

P6. International Law from Below: Everyday Perceptions and Practices Across Asia

23 rd ASLI Conference 2026		
Panel Category	:	International Law
Panel Title	:	International Law from Below: Everyday Perceptions and Practices Across Asia
Panel Abstract	:	
<p>This panel examines how diverse Asian publics - from policymakers and legal elites to community leaders and ordinary citizens - understand, engage with, and give meaning to international law in their everyday lives. We ask: How do competing narratives of international law, shaped by colonial legacies, populist rhetoric, and lived experiences, circulate across Asian public spheres? What do these narratives reveal about the conditions under which international law gains or loses legitimacy in the Global South? While existing scholarship has focused primarily on states, institutions, and legal doctrine, this panel investigates how international law is lived, debated, and contested at societal levels across Asia. From the Philippines' invocation of UNCLOS in the West Philippine Sea dispute to West Papua's and Pattani's quest for self-determination, from Malaysia's engagement with international aviation regulations to China's increasing use of WTO dispute settlement body, Asian publics engage with international law through deeply personal and political lenses. These engagements reveal how colonial histories, sovereignty concerns, and lived experiences shape popular legal consciousness. This panel brings TWAIL scholarship, populism studies, and legal consciousness research into conversation. Papers examine how post-colonial anxieties and vernacular understandings interact when Filipinos debate maritime rights, when Cambodians navigate competing narratives about the Preah Vihear Temple ICJ ruling with Thailand, when Rohingya refugees invoke international protection, or when Vietnamese citizens discuss trade agreements. Each context illuminates how international law gains traction or faces resistance at grassroots levels. The panel makes three key contributions. First, it empirically grounds "international law from below" across multiple Asian contexts, extending TWAIL debates beyond elite critique. Second, it reveals how populist rhetoric exploits genuine grievances about sovereignty while sometimes paradoxically embracing international law when it serves nationalist narratives. Third, it identifies conditions under which international law builds legitimacy among Asian publics, with implications for global governance and civic education in an era of shifting geopolitical power.</p>		

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Name of Convenor	:	Imelda Deinla
Designation / Academic Post	:	Full-Time Professor
Institution / Organisation	:	University of New England
Title of Paper		
Contesting International Law: Institutional Crisis and Legal Consciousness in The Philippines		
Abstract		
<p>In July 2016, the Permanent Court of Arbitration ruled in favor of the Philippines in its maritime dispute with China over the South China Sea. Internationally celebrated as a triumph of international law, the decision vindicated Philippine sovereignty claims. Yet domestically, public reaction was muted. The incoming Duterte administration quickly abandoned the ruling, pursuing bilateral negotiations with Beijing instead.</p> <p>Two years later, President Duterte withdrew the Philippines from the International Criminal Court amid investigations into his "war on drugs," denouncing the ICC as foreign interference. These episodes expose a striking paradox: while international law profoundly shapes Philippine foreign policy, it remains contested, misunderstood, and often rejected in public discourse. This disconnect between formal engagement with international legal institutions and their popular legitimacy raises fundamental questions about how international law operates in democracies experiencing institutional crisis.</p> <p>This study empirically investigates how Filipinos—from policymakers and legal elites to community leaders and ordinary citizens—understand and engage with international law in everyday life. Drawing on frameworks of institutional trust and legal consciousness, it examines how experiences with domestic legal institutions shape attitudes toward international law, and how competing narratives circulate through media, political discourse, and community discussions. The central research question asks: How do ordinary Filipinos make sense of international law in their daily lives, and under what conditions does it gain or lose legitimacy amid broader institutional distrust? By grounding "international law from below" in empirical analysis of everyday legality, this research reveals critical insights into legitimacy challenges facing global governance.</p>		
Brief Biography of Author		
<p>Dr. Imelda Deinla is a socio-legal scholar examining how legal institutions and the rule of law function under conditions of disruption and challenge. Her research investigates the intersection of law, politics, and society in Southeast Asia, particularly the Philippines, employing innovative empirical methodologies to understand how democratic backsliding, violence, misinformation, and institutional pressures affect legal systems and citizen engagement with law. She has researched extensively on the rule of law in Southeast Asia/ ASEAN writing a monograph, <i>The Development of the Rule of Law in ASEAN: the state and regional integration</i> (CUP, 2017). She has published edited volumes and written for leading journals such as <i>Democratization</i>, <i>Punishment & Society</i>, <i>Journal of Current Southeast Asian Affairs</i>, and <i>Law and Policy</i>.</p>		

