



THIRD WORLD APPROACHES to INTERNATIONAL LAW *Review*

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TWAILR: Dialogues ~ 18/2025

Law, Social Transformation, and the Third World: A Conversation with Vijay Prashad

What is the role of the (legal) intellectual in social transformation today, amid escalating environmental and economic injustice, and the rise of racist regimes worldwide? How should the tactics of third world anti-imperialists evolve amid the disintegration of US power and the mass suffering inflicted by the death throes of US imperialist and capitalist hegemony? While international laws and institutions have contributed to structuring and reproducing suffering across the global south, what role (if any) can law play towards structuring a world order for peace and ecological stability based on respectful interrelations? Vijay Prashad discussed these issues and more with Usha Natarajan and John Reynolds online on 23 April 2025.

1. Third World Priorities

Usha Natarajan [UN]: Hi everyone, my colleague Dr John Reynolds and I are part of the *Third World Approaches to International Law (TWAAIL) Review* Editorial Collective. We're fortunate to have this opportunity to interview [Dr Vijay Prashad](#). Dr Prashad's works are familiar to many across the TWAAIL movement over the decades, from *The Darker Nations* to *Arab Spring, Libyan Winter, The Poorer Nations, Land of Blue Helmets, The Withdrawal*, and many more. Dr Prashad is Executive Director of the [Tricontinental Institute for Social Research](#) and Chief Editor of [LeftWord Books](#). He's been part of our Advisory Board since the *TWAAIL Review* was founded in 2019. I refrain from listing all his accomplishments so we have time to discuss the issues at hand, which, broadly speaking, are the role of law in social transformation in the Global South; the role of law, lawyers, and legal institutions in not only structuring suffering, but whether

law, lawyers, and legal institutions can play a part in building justice societies. Topics include the role of the legal intellectual in social transformation, whether and how our tactics need to adapt to the present moment, in the context of the genocide in Palestine, proliferating environmental injustice, and so on.

My first question is prompted by the immediate background to this event, which was initially planned under the auspices of the Law and Political Economy Project (LPE) at Yale Law School. LPE is a US-based leftist project, and I suggested this conversation as a way of connecting it with longstanding third world left internationalist projects. In early-March, Yale suspended LPE Deputy Director, Dr Helyeh Doutaghi, an Iranian TWAIL scholar, for her pro-Palestine work. As a result, LPE cancelled this event. Dr Doutaghi was ultimately fired by Yale at the end of March. To me the shameful and racist targeting of our Iranian TWAIL colleague – with neither public support nor public apology from her employers – underscores the feebleness and isolation of much of the so-called progressive left in western academia from most of the world. In Dr Doutaghi's statement after she was fired, she said,

In the face of unprecedented challenges to western capitalist imperialism from the majority world, this system [western capitalist imperialism] has shown its true essence again once and for all by returning to its genocidal roots ... Do we give in to the repression imposed by a genocidal western order desperate to fight off the rising anti-imperialism of the majority world, or do we join with the majority world of the global south, led by the Palestinians fighting against the Zionist death machine, in continuing to rise costs and end the impunity generated by those waging genocidal war.

I agree with Helyeh that rise of rightwing racist regimes worldwide is a reaction to the success of transnational anti-imperial, anti-colonial, anti-racist movements – including intellectual movements – as evidenced by increasing efforts in the west to defund and erase us. Given how closely attuned Tricontinental's research agenda is with social movements worldwide, my first question for you is whether the rise of rightwing regimes – particularly the current regime in the US – necessitates a change in tactics for those producing third world knowledges, and if so how? And to what extent should our research priorities remain unchanged and stay the course?

Vijay Prashad [VP]: First, I'm extremely sorry to hear about what happened to her. I didn't realize she was, as they say so politely, terminated. What a horrible word to use for a human being, but that's the kind of language they use. I'm very sorry to hear that because I really don't understand what's happening in the United States fully. Well, I get it, I'm not naïve, I get that the Trump administration is settling scores. The Financial Times ran an editorial on the Trump attack on Harvard University and other

colleges saying that 'this political interference is outrageous, but ...' The Financial Times is generally the sensible capitalist press, but they said the left has gone too far by putting all this nonsense into academia so there needs to be a rollback. In other words, they are asking: What is all this stuff, this 'third world approaches', what is it? There is only the law, and there is no need to clarify it further. There is no DEI, there are only humans, only individuals. So, the Financial Times says that Trump is wrong ... but also that he is right.

In that context, there is a consensus on college campuses. I used to teach in the United States. I remember that when I would write anything on Israel, when I came back from Gaza and wrote in 2014, the Anti-Defamation League decided to get into their limousine and drive from New York City to Hartford, Connecticut to meet with the university president. The president took the meeting, didn't invite me, and the League asked for me to be fired. The president took the meeting and took it seriously. I found out about it because it was leaked. The culture of silencing is general, it's not particular, it's not, 'Oh my God, Trump has appeared, and he is silencing people'. These institutions are past masters in silencing. Trump has done something that the liberals didn't think to do, which is to put the money on the table and say that if you don't get rid of these people who are pro-Palestinian or who have associations with terrorist organizations, we're going to stop funding you. Nobody else had put the money on the table, but it's not like these groups like the Canary Mission and these various mysterious so-called Jewish newspapers hadn't previously targeted people. People lost their jobs or were harassed out of employment.

So, I don't want us to join the liberal bandwagon of 'oh my God, Trump is the worst' or 'these rightwing regimes are appalling'. Really? But what kind of government was it in Germany decided to [ban](#) Yanis Varoufakis from speaking online into Germany? That was a government in which you had the Greens and Social Democrats. Now, you might say they're not really green, but these are the liberals, these are what counts for liberals in German society. In Britain, formerly known as Great Britain, you have a Prime Minister from the Labour Party who is basically conducting Trumpian silencing and did so in his own party against Jeremy Corbyn with almost no liberal defense of Corbyn. So, I don't want to get too excited that some major change is happening. I see quantitative changes happening, but this is not a qualitative change. This is just more of what we've had for a very long time. Frankly, people are upset because some of them are getting targeted, but they were not upset yesterday when other people were getting targeted. I'm not saying this because I'm bitter or angry at

my own previous situation, I don't care about that, but this is how I see the current moment.

