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Review Article

Reconstructing International Legal Order Beyond the Paradigm of Globalistic Hegemony

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Abstract

The international legal order has long been shaped by a paradigm of globalistic hegemony, in which powerful states and transnational institutions dominate the formulation, interpretation, and enforcement of international norms. This hegemonic structure has generated persistent debates over legitimacy, equity, and inclusiveness within global governance. The call to reconstruct international legal order beyond the paradigm of globalistic hegemony therefore arises from both theoretical and practical concerns: the erosion of state sovereignty, the asymmetrical benefits of globalization, and the marginalization of voices from the Global South. This paper interrogates the limits of hegemonically driven legal frameworks and explores alternative pathways for establishing a more balanced, multi-polar, and pluralistic order. Drawing on theories of sovereignty, self-determination, and multi-polarity, the paper argues that international law must be reconfigured to reflect the realities of an evolving global order in which emerging powers, regional blocs, and non-state actors increasingly challenge unilateral dominance. The reconstruction of international legal order necessitates rethinking the foundational principles of equality of states, non-intervention, and collective security in ways that align with twenty-first-century geopolitical complexities. It also requires the reform of global governance institutions such as the United Nations Security Council, the World Trade Organization, and international financial bodies, to ensure broader representation and accountability. Ultimately, moving beyond globalistic hegemony is not a rejection of international cooperation but an affirmation of its necessity under fairer and more equitable terms. By advancing pluralism, decentralization, and shared responsibility, a reconstructed international legal order can foster legitimacy, stability, and peace in an increasingly multi-polar world.

Keywords: International Legal Order; Globalistic Hegemony; Multi-polarity; Global Governance; Sovereignty; Self-Determination; Pluralism; Decentralization; International Institutions; Legitimacy.

I.0 INTRODUCTION

The contemporary international legal order is undergoing profound contest. At the heart of this tension lies the persistence of globalistic hegemony—a paradigm in which international law is often subordinated to the strategic and economic dominance of a few powerful states. This hegemonic orientation erodes the legitimacy of international institutions, weakens the universality of norms, and entrenches asymmetrical hierarchies. The result is an order that struggles to reconcile its aspirational claims of universality with its structural biases toward concentration of power.

The purpose of this article is to examine the possibilities of reconstructing international legal order beyond the paradigm of globalist hegemony. It argues that a meaningful restructuring of global governance requires rethinking the historical foundations, institutional dynamics, and normative trajectories of international law. The claim advanced here is that only by moving beyond hegemonic centrism toward genuinely multi-polar and pluralist frameworks can international law recover its legitimacy and strengthen its capacity to secure peace, equity, and justice.

Methodologically, this article adopts an interdisciplinary approach that combines historical analysis, normative theory, and institutional critique. It situates the crisis of international legal order in historical processes—ranging from colonialism to post-cold war uni-polarity—while drawing on contemporary debates on global constitutionalism, sovereign equality, and multi-polarity. This multi-dimensional lens underscores that the problem is not simply legal but structural, requiring both theoretical re-calibration and institutional reform.

This article is organized in six parts. Following this introduction, part II examines the historical evolution of hegemonic paradigms in international law, tracing their colonial, imperial, and cold war roots. Part III interrogates the jurisprudential underpinnings of globalistic hegemony, highlighting the tension between universalism and particularistic power. Part IV evaluates the institutional dimensions, with a focus on the United Nations, the Bretton Woods system, and contemporary judicial bodies. Part V turns to reformist trajectories, analyzing competing models of multi-polarity, regionalism, and global governance reform. Part VI concludes by outlining a reconstructed vision of international legal order grounded in pluralism, shared responsibility, and equity.

By situating international law within this broader struggle between hegemony and pluralism, this article contributes to an emerging discourse that seeks to re-imagine the very foundations of international legal order. The stakes of this reconstruction are not merely academic; they touch on the capacity of law to respond to pressing global challenges—from armed conflicts and climate change to pandemics and economic inequality—without succumbing to the narrow interests of a hegemonic few.

II. Conceptual Foundations

A. Defining Globalistic Hegemony

The notion of *globalistic hegemony* in international law describes the capacity of dominant states or coalitions to shape, control, and selectively enforce legal norms under the guise of universality. [1] While the United Nations Charter enshrines the principle of sovereign equality, [2] in practice, international law has often reflected asymmetrical distributions of power. This structural imbalance is not incidental; rather, it has been deliberately institutionalized. The United Nations Security Council (UNSC), for instance, grants veto authority to five permanent members, a privilege that entrenches post-1945 power hierarchies. [3]

Globalistic hegemony also manifests in economic governance. The International Monetary Fund (IMF) and World Bank, as principal instruments of global financial stabilization, impose conditionalities that frequently override domestic economic sovereignty. [4] Such conditionalities—most notably structural adjustment programs in the 1980s and 1990s—compelled states in the Global South to liberalize markets, privatize state-owned enterprises, and reduce public spending, often with devastating social consequences. [5] Trade governance under the World Trade Organization (WTO) similarly illustrates asymmetry: while formally grounded in non-discrimination and reciprocity, the system tends to reinforce the competitive advantages of developed economies. [6]

In international criminal justice, hegemonic influence becomes apparent through the selectivity of prosecutions. The International Criminal Court (ICC) has disproportionately targeted African leaders, while alleged crimes by officials of powerful states—particularly in Iraq, Afghanistan, and Guantánamo Bay—have rarely advanced to trial. [7] This uneven application fosters perceptions of international law as an instrument of domination rather than impartial justice.

Critical traditions in legal theory underscore these dynamics. *Third World Approaches to International Law (TWAIL)*, for example, argue that contemporary global order reflects continuities with colonial domination.[8] TWAIL scholars maintain that international law, despite its universalist pretensions, perpetuates hierarchies that marginalize non-Western states and peoples.[9] Similarly, critical legal theorists like Martti Koskenniemi contend that international law oscillates between apologism (deference to state power) and utopianism (aspiration to universality), thereby reproducing hegemonic dynamics.[10]

Thus, globalistic hegemony may be defined as the structural embedding of dominance within the normative and institutional architecture of international law. It represents both a factual condition of unequal power relations and a normative problem of legitimacy.

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[1] Martti Koskenniemi, *From Apology to Utopia: The Structure of International Legal Argument* (Cambridge *University Press 2005) 615.*

[2] *Charter of the United Nations (adopted 26 June 1945, entered into force 24 October 1945) art 2(1).*

[3] Edward C Luck, *UN Security Council: Practice and Promise (Routledge 2006) 57.*

[4] Ngaire Woods, *The Globalizers: The IMF, the World Bank, and Their Borrowers* (Cornell University Press 2006) 6.

[5] Joseph E Stiglitz, *Globalization and Its Discontents* (W W Norton & Company 2002) 39–48.

[6] Amrita Narlikar, *The World Trade Organization: A Very Short Introduction (Oxford University Press 2005) 64.*

[7] Mahmood Mamdani, *'Darfur, ICC and the New Humanitarian Order:* How the ICC's 'Responsibility to Protect' is Being Turned into an Assertion of Neo-Colonial Domination' *(2009) 28 Journal of International Affairs 53, 60.*

[8] Makau Mutua, *'What Is TWAIL?'* (2000) 94 *American Society of International Law Proceedings* 31.

[9] B S Chimni, *International Law and World Order: A Critique of Contemporary Approaches* (Cambridge University Press 2017) 17–19.

[10] Martti Koskenniemi, *The Politics of International Law* (Hart Publishing 2011) 27–29.

