are the persistent impacts of global histories of colonialism, enslavement, and extractivism.<sup>44</sup> This convening

<sup>38</sup> Natsu Taylor Saito, ‘Race, Indigeneity, and Migration’ (2023) 117 AJIL Unbound 43.

<sup>39</sup> Robert Knox, ‘International Law, Race, and Capitalism: A Marxist Perspective’ (2023) 117 AJIL Unbound 55.

<sup>40</sup> Sarah Riley Case, ‘Looking to the Horizon: The Meanings of Reparations for Unbearable Crises’ (2023) 117 AJIL Unbound 49.

<sup>41</sup> Vasuki Nesiah, ‘Slavery’s Afterlives: Humanitarian Imperialism and Free Contract’ (2023) 117 AJIL Unbound 66.

<sup>42</sup> Christopher Gevers, ‘Slavery and International Law’ (2023) 117 AJIL Unbound 71.

<sup>43</sup> Noura Erakat, Darryl Li, and John Reynolds, ‘Race, Palestine, and International Law’ (2023) 117 AJIL Unbound 77.

<sup>44</sup> UNGA, ‘Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achiume—Ecological crisis, climate justice and racial justice’ (25 October 2022) UN Doc A/77/549.

brought together experts from the United Nations, Inter-American system, and social movements to discuss the disproportionate impacts of the global climate crisis on racially marginalized peoples in North America, Central America, and the Caribbean—particularly people of African and Indigenous descent. The convening built on the work of social movements, including those working at the intersections of racial, Indigenous, migrant, and climate justice. It also drew on a series of recent reports on the human rights impacts of climate change, including its intersection with racial injustice, by experts from the UN and Inter-American systems. In particular, the convening responded to growing claims for climate reparations arising from social movements and Global South nations. It explored whether and how international law, the international human rights frame, and the institutional mechanisms of the UN and Inter-American Commission on Human Rights may be reimagined and wielded to meet social movements' demands for climate justice and transformative social change.<sup>45</sup> This expert convening was organized as part of the Reimagining Rights in the Americas Conference held at UCLA in conjunction with the 186th period of session of the Inter-American Commission on Human Rights.

This brief survey of the efforts we have made over six years in a shared institutional setting is, as we have indicated, no more than illustrative of an approach we found generative. We are fortunate to have had the institutional support to host the convenings we describe above, and we have attempted to include references to any publications that resulted from them as a resource to other scholars working at the intersection of race and international law. We benefited greatly from the rich and deep intellectual tradition and atmosphere forged by our colleagues in the Critical Race Studies Program at UCLA Law.<sup>46</sup> Having a critical mass of colleagues committed to serious study of race as analytically significant in the field of law made it possible to strive for connections with international law scholars elsewhere with similar commitments. We also benefited greatly from the material support made possible through the funding that established the Promise Institute for Human Rights at UCLA Law. We highlight this support because we are aware that many law schools range from outrightly hostile to passively disinterested in supporting work on race and international law. In other contexts where there is institutional openness to this work, resources may not be available.

We should also note that our convenings were far from perfect. We were not always able to be as inclusive as we would have liked, due to the limitations of our own networks and funding constraints. For example, the participants in our convenings were predominantly from institutions in the Global North and these convenings were entirely in English. We concede that there is still a very long way to go in fostering a transnational, global intellectual community of legal scholars collaborating to deepen interrogation of race and racism in international law. With these many caveats in mind, we nonetheless offer the model of community building as one constructive

<sup>45</sup> International Human Rights Clinic at UCLA Law, 'Setting Institutional Priorities on Climate Reparations & Racial Justice: Learning From Social Movements' *UCLA Promise Institute for Human Rights* (September 2023) <<https://promiseinstitute.law.ucla.edu/wp-content/uploads/2023/09/Setting-Institutional-Priorities-on-Climate-Reparations-and-Racial-Justice.pdf>> accessed 22 November 2024.

