

The Spirit of Bandung

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UNDERSTANDING BANDUNG

On April 18–24, 1955, delegates from twenty-nine states attended a conference in Bandung, Indonesia.¹ The meaning of the events that took place during those days was disputed then and now. Bandung has generated, as a result, myths and countermyths, hopes and disappointments, solidarities and fractious disputes, visions for international law and its subversion. In fact, scholars and politicians refer to the conference by different names: the Asian-African Conference, the Bandung Conference, or simply Bandung. Each of these names signals a different understanding of the Conference and a different conceptualization of both its origins and horizons.

Bandung was born of the challenges of grappling with the legacies of European imperialism, their long reach from the past, as well as their transmutation into the structures of the current world order.² However, it also had, a forward-looking, almost utopian dimension with an unprecedented number of peoples across the world actively reimagining, changing, and prefiguring the rules of the global order. Newly independent countries such as Indonesia and India had begun to assert their presence in international politics and law. Postcolonial states that were previously held together within different empires

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¹ From Asia: Afghanistan, Burma (now Myanmar), Cambodia, Ceylon (now Sri Lanka), People's Republic of China (PRC), India, Indonesia, Iran, Iraq, Japan, Jordan, Laos, Lebanon, Nepal, Pakistan, the Philippines, Saudi Arabia, Syria, Thailand, Turkey, North and South Vietnam (now unified), and Yemen. From Africa: Egypt, Ethiopia, the Gold Coast (now Ghana), Liberia, Libya, and Sudan. The conference was also attended by several others who were in solidarity with the anti-imperialist project such as the Black American scholar Richard Wright and the Kenyan freedom fighter Joseph Murumbi.

² See Chimni, Chapter 1 in this volume.

were now building new alliances among each other as “sovereigns.”³ While almost all countries in Asia had attained independence, in 1955 most of Africa was still colonized by European states. In fact, delegates from the Gold Coast (now Ghana) attended Bandung while their government was at a critical stage in their independence negotiations with the British (only achieving full independence in 1957). Countries on the cusp of independence, such as Ghana and Kenya, were aware that “self-determination” was going to be affected by the international landscape as much as by factors internal to their nations. While Asian states may have instigated Bandung, African states took it and continued to push for and assert their independence with their Declaration of the First Conference of Independent African States (held in Accra on April 15–22, 1958). Later, Latin America, in the form of some states and an expanding network of liberation movements, all of them postcolonial creations, joined their Asian and African counterparts to push for an even stronger anti-imperial agenda in the 1966 Tricontinental Conference.⁴ Pankaj Mishra describes decolonization as “the central event of the last century for the majority of the world’s population,” namely “the intellectual and political awakening of Asia and its emergence from the ruins of both Asian and European empires.”⁵ This “awakening,” we could argue, is also applicable to Africa, the Pacific, Latin America, and beyond. Bandung and its legacies are a manifestation of that “awakening.”

The Bandung Conference was a coming together of leaders of countries whose combined population made up approximately two-thirds of the world’s people. Attendees did not easily map onto a First World versus Second World political matrix, nor was the Conference a straightforward precursor to the Non-Aligned Movement.⁶ Of the five organizers – the Colombo Powers – India, Burma (now Myanmar), and Indonesia were socialist but neutral, whereas Ceylon (now Sri Lanka) and Pakistan were anticommunist and pro-West. The delegates from Iran, Iraq, Libya, Lebanon, Pakistan, Philippines, Turkey, and South Vietnam were also anticommunist and pro-West. On the other hand, Egypt, an important player in the Conference and its aftermath, was engaged in developing a form of Arab socialism during the Nasser years.⁷ Categories of “imperial” and “postcolonial” were also complicated, by the fact that delegates

³ See Anghie, Chapter 32 in this volume. ⁴ See, e.g., Obregón, Chapter 13 in this volume.

⁵ Pankaj Mishra, *From the Ruins of Empire: The Revolt against the West and the Remaking of Asia* (Toronto: Doubleday Canada, 2012), p. 8.

⁶ Lorenz M. Lüthi, “Non-Alignment, 1946–1965: Its Establishment and Struggle against Afro-Asianism” (2016) 7 *Humanity* 201. See also Oklopcic, Chapter 16 and Özsu, Chapter 17 in this volume.

⁷ See Peeters, Chapter 34 in this volume. See also Fouad Ajami, “On Nasser and His Legacy” (1974) 11 *Journal of Peace Research* 41.

from Japan, a formal imperial power, attended the Conference,⁸ and because many countries that were seen as the custodians of Bandung developed “colonial” relationships with internal minorities or neighboring regions that they had annexed.⁹ Moreover, the Conference itself, the speeches given, and its final outcomes were all formally framed and articulated in the language of international law. This was the very same language that had served to unroll empires across the planet and that, in the post-World War II context, was again engaged in “constituting” a new “order” in the world¹⁰ – an order that came to be soon denounced as neocolonial by critical and, especially, Southern intellectuals.¹¹

These contradictions, tensions, and diversities shaped the Bandung Conference, and the ways in which most people in the world confronted that moment of decolonization and the political reconfigurations and possible futures that it heralded. The Final Communiqué reflected the complexities of this landscape and the exercises in alternative world making being conducted, as well as the contested futures of the time.¹²

The Conference was divided into Political, Economic, and Cultural committees.¹³ Accordingly, the Final Communiqué outlined a series of principles under the following headings: Economic Co-operation, Cultural Co-operation, Human Rights and Self-determination, Problems of Dependent Peoples, Other Problems (which identified specific existing colonial cases), and Promotion of World Peace and Co-operation. It concluded with ten principles (the Dasa Sila),¹⁴ which were meant to conform to the UN Charter. With the benefit of the passage of time and our knowledge of what emerged from 1955, we can see the Communiqué speaking to a vision of a new international order, and planting the seeds for a new international law. In the Communiqué’s dual voice of formality and openness, we can also see the struggle to both conform to and resignify the language and categories of the

⁸ See Shahabuddin, Chapter 5 in this volume.

⁹ For example see Choudhury, Chapter 19 in this volume regarding Kashmir and India, McGregor and Hearman, Chapter 9 in this volume about West Irian and Indonesia, and Dirar, Chapter 21 in this volume regarding Western Sahara and Morocco and Eritrea and Ethiopia.

¹⁰ Anne Orford, “Constituting Order” in James Crawford and Martti Koskenniemi (eds.), *The Cambridge Companion to International Law* (Cambridge: Cambridge University Press, 2012).

¹¹ See, for example, Thomas Benjamin, “Neocolonialism” in Thomas Benjamin (ed.), *Encyclopedia of Western Colonialism since 1450* (New York: Thomson Gale, 2007), p. 831. See also on a theorization of neo-colonialism, Gyan Prakash, *After Colonialism: Imperial Histories and Postcolonial Displacements* (Princeton: Princeton University Press, 1994).

¹² See especially Parfitt, Chapter 2 and Pahuja, Chapter 33 in this volume.

¹³ Conference Chair and Chairman of the Political Committee was Sastroamijoyo, Prime Minister of Indonesia. Chairman of the Economic Committee was Roosseno, Minister of Economy Indonesia. Chairman of the Committee on Culture was Muhammad Yamin, Minister of Education and Culture of Indonesia.

¹⁴ See Oegroseno, Chapter 37 in this volume.

international legal order. This duality and its attendant challenges get revisited again and again in the extended (and still ongoing) process of decolonization over the decades following the Bandung Conference. This process includes institutional initiatives such as the Non-Aligned Movement (NAM) and the United Nations Conference on Trade and Development (UNCTAD); projects seeking to shape international law such as the New International Economic Order (NIEO) and the Law of the Sea; and interventions regarding specific independence struggles such as in Palestine and Namibia.

The Communiqué was built on a premise of cooperation among multiple civilizations and religions – what we would today call a “trans-civilizational” perspective.¹⁵ From that, the text developed some ideas of postcolonial solidarity, based on decentering Europe as the organizing geopolitical and cultural fulcrum of the world. Yet, like all documents that are the result of negotiation and compromise, and indeed of diverse ontologies, it was, without doubt, aspirational, ambiguous, and limited. While it did not have any formal legal status, the Communiqué used and expanded the scope of legal concepts such as sovereignty, self-determination, and human rights. To an important degree, it repositioned postcolonial nations as the “newer” and “truer” subjects of the international legal order, challenging with this the foundations of the legal and political status quo.¹⁶ This new postcolonial model of international legal personhood was to be invoked by these nations in their negotiations and discussions with both Western states and the Soviet Union.¹⁷

Reading the Communiqué as an aspirational document intended to assemble a “new politics” on the surface of a resilient patterning of moving and multiform (imperial) forces, it is possible to capture what is commonly known as the “Spirit of Bandung” – a phrase made popular in part by Roeslan Abdulgani, Secretary-General of the conference.¹⁸ Just the fact that the Conference was convened empowered people in the colonized world to assert their own place in the world on their own terms and to crystallize in the Final Communiqué the convoluted drama of being in the world after empire. As Vijay Prashad notes, “[f]rom Belgrade to Tokyo, from Cairo to Dar es Salaam, politicians and intellectuals began to speak of the Bandung Spirit.”¹⁹ The Communiqué represents a position of hope against almost insurmountable

¹⁵ Yasuaki Onuma, *A Transcivilizational Perspective on International Law* (Leiden and Boston: Martinus Nijhoff, 2010).