B. Theoretical Frameworks for Understanding Hegemony and Reconstruction

1. Realism and the Persistence of Power

Realist international relations theory views law as derivative of power politics. For realists, international law cannot be insulated from hegemonic dominance because rules reflect the interests of powerful states. [11] This perspective explains why hegemonic states comply with international law when it serves their purposes and disregard it when inconvenient—as in the 2003 U.S.-led invasion of Iraq absent UNSC authorization. [12] While realism underscores the limits of law's autonomy, it risks naturalizing hegemony as inevitable.

2. Liberal Institutionalism and the Possibility of Cooperation

By contrast, liberal institutionalists argue that international institutions can mitigate anarchy by creating regimes that foster cooperation and reduce transaction costs. [13] However, even liberal scholars acknowledge the asymmetry of institutional design. Robert Keohane's "hegemonic stability theory" suggests that a hegemon is necessary to provide the public good of order. [14] Yet this premise raises the central question of whether order can endure in the absence of hegemony—or whether multi-polarity can generate stability without domination.

3. Critical Approaches: TWAIL and Postcolonial Perspectives

TWAIL critiques move beyond realism and liberalism by emphasizing law's complicity in systemic inequality. B.S. Chimni, for instance, argues that globalization has produced an "imperial global state" in which international institutions regulate peripheries to sustain core dominance. [15] Makau Mutua similarly contends that law reproduces the "savage–victim–savior" metaphor, casting the West as guardian of order and the Global South as passive subjects. [16] These critiques highlight the urgency of reconstructing international law in ways that decentralize hegemonic dominance.

4. Multi-polarity and Pluralism

Finally, multi-polarity has emerged as both an empirical reality and a theoretical framework. Fareed Zakaria describes the twenty-first century as a "post-American world," where rising powers such as China, India, Brazil, and regional organizations like the African Union (AU) and Association of Southeast Asian Nations (ASEAN) diffuse authority. [17] For legal theory, multi-polarity suggests that a reconstructed order must accommodate multiple centers of norm creation rather than privilege a single hegemon. Pluralism and subsidiarity offer pathways to embed this diffusion of power within international law's normative framework. [18]

C. Toward Reconstruction: Principles and Doctrinal Anchors

Reconstruction beyond globalistic hegemony requires grounding in established legal doctrines while adapting them to contemporary realities. Three principles are central.

First, sovereignty remains foundational. As reaffirmed by the International Court of Justice (ICJ) in the *Nicaragua* case, non-intervention is a cornerstone of international law. [19] Yet sovereignty must evolve to reflect interdependence, balancing independence with cooperative obligations.

Second, self-determination must be revitalized beyond its narrow decolonization context. Cassese emphasizes that self-determination entails not only freedom from colonial domination but also meaningful autonomy against external coercion. [20] In practice, this principle underpins calls for greater policy space in trade, finance, and development law.

Third, pluralism must be institutionalized. Nico Krisch argues that post-national law is best conceived as a pluralist order where overlapping jurisdictions coexist without hierarchical imposition. [21] Subsidiarity can provide a doctrinal mechanism, ensuring governance

[11] Hans J Morgenthau, *Politics among Nations: The Struggle for Power and Peace (Alfred A Knopf 1948) 293–95.*

[12] Sean D Murphy, *'Assessing the Legality of Invading Iraq' (2004) 92 Georgetown Law Journal 173, 175–76*

[13] Robert O Keohane, *After Hegemony: Cooperation and Discord in the World Political Economy (Princeton University Press 1984) 67–70.*

[14] Keohane, *After Hegemony (n. 13) 78.*

[15] B S Chimni, *'The Past, Present and Future of International Law: A Critical Third World Approach' (2007) 8 Melbourne Journal of International Law 499, 510–12.*

[16] Makau Mutua, 'Savages, Victims, and Saviours: The Metaphor of Human Rights', (2001) 42 Harv. Int'l L.J. 201, 207-09.

[17] Fareed Zakaria, *The Post American World*, (Norton, 2008) 45-47.

[18] Nico Krisch, *Beyond Constitutionalism: The Pluralist Structure of Postnational Law,* (Oxford University Press, 2010) 89–92.

[19] Military and Paramilitary Activities in and against Nicaragua (Nicar. v. U.S.), Judgment, (1986) 14 I.C.J. 202 (June 27).

[20] Antonio Cassese, *Self-Determination of Peoples: A Legal Reappraisal* (Cambridge University Press,1995) 143–44.

[21] KrIsch, (note 18) at 152–54.

occurs at the most appropriate level—global, regional, or local. [22]

In sum, globalistic hegemony is not an immutable condition but a historically contingent paradigm. Theoretical frameworks from realism to TWAIL reveal both its persistence and its vulnerabilities. Principles of sovereignty, self-determination, and pluralism provide doctrinal anchors for reconstructing a more equitable international legal order.

III. Manifestations of Globalistic Hegemony in International Legal Order

A. The United Nations Security Council and the Veto Power

The United Nations Security Council (UNSC) is perhaps the clearest institutionalization of globalistic hegemony. While the Charter establishes sovereign equality among states, [23] the veto privilege of the five permanent members (P5)—China, France, Russia, the United Kingdom, and the United States—creates a hierarchical decision-making structure. [24] This institutional asymmetry allows any P5 state to block action regardless of the will of the majority.

The use of the veto has obstructed collective security in critical contexts. For instance, Russia and China repeatedly vetoed resolutions on Syria from 2011 onward, blocking sanctions and referrals to the International Criminal Court (ICC). [25] Similarly, the United States has consistently shielded Israel from accountability, vetoing more than forty draft resolutions critical of its policies in the occupied Palestinian territories. [26]

The 2003 invasion of Iraq further revealed the limits of collective security. When the United States and its coalition failed to secure authorization, they proceeded unilaterally, undermining the Charter's prohibition on the use of force. [27] This action fractured legitimacy in the Council and fueled accusations of selective legality: the Council operates decisively when its actions align with P5 interests but is paralyzed or bypassed otherwise. [28]

Proposals for UNSC reform—such as expanding permanent membership to include emerging powers (India, Brazil, South Africa, etc.) or restricting veto use in cases of atrocity crimes—remain stalled, largely due to resistance from current P5 members unwilling to dilute their privileges. [29] The persistence of this structure exemplifies how international law is shaped by hegemonic entrenchment rather than egalitarian principles.

B. International Financial Institutions: The IMF and the World Bank

The IMF and World Bank illustrate another axis of hegemony, operating as gatekeepers of global finance. Voting power in these institutions is weighted by financial contributions, giving the United States and European states decisive influence. [30] For example, the United States alone holds veto power over major IMF decisions, requiring an 85 percent majority for critical policies while itself holding over 16 percent of the vote. [31]

Conditional lending—particularly during the 1980s and 1990s structural adjustment era—deepened dependency. Countries in Africa and Latin America were compelled to implement liberalization, austerity, and privatization measures. [32] While intended to stabilize economies, these programs often exacerbated poverty, unemployment, and inequality. [33] Joseph Stiglitz, a former World Bank chief economist, described them as "one-size-fits-all policies" that ignored domestic realities. [34]

The conditionality system has been criticized as an infringement on sovereignty. B.S. Chimni characterizes this regime as part of an "imperial global state" where international institutions manage peripheries for the benefit of core economies. [35] Debt restructuring processes, likewise, often prioritize

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22 Paolo G. Carozza, 'Subsidiarity as a Structural Principle of International Human Rights Law', (2003) 97 Am. J. Int'l L. 38, 40–42.

