

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

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Introduction

The Bandung Conference of 1955 is celebrated as a landmark in the alternative historical periodization of international law for the non-Western world, standing on par with the symbolism of Westphalia, and viewed as the gateway for colonial peoples to claim the hard-won prize of sovereignty.¹ Against this backdrop, the present symposium aims to develop a critical perspective on “Third World” mythmaking around the seventieth anniversary of the Bandung Conference and its legacy—including its shortcomings and unintended consequences. But it also explores the continuities and potential for a rekindling of the “Bandung Spirit” in the midst of a revamped Cold War scenario—sometimes referred to as Cold War 2.0—and what has more recently been described as “the end of the U.S.-backed international order.”² A related question threaded through the symposium is whether Third World Approaches to International Law (TWAIL)—with its often homogenizing emphasis on Western imperialism as the original sin of international law and its combatively romantic retrospective assessment of the Bandung Conference—offers a prism sufficiently adapted to the realities of the mid-2020s.

Revisiting the Spirit of Bandung

The Asian-African Conference—better known as the Bandung Conference—was held from April 18 to 24, 1955, in Bandung, West Java, a symbolic site of anti-colonial resistance in newly independent Indonesia. It was attended by representatives of twenty-nine Asian and African states, including prominent leaders of anti-colonial and liberation struggles such as Jawaharlal Nehru (India), Zhou Enlai (China), Gamal Abdel Nasser (Egypt), U Nu (Burma/Myanmar), and Kwame Nkrumah (Ghana). Hailed by Indonesia's President Sukarno as “the first intercontinental conference of colored peoples in the history of mankind,”³ Bandung represented a pivotal moment in the anti-colonial movement from the perspective of what Alfred Sauvy seminally described as the

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¹ Ignacio de la Rasilla, *The Problem of Periodization in the History of International Law*, 37 LAW & HIST. REV. 275 (2019).

² Monica Hakimi & Jacob K. Cogan, *The End of the U.S.-Backed International Order and the Future of International Law*, 119 AJIL 279 (2025).

³ Speech by President Soekarno at the Opening of the Asian-African Conference (Apr. 18, 1955), reprinted in GEORGE MCTURNAN KAHIN, *THE ASIAN-AFRICAN CONFERENCE, BANDUNG, INDONESIA, APRIL 1955*, 39–51 (1956).

“Third World”⁴ in 1952. In particular, the “Ten Principles of the Bandung Conference”⁵ largely incorporated and expanded upon the “Five Principles of Peaceful Coexistence”⁶ that had emerged in the Chinese-Indian bilateral context a year earlier. This extended the fundamental principles of the UN Charter to the post-colonial context, at a time when many former African and Asian colonies had yet to be admitted to the United Nations.⁷

The Bandung conference is remembered for having fostered a new sense of solidarity among developing nations across Africa and Asia, often referred to as the “Bandung Spirit.” This was animated by several central themes: anti-colonialism and the principle of self-determination; anti-racism and racial equality; promotion of South-South economic and cultural cooperation with a focus on development; and peaceful coexistence and non-alignment in the Cold War. Each of these themes was later translated into multiple international legal initiatives, known together as the “New International Economic Order” (NIEO), that responded to the needs and aspirations of newly independent states at the UN General Assembly, UN agencies, and other diplomatic fora. The NIEO shaped the political agenda of what would become the Non-Aligned Movement throughout the 1960s and 1970s.

Moving Beyond the Caricatures

Some have claimed that Bandung was a key moment in the development of TWAIL that, it is also said, has made a great contribution by exposing the deep historical entanglements between colonialism, imperialism, and international law—and by galvanizing a much-needed critical platform for Global South voices in international legal discourse.⁸ The rise to prominence of the TWAIL network in international legal scholarship has, at times, created the illusion that TWAIL represents the full spectrum of Global South perspectives on international law.⁹ However, just as there exists a “Global South” within the “Global North” and a “Global North” within the “Global South,” there are not only far more approaches to international law within the Global South than those encompassed by TWAIL, but also not one, but many “Third Worlds.” Indeed, scholars from the Global South have expressed reservations about TWAIL. They take issue with TWAIL’s unfulfilled promises of radical change,¹⁰ its support of a view of colonialism as something which was always legitimate under the European Law of Nations as this would tend to preclude colonial reparations;¹¹ and because the colonial explanation of international law is unconvincing,¹² presents too bleak a view,¹³ lacks originality,¹⁴ or relies too heavily on

⁴ Alfred Sauvy, *Trois mondes, une planète*, 118 L’OBSERVATEUR 14 (1952).