¹⁶ See Parfitt, Chapter 2 in this volume. ¹⁷ See Peevers, Chapter 34 in this volume.

¹⁸ Roeslan Abdulgani, *Bandung Spirit: Moving on the Tide of History* (Djakarta: Prapantja, 1964), p. 110.

¹⁹ Vijay Prashad, *The Darker Nations: A People’s History of the Third World* (New York: New Press, 2007), p. 45.

stakes. The agenda was not only about asserting independence against an imperial past and present; it was also about facing an uncertain future. The stakes of peace and cooperation were nothing less than the fear of global nuclear war and the sedimentation of a reloaded, international structure that could be used, once again, against the interests of the Global South, as it came to be known.

It is not surprising that such an ambitious agenda has generated two types of historiography.²⁰ Some have written Bandung into history as a story of disappointment, with little long-term impact on international relations and no concrete agenda that gained traction with the countries of the global South. They argue that the Conference failed to have a tangible impact – there were no new international institutions that were established, and no new collective initiatives that proved sustainable.²¹ Others, however, have measured Bandung differently. They look at the follow-up conferences that took place in the years after Bandung and the multiple solidarity movements that emerged from these efforts as not insignificant for the decolonization of international relations. While acknowledging the limited character of Bandung's formal effects, these other accounts have described the conference as representing and emboldening an emotional and psychological experience shared across the postcolonial and non-white world.²² While both types of narratives continue – traces of which are present in this collection – in recent years, there has been renewed interest in going beyond international institutions in tracing Bandung's legacies for the decolonization of the international order.²³

²⁰ For a detailed account of these bodies of literature, see Michael Fakhri and Kelly Reynolds, "The Bandung Conference" in Anthony Carty (ed.), *Oxford Bibliographies in International Law* Oxford: Oxford University Press, 2017.

²¹ George McTurnan Kahin, *The Asian-African Conference, Bandung, Indonesia, April 1955* (Ithaca: Cornell University Press, 1956).

²² Odette Guitard, *Bandoeng et le Réveil des Anciens Peuples Colonisés* (Paris: Presses Universitaires de France, 1961).

²³ For recent historiographies, see Seng Tan and Amitav Acharya (eds.), *Bandung Revisited: The Legacy of the 1955 Asian-African Conference for International Order* (Singapore: NUS Press, 2008); Christopher J. Lee (ed.), *Making a World after Empire: The Bandung Moment and Its Political Afterlives* (Athens: Ohio University Press, 2010); Sally Percival Wood, "Retrieving the Bandung Conference . . . moment by moment" (2012) 43 *Journal of Southeast Asian Studies* 523; Robert Vitalis, "The Midnight Ride of Kwame Nkrumah and Other Fables of Bandung (Ban-doong)" (2013) 4 *Humanity* 261; Naoko Shimazu, "Diplomacy as Theatre: Staging the Bandung Conference of 1955" (2014) 48 *Modern Asian Studies* 225; Brian Russell Roberts and Keith Foulcher (eds.), *Indonesian Notebook: A Sourcebook on Richard Wright and the Bandung Conference* (Durham and London: Duke University Press, 2016); "Special Issue: Bandung/Third World 60 Years" (2016) 17:1 *Journal of Inter-Asia Cultural Studies* 1–163.

Some of these accounts are more invested in celebrating Bandung and are keen to mine its legacies for remaking international relations today; others are more wary about romanticizing the conference and retrospective mythmaking. However, rather than dismissing certain accounts as simply “romantic,” or measuring Bandung in terms of success and failure, we believe that one of the most significant things about Bandung was precisely this unknown and unknowable potential – no one at the time knew what the repercussions of Bandung would be. This powerful sense of being on the precipice of the new and unknown emerges, in one way or another, across these different strands of literature on Bandung. The final goal of the Conference was to undo imperialism and “racialism” (as it was then called). But at the dizzying heights of this historical summit, there were different ideas about what were the best tactics to achieve such a goal, and different visions of what that goal looked like. The trajectories that came out of the Conference were as disparate as they were aspirational. The stakes were high and the challenges enormous. In this sense, the debate over Bandung’s meaning began even before the Conference was formally convened. However, if there is one thing that animated Bandung then that also characterizes its meaning now, it is the call to act, to shape history – a sensibility captured in Aimé Césaire’s famous words in *Notebook of a Return to the Native Land*:

Beware of crossing your arms in the sterile attitude of the spectator, because life is not a spectacle, because a sea of sorrows is not a proscenium, because a man who screams is not a dancing bear.²⁴

Bandung was a conference against both imperialism and *mere* spectatorship. It was a performative commitment to changing the conditions of life under empire and returning the native land to the possibilities of history, with all of the associated costs this enterprise entails. This was the challenge confronting the *Wretched of the Earth*. As if in response to Césaire’s poetic manifesto against spectatorship, his Martinique comrade, Frantz Fanon, calls for collective action and a new sense of collective humanity to shape a new history:

Today we are present at the stasis of Europe. Comrades, let us flee from this motionless movement . . . [to] . . . reconsider the question of mankind. . . . Come, brothers, we have far too much work to do for us to play the game of rearguard [action]. . . . The Third World today faces Europe like a colossal mass whose aim should be to try to resolve the problems to which Europe has not been able to find the answers. . . . No, we do not want to catch up with

²⁴ Aimé Césaire, *Notebook of a Return to the Native Land* (1939) (Middletown: Wesleyan University Press, 2001), pp. 13–14.

anyone. What we want to do is to go forward all the time, night and day, in the company of Man, in the company of all men. The caravan should not be stretched out, for in that case each line will hardly see those who precede it; and men who no longer recognize each other meet less and less together, and talk to each other less and less. It is a question of the Third World starting a new history of Man.²⁵

SITUATING THE POWER OF BANDUNG

Even though this collection starts from Bandung and examines how it may help understand the present, much work could also be done in trying to understand how Bandung is situated within a longer history of anticolonial solidarity and resistance engaged with international law. For instance, one could also look to liberal anticolonialists of 1919 or to the formation of the League Against Imperialism in 1927 as earlier moments when international law was deployed to challenge and undo imperial rule, and in a sense opening a road toward Bandung.²⁶ However, what makes the Bandung Conference particularly profound for international lawyers, in its time as well as in our own, is that it was the formal beginning of a project whose aim was to ensure that all peoples of the world benefited from what was claimed to be the twin building blocks of world order, sovereign statehood and international law. For most of history – despite good intentions, and sometimes enabled by good intentions – purveyors of past and modern international law either ignored or legitimized various forms of imperialism.²⁷ But at Bandung, international law’s relationship with imperialism was formally and significantly challenged, from within.

How is it then that a diplomatic conference on international law on the island of Java projected a “Spirit of Bandung” that has traveled through the imagination of countless peoples and so many subsequent international events and phenomena? To respond to this question it is important to accept that it is not a shortcoming that some accounts of Bandung have a popular and idealistic tenor. This was indeed a defining feature of the Conference. While professional interest in Bandung ebbs and flows, very few international diplomatic conferences have entered popular culture, spread through diverse local social movements across the globe, and remained so resonant in the political imagination across different generations. How is it that Bandung is

²⁵ Franz Fanon, *The Wretched of the Earth* (New York: Grove Press, 1963), pp. 314–315.

²⁶ See Pettersson Chapter 3 in this volume.

²⁷ See especially, Antony Anghie, *Imperialism, Sovereignty and the Making of International Law* (Cambridge: Cambridge University Press, 2004).

simultaneously a reference point for Malcolm X,²⁸ international economic lawyers,²⁹ international environmental lawyers,³⁰ and art movements?³¹ Maybe a possible start to answering these questions is to pay attention to Bandung's creative fusion of formalism and subversion, of "formal" forms being turned inside out, against a historical backdrop of oppression. A productive excess comes out naturally here. The future had to be made anew, in a world in which there were already set frames in place. Some steps forward, some steps back. Rehearsals and projections mark the Conference and its history.

Naoko Shimazu has written a richly suggestive account of the Conference as a diplomatic theater consciously designed as a performance.³² The delegates engaged in a number of public events and in pageantry developing a rapport with the people of Bandung. The delegates were particular about what they wore in public, and the conference organizers transformed the city for the Conference. People in Bandung were indeed both the audience and actors in their interaction with delegates at public events, through their conversations with each other, and in public discussions through local newspapers and magazines. But if the people at Bandung had front-row seats, there was also a global audience with their eyes trained on the stage. And the conference organizers and delegates were aware of it: they had in their minds their audiences across the seas, in their home countries and continents as well as in Europe and the Americas. According to Roeslan Abdulgani, the Secretary-General of the Joint Secretariat of the Conference, Sukarno was, for example, attentive to setting the stage in everyway – not just in terms of law and policy talk but also the details of the principal conference venue:

The interior of the Concordia Building must be inspiring. Everyone sitting inside it must be inspired. Don't be so prosaic. Not so dry. Not like a book of laws . . . You know what I think – *Met juristen kun je nooit een revolutie beginnen*. You can't make a revolution with jurists! They have no inspiration.