<sup>46</sup> 'Critical Race Studies' (UCLA Law) <<https://law.ucla.edu/academics/centers/critical-race-studies>> accessed 27 November 2023.

strategy for analysing and reshaping the problematic approaches to race and racism that suffuse international law scholarship and practice. In the next section, we highlight a selection of related contemporaneous projects spearheaded by other colleagues seeking to build intellectual community and develop knowledge production to shift international legal scholarly attention towards the urgent and deeply understudied problems of race, racism, and international law.

## 5. Tracing engagement with race and racism through knowledge production in international law

There are, of course, others doing important work in community building and analysing the role of race and racism in international law. The renewed engagement from academics to reckon with racism and international law in recent years has contributed to knowledge production across different substantive subject areas. While this section does not reflect the totality of convenings that have seeded new research and the related publications, it illustrates how scholars are reacting to international law's silence on race by taking on illustrative explorations that show how racialization stems from the tools and technologies of international law. They are drawing on different theoretical approaches, including but not limited to CRT and TWAIL, and other scholarly traditions within and outside of law. They are focused on a wide array of substantive topics, including migration (including, inter alia, discussion of migration and development nexus, sovereignty, and climate change-induced migration), socioeconomic equality (including, inter alia, slave labour, mass incarceration, and public health), environment and climate change,<sup>47</sup> and counterterrorism.

In July 2020, Matiangai Sirleaf edited a symposium on Racing National Security in Just Security. This symposium had the dual goals of 'render[ing] race visible in national security' and 'highlight[ing] the importance of a racial justice framework over and above one focused on racial discrimination'.<sup>48</sup> The scholarship in this symposium 'elucidate[d] how race and the associated racial valuations attached to groups influence assessments of when it is in the interest of institutions, laws, and society to act on issues of national security'.<sup>49</sup> That symposium resulted in the publication of a manuscript that makes a canonical contribution to the national security literature, providing transnational, comparative, and international law perspectives on racial justice in that field.<sup>50</sup>

Another path-breaking contribution to knowledge production on race and racism in international law was brought together by James Gathii and Ntina Tzouvala as they organized and co-edited a special issue of the *Journal of International Economic Law*

<sup>47</sup> Sarah Mason-Case and Julia Dehm, 'Redressing Historical Responsibility for the Unjust Precarities of Climate Change in the Present' in Benoit Mayer and Alexander Zahar (eds), *Debating Climate Law* (Cambridge University Press 2021) 170.

<sup>48</sup> Matiangai Sirleaf, 'Racing National Security: Introduction to the Just Security Symposium' *Just Security* (13 July 2020) <<https://www.justsecurity.org/71373/racing-national-security-introduction-to-the-just-security-symposium/>> accessed 22 November 2024.

<sup>49</sup> *ibid.*

<sup>50</sup> Matiangai VS Sirleaf (ed), *Race and National Security* (Oxford University Press 2023).

on racial capitalism. As Gathii and Tzouvala note in their introduction, ‘while race and racism are central to the constitution of IEL, race and racism have seldom been analytic categories for understanding IEL.’<sup>51</sup> The special issue also demonstrates the value of diverse methodological approaches to the question of race in international law, complementing emphases on CRT and TWAAIL with, for example, Marxist approaches.<sup>52</sup> The issue as a whole features contributions by leading scholars on topics ranging from slavery and forced labour in the international economic order to the racially discriminatory policing enabled by international trade law and intellectual property law, to the relationship between international investment law, race, and state violence. The broad array of substantive areas of international law canvassed through the lens of racial capitalism represents an important step in addressing the staggering gap on questions of race and racism in the international economic law literature. In the same year, Carmen Gonzalez and Athena Mutua co-edited a special issue of the *Journal of Law and Political Economy* on ‘Racial Capitalism and Law’, adding to the nascent turn to racial capitalism in international and transnational law literatures. The co-editors analyse the intertwined character of profit-making and racemaking to reveal how racial stratification, segregation, and the creation of racialized ‘sacrifice zones’ are constitutive of capitalist growth.<sup>53</sup> Their theory of the relationship between racial capitalism and law, in turn, informs analyses by other authors, including Tzouvala’s analysis of the racialized assumptions that inform arbitrators’ judgments on property rights<sup>54</sup> and Gil Gott’s critique of the racialized and neoliberal ground on which microfinance operates in the Global South.<sup>55</sup>