⁵ Officially termed the “Declaration on the Promotion of World Peace,” see [The Final Communiqué of the Asian-African Conference, Bandung, 24 April, 1955](#).

⁶ [Agreement on Trade and Intercourse Between the Tibet Region of China and India](#), signed on Apr. 29, 1954.

⁷ Yifeng Chen, *Bandung, China, and the Making of World Order in East Asia*, in [BANDUNG, THE GLOBAL SOUTH, AND INTERNATIONAL LAW: CRITICAL PASTS AND PENDING FUTURES](#) 177, 188 (Luis Eslava, Michael Fakhri & Vasuki Nesiah eds., 2017).

⁸ See, e.g., Antony Anghie, *Rethinking International Law: A TWAIL Retrospective*, 34 EUR. J. INT’L L. 7, 8 (2023).

⁹ The TWAIL literature is voluminous. See, e.g., James Thuo Gathii, *TWAIL: A Brief History of Its Origins, Its Decentralized Network, and a Tentative Bibliography*, 3 TRADE, L. & DEV. 26 (2011).

¹⁰ See Naz Khatoon Modirzadeh, *Let Us All Agree to Die a Little: TWAIL’s Unfulfilled Promise*, 65 HARV. INT’L L.J. 79 (2023).

¹¹ C. L. Lim, *The Aims and Methods of Postcolonial International Law*, 437 RECUEIL DES COURS 9, 25–26, 29–31, 157, 164–66, 170 (2024).

¹² Mohammed Bedjaoui, *Observations sur le texte d’Antony Anghie*, in [DROIT INTERNATIONAL ET NOUVELLES APPROCHES SUR LE TIERS-MONDE: ENTRE RÉPÉTITION ET RENOUVEAU](#), PARIS, 81, 83 (Mark Toufayan, Emmanuelle Tourme-Jouannet & Hélène Ruiz-Fabri eds., 2013).

¹³ Georges Abi-Saab, *The Third World Intellectual in Praxis: Confrontation, Participation or Operation Behind Enemy Lines?*, 37 THIRD WORLD Q. 1957, 1958 (2016).

¹⁴ Olivier Corten, *Les TWAIL : Approche scientifique originale ou nouveau label fédérateur?*, in [DROIT INTERNATIONAL ET NOUVELLES APPROCHES SUR LE TIERS-MONDE: ENTRE RÉPÉTITION ET RENOUVEAU](#), PARIS, *supra* note 12, at 357–68.

anachronistic interpretations informed by presentist concerns.¹⁵ Whether directly or indirectly, and each in its own nuanced way, the essays in this symposium also engage with the question—posed to their authors as a hermeneutic prompt—of whether TWAIL adequately captures the highly diverse international legal policies and state practices of the approximately ninety African and Asian countries that have become independent sovereign states since 1945—let alone those of the recently decolonized Caribbean states, or of the Latin American states, which are often grouped with the Third World but have enjoyed sovereign status since the early nineteenth century?

Seventy years after Bandung, what is its potential appeal as a symbol of realignment for the “Global South” at a time when traditional Western-centric core–periphery dynamics are giving way to a new “substantive pluralism”¹⁶ in international law and its scholarship? In an era of heightened geopolitical competition—marked by the wars in Ukraine and Gaza—the non-Western world appears to be undergoing a transition toward a new reconfiguration and realignment of power.

Meanwhile, in the West, the signals are mixed. On the one hand, there is an emphasis on reasserting a so-called “liberal international legal order,” often framed through the idea of a “Rules-Based International Order” (RBIO),¹⁷ which partly overlaps with but is not intended to be co-terminous with a “UN-centered international legal order.” The RBIO is positioned against the perils, real or imagined, of a new era of so-called “authoritarian international law.”¹⁸ On the other hand, the resurgence of ultra-sovereigntist tendencies—especially evident in Trump 2.0’s foreign policy—appears to be tearing apart the U.S.-Western European post-cold war world order by undermining the very foundations on which it rests.