²⁸ Malcolm X, "Message to the Grass Roots. November 10, 1963, Detroit" in George Breitman (ed.), *Malcolm X Speaks: Selected Speeches and Statements* (New York: Grove Press, 1965), p. 3.

²⁹ An Chen, "Reflection on the South-South Coalition in the Last Half Century from the Perspective of International Economic Law-Making – From Bandung, Doha and Cancun to Hong Kong" (2006) 7 *Journal of World Investment & Trade* 201. See also Faundez, Chapter 30 in this volume.

³⁰ Sumudu Atapattu and Carmen G. Gonzalez, "North-South Divide in International Environmental Law: Framing the Issues," in Shawkat Alam et al. (eds.), *International Environmental Law and the Global South* (New York: Cambridge University Press, 2015), p. 1.

³¹ See Kanwar, Chapter 8 in this volume.

³² Naoko Shimazu, "Diplomacy as Theatre: Staging the Bandung Conference of 1955" (2014) 48 *Modern Asian Studies* 225.

Whereas the participants need to be enfolded in inspiration! For that reason, change the interior of this building!³³

For us the metaphors of performance, actors, and audience are suggestive of how to read Bandung and the multiple contexts that have shaped the event, its reception, and its legacy. As the contributions in this collection suggest, the best approach to engaging with Bandung is not to read Bandung in isolation, but to see how it played out, and continues to play out, in diverse forms at different moments. Contextual, anachronistic, competing, and sometimes contradictory histories of Bandung allow us to understand better, as a result, the many different ways that Bandung occupies the history of international law, imperialism and resistance, and global history in general.

Taken as a complex, composite, collectively authored global history, this volume affirms a historical voice shaped by radical multiplicity in matters related to international law, imperialism, and resistance in our long post-colonial present. Indeed, it would be more accurate to speak of global histories, often even within the multiple registers of individual chapters. Relatedly, many of our contributors speak to social movements and marginalized communities' experience of and shaping of international legal history – what some may term a peoples' history of international law. To this end, it pays attention to how international legal history is narrated, contested, and imagined in multiple fora, from diplomatic memoranda and General Assembly resolutions to paintings and family letters; in other words, our histories are culled both from the formal archive of “official” Bandung and the repertoire of “embodied memory” of Bandung.³⁴ But, as the reader will notice, this multiplicity does not display here as agnostic or unsituated. It does not pretend to be complete and does not aspire to be cosmopolitan. Instead, as an artifact of global history itself, this volume relates to Bandung as part of a longer, open-ended project to de-constitute and reconstitute order in the world, especially in the Global South through post-imperial forms of governance, international legal mechanisms, and permanent resistance.

Bandung could be understood, in this way, as something more than a single event or a moment of commencement. Perhaps Bandung is a story; a story in which the “Spirit of Bandung” was already haunting the world at the moment in which the Conference took place, and it then took off in different

³³ Roeslan Abdulgani, *The Bandung Connection: The Asia-Africa Conference in Bandung in 1955* (Singapore: Gunung Agung, 1981), p. 68.

³⁴ Diana Taylor, *The Archive and the Repertoire* (Durham, NC: Duke University Press, 2003).

directions. If we follow this line of thought, it is possible to realize how Bandung came to provide the necessary conditions for a momentous gathering – one with wide global repercussions at the normative, institutional, and cultural levels. In this sense, our orientation toward the Global South involves an attention to both the cross-geographical underpinnings and effects of Bandung in the South as well as in the North, and the multiple registers, scales, and temporal locations that were haunted and continue to be haunted, productively or not, by Bandung and its “Spirit.”³⁵ As such, we are less interested here in chronicling Bandung as an event; we are more interested in how the “global histories of Bandung” are narrated, how the postcolonial condition is emplotted, and how the intellectual and political stakes of the synergies and tensions in those multiple and varied histories shaped, or could shape, the orientation of the dominant world order.

Bandung’s larger significance as a counterpoint to the dominant order has been particularly significant for international lawyers because it was both an act of collective imagination and a practical political project that gave rise to a range of institutional experiments and social movements. In this sense, Bandung is often identified with birthing the Third World project.³⁶ However, it is more accurate to understand Bandung as a moment that facilitated and empowered a number of “third-world-list” projects.³⁷ Sometimes these different projects aligned together, and at other times they manifested divergent projections of third-world futures.

Focusing on Afro-Asian solidarity, this is a dynamic that peaked in 1955 and subsided in 1965.³⁸ From this perspective, the preliminary institutions and conferences that led to Bandung were the Arab League (1945), the Asian Relations Organization (1947), the Delhi Conference on Indonesia (1949), the Baguio Conference (1950), the Colombo Conference (1954), the Nehru-Chou En Lai Statement (Panchsheel Treaty) (1954), the SEADO Treaty (1954), and the Bogor Conference (1954).³⁹ The Afro-Asian Peoples’ Solidarity Organization (AAPSO) was a social movement created as a direct result of Bandung (and the people-to-people, nongovernment Conference of Asian

³⁵ On the turn to Global History and its complications, see Samuel Moyn and Andrew Sartori (eds.), *Global Intellectual History* (New York: Columbia University Press, 2013).

³⁶ Prashad, *The Darker Nations: A People’s History of the Third World*.

³⁷ Christopher J. Lee, “Between a Moment and an Era: The Origins and Afterlives of Bandung” in Christopher J. Lee (ed.), *Making a World after Empire: The Bandung Moment and Its Political Afterlives* (Athens: Ohio University Press, 2010), p. 1.

³⁸ See McGregor and Hearman, Chapter 9 in this volume.

³⁹ Sundar Lal Poplai (ed.), *Asia and Africa in the Modern World: Basic Information Concerning Independent Countries* (Bombay: Asia Pub. House, 1955), pp. 189–214.

Countries held in 1955 in New Delhi a few days before Bandung). In turn, this organization created the Afro-Asian Writer's Conference that held its inaugural meeting in 1958 in Taskent and the Afro-Asian Federation for Women that held its inaugural conference in 1961 in Cairo. The Asian-African Legal Consultative Organization (AALCO) (originally known as the Asian Legal Consultative Committee) was another direct result of Bandung. Both the AAPSO and AALCO remain active today.

Focusing on Third World politics more broadly, Bandung contributed to the creation of the Non-Aligned Movement (NAM) (1961) and there was some ideational continuity between the two. But, as already mentioned, only some Bandung participants supported full nonalignment; moreover, NAM had its own political tensions and dynamics focused on interstate politics and realigning global power away from the West in an already more virulent and polarizing Cold War context.⁴⁰ Similarly, the Tricontinental Conference (1966) and its institutional birth-child, the Organization of Solidarity with the People of Asia, Africa, and Latin America (OSPAAAL) is indebted to Bandung – except this one embraced a more socialist and liberationist tenor, and left behind the conciliatory aspects immersed in the Asian focus and values of 1955. As Robert Young has put it,

Third World identity at Bandung . . . was very much mediated by recent and ongoing wars in Asia. This encouraged the delegates to try to step out of the dynamics of the Cold War that was producing such conflicts into a free space of neutrality. In this context, the Soviet Union was regarded as the most threatening power. By the time of the Tricontinental Conference in Havana eleven years later, the situation had changed dramatically. At Havana, the Soviet Union was regarded as the major ally, and the US characterized as the global imperialist power that had to be resisted at all costs. Non-alignment had changed to alignment, and the political philosophy of non-violence had moved to one of violence.⁴¹

Accompanying these direct inputs and outcomes of the Conference, there is, of course, a whole universe of areas touched by Bandung through its response to imperialism, international law and resistance. At this level, Bandung becomes both a trace, and a question of tracing. It exists across disparate spaces, time trajectories, and registers: from institutional and conceptual formations,⁴² to past histories,⁴³ to national and regional narratives and

⁴⁰ See also, Oklopcic, Chapter 16 and Özsu, Chapter 17 in this volume.

⁴¹ Robert Young, "Postcolonialism: From Bandung to the Tricontinental" (2005) 5 *Historeim* 11, 14.

⁴² See, e.g., Khan, Chapter 6 and Faundez, Chapter 30 in this volume.

⁴³ See, e.g., Shahabuddin, Chapter 5 in this volume.

statecraft practices,⁴⁴ to alternative conceptualization of the world and international law,⁴⁵ to social movements and liberation struggles,⁴⁶ and to old and new forms of both resistance and oppression.⁴⁷

BANDUNG IN INTERNATIONAL LAW

As mentioned earlier, over the last decade scholars interested in decolonization and international relations have begun to reassess the historic role of Bandung. One of the most common approaches in this historic reassessment is a discussion of the political significance of Bandung in terms of major world powers, Cold War axes of interests, or Great Men of history. Others situate Bandung within national or regional politics.⁴⁸ Some chapters in this collection follow similar kinds of approaches to varying degrees. But what does it mean to situate Bandung or place these other accounts within international legal history?