23 *Charter of the United Nations(no.2)*

24 *Charter of the United Nations (adopted 26 June 1945, entered into force 24 October 1945) art 27(3).*

25 Russia, China Veto U.N. Security Council Resolution on Syria, Reuters (Feb. 4, 2012).

26 Jeremy M. Sharp, Cong. Rsch. Serv., *Israel: Background and U.S. Relations* (RL33697, 2022) 17–19.

27 Sean D. Murphy, 'Assessing the Legality of Invading Iraq', (2004) 92 Geo. L.J. 173, 176–78.

28 Simon Chesterman, *You, the People: The United Nations, Transitional Administration, and State-Building*. (2004) 88–90.

29 Reform of the Security Council, G.A. Res. 62/557, *U.N. Doc. A/RES/62/557* (Sept. 15, 2008).

30 Ngaire Woods, *The Globalizers: The IMF, the World Bank, and Their Borrowers* (Cornell University Press,2006) 25.

31 *International Monetary Fund, Articles of Agreement* art. XII (5)(c).

32 B.S. Chimni, 'The IMF, Structural Adjustment, and the Post-Colonial World', (2002)6 L.J. Soc. Just. & Glob. Dev. 1, 5–8.

33 Joseph Stiglitz, *Globalization and Its Discontents* (Norton & Company, 2002) 39–52.

34 Id. at 89–91.

35 B.S. Chimni, 'The Past, Present and Future of International Law: A Critical Third World Approach', (2007) 8 MELB. J. INT'L L. 499, 510–12.

creditors over debtor populations, reflecting asymmetries in bargaining power. [36]

Though reforms have been proposed—such as revising quota allocations to reflect emerging markets' growing influence—the pace has been slow. [37] Thus, the IMF and World Bank remain emblematic of hegemonic governance disguised as technical neutrality.

C. World Trade Organization and Unequal Trade Governance

The World Trade Organization (WTO) claims universality through principles of most-favored-nation treatment and reciprocity. [38] Yet the asymmetries of trade governance disproportionately favor developed states. Developed economies retain tariff peaks and agricultural subsidies that undermine the competitiveness of developing countries, while demanding extensive liberalization from the Global South. [39]

The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) is a prominent example. By requiring all members to adopt high levels of intellectual property protection, TRIPS entrenched pharmaceutical monopolies. [40] During the COVID-19 pandemic, many developing countries sought waivers to facilitate vaccine access. India and South Africa spearheaded a waiver proposal, supported by over one hundred states and civil society organizations. [41] However, opposition from the European Union, the United States, and other developed states delayed meaningful action, prolonging inequities in vaccine distribution. [42]

The WTO's dispute settlement mechanism (DSM), though heralded as a "crown jewel," has also been criticized for favoring those with legal and financial capacity to litigate. [43] The costs of participating in DSM proceedings often deter poorer states, while wealthier states marshal extensive legal resources. [44] Moreover, the U.S. has effectively paralyzed the Appellate Body since 2019 by blocking judicial appointments, undermining the system altogether. [45]

These dynamics underscore how trade law—ostensibly premised on equality—reproduces structural inequities and reflects globalistic hegemony.

D. International Criminal Justice and Selectivity of the ICC

The International Criminal Court (ICC) represents another site where hegemonic influence shapes outcomes. While the Rome Statute enshrines principles of universality, [46] practice has skewed heavily toward prosecutions in Africa. Between 2002 and 2016, nine of ten situations under investigation involved African states. [47] This pattern fueled criticism from African Union leaders, who accused the Court of targeting weaker states while ignoring crimes by powerful actors. [48]

For example, despite credible evidence of war crimes in Iraq and Afghanistan involving U.S. and allied personnel, proceedings have stalled. [49] The Trump administration went further, sanctioning ICC officials who investigated U.S. conduct in Afghanistan. [50] By contrast, the ICC rapidly opened an investigation into Russia's invasion of Ukraine in 2022, with strong Western backing. [51] This disparity highlights how the Court's effectiveness often depends on support from powerful states, undermining its claims to impartiality.

The perception of selective justice erodes legitimacy. As Mahmood Mamdani observed, the ICC risks becoming a tool of "humanitarian interventionism"

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[36] Anna Gelpern, 'Sovereignty, Accountability, and the IMF', (2009) 97 GEO. L.J. 933, 945–47.
[37] IMF Quota and Governance Reforms, IMF (2022), https://www.imf.org/en/About/Factsheets/IMF-Quota.
[38] Marrakesh Agreement Establishing the World Trade Organization, Apr. 15, 1994, (1867) *U.N.T.S.* 154.
[39] Amrita Narlikar, *The World Trade Organization: A Very Short Introduction* (Oxford University Press, 2005) 64–67.
[40] Agreement on Trade-Related Aspects of Intellectual Property Rights, Apr. 15, 1994, (1869) *U.N.T.S.* 299.
[41] WTO, Waiver from Certain Provisions of the TRIPS Agreement for the Prevention, Containment and Treatment of COVID-19, IP/C/W/669 (Oct. 2, 2020).
[42] WTO Talks on Vaccine Waiver Collapse, Politico (Dec. 2021).
[43] William J. Davey, 'The WTO Dispute Settlement System: The First Ten Years', (2005) 8 J. Int'l Econ. L. 17, 19–21).
[44] Gregory Shaffer, 'How to Make the WTO Dispute Settlement System Work for Developing Countries: Some Proactive Developing Country Strategies', (2003).32 Harv. Int'l L.J. 1, 4–5.
[45] Jennifer Hillman, 'A Reset of the World Trade Organization's Appellate Body', Council on Foreign Rel. (2020).
[46] Rome Statute of the International Criminal Court, July 17, 1998, (*2187 U.N.T.S)* 90.
[47] William A. Schabas, 'Prosecutorial Discretion v. Judicial Activism at the International Criminal Court', (2008)6 J. Int'l Crim. Just. 731, 732.
[48] African Union, Decision on the Progress Report of the Commission on the Implementation of the Assembly Decisions on the International Criminal Court, Assembly/AU/Dec.482(XXI) (May 26–27, 2013).
[49] Human Rights Watch, Getting Away with Torture: The Bush Administration and Mistreatment of Detainees (July 2011).
[50] U.S. Dep't of State, Sanctions Pursuant to Executive Order 13928 (Sept. 2, 2020).
[51] ICC, Situation in Ukraine, ICC-01/22 (2022).

aligned with Western agendas rather than an independent judicial body. [52] Although reforms—such as increasing budgetary independence or enhancing prosecutorial discretion—could strengthen impartiality, the Court remains constrained by political realities.

E. Synthesis

Across these domains—the UNSC, IMF/World Bank, WTO, and ICC—hegemonic structures systematically privilege powerful states and constrain weaker ones. This pattern reveals globalistic hegemony not as an accidental byproduct but as an embedded logic of international institutions. The structural asymmetry of decision-making, conditionalities, unequal enforcement, and selective justice all point toward a system where legality is contingent upon power.

These manifestations underscore the urgency of reconstructing international law. Without addressing hegemonic entrenchment, the international order risks deepening crises of legitimacy and compliance.