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Name of Panelist	:	Lowell Bautista
Designation / Academic Post	:	Full-Time Professor
Institution / Organisation	:	Western Sydney University
Title of Paper		
From Hague to Hashtag: Populist Storytelling and International Law in the Philippine Public Sphere		
Abstract		
<p>This paper investigates how international law is narrated, mobilised, and contested within the Philippine public sphere through the prism of populist politics. The West Philippine Sea dispute—anchored in the Philippines’ successful 2016 arbitral award under UNCLOS—has propelled international law into ordinary conversation in an unprecedented manner. Yet public engagement is mediated not only by constitutional lawyers and diplomats, but by presidents, vloggers, fisherfolk communities, influencers, and the broader media ecosystem. This paper examines how political actors strategically weaponise, reframe, or downplay international law depending on political need. Rodrigo Duterte alternated between dismissing the award as “a piece of paper” and invoking sovereignty rhetoric to consolidate domestic legitimacy.</p> <p>Conversely, popular movements, journalists, and civil society invoked UNCLOS as a rallying cry for national dignity — "Hashtag AtinIto", "Hastag WestPhilippineSea". Under President Marcos Jr., the award has been revived as a symbol of legal victory, demonstrating how the meaning of international law shifts as political winds turn. I argue that international law in the Philippines operates as a narrative resource rather than a static legal authority—embraced when it validates sovereign identity, rejected when it disrupts populist power or exposes state incapacity. By tracing how the arbitral award circulates in memes, speeches, coastal communities, and state policy, this paper reveals the conditions under which international law gains legitimacy from below and how populist discourse simultaneously enables and erodes legal faith in the Global South.</p>		
Brief Biography of Author		
<p>Dr Lowell Bautista is Associate Professor and Director of Academic Programs at the School of Law, Western Sydney University, and an Honorary Fellow at the Australian National Centre for Ocean Resources and Security (ANCORS), University of Wollongong. Dr Bautista is a scholar of international standing, widely recognised for his expertise in the law of the sea, particularly in territorial and maritime disputes in the Asia-Pacific, including the South China Sea. His research spans public international law, ocean governance, maritime security, climate change and sea-level rise, and comparative law. He has provided expert advice to the Philippine government and international organisations on maritime and environmental legal issues and has over 15 years of teaching, research, and editorial experience. He holds a BA in Political Science and an LLB from the University of the Philippines, an LLM from Dalhousie University, and a PhD in Law from the University of Wollongong.</p>		

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Name of Panelist	:	Xiang Gao
Designation / Academic Post	:	Full-Time Professor
Institution / Organisation	:	University of New England
Title of Paper		
Embedding Pluralism: Taiwan, National Identity and International Indigenous Rights		
Abstract		
<p>The historical colonisation and the complete extension of state jurisdiction across Taiwan by the KMT Government after WWII left little room for the indigenous peoples. Indigenous groups, practicing a traditional lifestyle did not accept the notions of property, economic development or political authority subscribed to by the dominant Han Chinese political organisations and culture. Assimilation and acquiescence were the options for Indigenous groups who were subject to discrimination and disadvantage. However, since the emergence of vibrant liberal democracy in the 1980s Indigenous peoples, along with Taiwanese society generally, have enjoyed greater liberties and legal recognition of their rights as individuals and as collective entities. The Taiwan government has enacted a number of laws promoting indigenous autonomy, land repatriation, work and education rights, and natural resource and land management. While situated with the particular circumstance of Taiwan, many of these policy and rights innovations have been influenced by international institutions, laws and norms, such as United Nations Declaration on the Rights of Indigenous Peoples.</p> <p>This paper exams the influence and impact of international developments, institutions, laws and norms in the recognition of Indigenous Rights in Taiwan. It argues that while the Indigenous rights movement is bound up in Taiwan's history, its democratic transition and the ongoing "One China" claims for the Peoples Republic of China, Indigenous and democratic rights groups have borrowed extensively for international motifs, policies, law and rhetoric as part of their activism.</p>		
Brief Biography of Author		
<p>Dr Xiang Gao is a Senior Lecturer and Discipline Convenor of Politics and International Relations at the University of New England. She holds a PhD in Politics and International Relations from the University of Auckland, and an MA in International Relations, minored in American Studies from Johns Hopkins University School of Advanced International Studies (SAIS) and Nanjing University. Xiang's research interests are the politics and international relations in the Asia Pacific. Her research extends current thinking and debates on how ideas and norms are reflected in an individual state's public and foreign policy and law in the Asia Pacific region. Dr Guy Charlton is an Associate Professor in Law at the University of New England. His research interest includes comparative indigenous law, corporate law, constitutional and human rights law, and property law. He holds degrees from the University of Wisconsin-Madison (B.A. and J.D.), the University of Toronto (M.A. International Relations) and the University of Auckland (PhD in Law). He has also worked or taught at Auckland University of Technology, Curtin University, the City University of Hong Kong, Auckland University and National Chengchi University, Taiwan.</p>		

