

Colonial Roots of International Law and Their Impact on Modern Global Justice

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Abstract:

Nineteenth-century international law was constructed on a colonial divide between the “civilized” and the “uncivilized,” legitimizing conquest and embedding inequality into the very concepts of sovereignty and recognition. Although the colonial order has formally ended, its legacies remain visible in global institutions such as the United Nations, the World Trade Organization, and the International Criminal Court, where asymmetries of power and selective applications of justice continue.

This paper will examine how colonial ideas built into the foundations of international law still shape modern institutions, leading to unequal access to justice and decision-making. Whether true reform and decolonization of international law are possible in a globalized world, or if the system itself remains biased toward maintaining inequality.

Chapter 1

Introduction

International law of the 19th century was (as it evolved) not a neutral or universal system but rather a construct that was deeply shaped by European colonial expansion. The “standard of civilization” doctrine, which classified the world into “civilized” and “uncivilized” nations, was used to provide not only the legal but also the moral justification for conquest and colonization. According to this scheme only European states were considered full subjects of international law, whereas non-European societies either had no legal recognition at all or could only be recognized on the condition that they adopt European norms and institutions.² This exclusion placed a hierarchy at the very core of international law, thus it not only deepened the problem of unequal sovereignty but also made imperial domination appear legitimate.

The colonial foundation of international law has a profound impact on the issues of global justice that we face today. There is a certain contradiction in international institutions such as the United Nations (UN), the World Trade Organization (WTO), and the International Criminal Court (ICC) which, while being formally post-colonial, are still very much a product of the power asymmetries of the past. For instance, the veto system of the UNSC allows the five permanent members to consolidate their dominant position. This structure that gives the most powerful the greatest power is reminiscent of the privileges that the great powers enjoyed during the colonial era.³ Similarly, the WTO's regime of trade liberalization has been blamed for creating structural inequalities which in turn cause the developing countries to be at a disadvantage disproportionately.⁴ Besides that, the ICC has also been on the radar for selective prosecutions-frequently targeting African states. This situation prompted questions as to whether international criminal justice is a universal one or its application is a reflection of geopolitical hierarchies.⁵

This research aims to investigate the influence of the colonial origins of international law on the present-day global governance and justice structures. Although decolonization movements led to the formal end of imperial rule in most parts of the world, the institutional legacies of

² Antony Anghie, *Imperialism, Sovereignty and the Making of International Law* 32–35 (Cambridge Univ. Press 2005).

³ B.S. Chimni, *International Institutions Today: An Imperial Global State in the Making*, 15 Eur. J. Int'l L. 1, 5–7 (2004).

⁴ Kevin P. Gallagher, *The Clash of Globalizations: Essays on the Political Economy of Trade and Development* 41–47 (Anthem Press 2014).

⁵ Mahmood Mamdani, *Responsibility to Protect or Right to Punish?*, 36 J. Intervention & Statebuilding 1, 2–4 (2010).

colonial international law are still there and they play a crucial role in the way sovereignty, recognition, and justice are distributed in the global order.⁶ This question of international law reform raised by the survival of such struggles is very critical: can international law be genuinely reformed to promote justice in a globalized era if it is based on foundations of inequality, or does it remain inherently biased toward the preservation of dominance by powerful states?

By critically engaging with the historical trajectory of international law and its modern manifestations, this paper aims to contribute to ongoing debates about decolonization, reform, and the future of global justice. It argues that understanding the colonial origins of international law is not merely a historical exercise but an essential step in reimagining a more equitable global legal order.

1.1 Aim(s)

The primary aim of this research is to critically examine how the colonial foundations of international law continue to shape modern structures of global governance and justice. The study seeks to assess whether true reform and decolonization of international law are possible in the globalizing era or whether the system remains structurally biased toward preserving inequalities among states.

1.2 Objective(s)

1. To trace the colonial-era “civilized–uncivilized” divide and its impact on sovereignty and recognition.
2. To assess how global institutions (UN, WTO, ICC) reflect or challenge colonial legacies.
3. To propose reforms for decolonization that balance global justice with sovereignty and power asymmetry.

⁶ Martti Koskenniemi, *The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870–1960* 98–104 (Cambridge Univ. Press 2001).

1.3 Literature Review(s)

- i. **Antony Anghie, *Imperialism, Sovereignty and the Making of International Law*⁷**

In the *Third World Approaches to International Law (TWAIL)*, Antony Anghie's seminal work argues that international law was not universal but created through encounters between Europe and its colonies, embedding hierarchies of sovereignty that persist today.

- ii. **Martti Koskenniemi, *The Gentle Civilizer of Nations: The Rise and Fall of International Law*⁸**

Martti Koskenniemi, in *The Gentle Civilizer of Nations: The Rise and Fall of International Law*, traces the ideological and doctrinal justifications for these hierarchies, describing international law as both a tool of civilization and a mechanism of exclusion.

- iii. **B.S. Chimni, *International Institutions Today: An Imperial Global State in the Making*⁹**

B.S. Chimni, in the *International Institutions Today: An Imperial Global State in the Making*, highlights how modern international institutions, such as the WTO and the UN, perpetuate neo-colonial power structures under the guise of globalization and liberal governance.

1.4 Research Question(s)

1. How did colonial foundations of international law entrench unequal sovereignty and recognition?
2. How do today's global institutions reflect or reinforce colonial legacies?
3. Can international law be genuinely decolonized, or is it bound to serve powerful states?

⁷ Antony Anghie, *Imperialism, Sovereignty and the Making of International Law* 32–38 (Cambridge Univ. Press 2005).

⁸ Martti Koskenniemi, *The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870–1960* 98–104 (Cambridge Univ. Press 2001).

⁹ B.S. Chimni, *International Institutions Today: An Imperial Global State in the Making*, 15 Eur. J. Int'l L. 1, 5–7 (2004).

1.5 Research Methodology

This research adopts a doctrinal methodology, analyzing colonial foundations of international law alongside modern institutions through treaties, UN documents, and WTO/ICC frameworks, supported by scholarly works in international law, critical theory, and political economy.