IV. The Case for Reconstruction Beyond Hegemony

A. Legitimacy and the Crisis of Compliance

Legitimacy is the cornerstone of international law. Thomas Franck famously argued that compliance depends less on coercion than on the perceived legitimacy of rules. [53] When norms are regarded as fair, consistent, and coherent, states internalize them as binding. [54] Conversely, when law reflects selective enforcement and hegemonic privilege, its "compliance pull" diminishes. [55]

The persistence of hegemonic dominance—whether in the United Nations Security Council's (UNSC) veto system, the International Monetary Fund's (IMF) conditionalities, or the International Criminal Court's (ICC) selective justice—has undermined this compliance pull. Many states in the Global South perceive international law not as a neutral framework but as an extension of Northern dominance. [56] This perception erodes trust and fuels non-compliance, whether in trade disputes, peacekeeping mandates, or criminal accountability.

The consequence is a widening gap between law on the books and law in action. [57] For instance, the prohibition on the use of force under Article 2(4) of the Charter is universally acknowledged, yet interventions in Iraq (2003), Libya (2011), and Ukraine (2022) illustrate selective adherence. [58] Without reconstruction, international law risks devolving into a *façade* of legality masking power politics.

B. multi-polarity as Empirical Reality

The call for reconstruction is not merely normative; it reflects empirical shifts in global power distribution. Fareed Zakaria has described the twenty-first century as a "post-American world," in which the United States retains preeminence but no longer commands uncontested hegemony. [59] Rising powers such as China, India, Brazil, and South Africa have asserted greater influence through platforms like the BRICS grouping. [60]

Multi-polarity also manifests regionally. The African Union's Peace and Security Council, the European Union's Common Foreign and Security Policy, and the Association of Southeast Asian Nations' (ASEAN) "ASEAN Way" all reflect regional assertion of autonomy. [61] These bodies increasingly challenge the dominance of global institutions by offering alternative mechanisms of governance, often more attuned to local contexts.

The diffusion of power is also evident in economic governance. China's Belt and Road Initiative and the establishment of the Asian Infrastructure Investment Bank (AIIB) represent alternatives to Western-dominated financial institutions. [62] Similarly, the New Development Bank (NDB) created by BRICS demonstrates the possibility of collective financial autonomy. [63] These developments indicate that multi-polarity is no longer aspirational but an emerging reality.

C. Normative Imperatives for Reconstruction

While multi-polarity creates the structural conditions for change, normative imperatives provide the justificatory basis. Three stand out: inclusivity, pluralism, and equity.

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[52] Mahmood Mamdani, Darfur, ICC and the New Humanitarian Order, (2009) 28 J. InT'l Aff. 53, 60

[53] Thomas M. Franck, *The Power of Legitimacy Among Nations* (Cambridge University Press,1990) 24–26.

[54] Ibid. at 49–51.

[55] Ibid. at 64–65.

[56] Makau Mutua, 'What Is TWAIL?', (2000) 94 *Am. Soc'y Int'l L. Proc*. 31, 32

[57] Oscar Schachter, 'The Invisible College of International Lawyers', (1977)72 Nw. U. L. Rev. 217, 221–23

[58] Sean D. Murphy, 'Assessing the Legality of Invading Iraq', (2004)92 GEO. L.J. 173, 175–78

[59] Fareed Zakaria, (note 17) 45–47.

[60] BRICS Joint Statement, Fortaleza Declaration (July 15, 2014).

[61] Sophie Meunier & Kalypso Nicolaïdis, 'The European Union as a Conflicted Trade Power', (2006) 13 J. Eur. Pub. Pol'y 906, 908–10.

[62] Kevin Gallagher & Amos Irwin, 'China's Leadership in Global Economic Governance: The Belt and Road Initiative and AIIB', (2020) 11 Global Pol'y 411, 415–17.

[63] BRICS, *Agreement on the New Development Bank* (2014) art. 2.

1. **Inclusivity**

Inclusivity demands that international law reflect the voices of all states, not only the powerful. This principle is consistent with the Charter's affirmation of sovereign equality. [64] Institutional reforms—such as expanding UNSC membership or revising IMF quotas—are not merely political demands but legal imperatives rooted in equality of states. [65]

2. **Pluralism**

Pluralism recognizes that no single hegemon or bloc should monopolize norm creation. Nico Krisch argues that a pluralist international order, characterized by overlapping legal regimes without strict hierarchy, is more adaptable and resilient. [66] Pluralism allows regional and local institutions to complement global governance, thereby decentralizing authority.

3. **Equity**

Equity is essential to legitimacy. Rosalyn Higgins emphasized that international law must address the material inequalities between states to remain relevant. [67] In trade, this implies genuine special and differential treatment for developing states; in finance, it requires debt restructuring mechanisms that prioritize populations over creditors. [68] Equity also demands impartiality in international criminal justice, ensuring that accountability is not confined to weaker states.

Together, inclusivity, pluralism, and equity form a normative triad for reconstructing legitimacy in international law. Without them, the international order risks further alienation and instability.

D. Re-framing Sovereignty and Self-Determination

Reconstruction also requires doctrinal renewal. Sovereignty and self-determination remain foundational, but both must be re-framed in light of interdependence.

Sovereignty, once conceived as absolute independence, is increasingly understood as responsibility. [69] The "responsibility to protect" (R2P) doctrine reflects this evolution, though its selective invocation (e.g., Libya 2011 vs. Syria) has fueled charges of neo-imperialism. [70] A reconstructed order must balance sovereignty with collective obligations while avoiding instrumentalization by powerful states.

Self-determination, long tied to decolonization, must be revitalized as an ongoing entitlement to political and economic autonomy. Antonio Cassese argued that self-determination extends beyond formal independence to encompass freedom from external coercion. [71] In today's context, this means resisting financial and trade regimes that constrain policy space in the Global South. [72]

By re-articulating sovereignty and self-determination as safeguards against domination rather than obstacles to cooperation, reconstruction can ground itself in well-established doctrines while advancing pluralist governance.

E. Toward a Reconstructed International Legal Order

Reconstruction beyond globalistic hegemony requires more than technical reform; it calls for re-imagining the very foundations of order. The legitimacy crisis, coupled with the empirical rise of multi-polarity, makes transformation both urgent and feasible. Normative imperatives of inclusivity, pluralism, and equity provide guiding principles, while doctrines of sovereignty and self-determination offer legal anchors.

The challenge is formidable. Hegemonic powers are unlikely to relinquish privileges voluntarily, and multi-polarity carries risks of fragmentation and rivalry. Yet without reconstruction, international law risks irrelevance. As Franck observed, law derives its authority from perception as much as coercion. [73] If global institutions remain structurally biased, states may increasingly resort to unilateralism or regionalism, accelerating systemic erosion.

Thus, the case for reconstruction rests on necessity: to restore legitimacy, to reflect multi-polar reality, and to uphold the promise of international law as a common framework for all, not a tool of the few.

V. Pathways for Reconstruction

A. Institutional Reforms

The most direct pathway to reconstructing the international legal order beyond globalistic hegemony is through structural reform of existing institutions. The contemporary system—anchored by the United Nations

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[64] *Charter of the United Nations(no.2)*

[65] Reform of the Security Council, G.A. Res. 62/557, *U.N. Doc. A/Res/62/557* (Sept. 15, 2008).

[66] Nico Krisch, *Beyond Constitutionalism: The Pluralist Structure of Postnational Law* (Oxford University Press, 2010).89–92.

[67] Rosalyn Higgins, *Problems and Process: International Law and How We Use It* (Oxford University Press,1994) 219–22.

68 Amrita Narlikar, *Poverty Narratives and Power Paradoxes in International Trade Negotiations and Beyond* (Cambridge University Press, 2020) 82–84.