Interestingly, many of the facts about Bandung have become blurred and disputed over time. Scholars have pointed to how historical accounts of the conference have been inaccurate and laden with romantic and political mythmaking.⁴⁹ Undoubtedly, it is necessary to establish a correct account of who attended and what happened during the conference – a task that has in fact generated a growing body of literature in recent years. But an exclusive focus on the factual details of the conference does little to contribute to our

⁴⁴ See, e.g., Carvalho Veçoso, Chapter 25; Chen, Chapter 10; Choudhury, Chapter 19; Gupta, Chapter 29; Rasulov, Chapter 12; and Peevers, Chapter 34 in this volume.

⁴⁵ See Chimni, Chapter 1; LaForgia, Chapter 24; Mamlyuk, Chapter 11; Pahuja, Chapter 33; Parfitt, Chapter 2; Obregón, Chapter 13; Okafor, Chapter 31; and Saberi, Chapter 38 in this volume.

⁴⁶ See, e.g., Ahmed, Chapter 27; Farley, Chapter 36; McGregor and Hearman, Chapter 9; Aboueldahab, Chapter 23; Petersson, Chapter 3; and Samour, Chapter 35 in this volume.

⁴⁷ See, e.g., Anghie, Chapter 32; Chatterjee, Epilogue; Dirar, Chapter 21; Esmeir, Chapter 4; Gassama, Chapter 7; Kanwar, Chapter 8; Kapur, Chapter 18; Mickelson and Natarajan, Chapter 28; Oegroseno, Chapter 37; Reynolds, Chapter 14; Sayed, Chapter 26; and Sandoval, Chapter 15 in this volume.

⁴⁸ J.A.C. Mackie, *Bandung 1955: Non-Alignment and Afro-Asian Solidarity* (Singapore: Editions Didier Millet, 2005); Prashad, *The Darker Nations: A People's History of the Third World*; Itty Abraham, "Bandung and State Formation in Post-colonial Asia" in See Seng Tan and Amitav Acharya (eds.), *Bandung Revisited: The Legacy of the 1955 Asian-African Conference for International Order* (Singapore: NUS Press, 2008), p. 48; Antonia Finnane and Derek McDougall (eds.), *Bandung 1955: Little Histories* (Caulfield East, Victoria: Monash University Press, 2010); Lee (ed.), *Making a World after Empire: The Bandung Moment and Its Political Afterlives*.

⁴⁹ Vitalis, "The Midnight Ride of Kwame Nkrumah and Other Fables of Bandung (Ban-doong)".

understanding of what Bandung means in the larger sense. As we started to suggest above, the historical embellishments and political lore that has been attached to Bandung are important windows into understanding its significance for the global order, and, in particular, for international law as part of this global order. One reason for this is because international law – as all other laws – has always been laden with myths. Let us briefly provide the example of the Treaties of Westphalia to explain this point.⁵⁰

As the story goes, two treaties were signed at two important European conferences in the Catholic city of Münster and the Lutheran city of Osnabrück – both in Westphalia (a province in present-day Germany) – on October 24, 1648. These treaties marked the closure of the ‘Thirty Years’ War, which was a bloody conflict between Catholics and Protestants. In the annals of orthodox international law these treaties mark the emergence of the modern state as a secular institution independent from the Church. It was the moment that created a system in which the international order shifted from one “based on the recognition of authorities above the States to a horizontal system characterized by the coexistence of a multiplicity of territorially defined autonomous entities and sustained by a new type of law operating between rather than above the members of the system.”⁵¹ According to the discipline’s canonical history, it is this new configuration that gave rise to the modern international legal order.⁵²

Arguably, however, it is sociologically more accurate to situate international law’s beginnings in 1868–1873 when it shifted, as Martti Koskenniemi has argued, from being the musings of “professors and philosophers, [as well as] diplomats with an inclination to reflect on the procedure of their craft” to becoming the practice of lawyers.⁵³ Westphalia as an origin (mythical) story was, in this way, only made popular later on, in the middle of the twentieth century.⁵⁴ But pointing this out does not mean that the most significant feature of “Westphalia” in the international legal canon is its inaccuracy.

⁵⁰ The same discussion can take place in the realm of private international law in regards to *lex mercatoria*; see Emily Kadens, “The Myth of the Customary Law Merchant” (2012) 90 *Texas Law Review* 1153; Ralf Michaels, “Legal Medievalism in Lex Mercatoria Scholarship” (2012) 90 *Texas Law Review* 259.

⁵¹ Rainer Grote, “Westphalian System” (2006) *Max Planck Encyclopedia of Public International Law* (Oxford: Oxford University Press, 2008), online edition: www.mpepil.com.

⁵² See how “the myth” of Westphalia also underpins the field of International Relations: Benno Teschke, *The Myth of 1648: Class, Geopolitics and the Making of Modern International Relations* (London: Verso, 2003).

⁵³ Martti Koskenniemi, *The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870–1960* (Cambridge: Cambridge University Press, 2001), pp. 17, 41.

⁵⁴ Leo Gross, “The Peace of Westphalia, 1648–1948” (1948) 42 *American Journal of International Law* 20.

Instead, this point reveals that the actual value of Westphalia resides in its “mythic” role – the work it does, and what that tells us about the ambitions of the discipline of international law, and the political projects it serves. The Treaties of Westphalia thus serve as a foundational myth to explain how modern states and international law, mythical entities of their own, sprang from the same source, and how both of them are “rational,” “modern,” and necessarily “universal” projects. Many cultures have myths about siblings who often become deadly rivals. But unlike other mythical siblings, the state and international law do not destroy each other but depend on each other – this is congealed by memory in the myth of Westphalia. And it is precisely because of Westphalia’s mythical status and its association with concrete institutional formations that Westphalia still occupies such a foundational place in both international law handbooks and the actual operation of the world.

But if Westphalia serves as the creation myth of international law, the myth of Bandung is its counterpoint. Bandung represents a vexed relationship with Westphalia: a critical grappling with world history as it has unfolded in its colonial and postcolonial period and in its many contexts. A richer historical account of Bandung – in fact, multiple histories of Bandung – will help us better understand, for this reason, the significance of Bandung, its constitutive debates, and how it is deployed in different legal contexts at all levels. Going further, we believe that a critical historiography of dominant Bandung histories will help us better connect the Conference with substantive questions about the nature, evolution, and, perhaps, the agonistic or – even better – tragic unfolding of the international legal order. The objective of this collection is precisely this task. It provides different perspectives concerning what Bandung was, what it has meant, and what it could signify going forward, as a touchstone for our political imaginations, connecting the dots between different postcolonial moments. In different ways, these chapters ask about the formation and work of the Bandung myth, how it enriches or circumscribes our own time and our future, and how it can help us enhance our appreciation and use of international law, particularly as it relates to North-South relations in our unequal global world. In this sense, the contributions gathered here do not simply revisit Bandung, and its attendant historical accounts with a critical eye. Instead, treating Bandung as a window onto international law, these readings also offer a global history of the legal order that has patterned the legacies of colonialism and the struggle to give birth to a postcolonial world.

We could argue then, that 1955 at Bandung was when international law became truly “universal.” It was the moment during which the majority of the people in the world either lived within a state (which they either claimed as their own or contested) or were fighting to form an independent state that was supported by international law. In this sense, it might make more sense to

describe our contemporary international order as *Bandungian* rather than *Westphalian*. If our mythical twins, the state and international law, were personified, they would likely have darker skin than expected.

This leads to another of Bandung's unique contributions to our understanding of international law and its world, namely the recognition that racism and political, legal, and economic structures of racial difference were an inextricable part of international law and the genealogy of the nation-state.⁵⁵ The Conference attendees deployed international law and state power to condemn and eradicate colonialism and "racialism," even though not every delegate at the conference wanted to frame questions in terms of race and in fact some were adamantly against racial discourse.⁵⁶ However, some participants at the Bandung Conference highlighted white supremacy, and there was discussion of race among the delegates. Indeed, Wright argues that the convening of the conference was in itself a statement about race and history:

The despised, the insulted, the hurt, the dispossessed – in short, the underdogs of the human race were meeting. Here were class and racial and religious consciousness on a global scale. Who had thought of organizing such a meeting? And what had these nations in common? Nothing, it seemed to me, but what their past relationship to the Western world had made them feel. This meeting of the rejected was in itself a kind of judgment upon the Western world!⁵⁷

Thus Bandung also has a life in the global history of antiracism, a history that moves from the Bandung conference to the Durban conference to the present moment.⁵⁸ A number of antiracism activists in the American Black community, for example, have invoked Bandung to situate their own struggle in transnational solidarities. In these spaces, Bandung continues to animate the global battle against racism in all of its forms.⁵⁹

⁵⁵ Prashad, *The Darker Nations: A People's History of the Third World* and Robert Vitalis, *White World Order, Black Power Politics: The Birth of American International Relations* (Ithaca: Cornell University Press, 2015).

⁵⁶ For instance, Vitalis argues that Nehru saw invocations of race as a "dangerous and retrograde step." On the other hand, Vitalis himself notes that Richard Wright recalled Nehru speaking (although not in his formal remarks at the end of the conference) "movingly" about his experience of racialized treatment. Vitalis, "The Midnight Ride of Kwame Nkrumah and Other Fables of Bandung (Ban-doong)," pp. 21 and 16.