Several other convenings have been hosted by colleagues considering core international law challenges in ways that centre race and racism. While some of these symposia and conferences have not yet yielded publications, they showcase new research agendas and draft scholarship that maintains the momentum of knowledge production on race in international law. For instance, questions of race, justice, and international law were central to a symposium on ‘International Law and Global Justice’ organized by John Reynolds at Maynooth University in April 2023. In addition to a keynote address on the challenge of racial justice in international law, the three substantive panels of the symposium addressed questions of economic justice, transitional justice, and environmental justice respectively in ways that attended to the centrality of race in the exclusions and distributional inequalities that result from systemic racial discrimination in each of these domains.<sup>56</sup> In June 2023, Victor Kattan organized

<sup>51</sup> James Thuo Gathii and Ntina Tzouvala, ‘Racial Capitalism and International Economic Law: An Introduction’ (2022) 25(2) *Journal of International Economic Law* 199.

<sup>52</sup> Marxist approaches were also highlighted in the special issue of *AJIL Unbound*, including Robert Knox’s important contribution: Knox (n 39).

<sup>53</sup> Carmen Gonzalez and Athena Mutua, ‘Mapping Racial Capitalism: Implications for Law’ (2022) 2(2) *Journal of Law and Political Economy* 127.

<sup>54</sup> Ntina Tzouvala, ‘Invested in Whiteness: Zimbabwe, the von Pezold Arbitration, and the Question of Race in International Law’ (2022) 2(2) *Journal of Law and Political Economy* 226.

<sup>55</sup> Gil Gott, ‘Microcredit and the Financial Frontiers of Racial Neoliberalism’ (2022) 2(2) *Journal of Law and Political Economy* 278.

<sup>56</sup> Maynooth University, ‘Symposium: “International Law and Global Justice”’ (Maynooth University School of Law and Criminology, Maynooth, 21 April 2023) <<https://www.eventbrite.ie/e/symposium-international-law-and-global-justice-tickets-560502085827>> accessed 22 November 2023 (click ‘View details’; then click ‘View all event details’).

a conference at Nottingham University examining systematic practices of racial discrimination and apartheid globally, beyond the South African context.<sup>57</sup> Deepening and broadening the discussion of apartheid addressed at the convening at UCLA on Palestine and international law mentioned above, Kattan brought together a transnational and interdisciplinary collection of scholars to debate the histories, meanings, and forms of apartheid while interrogating the failure to enforce the international criminal prohibition on apartheid across a wide variety of cases encompassing the contexts of the United States and Israel–Palestine among others.

The ways in which convenings across institutions, from UCLA to Nottingham, have brought together overlapping but also increasingly diverse groups of scholars to build a sequence of conversations and new scholarship about the role of race and racism is striking. We believe that the project of building intellectual community around a shared, if trans-substantive, intellectual project has begun to bear fruit through the many new networks and concrete instances of knowledge production we describe here. These projects, still nascent, may not be sufficient to fill the lacunae that have grown out of the longstanding erasure of race from international law, but we believe they chart an alternative trajectory that may contribute to reshaping the discipline over time while informing our own scholarship and enabling generative new research agendas to form.

## **6. TWAIL and CRT in the global policy context: reparations for slavery and colonialism, the global extractivist economy, and ecological crisis**

How might these research agendas concretely shape governing legal and policy frameworks? In our work, we have sought to prepare not only academic scholarship and policy reports but also more digested materials that can be deployed for advocacy purposes or to shore up the understanding of interested audiences who wish to have an overview of the kinds of work seeking to fill the voids in the literature we have identified. Under the title ‘Race and Human Rights Reimagined’, we have curated a sample of our work to make it publicly available in a variety of formats online. Of course, this initiative can only represent the most preliminary of first steps and we are aware of the need to build collaborative and long-term research networks that can grow these kinds of platforms.

