

SYMPOSIUM ON THE BANDUNG CONFERENCE AT 70: INTERNATIONAL LAW'S MANY THIRD WORLDS

BANDUNG AND THE FUTURE OF AFRICA'S PASTS

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Introduction

The idea of decolonization that animated the spirit of the 1955 Bandung Conference continues to power imaginations of an alternative to the world Bandung inhabited. In this essay, we look upon Africa from Bandung, and simultaneously from Africa to Bandung, to recover an “otherwise”—a seeing of the future from Africa’s pasts. In the future envisioned in Bandung and beyond, flag independence was regarded as the first stop in the project of decolonization.¹ The conference was to provide both “guidance to mankind . . . [on] the way which it must take to attain safety and peace” and “evidence that Asia and Africa have been reborn, nay, that a New Asia and a New Africa have been born!”² As critical accounts have noted, the alternative “otherwise” Bandung offered was far from singular; it was multivocal and divergent, and this diversity is integral to the multiple readings and memories of Bandung.³ This multivocality made Bandung a successful performance of different visions of the world, including those of capitalism, communism, and socialism. Yet, Bandung was far from an ecumenical platform that offered little more than a cacophony of diverse voices and visions. The remedies may have been varied but the diagnoses of the malaise were unanimous—cultural imperialism and the racialism (i.e., racial and religious subordination) that instantiated and sustained it. Bandung was an opportunity to reimagine a world beyond imperial hierarchies. In what follows, we scrutinize Bandung’s legacy through the lens of Africa’s pasts. We note that for all the decolonial ethos that powered Bandung, its insistence on colonial legal forms inadvertently sustained rather than overturned imperial forms of subordination. We then offer an alternative mode of reimagining the world by drawing on recent recoveries of international legal histories of Africa prior to European colonization.

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¹ President Sukarno, *Opening Address at Bandung Conference: Let a New Africa and Asia Be Born* (Apr. 18, 1955) [hereinafter Sukarno Opening Address]. Both President Sukarno’s opening address and the final communiqué of the delegates placed emphasis on national independence as a crucial first step in the project of imagining an otherwise global order.

² *Sukarno Opening Address*, *supra* note 1.

³ Obiora Chinedu Okafor, *The Bandung Ethic and International Human Rights Praxis: Yesterday, Today, and Tomorrow*, in *BANDUNG, GLOBAL HISTORY, AND INTERNATIONAL LAW: CRITICAL PASTS AND PENDING FUTURE* (Luis Eslava, Michael Fakhri & Vasuki Nesiah eds., 2017); Robert Vitalis, *The Midnight Ride of Kwame Nkrumah and Other Fables of Bandung (Ban-Doong)*, 4 *HUMANITY: INT’L J. HUM. RTS., HUMANITARIANISM, & DEV.* 261, 262 (2013).

Bandung and Decolonization

From our viewpoint, which attends especially to how Bandung imaginaries have been cultivated by African states, we are interested in how much the economic, cultural, and political present of Africa bears out the Bandungian attempts at prefiguration. If the goal of Bandung was to recreate the world away from the imperialist vision, our task compels us to take a critical eye to contemporary Africa, to examine how far removed the present is from the colonial logics that organized imperialism. It is worth emphasizing that even at Bandung, there was robust articulation of the iterative character of colonial logics, of its ability to put on a “modern dress” that sought to obscure the brutality of “bare-knuckle”⁴ colonialism.⁵ Accordingly, when we look out for how well the vision of decolonization has been secured, we are interested not merely in the breadth of formal decolonization, but in whether colonialism in its many iterative manifestations has been sufficiently pre-empted. Our assessment in this regard offers bleak results.

African states continue to be subordinated, including by states elsewhere in the Global South, and, as in the situation of Congo, including by other African states. Instead of the vision of a new equitable relational order that Bandung proffered, the contemporary status quo mirrors familiar oppressive hegemonic dynamics from the colonial era, with room for formerly excluded states to take on oppressive roles in their own limited spheres of influence—thus further entrenching the top-down dynamic that Bandung seemed to forswear. Former imperial metropolises have continued to secure for themselves the top spot in the hierarchy, but they now make collaborators of the formerly colonized. Empire as understood in the eighteenth and nineteenth centuries has given way to a more fluid, but no less insidious, regime of what B.S. Chimni has described as a “Transnational Capitalist Class”⁶ that ensures the localized enforcement of global hierarchies. Local elites continue to hold up European notions of civilization as an indicia of progressive culture. In the sphere of political liberation, many scholars have drawn attention to how the template provided by colonial power remains in effect, guiding even the Third World states in their relationship with their own citizens.⁷ Indeed, in too many former colonies, post-colonial contestations not infrequently invert rather than dismantle colonial-era hierarchies, making “yesterday’s subjugated today’s dominant.”⁸