⁵⁷ Richard Wright, *The Color Curtain: A Report on the Bandung Conference*. Foreword by Gunnar Myrdal, 1st ed. (Cleveland: World Pub. Co, 1956), p. 12.

⁵⁸ For instance, note the January 2017 event at University of Chicago: *Racing the International, from Bandung to Durban*. For more information, see http://csrpc.uchicago.edu/programs/public_programs/racing_the_international/bandung_to_durban/.

⁵⁹ See Farley, Chapter 36 in this volume.

Bandung brought together, in this way, different nationalist projects and class interests in order to create a widespread condemnation of “the indignity of imperialism’s cultural chauvinism.”⁶⁰ The resulting Bandung Communiqué and Principles addressed this strong consensus against imperialism by framing their points in terms of equality, sovereignty, human rights, and justice. While the delegates at Bandung could not agree on a definition of imperialism, to some degree they framed it in cultural terms and linked questions of culture to the political economy of imperialism. Almost two decades later, Edward Said would investigate culture in imperial terms.⁶¹ The two were inextricably linked and constituted a struggle over geography and “forms of control which do not depend so much on the holding of territory by settlers, but rather on the transformation of territories in the metropolitan imagination as somehow necessary to the cultural existence of the metropole.”⁶² Bandung was a powerful moment in this history that Said gestures to: a history that in Bandung turns into counter hegemonic struggle to transgress metropolitan imaginaries.

Foregrounding that global history, we can consider Bandung as being about cultural resurgence as much, as it was about (re)claiming sovereign nationhood. This was about anti-imperialism as an expression of alternative post-colonial modernities. In this vein, Bandung generated a series of conferences that embodied Asian-African (“AA” as it was referred to) solidarity and that were anti-imperial in cultural terms. These were inaugural meetings such as the AA Students Conference (Bandung, 1956), Conference of AA Journalists (Tokyo, 1956), AA People’s Solidarity Conference (Cairo, 1958), AA Conference on Women (Colombo, 1958), and the Afro-Asian Writers’ Conference (Tashkent, 1958).

The Bandung Political Committee proceedings were, however, the real priority for the heads of state present. Despite the number of socialist leaders at the conference (some of whom saw politics, culture, and economics as part of a single whole), the Political Committee was separated from the smaller Economic Committee (and Cultural Committee). This keen attention to the political dimension of a new world order came to be expressed more forcefully in subsequent years at the UN General Assembly, now increasingly darkening in its color composition. General Assembly resolutions conflicted

⁶⁰ Prashad, *The Darker Nations: A People’s History of the Third World*, p. 45.

⁶¹ Edward Said, *Orientalism* (London: Routledge & Kegan Paul, 1978); *Culture and Imperialism* (1993).

⁶² Edward Said, “Response” (1994) 40 *Social Text* 20, p. 21. See also Rasulov, Chapter 12 in this volume.

with the priorities of the Security Council on issues that ranged from apartheid South Africa to the Israeli occupation of Palestine. Thus from Bandung to the structure of the United Nations, the fault lines of the postcolonial moment had a long afterlife that remained vibrant and contentious through the course of the Cold War period.

In contrast to the Bandung Political Committee, the Economic Committee's agenda was developed by experts, and the discourse was technocratic.⁶³ A commonly held assumption that would define future Third World agendas was that national independence and sovereignty were the preconditions to social and economic progress.⁶⁴ Thus independence fueled a range of new initiatives for reconfiguring the economic structure of the global landscape; these initiatives are among the most significant Bandungian contributions to international law, both in terms of the ingenuity of the specific proposals, and the inspiration to denormalize the inherited economic order.

The Bandung Communiqué was primarily, however, a product of the Political Committee and therefore does not fully capture the antagonism that former colonies felt against the relatively new Bretton Woods institutions and the relatively new postwar economic order. Bandung's alternative economic vision can be situated, as a result, in a timeline of global development politics that began around 1945. The dominant model of development emerging at that point, and which has definitely solidified now, came to not only separate politics and economics; it also began to insulate the economy from the political through a discourse of independence, expertise and technocracy.⁶⁵ For these reasons it is particularly unfortunate that scholars and commentators on Bandung have often ignored the economic aspects of Conference.⁶⁶ During the Economic Committee discussions, delegates were extremely critical of the International Bank for Reconstruction and the International

⁶³ Godfrey H. Jansen, *Afro-Asia and Non-Alignment* (London: Faber, 1966), pp. 308–09.

⁶⁴ See, e.g., Roeslan Abdulgani, *Bandung Spirit; Moving on the Tide of History* (Djakarta: Badan Penerbit Prapantja, 1964), p. 17. See also Sundhya Pahuja, *Decolonising International Law: Development, Economic Growth and the Politics of Universality* (New York: Cambridge University Press, 2011)

⁶⁵ See Gupta, Chapter 29 in this volume.

⁶⁶ Some notable exceptions include Benjamin Howard Higgins, *Economic Implications of the Asian-African Conference and Its Aftermath* (Cambridge, MA: Massachusetts Institute of Technology, Center for International Studies, 1955); Helen E. S. Nesadurai, "Bandung and the Political Economy of North-South Relations, Sowing the Seeds for Re-visioning International Society" in See Seng Tan and Amitav Acharya (eds.), *Bandung Revisited: The Legacy of the 1955 Asian-African Conference for International Order* (Singapore: NUS Press, 2008), p. 68; Bret Benjamin, "Bookend to Bandung: The New International Economic Order and the Antinomies of the Bandung Era" (2015) 6 *Humanity* 33.

Monetary Fund for unfairly treating or ignoring “underdeveloped countries” (as they were called).⁶⁷ But they decided, and here problematically, that the “proper place for such critical comments was at the annual Conference of the Bank and Fund itself, and not at the Asian-African Conference where other members of the Bretton Woods organizations were not represented.”⁶⁸ Indeed, the underdeveloped countries had already also coalesced in the formation of the International Trade Organization (ITO), where they put forward alternative international trade and development policies, such as an international legal structure intended to stabilize commodity prices, reflected in the ITO Charter in 1948.⁶⁹ After the ITO collapsed upon birth, the call for stable commodities was reiterated in the Final Communiqué. Through the UNCTAD and individual commodity agreements, Third World countries would continue, up until around 1982, to devise multiple and competing international legal plans for the stabilization of commodities. All of these efforts were marked, however, by mixed results and the increasing separation of economics from political considerations.⁷⁰

Bandung’s most profound effect, at the level of economics, was thus to define the Third World agenda in terms of decolonization and “national development.” The later was understood, problematically again, as the way to generate economic progress on the basis of the newly acquired political independence.⁷¹ Within this narrative, Bandung is no longer only about Asia and Africa. Along this register, Bandung laid the groundwork for a larger Third World politics that included some countries in Europe and all of Latin America. What brought Third World countries together were a colonial history and their struggle for independence. Countries in Latin America had their own, earlier postcolonial history, and jurists could describe Latin America’s unique position in international law, and how international law changed because of Latin American countries’ independence.⁷² Liliana Obregón describes this as a Creole legal consciousness – a consciousness that used international law to find a place in the world for postcolonial states and to

⁶⁷ Benjamin Howard Higgins, *Economic Implications of the Asian-African Conference and Its Aftermath* (Cambridge, MA: Massachusetts Institute of Technology, Center for International Studies, 1955), p. 7.

⁶⁸ *Ibid.*, pp. 7–8.

⁶⁹ Michael Fakhri, *Sugar and the Making of International Trade Law* (Cambridge: Cambridge University Press, 2014), pp. 149–172.

⁷⁰ *Ibid.*, pp. 139–208.

⁷¹ Balakrishnan Rajagopal, *International Law from Below: Development, Social Movements and Third World Resistance* (Cambridge: Cambridge University Press, 2003), p. 74.

⁷² Alejandro Alvarez, “Latin America and International Law” (1909) 3 *American Journal of International Law* 269.

justify, in turn, the continued disciplining of local realities – a project increasingly undertaken by local elites in lieu of the colonial masters of a previous era.⁷³ According to Obregón, jurists and politicians “strategically adapted both the meaning and the use of the external law to local circumstances, giving it an identity of place and a sense of regional uniqueness, while at the same time their flexibility was essential to maintaining the colonial enterprise and the centrality of a European legal heritage.”⁷⁴

So despite all the ideological diversity at Bandung, including disagreement on what constituted colonialism and imperialism, almost all Bandung delegates were united by a discourse of developmentalism.⁷⁵ As a collective agenda in the global public sphere this generated projects such as the above mentioned UNCTAD, and as a national agenda by individual states, policies of industrialization to address what many referred to at the time as economic “backwardness.”⁷⁶ Within this paradigm, once political independence was attained, the road ahead was economic transformation and modernization; projects undertaken with the assumption of post-independence cultural homogeneity and a progress narrative of modernization.

This commitment to developmentalism in Bandung bridged domestic and international politics, and is a thread that runs through from international to domestic law, from then until now.⁷⁷ Soon after Bandung, international jurists examined for these reasons the role of “newly independent countries” of Asia and Africa in the world and how they would change international law.⁷⁸ At Bandung, newly independent states

⁷³ Liliana Obregón, “Noted for Dissent: The International Life of Alejandro Álvarez” (2006) 19 *Leiden Journal of International Law* 983.