Chapter 2

Colonial Roots of International Law

The principles of international law were, to a large extent, based on and influenced by the European colonialism concepts. Being a product of the colonization age, the discipline did not develop as a neutral set of laws, but as a means to legitimize imperial expansion and the domination of the non-European world. First of all, Spaniard theologian Francisco de Vitoria and Dutch jurist Hugo Grotius came up with ideas of sovereignty and international law serving as universal laws that, however, in reality gave advantages to the "civilized" European states against the rest of the world.¹⁰ They built hierarchies of civilization into concepts of recognition, acquisition of the territory, and the regulation of trades, thereby creating legal grounds for colonial control.¹¹

In the nineteenth century the "standard of civilization" doctrine exemplified this gap by conditioning the recognition of sovereignty on the conformity to European norms of governance, religion, and commerce.¹² Hence, international law was not a system of equality among states but a tool of exclusion derived from the standard of civilization. Therefore, the colonial encounter constituted the structural groundwork of inequalities that still exist in international relations today.¹³

2.1 The “Civilized–Uncivilized” Divide in 19th Century Jurisprudence

The nineteenth century was the time when international law as a subject was shaped in close connection with the interests of European imperials. Among others, James Lorimer and John Westlake, as jurists, wrote a legal order based on the idea of a hierarchy of civilization, differentiating between "civilized," "barbarous," and "savage" nations.¹⁴ Their division into three classes was not only describing but also regulating. It determined which entities may have sovereignty, sign treaties, and obtain recognition under international law.¹⁵ Those societies

¹⁰ Antony Anghie, *Imperialism, Sovereignty and the Making of International Law* 13–31 (Cambridge Univ. Press 2005).

¹¹ Martti Koskenniemi, *The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870–1960* 98–120 (Cambridge Univ. Press 2001).

¹² Gerrit W. Gong, *The Standard of ‘Civilization’ in International Society* 14–22 (Oxford Univ. Press 1984).

¹³ Sundhya Pahuja, *Decolonising International Law: Development, Economic Growth and the Politics of Universality* 1–10 (Cambridge Univ. Press 2011).

¹⁴ James Lorimer, *The Institutes of the Law of Nations: A Treatise of the Jural Relations of Separate Political Communities* vol. 1, at 101–05 (William Blackwood & Sons 1883).

¹⁵ John Westlake, *Chapters on the Principles of International Law* 141–45 (Cambridge Univ. Press 1894).

which were considered "uncivilized" were deprived of full juridical personality, thus their lands were subjected to occupation or "civilizing" intervention.¹⁶

This legal argument was based on the Europe-centric view that progress, rationality, and Christian morality were the necessary conditions for lawful statehood.¹⁷ Lorimer, as an example, was of the opinion that natural law gave the right to intervene in "barbarous" societies in order to help universal civilization progress.¹⁸ In the same way, Westlake held the view that it was the responsibility of European powers to provide "the benefits of civilization" to those who were not a part of it.¹⁹ These concepts constituted the mental framework of such doctrines as terra nullius and the protectorate system, which formally enabled empire-building under the cover of moral duties.²⁰

The act of incorporating racially biased hierarchies into the legal structure of sovereignty and recognition, as done in the nineteenth-century jurisprudence, had the effect of turning international law into a means of creating structured inequality with which the world is still dealing.²¹

2.2 Sovereignty, Recognition, and Legitimization of Conquest

The era of colonization saw the doctrines of sovereignty and recognition as primary means employed by Europeans to legitimize their conquest. International law did not play the role of a restraint to the imperial expansion, rather it was instrumental in giving its legal language and moral justification. Thus, the recognition of sovereignty depended on the observance of European legal and political norms, and at the same time, it was a move against non-European polities as it closed the door to the community of nations for them.²² The positivist changes in international law during the 1800s, supported by jurists such as Lassa Oppenheim, had the

¹⁶ Antony Anghie, *Imperialism, Sovereignty and the Making of International Law* 32–45 (Cambridge Univ. Press 2005).

¹⁷ Martti Koskenniemi, *The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870–1960* 115–23 (Cambridge Univ. Press 2001).

¹⁸ Lorimer, *supra* note 1, at 106–09.

¹⁹ Westlake, *supra* note 2, at 144–47.

²⁰ Gerrit W. Gong, *The Standard of 'Civilization' in International Society* 45–53 (Oxford Univ. Press 1984).

²¹ Sundhya Pahuja, *Decolonising International Law: Development, Economic Growth and the Politics of Universality* 20–27 (Cambridge Univ. Press 2011).

²² Antony Anghie, *Imperialism, Sovereignty and the Making of International Law* 52–60 (Cambridge Univ. Press 2005).

effect of deepening the exclusion by locating the source of legal personality in the agreement of "civilized" states only.²³

This discriminatory acknowledgment had two effects; apart from allowing Europeans to take over the lands it also worked to disallow and render illegitimate the governance structures of the indigenous people.²⁴ One of such doctrines is terra nullius, which defines lands left by "civilized" people as free of any legal rights, thus making it possible to annex large areas in Africa, Asia, and the Pacific.²⁵ The Berlin Conference of 1884–85 was likewise instrumental in turning the idea of colonial possession, being recognized by other European powers, into lawful and legitimate."- the conference thereby made conquest a juridical undertaking enabled by law.²⁶

With this move, sovereignty has come to be understood as a concept that relates to partnership, and recognition by the dominant powers rather than the inherent equality of the states.²⁷ This hierarchical framework transformed international law into an apparatus that conferred legitimacy upon empire and rendered resistance legally invisible.²⁸ The legacies of such unequal sovereignty, thus, are the source of present-day structures of international recognition and intervention.²⁹

2.3 Colonial Legacies in Modern Doctrinal Frameworks

While colonialism in its formal sense has been brought to an end, its legal and structural remnants still exist in the doctrinal foundations of modern international law. The principles that regulated the colonial encounter, sovereignty, development, and intervention are still used to govern global governance, though the latter are somewhat rearticulated.³⁰ Global governance institutions created after World War II like the United Nations, the World Bank, and the International Monetary Fund were born universalism's flame, but they act within hierarchies

²³ Lassa Oppenheim, *International Law: A Treatise* vol. 1, at 19–24 (Longmans, Green & Co. 1905).

²⁴ Martti Koskenniemi, *From Apology to Utopia: The Structure of International Legal Argument* 127–34 (Cambridge Univ. Press 2005).

²⁵ Gerrit W. Gong, *The Standard of 'Civilization' in International Society* 70–75 (Oxford Univ. Press 1984).