In light of the enormity of the silences and erasures in international law, the task of conceptualizing the role of race and racism in the discipline and imagining new pathways towards racial justice remains formidable. In this section we provide further examples of how we might identify domains of international law that warrant attention as sites of racial subordination and embedded racism through the agenda developed by United Nations Special Procedures mandate holders in conversation

<sup>57</sup> University of Nottingham, ‘The Crime of Apartheid in South Africa and Beyond’ (University of Nottingham School of Law, Nottingham, 22–23 June 2023 <<https://www.nottingham.ac.uk/conference/fac-socsci/crime-of-apartheid-in-south-africa-and-beyond/documents/apartheid-conf-22-23-june-programme.pdf>> accessed 20 November 2023.

with transnational civil society actors at the forefront of social movements for racial justice. While this pathway for seeding new research agendas and future scholarship might be available to any number of thematic mandate holders and country rapporteurs appointed by the Human Rights Council, we highlight some of the ways Achiume, in her mandate as UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia, and related intolerance, drew on CRT and TWAII to illuminate the operation of race and racism across different substantive areas of international law.

In Achiume's reports, racial equality analysis presents contemporary forms of racial discrimination, for which states may be held accountable, as the persisting impacts of historical injustice. Her approach enables a transnational and transhistorical understanding of international human rights obligations, and particularly the principles of non-discrimination and equality. In one 2019 report, Achiume focused on the global extractivism economy<sup>58</sup> and the racially discriminatory human rights violations it produces. One of the strengths of Achiume's analysis is the explicit framing of contemporary resource extraction, including by corporations in the Global North of resources in the Global South, as rooted in and shaped by colonialism. As she describes, since formal decolonization, states in the Global North and Global South have supposedly been able to participate equally in the global economy or in the international legal system (ie the principle of sovereign equality). In reality, the 'colonial-era' inequalities between states persist, and the contemporary models of extraction perpetuate the racial, ethnic, and Indigenous exploitation that occurred during colonialism. She describes how 'it is those people who, under the colonial extractivism economy, were socially constructed as non-white or non-European that today remain subordinate, excluded and marginal within the global extractivism economy'.<sup>59</sup>

In a second 2019 report, Achiume focused on states' obligations under international law to provide reparations for slavery and colonialism. At its core, slavery constituted the dehumanization of people on the basis of their race, a social construct that still shapes the ability to access fundamental human rights today.<sup>60</sup> Colonialism similarly allocated human rights on a racial basis and relied on both domestic and international law to further global structures of racial domination and discrimination.<sup>61</sup> Adopting a similar analysis as in the extractivism report, Achiume emphasized that reparations

concern both our past and our present' and 'the urgent project of providing reparations for slavery and colonialism requires states not only to fulfil remedial obligations resulting from specific historical wrongful acts, but also to transform contemporary structures of racial injustice, inequality, discrimination and subordination

<sup>58</sup> The global extractivism economy 'refers to the industries, actors and financial flows, as well as to the economic, material and social processes and outputs, associated with the globalized extraction of natural resources'. UN Human Rights Council, 'Global extractivism and racial equality\* Report of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance' (14 May 2019) UN Doc A/HRC/41/54, 6.

<sup>59</sup> *ibid* 42.

<sup>60</sup> *ibid* 16.

<sup>61</sup> *ibid* 18.

that are the product of the centuries of racial machinery built through slavery and colonialism.<sup>62</sup>

Importantly, she argues for a 'structural approach' to reparations that seek not only to compensate for harms but also to transform society.<sup>63</sup> This requires 'decolonizing' international law and the barriers it creates to reparations claims; this law emerged from the same structures of racialized subordination that fuelled slavery and colonialism and therefore cannot be used as a bar to justice now.