Just to wrap this point up, there is a rightwing, but the question to ask is that in these advanced societies of the Atlantic world what is the political spectrum any longer? What is the range of the political spectrum? What has happened to liberalism in the west? You know when you ask a question about law, it begs the question of the ideology of bourgeois law, which is liberalism. And I want to put this on the table, where is liberalism today? Liberalism fashioned itself as neoliberalism, which effectively said that the poor can go hang themselves. How is that even liberal any longer, except insofar as the niceties of liberal rights and individualism? Everybody is allowed to go and starve. If there were a contemporary like Jonathan Swift in the Atlantic world today, if you had a contemporary writer with this disposition, he or she would write *A Modest Proposal* that would make us howl with pain. But you don't have that because liberalism has collapsed in the western world. This right wing that has emerged encapsulates an enormous section of the social consciousness with different sensibilities, maybe different ways of saying and framing things. But where is liberalism, if you want to ask what about the law?

2. Palestine and the Third World

John Reynolds [JR]: Thanks Vijay, so that's the question, what about the law? What about liberalism in the US and across much of the west? I want to ask you about the third world as well. If we stick with the theme of Palestine for the moment, I want to ask about Palestine and the third world today, a year and half into this vicious genocide. In a book 10 years ago, *Letters to Palestine*, you wrote something which still resonates a decade later:

Palestine lies on its rickety bed. Israel stands above, pillow in hand. It places it on the face of Palestine. Palestine struggles. It pushes back. In the next bed sits Egypt. It is silent. Its pockets are filled with US dollars ... Jordan is on the floor. It does nothing ... The UN is in the corner ... No one comes to Palestine's aid.

Since then, we've seen further normalization moves by some of the Gulf states; India under Prime Minister Modi has become the biggest buyer of Israeli weapons, and so on. And the line about Egypt struck me because it was just in the last couple of days that the Palestine Solidarity Alliance and some of the civil society groups across the African continent have filed a complaint against Egypt to the African Union over Egypt's complicity in the genocide, and are also looking for a referral to the African

Court of Human Rights. So, we have a social movement and civil society attempt to engage the liberal human rights law framework against the Egyptian state. And we have a situation where even the states that have taken more progressive stances legally, politically, and diplomatically against Israel (Brazil, South Africa, and so on) still engaging in a lot of business-as-usual trade and economic relations with Israel. The coal embargo imposed by Colombia and the action taken by the Yemeni forces in the Red Sea are notable by how exceptional they have been, if we think about the third world as a whole. How do you see the role and engagement of third world states with Palestine developing from here? What needs to happen for action by third world states to start to better reflect the positions and calls of popular movements and mass solidarity campaigns across those countries?

VP: It's such a rich question and I was very happy to see the vitalization of African institutions. It is important to try and use regional institutions, not just the ICJ, or the ICC where usefulness depends on the prosecutor. Regional institutions are important and why aren't we using them to the maximum that they can be used? So, I was very pleased and happy to see the report on that.

Some comments on what you said, because I don't have answers, just comments. It's interesting that these states did go to the ICJ, and it's interesting that so many stood up and argued the case. Namibia, in its argument against Germany, saying how dare you say that we don't know what a genocide is? You, yourself culpable for the genocide in Namibia, never even apologized for it in a formal way, let alone paying reparations, for wiping out the Herero and Nama people. That was something I haven't seen in a long time. The government in South Africa was under immense pressure from the opposition, which wants to normalize with Israel. Yet they took this line despite the fact it may not have helped them in the ballot box. And also, a lot of economic pressure from the United States not to bring the case and they still did it. Yet they are selling coal to Israel. We also need to be very precise in how we talk because look at what I just said: 'they' did this, and 'they' did that. But one of the problems is that there are private companies involved.

India, for instance, as a government doesn't sell drone technology to Israel. It's a private company that sells that stuff. Now, can India and should India ban the sale of dangerous military technology to a country that's conducting a genocide? I raised this question with somebody in the Indian government and he answered accurately that the ICJ ruling doesn't say it's a genocide, the ICJ says there's plausible evidence of a genocide. I mean they are going to sit and hedge as much as they can from saying

that. If somebody flashed the red light and said it was genocide, then maybe we would ban all dual use technology going to Israel. Dual use is the argument that the Iranians made, saying that they are importing nuclear technology for peaceful purposes, but the US said that because it was dual use technology it must be banned. Now we know that there's technology going to – or rather components going to – Israel that is used for its military industry, but some argue that because it's dual use therefore it should be allowed. So, the exact same dual use argument that prevented imports into Iran is being made to permit imports into Israel. This is annoying and pressure from all sides is needed. I'm a great believer in different people doing different things. In all countries, lawsuits should be brought, and I don't see why a group hasn't brought a suit in India against the government saying that there is plausible evidence of genocide so how can you allow dual use technology to go towards that, and let the government come to court to answer. In India, it's so easy to make a claim and some judge or magistrate might take it seriously.

I think every opportunity should be used because we know the law has two functions. One is its generative, public consciousness function. The fact that the case exists generates a kind of new public consciousness, regardless of the outcome, and the rightwing has use this in a way that is sublime. I have faced legal challenges in India where the government has accused me personally of being involved in some Chinese plot, which has had remarkable material negative impact on me. I can't open a bank account, I have a lookout notice to enter India, and so on. The rightwing uses legal challenges against the left in a blanket fashion. I don't have enormous faith in the liberal judicial system, but I have enormous faith in the generative power of court cases. Look at the power of the ICJ case. It raised awareness about the genocide more than any protest march. But the protest marches produced the consciousness that allowed the case to be brought. And then the case itself creates more public consciousness. These things dialectically work on each other, so I'm of a view that lots more cases should be filed, just as the complaint against Egypt.