²⁶ Matthew Craven, "Between Law and History: The Berlin Conference of 1884–1885 and the Logic of Free Trade," 3 *London Rev. Int'l L.* 31, 35–42 (2015).

²⁷ Hersch Lauterpacht, *Recognition in International Law* 29–33 (Cambridge Univ. Press 1947).

²⁸ Anne Orford, *International Authority and the Responsibility to Protect* 40–45 (Cambridge Univ. Press 2011).

²⁹ Sundhya Pahuja, *Decolonising International Law: Development, Economic Growth and the Politics of Universality* 28–36 (Cambridge Univ. Press 2011).

³⁰ Antony Anghie, *Imperialism, Sovereignty and the Making of International Law* 245–52 (Cambridge Univ. Press 2005).

that are reminiscent of colonial authority.³¹ The veto power in the UN Security Council, for example, is very much like the unequal distribution of authority which was the basis of imperial relations.³²

International economic law "development" talk-wise has also been a very successful reproducer of paternalistic assumptions about the Global South's capacity of self-governance.³³ TWAIL scholars have argued that the adoption of humanitarian intervention, structural adjustment, and investment protection are on the whole mechanisms of control that operate most frequently as a means of dependency and only seldom as equality.³⁴ The continuation of these power asymmetries makes the point that in legal terms decolonization has been mostly a procedural one.³⁵

Therefore, the paradox of contemporary international law is that it claims to recognize sovereign equality but its very structure is still based on the historical economic and political imbalances. It is a prerequisite of any serious undertaking of reform or decolonization in the international legal order to acknowledge the colonial continuities and take steps to eradicate them.³⁶

³¹ Sundhya Pahuja, *Decolonising International Law: Development, Economic Growth and the Politics of Universality* 45–53 (Cambridge Univ. Press 2011).

³² B.S. Chimni, "International Institutions Today: An Imperial Global State in the Making," 15 *Eur. J. Int'l L.* 1, 2–7 (2004).

³³ Arturo Escobar, *Encountering Development: The Making and Unmaking of the Third World* 23–31 (Princeton Univ. Press 1995).

³⁴ Makau Mutua, "What Is TWAIL?" 94 *Am. Soc'y Int'l L. Proc.* 31, 32–35 (2000).

³⁵ Obiora Chinedu Okafor, *The African Human Rights System, Activist Forces and International Institutions* 11–16 (Cambridge Univ. Press 2007).

³⁶ Balakrishnan Rajagopal, *International Law from Below: Development, Social Movements and Third World Resistance* 1–8 (Cambridge Univ. Press 2003).

Chapter 3

Global Institutions and Post-Colonial Inequalities

The post-World War II period was a formal time when the world moved away from the colonial era, but the global governance angle still kept most of its hierarchical roots. These offers that are worldwide such as the United Nations (UN), the World Trade Organization (WTO), the International Monetary Fund (IMF), and the International Criminal Court (ICC) were born in the milieu of the universality and of the equality quite often they have reproduced the pattern of the domination like the colonial past.³⁷ The distribution of power inside these agencies as it is shown by the structure of the veto of the Security Council of the UN and the conditionalities that are imposed by international financial institutions depicting how global law and governance are still favoring the powerful states.³⁸

Also, while countries that were colonized have become members of the international community as independent equals, their involvement has been limited because of economic dependency, legal formalism, and the long-lasting impact of Western-centric norms.³⁹ Academics of TWAIL and postcolonial theory maintain that such imbalance is a kind of neo-colonial law system that uses development and human rights as a façade to hide the structural inequalities embedded in global institutions.⁴⁰ Comprehending these aspects is a must when we are gauging whether international law has genuinely progressed beyond its imperial roots or has just repackaged them in a globalized format.⁴¹

3.1 The United Nations: Veto Powers and Unequal Representation

The United Nations (UN) was set up in 1945 to ensure world peace and encourage collective security; it was imagined as a democratic council for all independent states.⁴² Still, its organizational structure stamped a hierarchy amongst countries, most clearly by the veto power given to the five permanent members (P5) of the Security Council, the USA, the UK, France,

³⁷ Antony Anghie, *Imperialism, Sovereignty and the Making of International Law* 245–52 (Cambridge Univ. Press 2005).

³⁸ B.S. Chimni, “International Institutions Today: An Imperial Global State in the Making,” 15 *Eur. J. Int’l L.* 1, 3–8 (2004).

³⁹ Sundhya Pahuja, *Decolonising International Law: Development, Economic Growth and the Politics of Universality* 56–64 (Cambridge Univ. Press 2011).

⁴⁰ Makau Mutua, “Critical Race Theory and International Law: The View of an Insider-Outsider,” 45 *Vill. L. Rev.* 841, 845–50 (2000).

⁴¹ Balakrishnan Rajagopal, *International Law from Below: Development, Social Movements and Third World Resistance* 10–15 (Cambridge Univ. Press 2003).

⁴² United Nations Charter art. 1, June 26, 1945, 59 Stat. 1031, T.S. No. 993.

Russia, and China.⁴³ This veto system has often paralyzed collective decision-making and allowed powerful states to shield their interests from scrutiny or sanction.⁴⁴ This veto mechanism has been the main reason for the abysmal collective decision-making situations and has enabled the powerful states to keep their moves away from the criticism or punishment.⁴⁵

The Security Council's makeup is more about the world during the colonial and war times when the power was balanced in the middle of the last century rather than about the present-day global reality.⁴⁶ Reform pleas, especially those from the Global South and the G77 alliance, have over and over again pinpointed the requirement for fair representation and the decision-making being accountable.⁴⁷ Still, even though the imbalance is acknowledged by most, the significant reforms have been at a standstill because of the very veto power that is in place.⁴⁸ Academics mention that this is a continuation of postcolonial governance, where the voices of decolonized nations are getting less and less heard but more and more suppressed indirectly via the maintenance of international peace structures.⁴⁹

Therefore, the UN is the essence of the hope of the equal power of the sovereigns, yet the way it was made structurally functions as the hierarchies' return of the colonial era which is still deeply engraved in the world governance system though globally acknowledged.⁵⁰

3.2 The World Trade Organization: Trade Liberalization and Structural Imbalances

The World Trade Organization (WTO), created in 1995 as the institutional continuation of the General Agreement on Tariffs and Trade (GATT), was meant to be a means of promoting free and fair trade among countries.⁵¹ Nevertheless, through many actions, the WTO has cemented economic inequalities across the globe, which are the result of the colonial-era division of labor

⁴³ United Nations Charter art. 23–27.