[69] Francis M. Deng et al., *Sovereignty as Responsibility: Conflict Management in Africa* (Cambridge University Press,1996)10–12

[70] Gareth Evans, *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and for All* (Brookings Institution Press, 2008) 33–34

[71] Antonio Cassese, (note 20) 143–44.

[72] B.S. Chimni, 'The IMF, Structural Adjustment, and the Post-Colonial World', (2002) *6 L.J. Soc. Just. & Glob. Dev.* 1, 6–8.

[73] Franck, (n. 53,) at 64–65.

(UN), Bretton Woods institutions, and specialized agencies such as the World Trade Organization (WTO)—was designed in the aftermath of World War II and reflects the geopolitical distribution of power at that time. Its continued reliance on structures that privilege a narrow group of states undermines both legitimacy and efficacy in the twenty-first century. Reforming these institutions is therefore central to fostering a more equitable and multi-polar order.

1. The United Nations Security Council (UNSC)

The UNSC represents the clearest manifestation of globalistic hegemony, with its permanent membership and veto power concentrated in the hands of five states. This structural asymmetry has allowed the Permanent Five (P5) to block action inconsistent with their national interests, even in the face of overwhelming international consensus. [74] Calls for reform—particularly the enlargement of both permanent and non-permanent membership—have been on the agenda since the 1990s but have repeatedly stalled due to resistance from the P5 themselves. [75]

Proposals for reform vary: some advocate adding new permanent members from underrepresented regions, such as Africa, Latin America, and South Asia; others suggest abolishing the veto entirely or subjecting its exercise to procedural safeguards, such as requiring two or more concurring permanent members for a veto to stand.[76] At minimum, increasing representation in the UNSC is critical to remedy the legitimacy deficit that results from the Council's current structure. Without such reform, the UNSC risks irrelevance, as states and regional bodies increasingly resort to alternative mechanisms of collective security. [77]

2. International Financial Institutions (IMF and World Bank)

The governance of the International Monetary Fund (IMF) and World Bank continues to reflect the economic power distribution of the mid-twentieth century, privileging the United States and Western Europe. Voting rights remain linked to financial contributions, effectively institutionalizing a form of economic hegemony. [78] Efforts to reform quota allocations have made modest progress, but they remain insufficient to reflect the realities of the global economy, where emerging markets such as China, India, Brazil, and Nigeria play increasingly pivotal roles. [79]

Reform should include not only re-calibrating voting quotas but also enhancing transparency and accountability in lending practices. Conditionalities attached to IMF and World Bank programs have historically undermined sovereignty, imposing neo-liberal economic models with significant social costs. [80] By empowering borrowing states to participate more meaningfully in decision-making, and by recognizing regional development banks as co-equal partners, these institutions can shift from instruments of hegemonic control to facilitators of equitable development.

3. The World Trade Organization (WTO)

The WTO's consensus-based decision-making has been lauded as democratic in theory but criticized as hegemonically manipulated in practice. Developed states often shape agenda-setting, while disputes disproportionately reflect the interests of major trading powers. [81] The crisis of the Appellate Body—effectively paralyzed after the United States blocked judicial appointments—demonstrates the fragility of a system overly dependent on the goodwill of dominant states. [82]

Reform pathways include insulating the dispute settlement mechanism from unilateral obstruction, strengthening the participation of developing countries in negotiations, and incorporating principles of equity into trade rules. [83] For example, a reformed WTO could recognize differentiated obligations for states at varying levels of development, thereby operationalizing the principle of "special and differential treatment" as more than aspirational rhetoric. [84]

4. The International Criminal Court (ICC) and Other Legal Regimes

The ICC has long faced criticisms of selective justice, particularly its disproportionate focus on Africa.

[74] B.S. Chimni, 'International Institutions Today: An Imperial Global State in the Making', (2004)15 Eur. J. Int'l L. 1, 12–15.

[75] U.N. Gen. Assembly, *Report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council*, U.N. Doc. A/61/47 (2007).

[76] Thomas G. Weiss, *What's Wrong with the United Nations and How to Fix It.* (Polity Press, 3d ed. 2016)87–90.

[77] Vijay Prashad, *The Darker Nations: A People's History of the Third World* (The New Press, 2007) 265–70.

[78] Ngaire Woods, (note 30) 41–43.

[79] IMF, *Quota and Voting Shares Before and After Implementation of Reforms Agreed in 2010* (2016).

[80] Dani Rodrik, *The Globalization Paradox: Democracy and the Future of the World Economy* (Harvard University Press, 2011)73–79.

[81] Richard H. Steinberg, *In the Shadow of Law or Power? Consensus-Based Bargaining and Outcomes in the GATT/WTO*, (2002)56 Int'l Org. 339, 340–44.

[82] Joost Pauwelyn, 'WTO Dispute Settlement Post-2019: Dysfunction and Reform', (2019).113 AJIL Unbound 120

[83] Amrita Narlikar, (note 68) 22–26.

[84] WTO, *Special and Differential Treatment Provisions in WTO Agreements and Decisions*, WTO Doc. WT/COMTD/W/77/Rev.1 (2001).

[85] Reform is necessary to ensure broader jurisdictional legitimacy, including addressing the reluctance of major powers such as the United States, Russia, and China to ratify the Rome Statute. Enhancing prosecutorial independence, diversifying judicial representation, and expanding the Court's resources could mitigate perceptions of bias and reinforce its universality. [86]

Beyond the ICC, reforms to regimes such as international environmental law and global digital governance are equally urgent. In both domains, decision-making often reflects the preferences of technologically advanced states, marginalizing the voices of those most affected by climate change and digital inequities.

In sum, institutional reforms must confront entrenched power structures. While political resistance is inevitable, failure to democratize global institutions risks accelerating their delegitimization. A reconstructed order requires institutions that are representative, transparent, and responsive to the diverse interests of the international community, rather than instruments of hegemonic dominance.

B. Regionalism as Complement

A second pathway toward reconstructing the international legal order lies in strengthening regional institutions as complementary, rather than subordinate, to global governance structures. Regionalism is not a new phenomenon; it has long been recognized under Chapter VIII of the United Nations Charter, which expressly authorizes "regional arrangements" to address peace and security issues, provided their actions remain consistent with the purposes and principles of the UN. [87] However, the potential of regionalism as a counterbalance to globalistic hegemony has yet to be fully realized.

1. The African Union (AU)

The African Union illustrates how regionalism can address legitimacy gaps left by global institutions. Its Constitutive Act explicitly embraces principles of sovereignty, self-determination, and non-indifference. [88] The AU has increasingly taken responsibility for peace and security within Africa, deploying missions in Somalia (AMISOM) and the Sahel, sometimes with limited support from the UN Security Council.[89] By developing homegrown mechanisms such as the African Peer Review Mechanism and the African Continental Free Trade Area (AfCFTA), the AU is also asserting agency over governance and economic integration.[90] Importantly, the AU's initiatives demonstrate that regional solutions can be tailored to local realities in ways that global institutions often fail to achieve.

2. The Association of Southeast Asian Nations (ASEAN)

ASEAN embodies a distinct model of regionalism, grounded in consensus and non-interference. [91] While often criticized for its weak enforcement capacity, ASEAN has nonetheless provided a critical platform for dialogue, particularly in managing disputes in the South China Sea and promoting regional economic integration through agreements like the Regional Comprehensive Economic Partnership (RCEP). [92] ASEAN's approach reflects an alternative normative vision, privileging gradualism and respect for sovereignty over hierarchical governance, thereby contributing to pluralism in international law.