With the benefit of hindsight, it is easy to see how the Bandungian vision was vulnerable to continued coloniality. For a movement that set colonialism and imperialism as its antithesis, it welded its vision a little too tightly to the incidents of colonialism. For example, it referred to states rather than peoples, such that the vision of self-determination it provided imagined that colonized peoples would self-determine under the auspices of the colonial form of a state. And if the colonial state was the form, then peoples of varying cultures, especially in the African context, would have to turn to colonial culture to find unifying threads. The colonial form of the state, and the preferential treatment it receives under international law, also preserves the economic impulses of empire.⁹ As with the colonial state, many African states continue to follow an extractivist economic model,

⁴ Okafor, *supra* note 3, at 515.

⁵ Sukarno Opening Address, *supra* note 1.

⁶ B.S. Chimni, *Anti-Imperialism: Then and Now*, in *BANDUNG, GLOBAL HISTORY, AND INTERNATIONAL LAW: CRITICAL PASTS AND PENDING FUTURE*, *supra* note 3.

⁷ See Antony Anghie, *Rethinking International Law: A TWAIL Retrospective*, 34 EUR. J. INT’L L. 7 (2023).

⁸ See MAHMOOD MAMDANI, *WHEN VICTIMS BECOME KILLERS: COLONIALISM, NATIVISM, AND THE GENOCIDE IN RWANDA* (rev. ed. 2020); Rabiati Akande, *Entangled Domains: Empire, Law and Religion in Northern Nigeria*, presented at the Carter G. Woodson Institute African Studies Colloquium, Carter G. Woodson Institute, University of Virginia (Dec. 2024); see also RABIATI AKANDE, *ENTANGLED DOMAINS: EMPIRE, LAW, AND RELIGION IN NORTHERN NIGERIA* (2023).

⁹ Partha Chatterjee, *Empire and Nation Revisited: 50 Years After Bandung*, 6 INTER-ASIA CULTURAL STUD. 487 (2005); Chimni, *supra* note 6.

relentlessly mining their territories for global markets often at a devastating cost to Indigenous communities, communities that were constituted as part of the nation state only as a result of colonial processes. “Empire,” as Partha Chatterjee reminds us, “is immanent in the modern nation.”¹⁰

Clearly, the project of imagining otherwise requires more than formal decolonization, a realization that leads to a yearning for renewed inspiration. Africa’s past may offer up some yields in this quest. If taking stock of the relations of power that European imperialism set in motion and envisioning alternative worlds was the task of Bandung, accounting for what preceded European imperialism was indispensable to its project of present and future worldmaking. Decolonization, if it was to birth the radical transformation it promised, demanded that its promoters train their eyes toward both past and future. The communiqué published by the twenty-nine state delegations at the conclusion of the conference (Final Communiqué) reflects this sensibility when it calls attention to the suppression of cultures and cultural civilizations in Asia and Africa.¹¹

Bandung and African International Legal History

The Final Communiqué makes clear that its evocation of the past does not seek to counter one civilizational hegemony with another.¹² But even with its emphasis on developing suppressed cultures “in the larger context of world co-operation,” the communiqué reflects what Ali Mazrui identifies as a yearning for a “romantic gloriola.”¹³ This tendency to reach for indicators of complex civilization from Africa’s history before European colonization, and hold the same out as evidence against the colonial claim of inferiority, was consistent with the dominant historiography of international law in Africa at the time.¹⁴ Such historiography sought to make space for Africa in the making of international law. By asserting that African polities possessed key international legal features such as statehood, these histories sought to universalize international law, providing it with a history that was not wholly European, and certainly not Westphalian.

Critics point to the ways the universalist framework paradoxically undermined the decolonial project that inspired that wave of historiography. With time, that approach to historiography would come to be conceived as “contributionist,”¹⁵ in the sense that it aspired to universalize international law more than it sought to contest its premises.¹⁶ Another strand of critique charges these historiographies with mythologizing, and perhaps

¹⁰ Chatterjee, *supra* note 9, at 494.

¹¹ See *Final Communiqué of the Asian-African Conference, Bandung* (Apr. 24, 1955). The declaration lamented the “unfortunate” interruption of “contacts among Asian and African countries” “during the past centuries” and noted that “the peoples of Asia and Africa are now animated by a keen and sincere desire to renew their old cultural contacts and develop new ones in the context of the modern world.”