⁴⁴ Ian Hurd, *After Anarchy: Legitimacy and Power in the United Nations Security Council* 48–55 (Princeton Univ. Press 2007).

⁴⁵ Edward C. Luck, “Reforming the United Nations: Lessons from a History in Progress,” 7 *Int’l Relations Stud.* 21, 23–27 (2003).

⁴⁶ B.S. Chimni, “The World of TWAIL: Introduction to the Symposium,” 3 *Trade L. & Dev.* 14, 18–22 (2011).

⁴⁷ A. F. Cooper & Thomas G. Weiss, “The United Nations and Global Governance: An Unfinished Journey,” in *The Oxford Handbook on the United Nations* 437–39 (Thomas G. Weiss & Sam Daws eds., Oxford Univ. Press 2018).

⁴⁸ Ramesh Thakur, *The United Nations, Peace and Security: From Collective Security to the Responsibility to Protect* 97–103 (Cambridge Univ. Press 2006).

⁴⁹ Sundhya Pahuja, *Decolonising International Law: Development, Economic Growth and the Politics of Universality* 72–78 (Cambridge Univ. Press 2011).

⁵⁰ Antony Anghie, *Imperialism, Sovereignty and the Making of International Law* 262–66 (Cambridge Univ. Press 2005).

⁵¹ Marrakesh Agreement Establishing the World Trade Organization, Apr. 15, 1994, 1867 U.N.T.S. 154.

between the industrialized and developing countries.⁵² Although trade liberalization is touted as a way to provide fair conditions, it has mainly been the developed countries that have gained from it since they have more considerable productive capacity, technological progress, and bargaining power.⁵³

Developing nations are often structurally challenged in negotiating trade deals and carrying out them according to the WTO due to their lack of institutional capacity and their reliance on primary exports.⁵⁴ For example, the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) has been reproached for that it prioritizes the interests of Western corporations over the access to the essential medicines and over the protection of the indigenous knowledge in the Global South.⁵⁵ In a similar way, the agriculturally related subsidies that come from the economies of the developed countries distort the international markets, thus making the producers of the developing countries less competitive.⁵⁶

Scholars from the Third World Approaches to International Law (TWAIL) viewpoint maintain that the WTO is a neo-colonial economic governance framework that keeps the postcolonial global economy hierarchy operating through the use of free trade rhetoric as a cover for the power and benefit distribution inequalities.⁵⁷ While such initiatives as the Doha Development Round are there to level the field and overcome the disparities, the negotiations have mostly been at a standstill, showing the deeply rooted asymmetries of the multilateral trading system.⁵⁸ Therefore, the WTO is a prime example of how postcolonial economic structures are still functioning within the legal form of equality but with the substance of hierarchy.⁵⁹

⁵² Antony Anghie, *Imperialism, Sovereignty and the Making of International Law* 267–73 (Cambridge Univ. Press 2005).

⁵³ B.S. Chimni, “The World Trade Organization, Democracy and Development: A View from the South,” 40 *J. World Trade* 5, 8–13 (2006).

⁵⁴ Amrita Narlikar, *The World Trade Organization: A Very Short Introduction* 42–47 (Oxford Univ. Press 2005).

⁵⁵ Peter Drahos & John Braithwaite, *Information Feudalism: Who Owns the Knowledge Economy?* 65–72 (Earthscan 2002).

⁵⁶ Kevin Watkins & Penny Fowler, *Rigged Rules and Double Standards: Trade, Globalisation, and the Fight Against Poverty* 45–53 (Oxfam Int’l 2002).

⁵⁷ Sundhya Pahuja, *Decolonising International Law: Development, Economic Growth and the Politics of Universality* 89–96 (Cambridge Univ. Press 2011).

⁵⁸ Deborah Z. Cass, *The Constitutionalization of the World Trade Organization: Legitimacy, Democracy, and Community in the International Trading System* 121–25 (Oxford Univ. Press 2005).

⁵⁹ James Thuo Gathii, *War, Commerce, and International Law* 184–90 (Oxford Univ. Press 2010).

3.3 The International Criminal Court: Selective Application of Justice

The foundation of the International Criminal Court (ICC) in 2002 was a landmark moment in the history of international criminal justice, as it was meant to be a permanent court handling the most serious crimes, including genocide, war crimes, and crimes against humanity.⁶⁰ Nevertheless, the ICC, which in theory stands for the universality of justice, has been doggedly criticized for its selective enforcement and that disproportionate focus mainly on African countries.⁶¹ Most of the first thirty-one cases at the Court were from Africa, and thus the ICC has been labeled as an entity that acts under the influence of the West and is not really helping but exploiting the African continent..⁶²

This trend of prosecutorial selectivity corresponds to the indifferences of the international legal order. Limitations in the Rome Statute's jurisdictional areas keep powerful non-signatory states, such as the United States, China, and Russia, away from the court while signatory states from the Global South remain vulnerable to it.⁶³ The Security Council, on the other hand, which has the authority under Article 13(b) and 16 of the Rome Statute to refer or defer cases, is said to be the one that comprises the same hierarchies that characterize the UN system. This arrangement gives the P5 the freedom to decide about the ICC's docket in accordance with their political interests. Some scholars contend that such a structural dependence on the Court undermines its effectiveness and sustain the colonizing pattern development wherein the 'civilized' ones impose their rules on the 'uncivilized' ones.⁶⁴

On the one hand, the ICC is a milestone in the worldwide effort aimed at holding perpetrators of crimes accountable, and on the other hand, the great disparity in its application makes one wonder how justice can be universal in such a case. If problems relating to selective enforcement and structural bias are not dealt with, the ICC will be in danger of repeating those

⁶⁰ Rome Statute of the International Criminal Court, July 17, 1998, 2187 U.N.T.S. 90.

⁶¹ Makau Mutua, "Savages, Victims, and Saviors: The Metaphor of Human Rights," 42 *Harv. Int'l L.J.* 201, 205–10 (2001).

⁶² Adam Branch, *Displacing Human Rights: War and Intervention in Northern Uganda* 54–60 (Oxford Univ. Press 2011).

⁶³ William A. Schabas, *An Introduction to the International Criminal Court* 97–102 (5th ed. Cambridge Univ. Press 2017).