While post-colonial critique may view the RBIO as being only a part of American exceptionalism, or a continuation of Eurocentricism, we should still ask how different alternatives to the RBIO might yet serve as a platform for Global South resistance. Are efforts to rebottle the “Bandung spirit” for a new era then doomed to fail among diverse civilizational, post-colonial, and decolonial understandings of it? Or does Bandung still hold the power to re-unite the aspirations of developing post-colonial countries in the imaginary of international law? Who, in today’s world, should fear the strategic reactivation of Bandung as a platform for South–South cooperation? Do we live now more than ever in a Bandungnian world or are we, instead, on the brink of an unknown, post-Bandungian era in international law and relations?

Re-engaging Bandung in a New Era?

Written by a group of international law scholars and legal historians who live and teach in—and/or are originally from—the Global South, the essays in this symposium critically engage with the legacy of Bandung as an analytical prism through which to illuminate a range of contemporary issues. These include analyses of Bandung-inspired, emerging China-led South–South initiatives with a focus on economic development, as well as the contested legacy of Bandung in shaping Asian territorial borders. Other essays focus on specific regions or countries, either problematizing the traditional reading of Bandung in its entirety or presenting distinct, historically rooted interpretations. Examples include an evocative attempt to articulate a renewed vision for Africa’s future inspired by its pre-colonial cultural civilizations, and an argument that the “Arab world’s legal form” is rooted in Bandung.

¹⁵ Georg Cavallar, *Vitoria, Grotius, Pufendorf, Wolff and Vattel: Accomplices of European Colonialism and Exploitation or True Cosmopolitans?*, 2 J. HIST. INT’L L. 181 (2008).

¹⁶ William W. Burke-White, *Power Shifts in International Law: Structural Realignment and Substantive Pluralism*, 56 HARV. INT’L L.J. 1 (2015).

¹⁷ John Dugard, *The Choice Before Us: International Law or a “Rules-Based International Order”?*, 36 LEIDEN J. INT’L L. 223 (2023).

¹⁸ Tom Ginsburg, *Authoritarian International Law?*, 114 AJIL 221 (2020).

In the first essay, Bing Bing Jia, from Tsinghua University, argues that China's international legal policies have largely evolved in the shadow of the "Bandung Principles" since the early years of the People's Republic of China. Jia emphasizes the foundational role of the "Ten Principles of the Bandung Conference" in shaping China's flagship foreign policy initiative, the Community of Shared Future for Mankind (CSFM), which is often viewed as the public diplomacy counterpart to the Belt and Road Initiative. Jia interprets the CSFM as an updated and enriched articulation of the Bandung Principles, extending its geographical reach beyond Asia and Africa to encompass developing countries across Latin America, the South Pacific, and other regions. He further identifies China's perspective on international law as a policy-oriented one, carefully constructed to uphold its core values. However, unlike the Policy-Oriented Jurisprudence of the New Haven School, Jia contends that China's approach favors collective coexistence over power-based decision making.

Second, Prabhakar Singh, from BML Munjal University, argues that despite its symbolism of Afro-Asian solidarity, the influence of the Bandung Conference on the application of decolonization norms—such as *uti possidetis juris*—remains controversial to this day. While Bandung promoted the principle of self-determination, "non-colonial" (or semi-colonial) states like China, Thailand, and Nepal experienced and engaged with decolonization processes differently from former colonial states such as India. According to Singh, the asymmetry of colonization led to asymmetrical decolonization, complicating legal and territorial claims among Asian states and, at times, threatening interstate peace in the region.

Similarly questioning Bandung's legacy in relation to Asian territorial borders—but from a domestic legal perspective—Priyasha Saksena, from the University of Leeds, explores the unintended consequences of Bandung's emphasis on sovereignty, territorial integrity, and non-interference. Her focus is on the rise of exclusionary and homogenizing state practices in Asia, with a particular emphasis on India. Through historical analysis and the study of several of India's recent legislative developments, Saksena argues that reliance on human rights remedies falls short of addressing the structural issues disproportionately affecting minorities and immigrants embedded in the modern nation-state framework. She calls instead for a reimagining of state-centered political communities, drawing from the Bandung legacy to envision transnational solidarities more attuned to pluralistic and inclusive pre-colonial identities.