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Name of Panelist	:	Budi Hernawan
Designation / Academic Post	:	Full-Time Researcher
Institution / Organisation	:	Driyarkara School of Philosophy
Title of Paper		
"It's not Niac! It's Terrorist Act, Stupid!": A Comparative Study of Armed Conflict in Patani and West Papua		
Abstract		
<p>Drawing on a long-term engagement with the silenced sites of armed conflict in Patani of Thai's Deep South and West Papua of Indonesia, I argue that both sites of armed conflict have constituted Non-International Armed Conflict under the International Humanitarian Law as formulated in the ruling of the ICTY appeal chamber on the Tadic case.</p> <p>First is the criterion of organisation of non-state armed group. Barisan Revolusi Nasional (BRN) of Patani and Tentara Pembebasan Nasional Papua Barat (TPNPB) of West Papua constitute organised armed groups and thus the non-state party to the conflict.</p> <p>Second, in terms of intensity, BRN and TPNPB have conducted hostilities against Thai Armed Forces and Indonesian Armed Forces, respectively, since the 1960s. Both sides have deployed various military equipment as well as methods and tactics of warfare to attack each other. Nevertheless, instead of recognising the state of NIAC and the application of IHL, both Thailand and Indonesia continue treating Patani and West Papua, respectively, under the framework of eradicating terrorist acts. Whilst in Patani, Thai authorities have imposed martial law, emergency decree and the Internal Security Act, Indonesia authorities do not regulate their military operations under any specific legal frameworks, notably Law on TNI. The latter position renders the ongoing military operations are illegal under Indonesian Law. The denial of NIAC status in both contexts, therefore, have caused unresolved humanitarian crises, including displacement, that have deeply affected civilian populations in Patani and West Papua.</p>		
Brief Biography of Author		
<p>Dr. Budi Hernawan is Senior Lecturer at Driyarkara School of Philosophy in Jakarta. He is the founder of the Centre for Conflict and Humanitarianism and Asians Speak, a regional online forum on Conflict and Humanitarianism in Asia based in his school. He is the Seven Society Fellow from the Open Society Foundation. He obtained PhD from The Australian National University, Canberra. He is the author of Torture and Peacebuilding in Indonesia: The case of Papua. His scholarship focuses the phenomenon of violence, esp. torture, its impacts on civilian population in a fragile context in Asia-Pacific and explores the whole spectrum of regulatory framework (<i>ius ad bellum</i>, <i>ius in bello</i> and <i>ius post bellum</i>) to address the violence in the long run. His current research deals with "Religion and Protection of Civilians during armed conflict: a comparative study of West Papua, Patani and Myanmar." He is a reviewer on Papua's politics for The Contemporary Pacific journal. He published numerous books, articles, book chapters on his scholarship in reputable national and international outlets. He also has extensive experience of working in conflict areas across Asia with national and international human rights and humanitarian organisations.</p>		