⁶⁴ Kamari Maxine Clarke, *Affective Justice: The International Criminal Court and the Pan-Africanist Pushback* 22–30 (Duke Univ. Press 2019).

very injustices which it was set up to fight and as a result, the postcolonial legality pattern will be more firmly entrenched in the area of international criminal law..⁶⁵

3.4 Case Studies Illustrating Continuing Colonial Dynamics

Today, global governance is still an area where one can find colonial characteristics that are reflected through both institutional practices and interventions in particular cases. The experiences of countries from the Global South in trade, security, and humanitarian regimes are examples of how the talk of legality and development is used to cover up the same unequal power relations.⁶⁶ A good example of this is the way in which the IMF and World Bank structural adjustment programs were imposed in the 1980s and 1990s as economic conditionality that, while limiting national sovereignty, was dressed in the rhetoric of fiscal discipline and modernization. In places like Ghana and Tanzania, these programs have led to widespread privatization, reduced government spending, and increased dependence on Western capital.⁶⁷

Likewise, the United Nations Security Council Resolution 1973 (2011) intervention in Libya demonstrated how the "Responsibility to Protect" (R2P) concept might be used selectively, thus exposing geopolitical interests behind the façade of humanitarian imperatives.⁶⁸ The resolution was presented as a necessary step to protect the civilian population, but the way it was executed by NATO resulted in a change of regime, therefore, exposing the intimate relationship between international legality and imperial power that still exists.

The ICC's prosecutions in Kenya and Sudan have been a source of concern for the selective nature of the law and disproportionate targeting of African leaders in the field of international criminal justice.⁶⁹ Despite the existence of similar violations in non-African contexts, such as Iraq and Palestine, political limitations have so far hindered corresponding investigations.⁷⁰

⁶⁵ Antony Anghie, *Imperialism, Sovereignty and the Making of International Law* 275–82 (Cambridge Univ. Press 2005).

⁶⁶ B.S. Chimni, "International Institutions Today: An Imperial Global State in the Making," 15 *Eur. J. Int'l L.* 1, 5–10 (2004).

⁶⁷ Mkandawire, Thandika, "Adjustment, Political Conditionality and Democratisation in Africa," in *Democratisation in Africa* 39–52 (Peter Gibbon, Yusuf Bangura & Arve Ofstad eds., Nordiska Afrikainstitutet 1992).

⁶⁸ United Nations Security Council Resolution 1973, U.N. Doc. S/RES/1973 (Mar. 17, 2011).

⁶⁹ Kamari Maxine Clarke, *Affective Justice: The International Criminal Court and the Pan-Africanist Pushback* 101–07 (Duke Univ. Press 2019).

⁷⁰ Phil Clark, *Distant Justice: The Impact of the International Criminal Court on African Politics* 112–18 (Cambridge Univ. Press 2018).

These issues reflect the persistence of a hierarchical world system in which the law serves as both a moral and political instrument, thus allowing the powerful states to legitimize their interventions while at the same time depriving the weaker ones of their autonomy.

Chapter 4

The Persistence of Asymmetry in the Globalized Era

Globalization was frequently praised as a binding force that would break down the old hierarchies and form an interconnected, fair world. Still, the current global governance is a testimony to the survival of the asymmetries that are very much alive and are economically and legally colonially-rooted. Capital, trade, and technology flows are still benefiting the Global North, whereas the Global South is left with dependence, debt, and the lack of an equal voice in the decision-making processes. In the words of Antony Anghie and B.S. Chimni, the present-day structure of international law, mainly through economic institutions and transnational regulatory regimes, is not very different from the past in terms of dominance patterns.⁷¹ These inequalities that are still around indicate that globalization is not a departure from the colonial past but rather its transformation into a neoliberal framework that uses development, liberalization, and international cooperation rhetoric to legitimize structural dependency.⁷²

4.1 Power Politics and Decision-Making in International Law

The architecture of international law is still basically dependent on the uneven distribution of power among states. Although the UN Charter recognizes sovereign nations as equal, the real world of global decision-making is very much influenced by the political and economic hierarchy descending from the colonial period. Martti Koskenniemi claims that international law is mostly a tool by which the powerful states impose their will in a universal manner and in doing so they disguise political decisions as neutral legal ones.⁷³ The United Nations Security Council is the best example of these kinds of inequalities: its veto system is a way of institutionalizing privilege, thus allowing the permanent members to be overly influencing global peace and security.⁷⁴

Besides the UN, organizations like the IMF, World Bank, and WTO also show inequalities in their governance which resemble that of the UN. Their boards with the power to make decisions are the place to which the moneyed nations that are responsible for global economic policies

⁷¹ Antony Anghie, *Imperialism, Sovereignty and the Making of International Law* 313 (Cambridge Univ. Press 2005).

⁷² B.S. Chimni, *International Institutions Today: An Imperial Global State in the Making*, 15 *Eur. J. Int'l L.* 1, 9–10 (2004).

⁷³ Martti Koskenniemi, *From Apology to Utopia: The Structure of International Legal Argument* 563 (Cambridge Univ. Press 2005).

⁷⁴ Amrita Narlikar, *The World Trade Organization: A Very Short Introduction* 54–58 (Oxford Univ. Press 2005).

have the most access, while the developing countries most of the time are left with only a passive role.⁷⁵ This disparity is the one referred to by Chimni when writing about the 'emergent imperial global state', where law and policy result from decisions of the elite networks that serve the interests of transnational capital rather than those of the community for the sake of development.⁷⁶ As a result, international law loses the universality it claims to have, as it becomes more and more involved in systems that promote privilege and exclusion, hence, the cycle of dependency and marginalization of the Global South is sustained.⁷⁷

4.2 Access to Justice for Developing and Marginalized States

Access to justice in the international legal system is still very much in favor of the powerful and resource-rich nations, with those of weaker standing continuing to be impeded. The global law system is supposed to be one where all the states are treated equally, however, the barriers that are structural and procedural are always there to impede the route of the developing countries towards the rights assertion.⁷⁸ It is quite problematic for states with scant financial and institutional capacity to bear the expensive costs that come along with bringing cases before international tribunals like the International Court of Justice (ICJ) or the WTO Dispute Settlement Body (DSB).⁷⁹ According to Philippe Sands, even when small countries turn to international adjudication for assistance, they are in an unfavourable position with regard to legal expertise, provisions for evidence, and diplomatic influence.⁸⁰

Additionally, the international courts' interpretative frameworks are largely influenced by the Global North's perspectives and priorities. TWAIL scholars maintain that the tribunals they analyze espouse neutral Eurocentric norms which, in reality, are far from universal and therefore the same hierarchies that characterize the colonial order get reproduced in this way.⁸¹ This structural bias can be seen in the investment arbitration cases under the International Centre for Settlement of Investment Disputes (ICSID) that have to a large extent been in favor

⁷⁵ Amrita Narlikar, *The World Trade Organization: A Very Short Introduction* 54–58 (Oxford Univ. Press 2005).