Also with a particular focus on Asia, Chin Leng Lim, from the Chinese University of Hong Kong, argues that Bandung masked genuine divergences under the façade of African-Asian solidarity, and that only by deconstructing such performative unity and acknowledging—instead of circumventing—the original historical fractures within Third Worldism can one fully grasp the strategic international legal practices of contemporary Global South states. Lim distinguishes two enduring competing planks of Bandung's legacy which, in his view, "quite aside from the needs or mechanics of Third World solidarity," make it still meaningful for its Third World proponents: the inviolability of post-colonial territorial configurations and the aspiration to sovereign equality with Western states. Lim explores how Third World elites from different states and regions would have arrived at Bandung with somewhat different strategic agendas born out of their divergent colonial encounters: some seeking to overcome "unequal treaties" and achieve civilizational equality, and others striving for decolonization and national liberation. Using examples such as the recent *Sulu* arbitration and colonial treaty practices, he shows how post-colonial states have continued to be entangled in inherited colonial legal structures. He recommends setting aside the romantic narrative that Bandung marked anything resembling a clean post-colonial break.

Turning to Africa, Rabiati Akande, from the University of Maryland, and Judge Olufemi Elias, from the Administrative Tribunal of the OPEC Fund for International Development, adopt a largely TWAIL-infused perspective in identifying deep-rooted structural imperial continuities between the pre-colonial and post-colonial eras. They argue that in modern Africa former colonial powers remain hegemonic by collaborating with the governments of formerly excluded states, which are now assuming "oppressive roles in their own limited spheres of influence," thereby perpetuating a fluid "revised imperial order" that "ensures the localized enforcement of

global hierarchies.” Considering that Bandung’s decolonial vision remains unrealized, Akande and Elias propose to “look upon Africa from Bandung, and simultaneously from Africa to Bandung” as a means of fulfilling Bandung’s call to “develop suppressed cultures” from Africa’s past. Efforts to retrieve a pre-colonial history of international law in Africa have become paralyzed by critiques of “contributionism.” Akande and Elias counter that such a line of historical research can still meaningfully inspire de-colonial alternatives grounded in non-statist sovereignty, relational dignity, and autochthonous sustainable economic practices—alternatives that were suppressed by Bandung’s reliance on a state-centric model of sovereignty, which ultimately limited its transformative potential.

Thomas Skouteris, from the American University in Cairo, closes the symposium with an insightful reflection on the Arab World’s ambivalent strategic position within international legal discourse—what he terms a position “between symbol and structure.” Skouteris traces this “in-between-ness” back to the Bandung Conference, where nine of the participating countries hailed from the Arab World. He presents the Arab World as a political formation shaped by specific historical pressures and reconstituted at key diplomatic junctures, yet lacking a meaningful institutional anchor. Its internal differences, he notes, are often masked for the sake of “diplomatic choreography.” Nowhere is “this tension—between invocation and recognition, presence and deferral”—more evident than in the treatment of Palestine in Bandung’s final communiqué. Skouteris contends that Bandung offered a “model for how collective identities could be made present without being fully constituted.” This model continues into the present, notably in the context of the “2023–2025 Gaza genocide by Israel,” where the Arab World remains, in his words, “like a diplomatic version of Schrödinger’s cat, both invoked and deferred, depending on when and how you look.”

In conclusion, as Akande and Elias observe in their essay, “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.” In keeping with Bandung’s own multivocality, the essays prepared for its seventieth anniversary—diverse in their reflective engagement with its legacy—demonstrate that its memory continues to serve as a compelling platform for critical reflection in a world marked by an even more “divided West” than the one Jürgen Habermas described two decades ago.¹⁹ In parallel, and partly as a consequence, the non-Western world—though far from unified—appears increasingly realigned, with many states from the Global South coalescing around the BRICS bloc.²⁰ What several of the essays have underscored to be part of Bandung’s ambivalent legacy is that the Global South remains a world of states caught in both virtuous and vicious concentric cycles—cycles that reinforce one another and thereby prevent structural change. These cycles operate within the aetiological Westphalian logic of the fundamental principle of state sovereignty, on which—as the International Court of Justice noted in the *Nicaragua* case—“the whole of international law rests.”²¹

¹⁹ JÜRGEN HABERMAS, *THE DIVIDED WEST* (2006).

²⁰ Stewart Patrick et al., *BRICS Expansion and the Future of World Order: Perspectives from Member States, Partners, and Aspirants*, CARNEGIE ENDOWMENT INT’L PEACE (Mar. 31 2025).

²¹ *Military and Paramilitary Activities in and Against Nicaragua (Nicar. v. U.S.)*, *Merits, Judgment*, 1986 ICJ Rep. 14, 133, para. 263.