⁷⁴ *Ibid.*, 987. See also on the appropriation of international law by postcolonial international lawyers, Amulf Becker Lorca, *Mestizo International Law* (New York: Cambridge University Press, 2014).

⁷⁵ See Gupta, Chapter 29; Özsu, Chapter 17; and Sayed, Chapter 26 in this volume.

⁷⁶ See, e.g., Charles Habib Malik, *The Problem of Coexistence* (The Mars Lectures) (Evanston, IL: Northwestern University Press, 1955), p. 25. See also Pahuja, *Decolonising International Law: Development, Economic Growth and the Politics of Universality*.

⁷⁷ See especially on the intertwining operation of international law and development in the South, Anghie, *Imperialism, Sovereignty and the Making of International Law*; Luis Eslava, *Local Space, Global Life: The Everyday Operation of International Law and Development*; Fakhri, *Sugar and the Making of International Trade Law*; Pahuja, *Decolonising International Law: Development, Economic Growth and the Politics of Universality*; Balakrishnan Rajagopal, *International Law from Below: Development, Social Movements and Third World Resistance* (Cambridge: Cambridge University Press, 2003).

⁷⁸ For a selection of this literature, see Georges Abi-Saab, *Selected Bibliography on the Newly Independent States and International Law* (Geneva: Carnegie Endowment for International Peace, European Centre, 1963); *The Third World and International Law: Selected Bibliography* (1955–1982) (Geneva: UN Library, 1983); Michael Fakhri and Kelly Reynolds, “The Bandung Conference.”

explicitly adopted and linked the language of development to “the problem of balancing interests and creating a truly universal international law.”⁷⁹ This generated, as we have seen, visionary alternative proposals, for example, the Resolution on Permanent Sovereignty over Natural Resources (1962), the Declaration on the Establishment of a New International Economic Order (1974), the Charter of Economic Rights and Duties of States (1975), and the Declaration on the Right to Development (1986). These proposals remained, however, largely enclosed within the nation state-developmental paradigm and deeply vulnerable to a resilient old economic order. Newly independent states, as well as the already postcolonial republics of Latin America, very quickly became characterized in international law as “developing states” and, therefore, in need of developmental interventions. These interventions eventually came to show these “developing countries” the weakness of political (formal) independence in a world already crafted through the tools of imperial disciplines and economic interests – economic interests increasingly conceptualized, once again, as independent and technical. Debt accumulation, environmental degradation, elite capture, structural adjustments, and economic exploitation became, in this way, also part of the (tragic) legacies of Bandung era statehood.

A POST-BANDUNG AGENDA

We want to leave readers with a sense of how we compiled this volume and how it may be read. With the sixtieth anniversary of the Bandung Conference in mind, we approached a number of colleagues with the request to think critically about how Bandung has informed their engagement with law, to write anything they wished about this idea, and to employ any style they felt best fitted their own window into the Conference. We tried to include people from as many different places of the world and perspectives as we could, and did our best to be strict with our (unreasonable) word limit. We had no idea what to expect in return or what ideas would emerge. We did know that due to limits of time and resources we would inevitably not be able to cover some key aspects of Bandung. As the project unfolded, our sense of how much more there was to say on Bandung became more pronounced; we encountered other scholars who we would have loved to

⁷⁹ Anghie, *Imperialism, Sovereignty and the Making of International Law*, p. 204.

include in this conversation, and our own conversations about Bandung – among editors, contributors, and others – deepened our understanding of the themes and issues we had not fully appreciated or even known about when we started this project. That said, our sense of the value of this project, with all its limitations, was also further affirmed as time passed and this book slowly started to take shape.

The end result of our collective efforts is this volume. The book captures a rich, multiform window into contemporary understandings about Bandung's meaning and legacy. As a whole, it can be seen as a historiographical artifact of global international legal writing by a large and widespread collective of scholars, all of them influenced by the global effects of Bandung. It is then a window not only into 1955 but also into the current moment and all *its* myths and countermyths, hopes and disappointments, solidarities and fractious disputes, visions for international law and its subversion.

In putting this collection together, we learned that in writing about Bandung we engaged immediately in an exercise of imagining Bandung, and that such imaginaries affect our accounts of international law. Thinking about and through Bandung, we argue over how the world is and how it should be governed. Bandung is, in this sense, one way to debate different understandings of global time and space, or different ways to attain a decolonized future or to live with an always never fully postimperial tomorrow. Thus, if you read this collection as a whole, we hope you find the differences and arguments as productive as the shared conclusions. Moreover, we hope you find commonalities in unexpected places.

Derek Walcott, a St. Lucian poet, evoked the waves of colonialism, slavery, and exploitative trading relations that washed onto Caribbean shores in *The Sea Is History*.⁸⁰ It is this oceanic legacy, of multiple layerings, that President Sukarno invoked in his focus on the sea “as the main artery of imperialism” in his opening address at the Bandung Conference.⁸¹ Walcott writes in his poem:

but the ocean kept turning blank pages
looking for History.

Yet Walcott holds onto the struggle to extricate history from that ocean with independence from colonialism:

⁸⁰ Derek Walcott, “The Sea Is History” in Eduard Baugh (ed.), *Selected Poems* (New York: Farrar, Straus and Giroux, 2007), p. 137.

⁸¹ See Esmeir, Chapter 4 in this volume.

Then came the white sisters clapping
 to the waves' progress,
 and that was Emancipation—
 jubilation, O jubilation—
 vanishing swiftly
 as the sea's lace dries in the sun

Yet that too was a false dawn:

but that was not History,
 that was only faith,
 and then each rock broke into its own nation;

He ends:

and then in the dark ears of ferns

 and in the salt chuckle of rocks
 with their sea pools, there was the sound
 like a rumour without any echo

 of History, really beginning.

As a historical question, if Bandung represented a politics of decolonization, nationhood, and development – with all of the contradictions involved in these processes – more work needs to be done to understand the current moment as yet another one where “history” is “really beginning.” To some degree, Bandung was the early culmination of twentieth-century anticolonial movements.⁸² But it also created new anticolonial possibilities. This sense of possibility, of beginning to imagine and create the world anew, is another of Bandung's enduring legacies.

To commemorate Bandung, African and Asian leaders renewed their commitment to each other on the fiftieth and sixtieth anniversaries of the Conference.⁸³ The most important event of Bandung's sixtieth anniversary,

⁸² See, e.g., Petersson, Chapter 3 and Mamlyuk, Chapter 11 in this volume.

⁸³ Bandung's fiftieth anniversary was marked by the April 22–24, 2005 Asian-African Summit held in Indonesia. African and Asian leaders renewed their commitment to each other in terms of strategic relationship. This is reflected in the three-document Declaration on the New Asian-African Strategic Partnership (NAASP), Joint Ministerial Statement on the New Asian African Strategic Partnership Plan of Action, and Joint Asian African Leaders' Statement on Tsunami, Earthquake and other Natural Disasters. See “Archives,” Bandung Spirit Network, www.bandungspirit.org/spip.php?article14. On April 22–24, 2015, in Bandung, national delegates and civil society leaders attended the Commemoration of the Sixtieth Anniversary of the 1955 Asian-African Conference. Delegates at the 2015 conference adopted three documents: the Bandung Message, Reinvigorating the NAASP, and the Declaration on

however, was not the formal political conference, but the renewed imaginative output exemplified by the large number of editorials, blog entries, and scholarship that emerged in light of the commemoration.⁸⁴ Political leaders in their contemporary commemoration of Bandung have eschewed the language of anti-imperialist alliances leaving the focus only on “South-South” cooperation. The authors in this collection, as with many writers, instead use Bandung as way to reinterpret and reexamine what imperial pasts and presents mean for the future.

Thus we resist seeing Bandung as necessarily a narrative of disappointment. It is teleological and ahistorical to reduce Bandung to a finite project such as national independence, nonalignment, or NIEO. Rather it is, to invoke Walcott again, the legacy that “the ocean kept turning blank pages/ looking for History.” It is this sea of endless possibility and a horizon that is still ahead that frame the post-Bandung agenda. The diverse perspectives in this collection share the assumption that articulating Bandung’s meaning or promise is an argument that one makes, not a premise one places in the background. Bandung’s meaning depends on the writer’s approach, context, or position. What we have learned in crafting this volume is thus that Bandung inspired a great many people in vastly different contexts to imagine different Third World projects, or resist Third World projects. And this continues today. One should ask, therefore, as many do in this collection, how people relied on Bandung or how people were inspired by Bandung to create a different world. Or to see how ideas promulgated by Bandung traveled, and continue to travel, to unanticipated places and remerge at different points in time.

A significant number of chapters in this collection interpret Bandung’s legacy in a particular way, and use this interpretation to gauge contemporary issues, trace continuity, and notice change. Some focus on an aspect of Bandung’s legacy and influence in areas such as human rights and development⁸⁵ or in areas not covered by Bandung such as gender politics, international economic law, or international environmental law.⁸⁶ Others suggest that one must consider Bandung in order to understand law and politics today of particular states and regions, such as China, India, Latin America, and the

Palestine. See “The New Asian-African Strategic Partnership,” Ministry of Foreign Affairs Republic of Indonesia, www.kemlu.go.id/en/kebijakan/kerjasama-regional/Pages/NAASP.aspx.