⁷⁶ B.S. Chimni, *International Institutions Today: An Imperial Global State in the Making*, 15 *Eur. J. Int'l L.* 1, 10–11 (2004).

⁷⁷ Sundhya Pahuja, *Decolonising International Law: Development, Economic Growth and the Politics of Universality* 83–85 (Cambridge Univ. Press 2011).

⁷⁸ Stephen Hall, *The Persistent Spectre: Natural Law, International Order and the Limits of Legal Positivism* 202–03 (2001).

⁷⁹ Joost Pauwelyn, *The Use of Economics in International Trade and Investment Dispute Settlement* 5 *J. Int'l Econ. L.* 731, 732–34 (2002).

⁸⁰ Philippe Sands, *Lawless World: Making and Breaking Global Rules* 178–79 (Penguin Books 2006).

⁸¹ Hilary Charlesworth, *Feminist Methods in International Law*, 93 *Am. J. Int'l L.* 379, 382–83 (1999).

of multinational corporations with the host developing countries being at a loss. These kinds of instances elucidate the notion that "access" to justice in international law is not only about the procedural side of it but also about the fair involvement and recognition of the parties concerned.⁸²

Thus, the real achievement of access to justice entails removing these embedded disparities that are ingrained in the system through legal reform, capacity building, and re-evaluation of the epistemological bases of international adjudication. If this does not happen, international law may be considered as a situation where the promise of equality before the law is constantly negated by the realities of global power.⁸³

4.3 Globalization and Reinforcement of Old Hierarchies

Globalization is a bit of a paradox: it is often presented as a force for the integration and the leveling of the playing field but, in reality, it has strengthened those hierarchies that go back to the times of colonial and imperial structures. The three main factors behind globalizing the world - market liberalization, spreading of the latest technology, and relaxed international regulatory levels - have been excessively favorable to the already developed countries thereby, they have become the biggest players of the world economic and legal games.⁸⁴ As per B.S. Chimni's viewpoint, globalization is an international legal and institutional-based imperial governance of the modern era which on the surface seems to be universal and rule-based but in fact, it constitutes inequalities.⁸⁵

One of the consequences of globalization is that the world is covered and saturated with the most diverse arrangements, such as agreements on trade, treaties on investments, and regimes dealing with intellectual property that in most cases, have asymmetries embedded in them which are beneficial to the North.⁸⁶ A good illustration of this is the WTO agreement TRIPS under which corporates from industrialized countries have been allowed to hold tight to their monopolies while the global South has been limited in accessing the provision of medicines

⁸² Anthea Roberts, *Clash of Paradigms: Actors and Analogies Shaping the Investment Treaty System*, 107 *Am. J. Int'l L.* 45, 46–48 (2013).

⁸³ Sundhya Pahuja, *Decolonising International Law: Development, Economic Growth and the Politics of Universality* 118–20 (Cambridge Univ. Press 2011).

⁸⁴ Joseph E. Stiglitz, *Globalization and Its Discontents* 45–50 (W.W. Norton & Co. 2002).

⁸⁵ B.S. Chimni, "International Institutions Today: An Imperial Global State in the Making," 15 *Eur. J. Int'l L.* 1, 6–10 (2004).

⁸⁶ Amrita Narlikar, *The World Trade Organization: A Very Short Introduction* 52–55 (Oxford Univ. Press 2005).

and technological know-how.⁸⁷ The development of mature financial markets as per the advice of the IMF and the World Bank on the other hand has made these economies vulnerable to market tremors; hence, forced into a cycle of dependence and limited policy freedom.⁸⁸

The rules and regulations set up by the law and the institutions of the international stage in most cases reflect those economic differences from which these asymmetries originate. The big shots have the upper hand not only in drawing the global regulations but also in their interpretation whereas the powerless ones, who have to follow them, can only choose between compliance and exclusion from the settlement processes. As a result, globalization has not been successful in removing the colonial structural legacies but has rather converted them into neo-colonial governance tools that keep the old hierarchies alive but disguised in new corporate forms.

4.4 North–South Divide in Contemporary International Relations

The gap between the North and South is still very much an international relations problem and at the heart of the issue are differences in political influence, economic power, and access to legal and institutional frameworks.⁸⁹ The rich countries of the North are the ones who call the shots in global governance organizations and thus, determine the rules and norms as per their economic and strategic interests while the poor countries of the South are left in a state of silence and neglect. This disorder is clearly manifested in such places as International Monetary Fund (IMF), World Bank, and United Nations Security Council, whereby voting power and procedural influence are primarily in the hands of the developed states.⁹⁰

On top of that, the economic side of things dramatically widens the gap between the two. The poor countries are often trapped in a situation of structural dependency, lack the necessary technology, and overburdened with debts, that altogether, make it hard for them to have a say in international negotiations. The areas of trade and investment, intellectual property, and finance are some of those where the inequalities being left unaddressed contribute to the

⁸⁷ Peter Drahos & John Braithwaite, *Information Feudalism: Who Owns the Knowledge Economy?* 65–72 (Earthscan 2002).

⁸⁸ James Thuo Gathii, *War, Commerce, and International Law* 190–94 (Oxford Univ. Press 2010).

⁸⁹ B.S. Chimni, *International Institutions Today: An Imperial Global State in the Making*, 15 *Eur. J. Int'l L.* 1, 7–10 (2004).

⁹⁰ Ramesh Thakur, *The United Nations, Peace and Security: From Collective Security to the Responsibility to Protect* 98–104 (Cambridge Univ. Press 2006).

perpetuation of the colonial and postcolonial era legacy.⁹¹ The North-South division is not only an economic issue but also an ethical one, as per the opinion of TWAIL scholars, suggesting that law and institution continue to treat Northern views as universal and Southern ones as marginalized.⁹²

To face up to the problem of the North-South divide, it is not enough to provide more opportunities for participation. Instead, radical reforms are necessary that would not only bring the change in power within the international bodies but also foster real equality in decision-making at the global level.⁹³ International law without these changes runs the risk of being an instrument that sustains the hierarchies of the past under the guise of universality and neutrality.

