

Decolonising Legal Education through Indigenous Perspectives

Towards Reflective Lawyering in Myanmar

Myanmar as an illustration of the approach — not a central case study

Hsu Myat Noe Htet

PhD candidate, ANU Law School, The Australian National University



Australian
National
University

Why human judgment, now?

Judgment and ethical reasoning have always mattered in law — automation and standardisation raise the stakes for cultivating them.



Automation & standardisation

Automation applies settled rules well; it cannot judge where the rules themselves are contested.



Ethical reasoning under pressure

Cultural difference and moral uncertainty that no template resolves.



Context-responsive practice

Reading a situation and responding to it – not just applying a rule.



The argument: a claim in three moves

One direction of logic: Indigenous perspectives produce reflective lawyers — serving the goal of decolonising legal education.

01

INPUT — Indigenous perspectives

State-centred law sidelines relational, collective and place-based knowledge. Bringing it in breaks the monopoly.

02

MECHANISM — encounter with difference

Confronting a legitimate legal order built on different premises forces students to interrogate inherited assumptions.

03

OUTPUT — reflective lawyers

Lawyers equipped for complexity and difference — one arrow, not a loop.



Illustration: ICIP & the Karen

A teaching example: how ICIP exposes the limits of state-centred law.



What is ICIP?

Songs, designs, weaving, stories, ecological and spiritual knowledge – held collectively and custodially, across generations.



The Karen example

When state law sees only an owner and an asset, it reshapes the knowledge. A student who sits with that must think reflectively — not just apply the rule.



Collective, not individual

Belongs to communities – a poor fit for IP's owner model.



Place-based & relational

Tied to land and kinship; resists abstraction into a right.



Governed by custom

A community legal order the state often cannot see.



The core problem: doctrinal misalignment

"State-centred" = the state holds a hegemonic position but permits subordinate legal orders (it is centred, not exclusive).

STATE-CENTRED LAW

- Individual ownership & registrable rights
- Fixed, codified, written rules
- Knowledge abstracted from place
- Authority centralised in the state

≠

CUSTODIAL / INDIGENOUS ORDER

- Collective custodianship & responsibility
- Living, relational, orally transmitted
- Knowledge inseparable from land & kin
- Authority plural & community-held



The setting: a plural legal order

State law, customary practice and competing authorities coexist – and often collide.



State law

Statutes and courts asserting centralised authority – heavily contested.



Customary practice

Community protocols governing land, knowledge and disputes for generations.



Competing authorities

Ethnic governance and armed actors with overlapping claims to legitimacy.

A lawyer here cannot simply “apply the law” — there is genuine contest over which law applies.



The pedagogy: reflective lawyering

A decolonising approach embeds four habits at the centre of legal training.



Interrogate inherited assumptions

Treat the categories of state law as choices, not neutral givens.



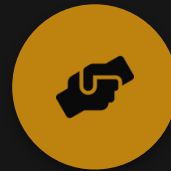
Engage diverse epistemologies

Recognise relational and collective knowledge as legitimate law.



Context-responsive judgment

Read each situation on its own terms rather than force-fitting a rule.



Practise ethical humility

Hold uncertainty and difference without collapsing them into the familiar.



Contribution: why this matters



Humanising legal education

Recentres judgment, ethics and context as the core of lawyering.



A model for plural orders

Every jurisdiction is more plural than its textbooks admit.



Reimagining the lawyer

From rule-technician to reflective practitioner advancing justice.



From research to pedagogy

Indigenous perspectives are not a niche topic for a niche jurisdiction. They are a lens that sharpens legal education everywhere – including here in Australia.



Thank you

I welcome your questions and reflections!!!

Hsu Myat Noe Htet
PhD Candidate, College of Law, Governance & Policy
The Australian National University
Hsu.Htet@anu.edu.au



Australian
National
University

TEQSA PROVIDER ID: PRV12002 (AUSTRALIAN UNIVERSITY) CRICOS PROVIDER
CODE: 00120C