¹² *Id.* The conference noted that this call for cooperation was not made in the spirit of “exclusiveness of rivalry” but was rather in fidelity to the “age-old tradition of tolerance and universality,” and that the Afro-Asian cooperation should take place in the context of world cooperation.

¹³ Ali A. Mazrui, *Pan-Africanism: From Poetry to Power*, 23 *ISSUE: J. OP.* 35 (1995).

¹⁴ See, e.g., T. O. ELIAS, *AFRICA AND THE DEVELOPMENT OF INTERNATIONAL LAW* (1972).

¹⁵ See James Thuo Gathii, *A Critical Appraisal of the International Legal Tradition of Taslim Olawale Elias*, 21 *LEIDEN J. INT’L L.* 317, 319 (2008).

¹⁶ *THE OXFORD HANDBOOK OF THE HISTORY OF INTERNATIONAL LAW* (Bardo Fassbender, Anne Peters & Simone Peter eds., 2014). But see, e.g., C. L. LIM, *THE AIMS AND METHODS OF POSTCOLONIAL INTERNATIONAL LAW* (2024) (arguing that the effectiveness of such critiques depends on their ability to offer and articulate alternate and constructive juridical paths, beyond rejection and rhetorical resistance).

fictionalizing, Africa's pasts, arguing that the idea of the "pre-colonial" at once falsely advanced an idea of a homogenous Africa while downplaying internal forms of empire.¹⁷

But whatever may be the merits or otherwise of such skepticism around this historiographical venture, the pre-colonial past did not cease to be salient. Rather, actors with sometimes widely divergent projects—projects of legitimating the current order and projects of imagining an otherwise¹⁸—have employed African history to enhance their claims. In the latter strand, for example, Mariana Dias Paes has carefully traced Africans participation in the making of alternative legal regimes, challenging assertions of the legitimacy of slavery and of slave trade historically.¹⁹ Arguments of this sort deploy extensive historiographical evidence of slavery's illegality in Africa and under "African international law" at the time of the transatlantic slave trade to counteract invocations of the intertemporal doctrine which attempt to bar claims to reparations or any other form of restitution.²⁰ The most recent Summit of the African Union centered reparatory justice in its agenda, a move that itself relies on history and historiographies to power legal and policy arguments in the search for justice.

The possibilities generated by critical imaginings of *pre-colonial* Africa abound. Scholars have challenged the hegemony of sovereignty as a way of organizing the world, and relativized/conceptualized our relationship with "the other."²¹ They have opened up radical notions of human dignity and human beingness, an ubuntu that is unmoored from the tragic disappointments of contemporary human rights.²² They have put forth chronicles of alternative interrelations of gender and governance²³ and of environmental regimes.²⁴ They have unearthed old networks and trade regimes that offer alternate visions for the global economy.²⁵ We may yet discover diplomatic regimes in transoceanic and inland exchanges that offer viable alternatives to contemporary modes of exchanges,²⁶ or modes of relationship with things and beings that offer alternatives to ownership, property,

¹⁷ See, e.g., Olufemi Taiwo, *It Never Existed*, AEON (Jan. 13 2023).

¹⁸ Even early critics of contributionism have embraced historical recovery projects of a certain kind. See, e.g., Obiora Chinedu Okafor & James Thuo Gathii, *Recovering Pre-colonial African International Legal History: Some Methodological Issues and Challenges*, in PRECOLONIAL HISTORIES OF INTERNATIONAL LAW IN AFRICA (Rabiat Akande & Idriss Fofana eds., forthcoming 2025).

¹⁹ Mariana Dias Paes, *West Central Africans and the International Legal Arena (15th – 17th centuries)*, in PRECOLONIAL HISTORIES OF INTERNATIONAL LAW IN AFRICA, *supra* note 18.

²⁰ [Quantifying Reparations for Transatlantic Chattel Slavery Proceedings of the Second Reparations Symposium February 9–10, 2023](#), in *Reparations under International Law for Enslavement of African Persons in the Americas and the Caribbean*, AM. SOC'Y INT'L L.

²¹ James Thuo Gathii, *Africa and the Radical Origins of the Right to Development*, 1 TWAIL REV. 28, 33–38 (2020).

²² Muiywa Adigun, *Human Rights Legal Norms in Precolonial Africa*, in PRECOLONIAL HISTORIES OF INTERNATIONAL LAW IN AFRICA, *supra* note 18.

²³ Nkatha Kabira & Garvin Rogers, *Technologies of Rule and Governance in Africa*, in PRECOLONIAL HISTORIES OF INTERNATIONAL LAW IN AFRICA, *supra* note 18.