⁹¹ Peter Drahos & John Braithwaite, *Information Feudalism: Who Owns the Knowledge Economy?* 68–74 (Earthscan 2002).

⁹² Makau Mutua, “What Is TWAIL?” 94 *Am. Soc’y Int’l L. Proc.* 31, 33–36 (2000).

⁹³ Balakrishnan Rajagopal, *International Law from Below: Development, Social Movements and Third World Resistance* 28–32 (Cambridge Univ. Press 2003).

Chapter 5

Possibilities of Reform and Decolonization

The call to change and decolonize international law is a result of the understanding that the present global legal order still mirrors the global hierarchies of the past that are based on colonialism and imperial domination. Though international law purports to be universal, its doctrines, institutions, and enforcement mechanisms often favor the already powerful states and disempower the voices of the Global South.⁹⁴ The scholars of Third World Approaches to International Law (TWAIL) have played a major role in uncovering these situations and in calling for a legal order that is based on equality, pluralism, and giving back to history.⁹⁵

Decolonizing international law is beyond the mere gesture of including different groups; it involves rethinking the very ideas of, for example, sovereignty, development, and justice through the lens of non-Western epistemologies and postcolonial experiences.⁹⁶ This turnaround from multiple worldviews and legal traditions is not just about legal and institutional reform, but it is also an epistemic shift. As the scholars Balakrishnan Rajagopal and Sundhya Pahuja state, the process of decolonization of international law should be about opposing the dominant narratives and at the same time, creating alternative frameworks that would reflect the life of the Global South more closely.⁹⁷

Consequently, reform and decolonization are not straightforward or agreed upon. The task requires the ideals of global justice to be in accord with the practical realities of state sovereignty and international power asymmetry. Still, according to Chimni, it is not only a theoretical but a moral necessity to envision a fairer and more democratic international order.

5.1 Critical Perspectives on Reforming International Law

The efforts to bring changes into international law have been troubled with the issues of the presence of the structurally unfair aspects of it that are deeply rooted in its fundament. The critical scholars have a systemic point of view which understands the flaws of the international law as problems of conception and not only issues of the implementation of the law. The law of international relations, as embodying the main concepts in history, is composed of the

⁹⁴ B.S. Chimni, *International Law and World Order: A Critique of Contemporary Approaches* 89–94 (Sage Publications 2017).

⁹⁵ Makau Mutua, “What Is TWAIL?” 94 *Am. Soc’y Int’l L. Proc.* 31, 33–35 (2000).

⁹⁶ Balakrishnan Rajagopal, *International Law from Below: Development, Social Movements and Third World Resistance* 42–47 (Cambridge Univ. Press 2003).

⁹⁷ *Id.* at 158–61; Rajagopal, *supra* note 4, at 49–50.

mechanisms that depict and reproduce the benefits of those powers which have ruled already in the past but under the mask of neutrality and universality it pretends otherwise.⁹⁸ When talking about reform of international law, Martti Koskenniemi notes that it is often seen in different lights, to wit: between apology (defending the present state of power politics) and utopia (setting moral ideals far from the political reality).⁹⁹ This dichotomy situates the reform at its limits as trying to universalize justice can lead to the reproduction of present hierarchy through legal forms.

Scholars of the Third World Approaches to International Law (TWAIL) also argued that deep-rooted changes should face the issues of White North's epistemic and institutional dominance.¹⁰⁰ Mainstream reform initiatives that aim at inclusion in a system created for exclusion without questioning that maintain global inequality have been harshly criticized by Makau Mutua.¹⁰¹ Correspondingly, Balakrishnan Rajagopal is of the opinion that the development discourse, usually deeply interwoven with the reformist agenda, has been employed to give a veneer of legitimacy to the colonial control and dependence.¹⁰² For the Twail thinkers, genuine reform should mean the abolition of the current system rather than the transitional one, thus imagining justice, sovereignty, and participation from the perspective of the Global South.

On the other hand, B.S. Chimni cautions that such a radical reform cannot ignore the practical aspects of international relations.¹⁰³ The postcolonial transformation of international law, as per his view, should not simply overthrow the extant order without offering feasible alternatives for governance, cooperation, and dispute resolution.¹⁰⁴

⁹⁸ David Kennedy, *A World of Struggle: How Power, Law, and Expertise Shape Global Political Economy* 28–31 (Princeton Univ. Press 2016).

⁹⁹ Martti Koskenniemi, *From Apology to Utopia: The Structure of International Legal Argument* 563–65 (Cambridge Univ. Press 2005).

¹⁰⁰ James Thuo Gathii, *TWAIL: A Brief History of Its Origins, Its Decentralized Network, and a Tentative Bibliography*, 3 *Trade L. & Dev.* 26, 30–32 (2011).

¹⁰¹ Makau Mutua, *What Is TWAIL?*, 94 *Am. Soc'y Int'l L. Proc.* 31, 34–35 (2000).

¹⁰² Balakrishnan Rajagopal, *International Law from Below: Development, Social Movements and Third World Resistance* 51–55 (Cambridge Univ. Press 2003).

¹⁰³ B.S. Chimni, *Third World Approaches to International Law: A Manifesto*, 8 *Int'l Cmty. L. Rev.* 3, 14–16 (2006).

¹⁰⁴ Upendra Baxi, *The Future of Human Rights* 240–43 (Oxford Univ. Press 2008).