3**. The European Union (EU)**

The EU represents the most advanced experiment in supranational governance, with a highly integrated legal and institutional structure. Its *acquis communautaire*, supremacy doctrine, and Court of Justice jurisprudence illustrate how regional legal orders can coexist with, and sometimes influence, the broader international system. [93] While unique in scope, the EU experience provides important lessons on how regional institutions can create binding frameworks that supplement global norms, particularly in areas like environmental law, digital regulation, and human rights.

4. Regionalism as a Corrective to Hegemony

Regional institutions can act as laboratories of norm development and enforcement, particularly where global bodies are paralyzed by great power politics. The AU's doctrine of non-indifference, for instance, provides an alternative model to the contested global norm of

[85] Mahmood Mamdani, 'Darfur, ICC, and the New Humanitarian Order: How the ICC's "Responsibility to Protect" Is Being Turned into an Assertion of Neocolonial Domination', (2009) 36 J. Int'l Aff. 53, 61–64.

[86] William A. Schabas, *The International Criminal Court: A Commentary on the Rome Statute* (Oxford University Press, 2d ed. 2016)115–20.

[87] *Charter of the United Nations* (adopted 26 June 1945, entered into force 24 October 1945) art 52(1)

[88] Constitutive Act of the African Union, July 11, 2000, *2158 U.N.T.S.* 3, arts. 3–4.

[89] Solomon A. Dersso, *The African Union's Quest for Pax Africana: The Case of Burundi, Sudan and Somalia* (AJOL 2012) 45–52.

[90] Adekeye Adebajo, *The Curse of Berlin: Africa After the Cold War*(Rovingheights, 2010) 221–25.

[91] Amitav Acharya, *Constructing a Security Community in Southeast Asia: ASEAN and the Problem of Regional Order* (2d edn., Apple Books, 2009) 64–69.

[92] Regional Comprehensive Economic Partnership Agreement, Nov. 15, 2020, https://rcepsec.org/legal-text/.

[93] Paul Craig & Gráinne de Búrca, *EU Law: Text, Cases, and Materials* (7th edn., Oxford University Press, 2020) 90–95.

Responsibility to Protect (R2P). [94] Similarly, Latin America's Inter-American Court of Human Rights has pioneered expansive doctrines of human rights that have influenced global jurisprudence. [95] By anchoring legitimacy in closer proximity to affected communities, regionalism decentralizes authority, diluting the hegemonic control of global institutions.

5. Risks and Limitations

Regionalism is not without risks. Some regional organizations risk reproducing hegemonies at the sub-global level, as seen in concerns over South Africa's dominance within the Southern African Development Community (SADC) or Nigeria's influence in ECOWAS. [96] Additionally, coordination challenges between regional and global bodies may create fragmentation or duplication. Nonetheless, these risks do not negate the value of regionalism as a complement; rather, they underscore the need for cooperative frameworks that ensure coherence while respecting regional autonomy.

In sum, regionalism offers a viable pathway to pluralizing the international legal order. By empowering regional organizations as co-equal partners in governance, international law can better reflect the diversity of global perspectives, thereby counterbalancing the centralizing tendencies of globalistic hegemony.

C. Inclusion of Non-State Actors

A reconstructed international legal order beyond globalistic hegemony cannot be built solely on the agency of states. Non-state actors (NSAs)—including civil society organizations, multinational corporations, indigenous communities, and epistemic networks—are increasingly central to norm creation, monitoring, and enforcement in global governance. Their growing role reflects both the inadequacies of state-centric institutions and the need for greater inclusivity in shaping international law.

1. Civil Society and NGOs

Civil society organizations have been pivotal in advancing normative agendas often neglected by states. The International Campaign to Ban Landmines, for example, catalyzed the Ottawa Treaty despite the opposition of major military powers. [97] Similarly, NGOs were instrumental in shaping the Rome Statute of the International Criminal Court (ICC), demonstrating their capacity to democratize international lawmaking. [98] These actors provide expertise, grassroots legitimacy, and monitoring functions that states alone cannot deliver. However, their influence is uneven, often limited by financial dependence on Western donors, which risks reproducing hegemonic patterns under the guise of inclusivity. [99]

2. Multinational Corporations and the Private Sector

Multinational corporations (MNCs) exert profound influence over global governance, particularly in areas such as digital technology, energy, and finance. Their role is double-edged: while corporations can contribute resources and innovation, they also perpetuate asymmetries by leveraging economic power to shape legal frameworks. [100] The push for binding treaties on business and human rights reflects the recognition that voluntary corporate social responsibility is insufficient to constrain hegemonic private power. [101] Embedding corporate accountability in international law is essential to prevent the privatization of governance from becoming another vector of globalistic dominance.

3. Indigenous Peoples and Local Communities

Indigenous peoples and local communities have historically been marginalized in international law, yet they are increasingly recognized as norm entrepreneurs, particularly in environmental and human rights law. Instruments such as the U.N. Declaration on the Rights of Indigenous Peoples (UNDRIP) represent significant steps toward inclusion. [102] Moreover, indigenous epistemologies challenge hegemonic paradigms by emphasizing relational worldviews and communal sovereignty, thereby enriching pluralism in international

[94] Tim Murithi, 'The African Union's Transition from Non-Intervention to Non-Indifference: An Ad Hoc Approach to the Responsibility to Protect?', (2002) 13 Irish Stud. Int'l Aff. 11, 18–22.

[95] Hélène Tigroudja, 'The Inter-American Court of Human Rights and International Human Rights Protection: The Example of Indigenous Peoples' Rights', (2014) 35 Mich. J. Int'l L. 693, 703–07.

[96] Karen Alter et al., 'A New International Human Rights Court for West Africa: The ECOWAS Community Court of Justice', (2013)107 Am. J. Int'l L. 737, 741–43.

[97] Richard Price, '*Reversing the Gun Sights: Transnational Civil Society Targets Land Mines'*, Richard Price, *Reversing the Gun Sights: Transnational Civil Society Targets Land Mines*, (1998) 52 Int'l Org. 613, 617–20.

[98] William A. Schabas, *An Introduction to the International Criminal Court* (6th edn. Cambridge University Press, 2020) 34–36.

[99] Makau Mutua, *Human Rights NGOs in East Africa: Political and Normative Tensions* (University of Pennsylvania Press, 2009) 78–83.

[100] Peter Muchlinski, *Multinational Enterprises and the Law* (2d edn. Oxford University Press, 2007) 101–04.

[101] U.N. Human Rights Council, *Legally Binding Instrument to Regulate, in International Human Rights Law, the Activities of Transnational Corporations and Other Business Enterprises*, Draft (2019).

[102] G.A. Res. 61/295, United Nations Declaration on the Rights of Indigenous Peoples (Sept. 13, 2007).

legal theory. [103] Their participation illustrates how inclusion can counteract homogenizing tendencies in global governance.

4. Epistemic Communities and Knowledge Networks

The role of transnational epistemic communities—networks of experts in areas such as climate science, public health, and cyber governance—has expanded significantly. Their influence in shaping treaties like the Paris Agreement underscores the importance of specialized knowledge in legitimizing global norms. [104] However, access to such epistemic authority remains skewed toward institutions in the Global North, raising concerns of epistemic hegemony. Addressing this imbalance requires intentional support for knowledge production in the Global South.

In sum, incorporating non-state actors into the international legal order expands its legitimacy and responsiveness. Yet inclusion must be carefully structured to avoid reproducing hegemonic dynamics in new forms. By balancing the contributions of NGOs, corporations, indigenous groups, and epistemic communities, international law can move toward a more decentralized and representative system of governance.