Secondly, in some societies like India or China, public consciousness about what's happening in Palestine is extremely low. News coverage in China about what is happening in Palestine is not great, because it's not a proximate issue in China. The Chinese Government hosted the talks between the 14 Palestinian factions, China has constantly criticized the genocide, and the Communist Party of China has released statements criticizing it. But there's no mass campaign and no mass pressure to do anything. There's no mass pressure in China to send a ship to Cuba with a whole new power plant to be built. Public understanding and knowledge are also low in India,

with poor media coverage on Palestine. Politically, both China and India have taken an interesting political position. India has not backed the genocide. I may be splitting hairs but some hairs need to be split. Modi has not come out and said we stand with our brother Benjamin Netanyahu. India and China have said they want to implement the two-state solution.

Yesterday, I was talking to some friends in Ramallah, and the two-state solution might be completely bankrupt from a political point of view on the ground. However, the two-state solution is absolutely imperative from an international law perspective because it is what prevents (i) the annexation of Gaza, (ii) full annexation of the East Jerusalem area and of Jerusalem becoming the capital of Israel, and (iii) it means that the settlements will remain illegal and the apartheid wall is illegal. The moment international law suspends the two-state solution, these things no longer are so clearly illegal. So, for India and China to continue to say we stand by the two-state solution is a wall against the annexation of Gaza. It's very important and should not be underestimated. Two things can be right at the same time. I believe the two-state solution is completely bankrupt as a political solution for the Palestinians. But the two-state solution is a legal wall against complete annexation by Israel. Therefore, we shouldn't walk away from the two-state solution. We should understand that both these things are correct, which is why I think the Chinese and Indian position is complicated and contradictory and needs to be also understood for its uses, not just its limitations.

What generally happens is, we get frustrated with governments, and we just look at the negative aspects, and we attack the negative. We don't try to advance and build from the positive. We really need to use these governments more, and that requires people like yourselves writing much more in the public domain in places like India and China. I welcome you to write for the Chinese media, if anybody is interested in writing for Guancha.cn, an important new left publication that has millions of readers a day, let me know. Indian publications need your voices, we need to flood public opinion, and it need not be long legal briefs, it can be short pieces. We need to be out there because unless we build public consciousness, there is no real pressure and, in societies like India and China, public consciousness is important.

India and China are important because we cannot allow the Palestinian issue to become about Islam. When Indonesia and Turkey take the Palestinian cause up, they take it up as Islamic solidarity, which is not how the Palestinians see their cause. That might be how Hamas sees it, but that's not the Palestinian liberation struggle in

general. One must continue to remind people of that, that there's a much broader public involved. This is not a Muslim struggle, this is a struggle of decolonization, it's a struggle of national liberation. Therefore, people in places like India and China might need to be brought along.

3. Law and Social Movements

UN: I see your point about looking at both the positive and negative aspects of state behavior, and I want to ask about whether social movements understand the role of law similarly. A lot of TWAIL scholarship is about how international laws and institutions today structure international relations in a manner that multiplies suffering whilst obfuscating its root causes. For example, as mass displacement proliferates across the global south, the legal response in rich states has been to proliferate zones of irregularity – creating legal black holes that increase the vulnerability, suffering, and exploitation of migrants – instead of refraining from harmful northern economic, environmental, and military interventions that systemically displace peoples across the south. Tricontinental's research is shaped by peasant movements, environmental justice movements, and labor movements across the global south that mobilize against such interventionist power exercised by transnational capitalists. What role does law – international, domestic and transnational – play in their struggle and in the world they want? While law is undeniably a tool of power that needs to be dismantled, can law – including for instance, local legal traditions – also provide some inspiration for solidarity and movement building, and a foundation for reorganizing and social transformation? Or are laws and lawyers inherently skewed towards benefiting the powerful and thus destined to repeat past mistakes?

VP: This is a very interesting question and we could spend hours on this. What I've noticed in a lot of movements over the past decade or so is a sense that, with the immense changes taking place in the world, movements no longer are satisfied with critiques of capitalism. They want positive dimensions of human life. For instance, Tricontinental has been put under pressure to create a new development theory, and a lot of our work recently has been trying to figure out what this is. Our people tell us all the time, we know the problems of capitalism. Please don't come to our political schools and spend three hours telling us that, we've lived the problem of capitalism. Instead, tell us how our society can develop. Once you have a development plan, then movements can carry the plan forward. Movements can say, we need domestic savings increased, we need to use domestic savings for infrastructure development, but we don't want domestic savings increased on the back of reduced consumption. They

want practical things. So, bring together fifty economists, and have a gathering. We just had a gathering in Burkina Faso and in Brazil with interesting conversations about regional economics, local currencies, and different ways to harness resources for development. We're done with the critique. The world is changing, the West is collapsing, how do we drive an agenda?

The message to the lawyers is that it is not true that law gets dissolved in a future society. I'm sure all of you have read your Evgeny Pashukanis and all these Soviet lawyers who were like, okay, so the czarist system is over, Kerensky has been deposed, and we've created the Union of Soviet Socialist Republics, so now we have to make a constitution. But any attempt to write a constitution sounds like a bourgeois constitution. How to write a whole legal framework without contract law, and without the bourgeois citizen as the subject of the whole legal edifice? Pashukanis's book ends up being a critique of bourgeois law, that underneath the whole of bourgeois law is the commodity form. In most law schools, contracts are taught in the first year. So, is it true that all law trans-historically is rooted in contracts, or is there a post-bourgeois legal way of understanding things?