²⁴ Godwin Dzah, *Africa and the Prehistories of the International Law on Sustainable Development*, in PRECOLONIAL HISTORIES OF INTERNATIONAL LAW IN AFRICA, *supra* note 18.

²⁵ Moses E. Ochon, *The Wangara Trading Network in Precolonial West Africa: An Early Example of Africans Investing in Africa*, in [AFRICANS INVESTING IN AFRICA](#) 9 (Terence McNamee, Mark Pearson & Wiebe Boer eds., 2015). See also Eghosa Ekhator, *Foreign Trade in 'Precolonial: Benin Kingdom and Lex Mercatoria in Europe: A Rethink of the Historical Evolution of Trading Norms in Africa*, in PRECOLONIAL HISTORIES OF INTERNATIONAL LAW IN AFRICA, *supra* note 18.

²⁶ Ousmane Traoré, *Unveiling the Significance of Diplomatic Protocols, Laws, and Policies Over Borders in Pre-colonial Africa: Lieux of Negotiations and Spaces of Diplomacy*, in PRECOLONIAL HISTORIES OF INTERNATIONAL LAW IN AFRICA, *supra* note 18; Hailegabriel Feyissa, *Ethiopia and Its Diplomatic Relations During the Period of Legal Experimentation and Imperial Competitions*, in PRECOLONIAL HISTORIES OF INTERNATIONAL LAW IN AFRICA, *supra* note 18.

environmental conservatism and sustainable development.²⁷ These chronicles evidence that alternatives to the modernity of European colonialism can not only exist but have already existed.

Scholars continue the work of recovering these histories with much urgency and with attention to the hard-learned lessons drawn as much from the critique of contributionism as from the paralysis nearly induced by the critical posture.²⁸ Notably, in July 2024, scholars writing from and of Africa gathered in Arusha, Tanzania to work with and within pre-colonial African International Legal History. The scholarship produced from this gathering, including some of the chronicles described above,²⁹ demonstrates what is possible when we indulge scholarly inquiry rather than discipline by tethering it to assumptions about what is knowable, or the types of norms that have a place in modernity.

Bandung and Universalism

One question to be posed of such an inquiry is whether its offering of the past is of Africa, or of international law (bracketing questions regarding the nature of law, international, and even of Africa.) Another way to pose this question is whether the history is that of law, and more specifically of international law, or whether it is instead the history of a place, and for that matter, a place that remains marginal to the exercise of global power. This is, of course, an age-long question often posed of attempts to generate theory from the global south, and from Africa in particular.³⁰ The stakes of the answer to such a question are no doubt high. One might worry that a reading of Africa's pasts as uniquely African might undermine a universalist project even as it may successfully provincialize Europe.

Yet, a commitment to universalism in the Bandungian/decolonial sense did not inexorably require an embrace of the premises of contemporary international law, especially in the field's particular and continued centering of statehood and sovereignty. Our decolonial commitment is polyvalent, simultaneously African and universal in its rendering of the world through Africa's lenses. Although the project of recovery is premised on the search for an "other" world, it nonetheless makes it a point to depart, radically, from the "othering" that is foundational to the Eurocentric origins of contemporary international law.³¹

Of course, to be truly decolonial, the turn to history must be attuned to distribution—the distribution of voice, power, and opportunity. It must unlock the space to imagine alternatives to world organization and global governance. Bandung's significance lies in its attempt to universalize international law by shifting the imagination of the world from a Westphalian one to a Bandungian one.³² But the possibilities constituted by Bandung's insistence on sovereignty (regardless of the injustices perpetuated in the name of sovereignty) did not herald a seismic shift in world organization. A critical turn to Africa's pasts can offer such an alternate imagination.

²⁷ Siba Grovogui, *Terra Inhabitata*, in *PRECOLONIAL HISTORIES OF INTERNATIONAL LAW IN AFRICA*, *supra* note 18.

²⁸ See for instance [Workshop On African Precolonial International Legal History](#), *AFRICAN INT'L L.* (Aug. 14, 2023).

²⁹ *PRECOLONIAL HISTORIES OF INTERNATIONAL LAW IN AFRICA*, *supra* note 18.

³⁰ JEAN COMAROFF & JOHN COMAROFF, [THEORY FROM THE SOUTH, OR, HOW EURO-AMERICA IS EVOLVING TOWARD AFRICA](#) (2016).

³¹ See LIM, *supra* note 16, at 144–45, 157, 167 (on the challenges of identifying or articulating the legal methods necessary to "imagine otherwise").

³² [BANDUNG, GLOBAL HISTORY, AND INTERNATIONAL LAW: CRITICAL PASTS AND PENDING FUTURE](#), *supra* note 3, at 16.