D. Doctrinal and Normative Innovations: Pluralism and Subsidiarity

Institutional and participatory reforms alone will not suffice to reconstruct the international legal order beyond globalistic hegemony. A deeper transformation requires rethinking the doctrinal and normative foundations of international law itself. Two interrelated frameworks—pluralism and subsidiarity—offer pathways for decentralizing authority while maintaining coherence across the system.

1. Pluralism as a Corrective to Universalism

Traditional international law has often claimed universality while in practice reflecting Eurocentric norms and priorities. [105] Critical scholarship, including Third World Approaches to International Law (TWAIL), has exposed how this universalism masks hegemonic domination. [106] Pluralism responds by affirming the coexistence of multiple normative traditions—regional, cultural, and epistemic—within international law.

Pluralism does not reject universality altogether but insists on a dialogic universality, where global norms emerge through negotiation among diverse traditions rather than imposition by dominant powers. [107] For example, the recognition of regional human rights systems in Africa, Europe, and the America demonstrates how pluralism can enrich the global regime without fragmenting it. [108] Similarly, the growing influence of non-Western legal philosophies, such as Ubuntu in African jurisprudence and Confucian relationalism in Asian discourse, underscores the capacity of pluralism to democratize norm development. [109]

2. Subsidiarity as a Principle of Governance

The principle of subsidiarity, rooted in Catholic social thought and later embedded in the European Union's constitutional order, holds that authority should be exercised at the most local level capable of effectively addressing a problem. [110] Applied to international law, subsidiarity tempers centralizing tendencies by ensuring that global institutions act only where regional or national bodies cannot adequately respond.

Subsidiarity offers a doctrinal basis for balancing global coherence with local autonomy. In environmental governance, for instance, climate change requires global frameworks (e.g., the Paris Agreement) but their implementation depends on regional and national strategies tailored to specific circumstances. [111] Similarly, in trade and investment law, subsidiarity could justify greater deference to domestic regulatory autonomy while preserving baseline global standards.

3. Operationalizing Pluralism and Subsidiarity

To be effective, these principles must be operationalized in institutional practice. One proposal is the adoption of multi-level governance frameworks that explicitly allocate competences among global, regional, and local actors according to subsidiarity. [112] Another is the creation of dialogic mechanisms—such as joint interpretative bodies or trans-regional judicial

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103 James (Sákéj) Youngblood Henderson, *Indigenous Diplomacy and the Rights of Peoples: Achieving UN Recognition* (Purich Pub.2008)52–55.

104 Peter M. Haas, 'Epistemic Communities and International Policy Coordination', (1992) 46 Int'l Org. 1, 12–15.

105 Martti Koskenniemi, (ibid n.10) 59–62.

106 B.S. Chimni, 'The Birth of a Discipline: From Colonialism to TWAIL', (1999)1 Int'l Comm. L. Rev. 3, 10–15).

107 Antony Anghie, *Imperialism, Sovereignty and the Making of International Law* (Cambridge University Press, 2005)243–48.

108 Dinah Shelton, *Regional Protection of Human Rights* (Oxford University Press, 2008)12–15.

109 Yvonne Mokgoro, 'Ubuntu and the Law in South Africa', (1998)1 Potchefstroom Electronic L.J. 2; Tu Weiming, 'Confucian Humanism and Its Modern Relevance, in Confucianism and Human Rights' (Wm. Theodore de Bary & Tu Weiming eds., (Cambridge University Press,1998)35–42.

110 Andreas Føllesdal, 'Subsidiarity, Democracy, and Human Rights in the Constitutional Treaty of Europe', (2006)37 J. Soc. Phil. 61, 64–66.

111 Daniel Bodansky, *The Art and Craft of International Environmental Law* (Oxford University Press, 2010)152–55.

112 Neil Walker, 'The Idea of Constitutional Pluralism', (2002)65 Mod. L. Rev. 317, 332–34.

dialogues—that facilitate mutual learning between normative traditions. [113] The growing practice of cross-citation among international and regional courts provides an embryonic model of such dialogue.

At the same time, pluralism and subsidiarity must guard against the risk of fragmentation. This requires a commitment to shared meta-principles—such as human dignity, equity, and the rule of law—that provide common ground for diversity. [114] Properly balanced, pluralism and subsidiarity can transform international law from an instrument of hegemonic control into a genuinely inclusive framework.

In sum, pluralism and subsidiarity are not merely abstract theories but practical tools for reconstituting the international legal order. By decentralizing norm production and empowering regional and local actors while preserving systemic coherence, these principles chart a path toward an international law that is responsive, legitimate, and reflective of the world's diversity.

VI. Challenges and Risks

A. Risk of Fragmentation

One of the principal risks in reconstructing the international legal order beyond globalistic hegemony is the danger of fragmentation. The international legal system, by its very nature, is decentralized and lacks a single authoritative hierarchy. [115] Attempts to decentralize further—through regionalism, pluralism, and subsidiarity—may exacerbate this structural feature, potentially leading to inconsistent legal regimes and conflicting obligations.

Scholars have long debated the consequences of fragmentation. The International Law Commission (ILC) warned in its *Study on Fragmentation of International Law* that the proliferation of specialized regimes—such as trade, investment, human rights, and environmental law—threatens the coherence of international law as a whole.[116] Divergent jurisprudence across tribunals reinforces this concern; for example, tensions between trade liberalization under the WTO and environmental protection under multilateral environmental agreements illustrate how fragmentation can generate normative clashes. [117]

From a practical perspective, fragmentation risks undermining predictability and legal certainty. States and other actors may find themselves subject to conflicting obligations depending on the forum, thereby weakening compliance incentives. [118] Moreover, dominant states may exploit fragmentation strategically by forum-shopping or selectively invoking regimes that favor their interests. [119]

Yet fragmentation is not an unmitigated evil. Some scholars argue that pluralism can enrich international law by allowing for contextual diversity and innovation. [120] Regional human rights courts, for instance, have expanded protections beyond what universal instruments provide, demonstrating that normative variation can sometimes advance justice. The challenge, therefore, lies in balancing pluralism with systemic coherence. Mechanisms such as judicial dialogue, cross-citation, and interpretive coordination by bodies like the ILC can mitigate the risks of fragmentation while preserving diversity. [121]

In sum, while fragmentation poses a serious challenge to reconstructing a post-hegemonic order, it need not be fatal. If carefully managed, the coexistence of multiple regimes may strengthen rather than weaken international law by distributing authority and fostering inclusivity.

B. Risks of Multi-polarity (Bloc Rivalry & Neo-Cold War)

While multi-polarity is often presented as a corrective to globalistic hegemony, it is not without risks. A more diffuse distribution of power in international law and politics can generate bloc rivalries reminiscent of the Cold War era. [122] When multiple power centers compete for influence, international law may become a tool of geopolitical contestation rather than a neutral framework for cooperation.

The twentieth century offers stark lessons. During the U.S.–Soviet Cold War, the United Nations

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113 Anne-Marie Slaughter, *A New World Order* (Princeton University Press, 2004) 65–69.

114 Jürgen Habermas, *The Divided West* (Polity, 2006)116–18.

115 Martti Koskenniemi, (Ibid n.1) 563–65.

116 Int'l Law Comm'n, *Fragmentation of International Law: Difficulties Arising from the Diversification and Expansion of International Law: Report of the Study Group of the International Law Commission*, U.N. Doc. A/CN.4/L.682 (Apr. 13, 2006)7–15.