At a recent meeting of social movements, I started talking about how we on the left don't really talk about criminality much. We talk about carceral systems but a group that we work with in Brazil that has mass membership in favelas is being terrorized by drug gangs. The poor are being terrorized and are uninterested in me coming there and talking about carceral systems and how the police are an instrument of domination. Sometimes they want the police or somebody to deal with the gunfire at night, their kids can't go outside, and they have to put the lights off because they're scared of gangs, and so on. Do we have a way to talk about criminality or is President Bukele in El Salvador going to take the high ground? Bukele isn't doing anything that President Duterte didn't do before him in the Philippines. But Duterte is now sitting in a cell somewhere at the ICC, but Bukele is the hero of Trump. This idea that you just go and shoot drug dealers is enormously popular in some poor neighborhoods around the world. Duterte was enormously popular when he was a mayor of his town among sections of the public who were saying, thank God somebody's coming to help us.

What I'm asking you is what are the legal frameworks that one can come up with that help us understand both the importance of the rights of humans, but that also ground the entire framework in collectivity, in the social rather than the individual. Or perhaps dialectically in the individual and the social, I don't know. Where are the

lawyers who are thinking for the next system? For some kind of universal jurisdiction? Where are these people? There is an enormous role for lawyers because the transitional period to a post-state society is thousands of years. We're always going to need the relationship between people mediated by some sort of overarching framework. We're not going to get to the point of human history where individuals can decide on what's right and wrong amongst themselves as we live in complex societies.

At Tricontinental, we are opening an artificial intelligence project using DeepSeek. Who is going to design the legal framework for artificial intelligence? We need such laws to ensure that I am a person talking to you now and not just AI-generated to talk as I talk and say similar sentences, and you program me to say things that are embarrassing to me and put that online. That can easily be done today. Should we have some legal provisions to protect me so somebody can't just clone me online, violate my integrity, the things I believe in, and so on? We need legal frameworks for the future to be designed now.

Critiques of the legal system are useful but how many times are we going to critique bourgeois law? How many books do we need? What we need is your imagination of legal frameworks for emancipation. What is the international human rights law in an emancipated world? We're still going to have people violating this or that law, what should be the restrictions, what should be the constraints? I would like to see somebody come up with an understanding of the international arms industry. We have a million different legal frameworks, there are too many, so many that even the World Customs Organization doesn't know what applies where. A lot of the international treaties on weapons are about the whole weapon being exported, but what about component parts? For example, you can't export this shoulder fired SAM missile, but can you just export the tube? This is the kind of work we need from people in the legal field, especially in third world countries.

We need to have more lawyers working on transfer mispricing, or what is known as transfer pricing, where multinational corporations basically steal money from countries by pricing out the value of goods and services saying that they are charging it to a subsidiary and so on. We need a team of lawyers to help us understand how this properly functions. Let's undertake case studies, for example let's look at how three Swiss companies are bilking Zambia, let's do a scandal on that. That's the kind of critique we need, actually going after firms, putting them in the spotlight, and helping a country like Zambia. I've been to these meetings where the US comes in with fifty lawyers; whereas Zambia has one lawyer, no xerox machine, no printouts,

the lawyer is looking at documents on their phone, and so on. It would be amazing if we could create a clinic willing to provide technical support in negotiations – economic negotiations, trade negotiations, and most of all to intervene in arms. This is the most dangerous and I don't recommend this for people who are young and have young children, but those who are older and toward the other half of your life, if you could provide clinical work against arms companies that would be incredibly useful. So, firstly, imagine the future law; and secondly, provide some clinical support to help us go after some of these firms.

4. Channeling the Bandung Spirit

JR: That's brilliant, there's a whole research agenda there. Some of this work is going on, particularly among newer generations of TWAIL scholars, on the research and academic side as well as movement lawyering. In yesterday's collective meeting, we were coincidentally discussing a TWAIL clinic, how we would embed that institutionally, where it would be, and so on, so that is part of our agenda. The obvious problem is the scale. The example you mentioned of Zambia versus the US, it's the same proportion of people who are doing the progressive and radical research and practice, versus those who are caught up in mainstream legal analysis and practice, even in even in the global south and even in institutions and research centers that are supposed to have a critical edge. Nevertheless, a clinic is on the TWAIL agenda.

To shift gears slightly, a lot of the third world anticolonial critique of international law has appealed to people through historical analysis and the reinvigoration or mythologizing of earlier third world traditions. The Bandung Conference holds such a mythical place in third world traditions including TWAIL, and a lot of our TWAIL colleagues were involved in a big project on *Bandung, Global History and International Law* in recent years. The united front presented by a range of quite diverse third world positions in 1955 is heralded as part of the strength and significance of Bandung, while also ultimately reflecting its shortcomings. It can be compared unfavorably, for example, with the Tricontinental Conference that came a decade later and had a more unified and explicitly radical socialist politics at its heart. Your own Institute takes its name from that legacy of the Tricontinental, while a recent dossier the Institute has published to mark 70 years since Bandung reflects on the legacy of the so-called 'spirit of Bandung'. How would you characterize the Bandung Spirit? It is still with us today, or is anything else emerging to take its place or to revive and channel that spirit?