In her final report as UN Special Rapporteur, in 2022, Achiume built on these analyses to explore the urgent, related issue of ecological crisis, climate justice, and racial justice. As outlined in the report, 'the devastating effects of the ecological crisis are disproportionately borne by racially, ethnically and nationally marginalised groups.'<sup>64</sup> The climate crisis is the product of centuries of natural resource extraction, industrialization, and industrial processes, and the consumption of the outputs of these processes by racist colonial regimes.<sup>65</sup> Between 1850 and 2002, industrialized countries produced three times the carbon dioxide emitted by the entire Global South. Yet, it is the Global South that is currently most affected and least able to mitigate and survive the global ecological crisis due to the colonial processes that caused these historical emissions in the first place.<sup>66</sup> The report critiques how dominant international approaches to climate issues, as with international law more generally, can reinforce racial inequality and injustice. Since many climate-related initiatives are designed without the input or consideration of racially marginalized people, they tend to reinforce patterns of racial discrimination that are already present in national and international economies.<sup>67</sup> Further, the exclusion of impacted groups from leading climate change governance has undermined their demands for systemic change to truly solve the enduring climate crisis.<sup>68</sup> For instance, the way that climate change is framed in international fora ignores the historical responsibility that should be borne by some states and transnational corporations.<sup>69</sup> Drawing on her earlier reparations report, Achiume recommends that states provide reparations for historical environmental and climate harms as well as contemporary harms that are rooted in historic injustice.

In sum, these examples offer illustrations of how academic work at the intersection of TWAIL and CRT can have practical implications for advancing racial justice within the existing framework of the United Nations, notwithstanding its challenges and contradictions.

<sup>62</sup> *ibid* 8.

<sup>63</sup> UNGA, 'Contemporary forms of racism, racial discrimination, xenophobia and related intolerance: note / by the Secretary-General' (21 August 2019) UN Doc A/74/321, 7–8 ('[R]eparations for slavery and colonialism include not only justice and accountability for historic wrongs, but also the eradication of persisting structures of racial inequality, subordination and discrimination that were built under slavery and colonialism to deprive non-whites of their fundamental human rights.').

<sup>64</sup> UNGA (n 44) 1.

<sup>65</sup> *ibid* 12.

<sup>66</sup> *ibid* ¶ 4.

<sup>67</sup> *ibid* 63.

<sup>68</sup> *ibid*.

<sup>69</sup> *ibid* 71.

## 7. Conclusion: racial justice as a collective project in international law

In concluding this non-traditional chapter in which we survey and hope to model alternative pathways in international law scholarship and policy through community building, we now make explicit the kinds of partnerships within and beyond the academy modelled by some of the convenings we have canvassed.

First, going beyond interdisciplinary approaches to scholarship, we believe work like the convenings organized by Achiume in her role as Special Rapporteur is critical for building an intellectual community in ways that includes perspectives from, and knowledge produced outside, the academy.<sup>70</sup> This means bringing together scholars as well as movement leaders, community organizations and representatives, policy-makers, and those working within international institutions. We also believe that developing emancipatory strategies on race and racism in international law requires creating spaces which, even if convenings take place in academic settings, are not elite centred. Fostering meaningful inclusion and participation from all is an imperative of a collective project that seeks not only to seed knowledge production but also make real change in the practices and institutions of international law.

Of course, a political commitment of this kind also means avoiding exploitation-cum-extraction, on the part of academics, of the knowledge and lived experience of communities for their own professional clout or success. Rather, scholars thinking critically about race, racism, and international law should strive to co-create 'just relationships' with movement actors. In the mainstream of international law scholarship, there has been a revolving door between those in international law practice and scholarship. By creating spaces of inquiry that include and centre the voices of movements, we hope that it will be possible to build a new circuit of knowledge production across practice and scholarship, and to facilitate the flow of ideas in ways that do not entrench empire.