⁸⁴ Many of the workshops, conferences, and publications generated in light of the sixtieth anniversary are cataloged in the Bandung Spirit Network, www.bandungspirit.org/.

⁸⁵ See Aboueldahab, Chapter 23; Okafor, Chapter 31; and Sayed, Chapter 26 in this volume.

⁸⁶ See Ahmed, Chapter 27; Faundez, Chapter 30; Mickelson and Natarajan, Chapter 28; and Taha, Chapter 20 in this volume.

Arab world,⁸⁷ and of course Asia and Africa.⁸⁸ By treating Bandung as a center point in the world, places like Europe become peripheral and Australia, Japan, and Brazil, with their ambiguous relationship with imperialism (for very different reasons), appear to be on the semi-periphery.⁸⁹ Palestine decidedly remains an issue that was explicitly raised at Bandung and remains unresolved today, though Bandung's relationship to the cause of Palestinian statehood is a matter of debate.⁹⁰ Certain ideas, such as race, were raised at Bandung that remain relevant today, but do not resonate as loudly in today's international legal scholarship as they definitely should.⁹¹

As the reader may already intuit, given our description of the different ways in which Bandung relates to international law, one of the main issues that arise in this collection is the critical tension created by the fact that sovereignty was such a foundational idea at the Conference. Newly independent countries adopted Western notions of sovereignty but developed them in ways that asserted their autonomy and sought to resist imperialism. The idea was that by pooling their sovereign power through a politics of anti-imperial solidarity, these new states would change the world order. But this concept of sovereignty often meant that state authorities could govern their territories as they saw fit, making Bandung's commitment to external equality the fulcrum for internal political distortions and excesses.⁹² And not only did Bandung principles of equality and justice not apply internally, but it reinforced the idea of post-colonial states as "national majorities joined by ethnic or cultural minorities."⁹³ In ways that echoed Western nation-states, here too ethnic, racial and religious majorities were often treated as the prime beneficiaries of sovereignty. In this way, a multitude of "[c]ommunities marked by difference from these national majorities were . . . recast as aliens and outsiders,

⁸⁷ See Abueldahab, Chapter 23; Chen, Chapter 10; Kang'ara, Chapter 22; Kapur, Chapter 18; and Sandoval, Chapter 15 in this volume.

⁸⁸ See Oegroseno, Chapter 37 and Rasulov, Chapter 12 in this volume.

⁸⁹ See, LaForgia, Chapter 24; Shahabuddin, Chapter 5; and Veçoso, Chapter 25 in this volume.

⁹⁰ See Samour, Chapter 35 in this volume.

⁹¹ See Farley, Chapter 36 in this volume. See also, "Panel: International Dimensions of Critical Race Theory" (1997) 91 *Proceedings of the Annual Meeting of the American Society of International Law* 408; "Symposium on Critical Race Theory and International Law: Convergence and Divergence" (2000) 45 *Villanova Law Review* 827; Vasuki Nesiiah, "Placing International Law: White Spaces on a Map" (2003) 16 *Leiden Journal of International Law* 1; Robert Knox, "Civilizing Interventions? Race, War and International Law" (2013) 26 *Cambridge Review of International Affairs* 111; Adrian A. Smith, "Migration, Development and Security Within Racialized Global Capitalism: Refusing the Balance Game" (2016) 37 *Third World Quarterly* 219.

⁹² See Anghie, Chapter 32 and Gassama, Chapter 7 in this volume.

⁹³ Itty Abraham, *How India Became Territorial: Foreign Policy, Diaspora, Geopolitics* (Stanford: Stanford University Press, 2014), p. 69. Quoted in Anghie, Chapter 32 in this volume.

notwithstanding their long residence in these countries.”⁹⁴ Today this infamous legacy continues to be present in many parts of the world.⁹⁵ Connected with this, the other ambiguous legacy of Bandung can be seen today in the vast numbers of people fleeing their homelands through the Mediterranean Sea, reversing the direction of European colonial travel, only to face bounded nation-states, each trying to keep themselves together. The sea has become, as we write this, a mass graveyard structured by international law. Yet, as Samera Esmeir notes in her contribution to this volume, people’s journeys, “notwithstanding its deadly outcome, is a testament to the possibilities that the sea continues to present as a site of crossing, struggles, solidarity, and some hope.”⁹⁶

Authors in this volume have situated themselves differently in relation to the alliances, divergences, and tensions crisscrossing Bandung – both Bandung as event, and Bandung as myth. Bandung’s influence on nationalist projects is reexamined through archival records or part of a history of ideas.⁹⁷ Others write in a more reflective register and consider Bandung to be an exercise in redescribing the world; they suggest that Bandung becomes politically salient when it is understood in a way that opens up multiple understandings of the past, present, and future.⁹⁸ Some see a present where Bandung’s promise of freedom and equality among nations and peoples remains unfulfilled, in effect calling for a continued push in that direction.⁹⁹

At the same time, a number of authors provide a precise account of Bandung’s darker legacies. One argument is that the idea of solidarity at Bandung, when examined against NAM and NIEO, in effect elided differences that were irreconcilable.¹⁰⁰ The case studies on South Asia and Africa foreground how concepts of nationhood developed at Bandung allowed, and continue to allow, violence to be unleashed against populations whose rulers are not perceived as members of their nationalist/ethnic group or worth of attention.¹⁰¹ Focusing on the specific role of Bandung’s charismatic nationalist statesmen, two authors bring also a poignant understanding of Bandung’s legacy: they tell us that while these leaders should be credited with generating Bandung’s inspirational anticolonial power, they should also be understood as historical actors who are responsible for the significant inequality and violence

⁹⁴ Ibid. ⁹⁵ See especially Dirar, Chapter 21 and Kapur, Chapter 18 in this volume.

⁹⁶ See Esmeir, Chapter 4 in this volume.

⁹⁷ See Obregón, Chapter 13; Peever, Chapter 34; and Oklopčic, Chapter 16 in this volume.

⁹⁸ See Parfitt, Chapter 2 and Pahuja, Chapter 33 in this volume.

⁹⁹ See Chatterjee, Epilogue in this volume. ¹⁰⁰ See Özsü, Chapter 17 in this volume.

¹⁰¹ See Choudhury, Chapter 19; Dirar, Chapter 21; Gassama, Chapter 7; and Kapur, Chapter 18 in this volume.

within many postcolonial states because of their adherence to certain shared worldviews.¹⁰²

This type of focus on Bandung's past implies that if we soberly look at the violence and inequality in the world today, we may see that it is partly the result of the fact that the leaders at Bandung achieved much of it what they set out to do. For instance, while none of the Four Asian Tigers – Hong Kong, Singapore, South Korea, and Taiwan – were present at the Conference, their political and economic policies have often been told as a story of planned economic independence that fits well within Bandungian sensibilities. Yet arguably, transnational solidarity plays only a minor role in the success of the Asian Tiger story. We may be witnessing a different version of nationalist alliance in the story of BRICS. China, India, post-apartheid South Africa, post-Soviet Russia, and Brazil have relied together, especially since 2009 when they began to meet annually, on claims of sovereignty and economic development to push themselves ahead in the modernist narrative and upgrade from developing into emerging economies. But yet again, many smaller countries were left behind – perhaps even rendered more vulnerable by the success of the BRICS countries. Is this in the tradition of Bandungian solidarity that we want to claim?

The challenges of a broader appeal for solidarity may be a call to return to the Bandungian insistence on the significance of colonial history. This is surely a significant part of the story of the tragedy of genocide, war, and environmental crisis in contexts such as Rwanda¹⁰³ and Palestine, and beyond, and our inability to respond to these events in a non-state-centric manner.¹⁰⁴ In the midst of this crisis, developmental discourses have come to fill the gap of proper political responses; coupled with humanitarianism these often carry an ontological structure predicated on victimhood, a poor disabling move that takes us to commiseration and not to liberation.¹⁰⁵ Another example lurking in the background of one of the chapters is, for these reasons, Syria. As we drew this volume together, we have been witnessing the regressive unraveling of imperial borders created by the 1916 Sykes-Picot Agreement. What does a Bandungian solidarity call for in this moment? Again, we are grappling with the limitations of reducing solidarity to commiseration or formulaic versions of sovereignty. As Prashad notes, “distress produces its own contradictions.”¹⁰⁶

¹⁰² See Gassama, Chapter 7 and Gupta, Chapter 29 in this volume.

¹⁰³ Mahmood Mamdani, *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda* (Princeton: Princeton University Press, 2001).

¹⁰⁴ See Samour, Chapter 35 in this volume. ¹⁰⁵ See Sayed, Chapter 26 in this volume.

¹⁰⁶ Prashad, *The Darker Nations: A People's History of the Third World*, p. 279.