VP: The 70th anniversary of Bandung has focused our minds on this. Yet the Bandung moment and the present moment are so different because of the anticolonial struggle. When I published my book, *The Darker Nations*, the subtitle – *A People's History of the Third World* – came from Howard Zinn. It wasn't my idea; he wanted it in his book series on the people's history. Then people wrote to me and said it's not really a people's history because a lot of it is about leaders. And I was trying to explain that they're missing the point in a way, because those leaders came out of mass struggles of hundreds of millions of people. You can't say Zhou Enlai is a leader in the same way that Keir Starmer is a leader. Keir Starmer won an election. Zhou Enlai fought for 35 years at the head of a movement to have a revolution in China. Jawaharlal Nehru was involved in a mass struggle involving hundreds of millions of people for over 30 years in India. He wasn't just the guy who won the election in 1952. We can't think of Sukarno in the same way as we may think of Friedrich Mertz of Germany, because that reduces the term leader. The latter type aren't leaders, they just won a fucking election with a lot of money on the table, they're pathetic. We can't think of Keir Starmer in the same way as one thinks about Gamal Abdel Nasser. When Israel won the 1967 war, Nasser said he would resign out of humiliation, and millions of people came to the streets of Cairo to yell, 'Nasser, don't go, we need you'. Imagine even ten people on the streets of London saying to Starmer, we need you, don't go. Rather, there'll be a million people saying get rid of this guy.

So, these were mass movements, and in a sense the politics and morality of the Bandung vision was way ahead of the structures. These were impoverished countries, they didn't have the money even in 1973 to build a New International Economic Order, but they had lots of ideas, they put things on the table like the Non-Aligned Movement, UNCTAD, and so on. But these were not powerful economies. They were still in what Kwame Nkrumah rightly called neocolonial structures up to the 1970s, and then they got hit by the debt crisis. But today the situation is reversed. Today, as a consequence of globalization and then the collapse of western markets, some of these countries are buoyant economically. The latest [IMF report](#) came out yesterday. It says that tariffs are basically going to destroy the US economy, the US might grow at 1.8%, China at 4.5%, and India 6.5%. The IMF tells the US to deal with the debt crisis, and then the IMF has advice for the Chinese. They tell the Chinese to stop having an industrial policy, and to increase private consumption. They're basically telling the Chinese to become like the US, but at the same time they're telling us that the US economy can't grow. So, the report is technically quite good, but the last section with recommendations is idiotic.

Now we have a situation where India, China, and Vietnam are leading countries with high growth tendencies; Indonesia, Bangladesh, and other Asian countries also have high growth rates. They are already building a whole new international economic order through various channels such as the Belt and Road Initiative and BRICS. That's why I tell people that it is kind of dumb to call for a new international economic order because it's already being built, it's going to be a fait accompli, there will be a new international economic order. In fact, the head of the IMF in her speech last week, Kristalina Georgieva, said that people have lost trust in the international order. That's true, and so they're building their own, but what's lagging is the politics. This is the opposite of Bandung. Today, the political quotient is much lower, but we have the building of these new southern structures. So, this is a situation where our interventions matter because we don't have political leaders today, maybe with exception of China where the sensibility around the government of China is much higher than elsewhere in the world. I will be writing about this report called the *Democracy Perception Index*, produced by a mainstream Scandinavian foundation called the Alliance of Democracies under the patronage of Anders Fogh Rasmussen, former NATO Secretary General. In this Report, which is very proud of its methodology, 50% of the people in the US say the US is a democracy. But in China, almost 80% say they live in a democracy.

So, we've got something interesting happening in the south, but there is no captivating southern vision there. They are building all these institutions, but BRICS is a trade body, it's not really political. The BRICS countries are more political in the G20, for instance if you read the G20 statement on the war in Ukraine, it reflects the fight that these countries had against the west. But if you read the BRICS statement, it's kind of lukewarm, so BRICS is not really political. Patrick Bond recently wrote another critique of my work saying that I am too much of a flag waiver for the BRICS, but I don't know where he gets that from, and this is a classic straw man argument that should be set aside. I feel personally that you have to look at these structures for what they are, not for what you want them to be, and then be disappointed by them. To look upon an institution with your hopes and then write your critique based on your disappointment is not Marxism. I'm a Marxist. I don't approach the world based on hopes, dreams, and disappointments. I look at what the institution is capable of doing, whether it's met its own historical mission, and what other kinds of things can there be to transform the world in the direction we need to go. We look at the actual historical tendency, not hopes and dreams and ideals. That's an idealist interpretation of the world.

So that's why I'm saying that where we are now is different, this is the inverse of Bandung in a way. And it means the role for you guys is enormous because you have to start coming out with what a new world order looks like that is not grounded in the so-called international consensus or the Atlantic consensus. What if we actually took the UN Charter seriously, what would some of these things look like? Here's a good exercise: Take the 1945 UN Charter and the 1955 Bandung Communique and ask DeepSeek what treaties should be passed immediately on an international level to advance the goals of both the UN Charter and the Communique that do not already exist. Where are the gaps? One of them I know is universal arms control.

5. What is an Ecological Civilization?

UN: I hope another issue that would arise under such a search is environmental change. I read with interest the recent issue of *Wenhua Zongheng* on China's ecological transition. The Chinese Vice-Minister for Environment, Pan Yue, wrote in 2006 about the concept of an ecological civilization, which has resonated strongly in decades since. Two of the authors in the recent issue, Ding Ling and Xu Zhun, observe that ecological civilization remains an ambiguous and open concept, with domestic authorities and civil society in the process of drawing on diverse understandings of ecology across the country. China's environmental traditions are sophisticated and at times contradictory, dating back many millennia in Daoist, Confucianist, and Buddhist thought, which have evolved over the last century through communism, the cultural revolution, and China entering the global market economy.

While most global south governments wholeheartedly embraced industrialization in the western sense, they are now looking to resurrect and evolve indigenous environmentalisms. This is laudable but challenging given that the dogged pursuit of industry led these governments to replicate the violence of the western state in rapacious pursuit of natural resources despite cost to local communities. We see this not only in China's resource extraction in the West – in Tibet and Xinjiang – but also in India in the Tribal belt in the North, Indonesia in West Papua, Brazil in the Amazon, and so on – with laws and policies across the global south echoing the racism of colonial laws. As these countries endeavor to formulate notions such as ecological civilization, does this inevitably entail self-reflection and dismantling enduring harms from state violence? As TWAIL scholars Anghie and Chimni put it in their article back in 2003, does an allegiance to the interests of third world peoples necessitate a critical rather than unwavering allegiance to third world states?