Second, the community we build must also be focused on the next generation of scholars, advocates, and movement leaders that are among our students and in our networks. We have prioritized creating convenings and fora that welcome early career scholars and students to both join in collaborative efforts at knowledge production and to workshop their own ideas. Providing opportunities for mentorship and early career-senior scholar interaction enables emerging scholars to find community and receive constructive feedback in academic settings that welcome perspectives too often marginalized in more conventional international law meetings. In addition, cultivating cross-generational learning and writing enriches the work of

<sup>70</sup> Some convenings include the 'Reimagining Rights in the Americas Conference' with the theme of 'New Horizons at the Intersection of Race, Indigeneity, Migration, and the Environment'. UCLA School of Law 'Reimagining Rights in the Americas' (Promise Institute for Human Rights, Los Angeles, 1-10 March 2023 <<https://promiseinstitute.law.ucla.edu/wp-content/uploads/2023/02/Official-Program-Reimagining-Rights-in-the-Americas.pdf>> accessed 30 November 2023 as well as the expert convening to discuss 'Human Rights, Racial Equality and Emerging Digital Technologies: Mapping the Structural Threats'. UCLA Promise Institute for Human Rights and UCLA Centre for Critical internet Inquiry, 'Human Rights, Racial Equality and Emerging Digital Technologies: Mapping the Structural Threats' (June 2020) <[https://law.ucla.edu/sites/default/files/PDFs/Publications/Promise\\_Institute/Human%20Rights,%20Racial%20Equality,%20&%20New%20IT%20Report%203.pdf](https://law.ucla.edu/sites/default/files/PDFs/Publications/Promise_Institute/Human%20Rights,%20Racial%20Equality,%20&%20New%20IT%20Report%203.pdf)> accessed 22 November 2024.

senior scholars and provides the possibility of co-authored work encompassing expertise in a range of subjects and methodologies that any individual scholar would have difficulty mastering alone. Creating opportunities for students and early career scholars not only expands the range of work showcasing the alternative approaches cultivated by our burgeoning network, but also produces pathways for different kinds of future leadership in international law among those who will develop professional careers as practitioners, activists, or scholars. Bringing students into our convenings means that those who may be more interested in careers practising international law will find their trajectories informed by analyses centring race, enabling them to notice and address erasures they might encounter as they begin to work with international law norms and institutions.

Understanding our project in community building to have a knowledge production agenda also means ensuring that new approaches in international law are reflected in the curricula we teach. We have sought both to develop new courses and to revise syllabi for existing courses in ways that mainstream questions of racial justice and critical approaches in traditional public international law courses, drawing directly on the work emerging from the convenings we and others have organized. The sidelining of these subjects and perspectives in conventional law school curricula and the treatment of analytic approaches focused on race as marginal or fringe contributes to the intergenerational erasures of race that have produced the lacunae in this discipline that we hope to counter. We have sought to crowd-source bibliographies at each of our convenings to develop a shared canon across the intellectual networks we are building. Such a canon, in turn, forms a resource for devising new curricula, revising courses, and ensuring that our research draws on and recognizes the work of colleagues seeking to bring race to the analytic centre of international law scholarship.

Given the marginalization of race and racism within international law scholarship, many racially marginalized scholars—ourselves included—have had to navigate studying and teaching in institutions and being part of intellectual communities that reflect neither our own lived experience nor our critical perspective on international law. The absence of critical pedagogy when we were students first encountering the study and practice of international law and the challenges that have followed us into our careers have been a motivator of the enterprise we describe in this chapter. As scholars of colour navigating legal institutions and trying to develop analytic frameworks that capture the challenges we have long grappled with in our own careers—both our embodied experiences and the experience of examining the operation of international law in the Global South—the urgency of finding emancipatory alternatives to reimagine pedagogies, doctrines, and institutions of international law is keenly felt.

In seeking to build community and new networks to support a broader rethinking of the field of international law we—together with the many colleagues whose work we touch upon in this chapter—have tried to bring into existence the forms of collaboration and pedagogy we missed in our own early careers. As we have described, we were particularly fortunate to be early career scholars at the UCLA School of Law, which nurtured our work and facilitated critical perspectives as our senior colleagues had institutionalized a Critical Race Studies programme that modelled exactly the kind of intellectual collective we hoped to foster in international law. In answering the

question of how to grapple with race and racism in international law, we are grateful to be able to end where we began—recognizing the value of building cross-generational intellectual communities within and beyond the legal academy that consciously choose to create space for critical perspectives that centre race as an analytic lens in both interrogating and challenging, but also seeking to reconstruct the emancipatory potential of international law.