These are all important issues, and further research into them will complicate and enrich our post-Bandung agenda without descending into a narrative of failure on the one hand or nostalgia on the other. The treatment of civil unrest and internal repression in the post-colony as failures in the Bandung vision dehistoricizes the complexity of local social struggles. The failure narrative is often accompanied with an ascension into ethereal cosmopolitanisms – a move that history has shown as often quickly descending into international technical managerialisms and imperial projects of all sorts. The nostalgia narrative presents an equally problematic take on history in looking to the nation-state as the only locus of social change – a move that history has shown as often quickly descending into repression of dissenters and internal minorities. On the one hand, the failure narrative denies the long reach of colonialism and the continued role of neocolonialism; unrest in, or resistance to, the postcolonial nation-state is not the same as the failure of the Bandungian inheritance, in its nation-state form as well as others. Bandungian nationalism of the postcolonial moment could be understood as the tactical means people chose at the time to achieve their goals in an inherited “Westphalian” world order.¹⁰⁷ On the other hand, the nostalgia narrative denies that tactics is a matter of strategy and the nation-state should not be fetishized as a transhistorical category. These fault lines, this unrest, stands at the historical intersection of complex dynamics internal to the postcolonial nation as well as the complex dynamics of the neocolonial global landscape. Kamala Viswesarna notes in her discussion of India and Kashmir, in this sense, that refusing history often conflates “post-colonial critique with nation-state melancholia.” She says this “not only produces an elision of the question of occupation but also has a tendency to subsume socio-political opposition in post-colonial states to mere symptoms of its ‘failure.’”¹⁰⁸ Here, leaving aside both the failure narrative and the nostalgia narrative, we can think of the “occupation” as both Indian occupation of Kashmir and British colonization of the subcontinent. It is perhaps overdetermined that “unrest” and opposition will emerge at this potent historical junction.

In 1955, Richard Wright’s conversation with Benjamin Higgins foregrounded the temporal terms for Bandung in a way that continues to resonate today. Wright was an author who provided a famous firsthand account of Bandung and linked it to the antiracism struggle in the United States, and Higgins was a development economist who studied the economic aspects of Bandung. They discussed Higgins’s proposals after Bandung, and in their

¹⁰⁷ Robert Knox, “Strategy and Tactics” (2010) 21 *Finnish Yearbook of International Law* 193.

¹⁰⁸ Kamala Visweswaran, “Occupier/occupied” (2012) 19 *Identities* 440, 444.

conversation both thought that it might be too late to even start solving Asian countries' problems. Wright was overwhelmed by the degree of change necessary to improve living conditions and the amount of resources necessary to implement change. But then he concluded, "The problem here is not whether these Asian masses can or will make progress; the problem is one, above all, of means, techniques, and *time*."¹⁰⁹

Today, we are living in one of those particular times and with the results of some of the particular techniques present in Bandung. In that sense, Bandung is our present. But is this the world we want? Today, in contradistinction to the Bandung moment, the progressive Third World project (certainly as exemplified in many of the contributions included in this volume) has unmoored itself from the state. It is also suspicious of developmental discourses, progress narratives, and illusory promises of emancipation. However it remains anti-imperial.¹¹⁰ At Bandung, delegates argued over the geographical dimensions of imperialism, some emphasizing European colonialism, others worried more about the Soviet Union or the United States. This perspective, of course, left out postwar imperial ambitions among Asian and African states.¹¹¹ But just as imperialism can be understood in a multitude of ways, anti-imperialism should comprise a plurality of methods and perspectives. In this precise way, it is important to pay attention not only to the anti-imperial social movements that produced Bandung but also to their current local and transnational iterations.¹¹²

Today we could say, as a result, that anti-imperialism is an undertaking that engages with the workings of the state but with a deep mistrust if not hostility against it.¹¹³ For the last three decades many have been engaged, along these lines, in what can be called a post-Bandung agenda. It is an agenda that provides a critical engagement with notions of sovereignty, human rights, and the international economic order. And it does not treat the state as a predetermined or privileged category. Rather, it is one that constantly revisits "how and where exactly we do engage, and should engage, with international

¹⁰⁹ Wright, *The Color Curtain*, p. 216 (emphasis in the original).

¹¹⁰ See also Usha Natarajan, John Reynolds, Amar Bhatia, and Sujith Xavier (eds.) "Special Issue: TWAIL – On Praxis and the Intellectual" (2016) 37:11 *Third World Quarterly* 1943–2138 (with contributions by Georges Abi-Saab, Nesrine Badawi, Reem Bahdi, Richard Falk, Ali Hammoudi, Vanja Hamzić, Mudar Kassis, Adil Hasan Khan, Zoran Oklopčić, John Reynolds, Adrian M. Smith, and M. Somarajah).

¹¹¹ See Dirar, Chapter 21 in this volume.

¹¹² See Chhimni, Chapter 1 and McGregor and Hearman, Chapter 9 in this volume.

¹¹³ See Chatterjee, Epilogue in this volume.

law.”¹¹⁴ With such an agenda, we can better appreciate, for example, the progressive and revolutionary implications of uprisings, revolutions, and social mobilizations in different Asian, Arab, African, Latin American, and European countries in recent years.¹¹⁵

As such, spatial concepts and their relation to political formations are currently a matter of investigation and argument within international legal scholarship. One approach has been to contextualize the state within different transnational scales, whether it is through new international institutions formations or regional imaginaries. Others have opted instead to put the state deeper in the background (or even better dispersed throughout our human and material world), calling, in this way, for an international law of the everyday.¹¹⁶ This has been a reaction against an international law that is formed as a response to crises – crises from which it extracts value, in order to present itself as an extraordinary safety zone, while still sustaining these crises in different ways.¹¹⁷ The aim of this exercise has been to reflect on, and move away from, the received myths of international law, and instead to pay attention to shared vernacular ways of seeing the world, communicating values, and performing or transmitting culture. Even as Bandung’s generation of politicians, writers, and intellectuals pass away, taking living memory of the Conference with them, Bandung remains alive in today’s intimate spaces of friendship, mentorship, and family.¹¹⁸ This is not a space for grand romance, but it is a space of resistance and solidarity found in the places where we live and work – from Rhodes Must Fall in one space to Occupy in another; Black Lives Matter in one space and the Arab Spring in another. For instance, within the domain of Third World Approaches to International Law (TWAAIL) – the multigenerational network of scholarship and solidarity that has nurtured us and many contributors to this volume – Bandung continues, not as a heroic conquest of the international legal order, but more as a popular spirit of “enlightened anarchy” that Gandhi aspired to for independent India.

¹¹⁴ Luis Eslava and Sundhya Pahuja, “Beyond the (Post)Colonial: TWAAIL and the Everyday Life of International Law” (2012) 45 *Journal of Law and Politics in Africa, Asia and Latin* 195.

¹¹⁵ See, e.g., Aboueldahab, Chapter 23 in this volume.

¹¹⁶ Luis Eslava, *Local Space, Global Life*.

¹¹⁷ See, e.g., Anne Orford, “Embodying Internationalism: The Making of International Lawyers” (1998) 19 *Australian Year Book of International Law* 1; Hilary Charlesworth, “International Law: A Discipline of Crisis” (2002) 65 *Modern Law Review* 377, 385–386; Fleur Johns, Richard Joyce, and Sundhya Pahuja (eds.), *Events: The Force of International Law* (London: Routledge, 2011).

¹¹⁸ See Mickelson and Natarajan, Chapter 28; Pahuja, Chapter 33; and Sandoval Chapter 15 in this volume.

But this call for an international law that pays attention to the everyday forces us to question whose day matters. The question of “who” is not self-evident and cannot be answered in the abstract, especially if we think from the perspective of the claims – enacted, forgotten, or imagined – in Bandung. In this sense, even though we all live in the realm of the everyday, international law and its myths still give people a platform to dream of alternative futures and enable one to speak to the world. In this way the post-Bandung agenda remains committed, as the contributions collected here demonstrate, to finding new spaces of unity and collective action that defy and transfigure concepts of nations and states, and international law as such. To paraphrase from the recent Black-Palestinian Solidarity movement: solidarity against imperialism and state-sanctioned violence is neither a guarantee nor a requirement – it is a choice.¹¹⁹ Solidarity gains and loses momentum and direction like the winds in the sails of a ship. When there is a shared sense of solidarity, it feels as though there is collective movement toward a clear goal. At other times, however, solidarity feels more like a political agenda that is at the mercy of forces of nature pushing in unknown directions. Alliances are difficult to create and tenuous at best, but, as we have discovered, the effort to create them is profoundly transformative.¹²⁰

Bandung inserted the concepts of equality and justice into international law in a way that cannot be undone. Bandung’s significance for international lawyers arises from the fact that it is both an idea and a project, a collective imagination of a new world and a practical effort to make that idea a reality. It is for every generation to argue and debate over what equality and justice mean for international law, and in doing so to resist normalization and to wrench open the possibility of an alternative, fairer, and more just world order, “like a rumor without any echo/of History, really beginning.”

¹¹⁹ See www.blackpalestiniansolidarity.com/#sthash.ZUnfqH4K.DoHqmzCS.dpuf.

¹²⁰ Vasuki Nesiah, “Uncomfortable Alliances: Women, Peace and Security in Sri Lanka” in Ania Loomba and Ritty Lukose (eds.), *South Asian Feminisms* (Durham: Duke University Press, 2012), p. 139.