VP: I'm glad you read that issue because it came out just when I went to Xiong'an, which is a town less than two hours outside Beijing. It's a new city for 5 million people that is going to be almost carbon neutral. It exists on three layers and for the first time I saw a greenhouse factory in the city that grows cherry tomatoes using robots to prune the vines and so on. I've also visited dark factories where there are no workers. China is making enormous strides in what they call establishing the new quality productive forces. Obviously, industry has its problems but we're going to have to live with industry until we come up with new forms of energy, new forms of dealing with resources, and so on. It's ridiculous to have a conversation over Microsoft Teams and take an anti-industrialist position. We have our lights on and are using electricity. The question is what kind of industry and where. All industry isn't Charles Dickens's *Hard Times*. When you visit a new industrial park, it doesn't look like the old industry.

Of course, there are old hierarchies. The question of Xinjiang is interesting. Yesterday, the Chinese government sentenced to death* a Chinese official who took enormous numbers of bribes in Xinjiang. They don't play around, if you're a bribe taking government official they sentence you to death. This is the kind of thing that in the west you would do to somebody if they stole drugs. If they pay bribes, they probably get rewarded. States like China are going through a process. In the 1920s, Lenin wrote a whole series of articles about the dangers of great Russian chauvinism. In the 1950s, Mao did the same, he wrote about the dangers of great Han chauvinism. It's not easy to get rid of these chauvinisms. You can't just will it away. You can't have a Chinese revolution and then people forget thousands of years of history and all the hierarchies. It took generations in China to eradicate the most basic forms of patriarchy, and they have only been able to eradicate them socially, not culturally. Socially, by which I mean a law saying there are crèches in every neighborhood that are free, so that reproductive labor in the morning and afternoon is not necessarily going to be patriarchal. You hand your child over to a crèche in the neighborhood and then the child goes from there to school, so in those early hours mothers aren't forced to do more reproductive labor. Socially you can change things, but that doesn't mean that cultural attitudes of patriarchy are easily changed, those may take generations and serious struggle.

So of course, there are inadequacies and hierarchies and so on, especially in border regions. In the border regions of these third world countries, there are always problems of minorities that exist at the edge of empires. These are age-old problems

* His execution was stayed due to confession and cooperation with investigators, but his life sentence will not be commuted.

that are going to take time to address. It's different in the African continent because the old kingdoms were broken up very badly by the colonialists. And so, you don't really have the same kind of old, precolonial geographies intact. You don't have the Akan Kingdom, for instance, or the Zulu Kingdom intact, you have it all broken up. Except in parts of the Horn of Africa, where the breakup was not exactly so. In Ethiopia and Sudan, you have some serious problems. Modern geography has created problems that are going to take time to settle. The issues in Georgia and Ukraine are not just problems of, 'Oh, Putin is a madman'. These are problems of modern geography. The Soviets did something quite noble. They said let's make a Ukraine SSR and let's attach the areas where there are raw materials for industry with the areas where the factories are and make one Ukraine, even though it includes a large swath of Russian speaking people. Well, this didn't work out so well when the Soviet Union collapsed, though it took twenty years for them to go to war. In Asia, they would have gone to war in five minutes. We are less patient with border disputes, as the Indians and Chinese showed in 1962, only seven years after Hindi Chini Bhai Bhai at Bandung.

The point I'm trying to make is that we are in a very interesting and difficult set of contradictions, which poses enormous, exciting challenges for us. We need more people to produce new forms of thinking about an ecological civilization, absolutely. But you know what the worst way is to do this? It is to stand on the mountain and say 'China, stop using coal. India, stop using coal'. That old colonial attitude is not going to get anybody to accept anything. The best way is to say how do we expand this concept of ecological civilization to ensure that the entirety of China's geography, and in fact the world, enters this concept. How can we expand the potential of Indian laws about sustainability? The older former colonial parts of the world don't want to be lectured by anybody any longer, least of all a law professor. What they want is to be told that you are on a journey, ready to accompany them. And that's a matter of attitude, not a matter of analysis.

Sometimes people write good analysis but it's so arrogant. Academics can write so arrogantly, they feel they are better and smarter than politicians. They feel they are, in fact, better people. It's a classic error that Marx points out in his early text, *The Jewish Question*, just as Marx argued that the state thinks it's above all the problems of society. Academics sometimes think they're above the problems of the world. They can lecture the world about things. Super bad attitude. We have got to accompany movements, we have to accompany processes, and some of those processes might end up being governments. When Evo Morales was the president of Bolivia, he did things which maybe even I didn't agree with in the Amazon. But you know what was the worst way

to deal with Evo Morales, the first Indigenous leader in South America? Evo Morales didn't need to be lectured to and told that Pachamama was a whole bunch of hooy because he's building a road through the Amazon. Nobody wants to have a conversation with you, if you come at them like that. Save that attitude to attack the capitalists.

6. What is a Community?

JR: We have a question from Jose Elias Turizo Vanegas: Do you think the law of the future will need to rely more on communities in order to produce the law and enforce it, as a way to overcome institutional and power cooptation and to achieve a more effective way of delivering social justice?