5.2 Decolonial Approaches: Reimagining Sovereignty and Justice

Decolonial strategies in international law desire to go beyond reforms within the present frameworks and instead reconstruct the very underpinnings of sovereignty, justice, and law.¹⁰⁵ They hold that the epistemological and normative grounds of international law are heavily influenced by European ideas, giving preference to Western concepts of statehood, progress, and reason, and at the same time, diminishing indigenous, communal, and plural legal traditions. Antony Anghie elaborates that colonial encounters were not side issues but were fundamental elements of international law itself, which eventually led to the creation of its sovereignty, recognition, and civilization doctrines. Therefore, going decolonial requires not only looking at these issues through non-Western perspectives of relationality, reciprocity, and collective well-being but also rethinking them.¹⁰⁶

The decolonial researchers promote real sovereignty, the one based on independence, self-determination, and liberation from structural reliance, instead of the formal one as per the post-WWII order. Sundhya Pahuja examines the global development project and states that it, although wrapped in the language of progress, is most of the time reproducing colonial hierarchies by presenting the Global South as forever “emerging.”¹⁰⁷ Similarly, Walter D. Mignolo’s notion of epistemic disobedience urges a delinking from Eurocentric knowledge systems and the creation of pluriverse legal imaginaries that acknowledge multiple ways of knowing and governing.¹⁰⁸

Justice as rethought within a decolonial framework means the move away from punitive or state-centric models toward restorative, redistributive as well as community-based ones. Rajagopal points out that these alternatives, in fact, can be spotted in the resistance practices of social movements all over the Global South which give voice to the legal forms outside the state and against the global capitalist hegemony.¹⁰⁹

¹⁰⁵ Walter D. Mignolo, *The Darker Side of Western Modernity: Global Futures, Decolonial Options* 115–18 (Duke Univ. Press 2011).

¹⁰⁶ Makau Mutua, *What Is TWAIL?*, 94 *Am. Soc’y Int’l L. Proc.* 31, 34–36 (2000).

¹⁰⁷ Pahuja, *supra* note 2, at 160–62.

¹⁰⁸ Walter D. Mignolo, *Epistemic Disobedience, Independent Thought and De-Colonial Freedom*, 26 *Theory, Culture & Soc’y* 159, 161–64 (2009).

¹⁰⁹ Balakrishnan Rajagopal, *International Law from Below: Development, Social Movements and Third World Resistance* 221–25 (Cambridge Univ. Press 2003).

5.3 The Role of Global South Coalitions and Regional Institutions

Through their collective efforts, Global South coalitions and regional bodies have become vital mechanisms not only in confronting the legal world order's hierarchical structures but also in pushing forward the decolonization agenda. Starting from the Bandung Conference of 1955 up to the establishment of the Non-Aligned Movement (NAM) and the Group of 77 (G77), the Global South states have, time and again, made attempts to change the way the world is governed at the international level through the principles of equality, solidarity, and self-determination.¹¹⁰ Apart from these political alliances, the initiatives also symbolize epistemic interventions, i.e., efforts to reform international law in such a way that it is reflective of the postcolonial experiences and aspirations.

Regional bodies like the African Union (AU), the Association of Southeast Asian Nations (ASEAN), and the Community of Latin American and Caribbean States (CELAC) are the best examples of the efforts to build the legal-political spaces that are free from the influence of the Western powers and are sovereign in nature.¹¹¹ The AU's focus on, for example, "African solutions to African problems," can be seen as the region's growing force for sovereignty in areas of peacekeeping, trade, and the human rights governance.¹¹² Latin America, on the other hand, through its ALBA and UNASUR, has been working to resist the neoliberal economic models and to facilitate the alternative forms of regional integration based on social justice and cooperation.¹¹³

However, these alliances' transformative potentials are often limited by the existence of the internal asymmetries, geopolitical pressures, and their dependence on the foreign financial systems. According to B.S. Chimni, while Global South institutions can be seen as a counterweight to Western hegemony, their effectiveness is still limited due to issues like fragmentation and leadership elites' co-optation by global capital.¹¹⁴ Enhancing these ties,

¹¹⁰ Christopher J. Lee, *Making a World after Empire: The Bandung Moment and Its Political Afterlives* 5–9 (Ohio Univ. Press 2010).

¹¹¹ Karen Alter, James T. Gathii & Laurence R. Helfer, *Backlash against International Courts in West, East and Southern Africa: Causes and Consequences*, 27 *Eur. J. Int'l L.* 293, 297–300 (2016).

¹¹² Solomon A. Dersso, *The Role and Place of the African Standby Force within the African Peace and Security Architecture*, 20 *Afr. Sec. Rev.* 25, 28–30 (2011).

¹¹³ José Antonio Sanahuja, *Post-Liberal Regionalism in South America: The Case of UNASUR*, in *Regionalism and Global Governance: The Emerging Agenda* 75–79 (Stephen Aris et al. eds., Routledge 2017).

¹¹⁴ B.S. Chimni, *International Law and World Order: A Critique of Contemporary Approaches* 110–13 (Sage Publ'ns 2017).

therefore, implies not only the need for structural changes but also a renewed sense of collective bargaining rooted in the shared goal of rebalancing international power.

Chapter 6

Conclusion

International law bases are pretty much linked with colonialism, were among “civilization” doctrines the conquest was legitimized and inequality was institutionalized. Even after formal decolonization, these rankings still go on through economic dependence, unequal representation, and epistemic dominance. Organizations like the United Nations, World Trade Organization, and International Criminal Court, though constructed as universal, still behave like power asymmetries shifters. The UN Security Council’s veto, WTO’s trade mechanisms, and selective enforcement by the ICC show how sovereignty is still dependent on global hierarchies.¹¹⁵

Globalization has also been an accomplice of these injustices making them more deeply rooted by spreading neoliberal economic frameworks as universally valid, thereby, developing states become marginalized and new kinds of “data” and “climate” colonialism emerge. Nevertheless, critical voices mainly coming from Third World Approaches to International Law (TWAIL), provide ideas for reform based on equality, pluralism, and epistemic justice. The Global South coalitions such as the G77, BRICS, and African Union, working together, are examples of the attempts to govern the world in a different way without the Western dominance though the structural obstacles are still substantial.¹¹⁶

The genuine decolonization of international law is beyond the mere reform of institutions and requires the conversion of knowledge systems that sustain inequality. A truly just international order can be the result of the only time when historically marginalized voices will be the ones to define global norms and sovereignty.¹¹⁷

¹¹⁵ Thomas G. Weiss, *What’s Wrong with the United Nations and How to Fix It* 54–57 (Polity Press 2016).

¹¹⁶ Karin Mickelson, *Rhetoric and Rage: Third World Voices in International Legal Discourse*, 16 *Wis. Int’l L.J.* 353, 358–61 (1998).

¹¹⁷ Sundhya Pahuja & Luis Eslava, *The Limits of International Law and the Future of Global Justice*, 66 *Neth. Int’l L. Rev.* 309, 314–18 (2019).

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