VP: It's a great question but it obfuscates something very important, which is scale. What do you mean by community? Let's take the case of India's 1.4 billion people. What is a community? Where does a community end and a district start? At what point do you have representative leadership? The question underneath this question is the issue of representation. Because if you say, we don't want institutional cooptation, how does that happen? If you have assemblies of everybody in the community, then everybody can meet once a week and have a conversation and so on, but this is a matter of scale. We can't live in such small communities any longer. You can't develop, for instance, internet grids and power grids on such small scales. They have to be mass scaled up, otherwise they are expensive. Once you mass scale up an electric grid, you're going to need a legal framework for who gets to share electricity, who gets to pay what, and so on. And there's got to be much larger global scale laws about, for instance, undersea cables. So, this question is great but obfuscates the issue of scale. The small-scale community can come up with a model for the law of the future, but the more challenging issue is how do you come up with a global law or an international treaty of the future. Could you rewrite the 1982 Law of the Sea Convention so that it's more inclusive of communities? Is there a way to do it?

This is a great question, but it makes me uncomfortable because inside it is the question of scale. What is a community? The community I live in, Santiago, Chile, is a country of about 17 million people and half the people live in Santiago. So basically, this is an urban country, and it's not only urban but it's Santiago-based. Laws are made with Santiago at the center and then the mining owners who live in Santiago, with the margins irrelevant in a country like this. So, what is a community? Well, I live in a communa, it's huge, and I don't feel always represented even though my representative

is a leftwing person because scale is an issue. How do you participate in political life? This is a challenge to legal scholars. In our Institute, we talk about rescuing the collective life, how do you rescue the collective life? A subset of this question is how do you rescue the political life? People feel politically completely disenfranchised. And I don't just mean electorally, I mean politically disenfranchised in general. As the law is a political instrument, it is very difficult to make a case against powerful interests. The disenfranchisement is total. People don't do anything. If you have a bad landlord, you have mold in your walls, your children are ill, you still don't take anybody to court because you just don't even know how to do it. They are politically disenfranchised so let's think about how we rescue the political life, because that is underneath the question of whether we can rely more on communities. Because communities, unless they've rescued the collective life, are merely an agglomeration of demoralized people. How do you rescue the collective life?

7. The Question of Kashmir

UN: A question from Saranga Ugalmugle: The Indian judiciary has played a central role in legitimizing the occupation of Kashmir, upholding laws like AFSPA and the PSA, ignoring mass detentions and endorsing the revocation of Article 370. But alongside this legal violence, the Indian left and progressive circles have also largely failed to speak honestly about Kashmir, avoiding the language of colonialism, refusing to engage with Kashmiri demands for self-determination, and often echoing nationalist narratives. Why is it easier even within left spaces in India and internationally to speak of Palestine as a site of colonialism but not Kashmir? What do you think this silence reveals about the limits of both legal and left imaginaries in India?

VP: There might also be political differences, including about what these words mean. Even a word like self-determination or colonialism might be differently understood in different contexts. It's very clear that Palestine is a situation of colonialism, chapter and verse, there's a whole literature on it. On Kashmir, it is much more complicated than colonialism. The left calls it an occupation by the Indian military. The scale of the Indian military presence is so vast in the Srinagar Valley that I've used the term occupation many times. When it comes to self-determination, the Kashmiri population is enormously politically divided. A large part of the Kashmiri population lives in Pakistan, in Mirpur, and in places like that they also have different opinions. Do they want the Srinagar Valley to be part of Pakistan? Does all of Kashmir want to be united? Why isn't there a conversation about the plebiscite? Can we have a plebiscite in the current conditions? What would a plebiscite look like? Can there be elections in the

current conditions? The Indian Government, this particular government, has used such immense antilegal strategies to try to coerce people and even then has failed.

I applaud the question, but the question itself is divisive. Because the question doesn't help with the broader issue of how we can improve the conversation and debate and discussion around Kashmir. And what silence? People have been speaking out regularly against the troop presence and behavior in Kashmir. I run a publishing house in Delhi, and we have published books about the violence in Kashmir, including a friend of mine, a very fine journalist, who was assassinated by a separatist organization in Kashmir. One needs to think about how one addresses the contradictions in a place like Kashmir. It's not as simple as the situation in Palestine and Western Sahara, which are much more clear cut. But in Kashmir it is complicated by the fact that you don't have one country occupying another people. You have three major countries contesting three parts of a land that used to be a single Kingdom: Aksai Chin, Pakistan-occupied Kashmir or Azad Kashmir, and Indian-occupied Kashmir or the Indian state of Jammu and Kashmir. Then there is Ladakh, what is the status of Ladakh, is that part of Kashmir? It's apples and oranges. I can see the interest in linking Kashmir with Palestine, but I just don't find it useful personally and politically to say these are the same things. Lots of people say Kashmir is just like Palestine. I beg to differ, politically, I don't agree with that.

8. Reparations

JR: Conrad Brian says the African Union has dedicated 2025 as a year to campaign for reparations for Africa and the African diaspora for historical enslavement and colonialism. How can the African Union deal with the challenges of intertemporal international law? Is this going to be a car crash?

VP: In 2016, the African Union Peace and Security Council passed a very interesting resolution, which basically suggested that foreign military bases be removed from Africa. I doubt that many have heard of that resolution. Unfortunately, the issue of reparations is also going to have that much interest from the international community. The issue of reparations is kept alive and perhaps should be kept alive. It's been 200 years since Haiti was forced to take an indemnity. In 1825 Haiti was forced to pay for its revolution of 1804 through compensating France for the liberation of human beings from slavery. It is correct for Haiti to ask for that money back. The descendants of white Jamaican plantation owners continued to get cheques for the loss of their property in human beings until the UK administration of David Cameron. So,

reparations are okay for whites and have been paid. Israel received reparations from Germany for the Holocaust, but no reparations to the African soldiers who were put into concentration camps. Nor Namibia for the genocide against the Herero and Nama people. Not for the Democratic Republic of the Congo from Belgium. DRC is eighty times the size of Belgium. Look at how much wealth Belgium stole.

Reparations is a dead subject that should have much more life. It's a tragedy that the AU has to lift this up as an issue for the year. And I bet most people didn't even know it was being lifted up this year. But I would have done this slightly more strategically. I would have said that 2025 is a year of reparations with a focus on Haiti and on France paying back the indemnity – France as well as Citibank, which made money on the debt. That should be the campaign. One of the poorest countries in the world, the first country to have a third world revolution, started by Boukman and Fatiman in Bois Caïman when they lit the fire, led by Toussaint L'Ouverture, and then Jean-Jacques Dessalines and others. Where is that money? I was there at the World Conference against Racism in Durban in 2001. The big theme was reparations. It was the Belgian delegate who spoke for the Europeans, who said that reparations was not a realistic demand. He used the word realistic. And I thought, Belgium is not realistic, it is not realistic as a country, it should not even exist as a country. A poor country of people who burn sod for fuel, why does Belgium have all this fancy technology and these amazing houses? Belgium should be as poor as the fisherman who could barely get fish out of the North Atlantic. But no, they stole the wealth of the Congo. Yet, they claim that reparations are not realistic. And that was at the World Conference against Racism. What's realistic is that France should payback Haiti. All the Francophone colonies are now up in arms against France, the Alliance of Sahel States, New Caledonia, even the small French dependency of Mayotte, which was hit by a cyclone. Everyone should pile it on France, pile it on for the love of Haiti and the Haitian Revolution.

9. The Necessity of Collective Work

UN: Your work is dedicated to closing the gap between the intellectual and the people, and you have mentioned that the feeling that change is never going to come – that feeling of futility – is the greatest detriment to the socialist imagination and that 'socialist writing, to my mind, has to help break that fatalism'. With this end in mind, Tricontinental uses history, literature, poetry, and art among other things to inspire its readers. TWAILers do a similar kind of thing, and our Editorial Collective has done that at the *TWAIL Review*. In a similar vein, in the classroom I turn to interdisciplinary

and multimedia tools when teaching law, to ensure that students leave class with a sense of agency and power rather than cynicism or depression. The areas of law I teach – law and development, environmental justice, migration law – can leave students feeling bereft and powerless unless equal attention is drawn to the limitless possibilities that surround us: growing transnational movements, non-extractive and non-transactional legal traditions, societies living in harmony within healthy ecosystems, and so on. Frankly, beyond encouraging my students, there are days when I need to remind myself of these things. How do you keep going when faced with opposition or discouragement – whether infrastructural, financial, legal, or spiritual – and what advice would you give to others engaged in third world knowledge production?

VP: It's a great question and I've been thinking a lot about this with the death of Pope Francis. The other day, I was talking to a friend of mine who lives in the West Bank, and it really hit me hard this idea of why people keep going. Why do they keep going? The West Bank is tiny, and the Israelis are shit, so just pull up your sticks and come and live in Chile. There's half a million Palestinians here already, we have a great football team, the Palestinos, and lots of empty land. But humans, we have an incredible ability to understand the sense of the fight. And in modern times the fight enters the courts and people just stick at it for years.

I feel like multidisciplinary is important because I love understanding new developments in the world. I spent a couple of hours today with some people discussing artificial intelligence and we are building this exciting project called Red Marx. We can never pretend that the world isn't changing and we can never not want to be interested in what's happening around us. Today with high specialization of skills, multidisciplinary is essential. People in the humanities who think that 'I just read a book and I know it' are missing a lot. You've got to learn new ways of learning things, new skill sets, new data forms, and so on. Because if you want to change the world, you have to change the world as it is. We are not reversing gear to the nineteenth century; that's not how human history has worked. Unless you are so bold as to believe you can reverse the whole course of human development, humans keep finding new ways to solve problems. I have enormous faith in the creativity of humans.

But here's the real truth of it. The true answer is that you've got to learn to love people. I was talking to my friend in Palestine, I just love him, and he's telling me all these horrible stories. Today, he sent me a note: 3840 families displaced in Jenin camp, 1910 families displaced in Nur Shams camp. We're doing a text together and he's telling me all this horrible stuff, and his kids are running around in the background,

then his electricity gets cut off, then he comes back online, and I ask him what movies he has watched, and that kind of thing. You've got to love people, we do this because we love people. Some people in the world annoy you, but you've got to love people, and that's what keeps us fighting. And love of people means please stop working as individuals. I know I'm preaching to the choir because you are already a group, but work together with other people. They may annoy you, they may not agree with you 100%, but working together creates a kind of intellectual humility. I find this a lot in interdisciplinary work and the way we work in Tricontinental, because our dossiers are unsigned. They come without a signature because we don't need promotions and so on in our work, which is a luxury, and I get that. But we work collectively and that means that I can't have all my sentences in the text. I can't have all my ideas there, even as the Director. We're doing a text on the IMF, Zambia, and Kenya, and the economist from Zambia knows a lot. And suddenly I realized that the theory I was putting forward was wrong because his empirical understanding actually is theoretical, he has a theoretical sense that's deeper than mine. It produces a kind of intellectual humility, which I think is interesting because also that leads to political humility, and that's the final thing I want to say.

I belong to a political party of more than a million people, and that requires me to have political humility. There are times when my opinion is not the opinion of everybody in my party and I have to bow to the party. My party released a statement about the appalling [violence](#) in Kashmir with these tourists killed. I didn't agree with every sentence in that statement, I may not even agree with the idea that the Indian state has to find the perpetrators, but I agree with my party in general. We have a lot in common and that political humility is important. Sometimes people who criticize political organizations do it from a position of individual privilege. If I was just an individual, I could take any position I want without accountability. Here, I'm accountable to various political forces, and that humility is important. I would say that what keeps one going is the collectivity and the humility that comes from collectivity. Collectivity should be the opposite of arrogance. It should give you humility, and I really hope that that's an ethic that TWAIL demonstrates to your other colleagues: The sense of both collective power and collective humility.

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