117 Joost Pauwelyn, 'Bridging Fragmentation and Unity: International Law as a Universe of Inter-Connected Islands', (2004)25 Mich. J. Int'l L. 903, 915–19.

118 Pierre-Marie Dupuy, 'A Doctrinal Debate in the Globalization Era: On the "Fragmentation" of International Law', (2007)1 Eur. J. Legal Stud. 25, 30–33.

119 Karen Alter, *The New Terrain of International Law: Courts, Politics, Rights* (Princeton University Press, 2014) 217–22

120 Nico Krisch, *Beyond Constitutionalism: The Pluralist Structure of Post national Law* (Oxford University Press, 2010) 69–72.

121 Anne-Marie Slaughter (ibid n.113).

122 Hedley Bull, *The Anarchical Society: A Study of Order in World Politics* (Red Globe Press London,1977)202–06.

Security Council (UNSC) was frequently paralyzed by veto politics, leading to selective enforcement of norms and the marginalization of international institutions.[123] Multi-polarity risks reintroducing similar paralysis in a twenty-first-century context, particularly as rising powers—such as China, India, Brazil, and regional blocs—seek to reshape existing institutions in line with their own interests.[124]

Another danger lies in the emergence of competing normative regimes. In a multi-polar order, rival powers may sponsor alternative institutions and legal frameworks to project influence, resulting in a bifurcated or even fragmented global order.[125] For example, the Belt and Road Initiative (BRI) has already begun to generate parallel arbitration mechanisms and investment standards that diverge from established Western-led regimes.[126] If unchecked, this process could entrench ideological competition into the very fabric of international law, reducing incentives for consensus.

Moreover, multi-polar rivalry risks intensifying security dilemmas. As power diffuses, states may increasingly resort to unilateral measures or military alliances, undermining collective security. [127] Unlike a hegemonic order, where a single dominant actor may enforce stability (albeit selectively), multi-polar competition can create volatility, as no single actor possesses the capacity to enforce baseline norms universally. [128]

Nevertheless, multi-polarity need not degenerate into bloc confrontation. If managed prudently, it may encourage coalition-based governance and foster greater inclusivity in norm-setting. [129] The challenge is to prevent multi-polarity from sliding into a Neo-Cold War dynamic by strengthening multilateral institutions, institutionalizing dialogue across power centers, and promoting cooperative interdependence in areas such as trade, climate change, and technology governance.

C. Resistance of Hegemonic States

Another formidable challenge to reconstructing the international legal order beyond globalistic hegemony lies in the entrenched resistance of hegemonic powers. States that currently dominate global institutions and benefit from existing hierarchies are unlikely to cede authority willingly. [130] For them, reform efforts that diffuse power and decentralize norm-making represent a direct threat to their strategic, economic, and ideological interests.

The United States, for example, has historically leveraged its hegemonic position to shape the rules of international law in its favor, from the design of the Bretton Woods financial system to its dominant influence in the International Monetary Fund (IMF) and World Bank. [131]

While it has championed liberal internationalism rhetorically, Washington has repeatedly resisted reforms that would dilute its voting power or subject it to binding international adjudication. [132] Similarly, the European Union has guarded its structural advantages in global trade and investment law, often resisting re-distributive reforms proposed by developing states. [133]

Hegemonic resistance is also evident in the selective engagement with international law. Dominant states have often engaged in "legal exceptionalism," invoking international law when it serves their interests while disregarding it when inconvenient. [134] The U.S. refusal to ratify the Rome Statute of the International Criminal Court (ICC), despite promoting accountability elsewhere, exemplifies this double standard. [135] Likewise, China has ignored the Permanent Court of Arbitration's 2016 ruling on the South China Sea,

123 Thomas M. Franck, *Recourse to Force: State Action Against Threats and Armed Attacks* (Cambridge University Press, 2002) 47–52.
124 G. John Ikenberry, *Liberal Leviathan: The Origins, Crisis, and Transformation of the American World Order* (Princeton University Press, 2011)335–39
125 Andrew Hurrell, *On Global Order: Power, Values, and the Constitution of International Society* (Oxford University Press, New York, 2007)81–85.
126 Matthew Erie, 'The New Legal Hubs: The Belt and Road and International Commercial Dispute Resolution', (2019)20 *Chi. J. Int'l L*. 159, 165–70.
127 Barry Buzan & Ole Wæver, *Regions and Powers: The Structure of International Security* (Cambridge University Press, 2003) 489–94.
128 Randall L. Schweller, 'Tripolarity and the Second World War', (1987)91 *Int'l Stud. Q.* 167, 170–72.
129 Amitav Acharya, *The End of American World Order* (2d edn. Polity, 2018)119–22.
130 Robert O. Keohane, *After Hegemony: Cooperation and Discord in the World Political Economy* (Princeton University Press,1984)31–35.
131 Eric Helleiner, *Forgotten Foundations of Bretton Woods: International Development and the Making of the Postwar Order* (Cornell University Press, 2014) 210–13.
132 José E. Alvarez, *The Impact of International Organizations on International Law* (Brill Nijhoff, 2017)131–36.
133 Markus Krajewski, *Democratic Legitimacy and Constitutional Perspectives of WTO Law* (Kluwer Law International, 2001) 33–36.
134 Martti Koskenniemi, (Ibid n.10).
135 David Scheffer, 'Staying the Course with the International Criminal Court', (2002)35 Cornell Int'l L.J. 47, 54–57.

underscoring that rising powers may replicate hegemonic behavior once they attain dominance. [136]

Such resistance creates a paradox: while globalistic hegemony is widely critiqued as illegitimate, efforts to move beyond it risk being obstructed by the very actors whose cooperation is indispensable. [137] Without hegemonic buy-in, institutional reforms may remain aspirational or result in parallel systems that deepen fragmentation.

Managing hegemonic resistance requires a strategic re-calibration. Rather than attempting to displace dominant states outright, reformers may need to pursue incremental strategies that align decentralization with hegemonic interests—for example, demonstrating how burden-sharing in peacekeeping or climate governance serves mutual benefits. [138] Over time, this may soften resistance and foster gradual adaptation, though the structural challenge remains formidable.

D. Enforcement Gaps and Selective Application

Perhaps the most persistent challenge in reconstructing an international legal order beyond globalistic hegemony is the problem of enforcement. International law lacks a centralized authority comparable to domestic systems, and compliance is often contingent on voluntary state consent or great power endorsement. [139] Without hegemonic enforcement, a reconstructed multi-polar or pluralist order risks exposing even deeper enforcement deficits.

Selective application of international law has long undermined its legitimacy. The United Nations Security Council (UNSC), entrusted with the maintenance of international peace and security, has been criticized for addressing violations inconsistently, often depending on the political alignment of the violator with one or more permanent members.[140] For instance, interventions in Kosovo (1999) and Libya (2011) were justified under humanitarian grounds, yet similar crises in Rwanda and Syria saw paralysis and inaction.[141] Such disparities reinforce perceptions that enforcement mechanisms are politicized rather than impartial.

Even where enforcement mechanisms exist, they are unevenly distributed across regimes. International economic law benefits from relatively robust enforcement through the World Trade Organization (WTO) dispute settlement system, which provides binding rulings and retaliation mechanisms. [142] By contrast, international human rights and humanitarian law rely heavily on naming and shaming, reporting procedures, and voluntary compliance, with limited coercive force. [143] This imbalance risks privileging economic interests over fundamental rights in a post-hegemonic order.

Furthermore, in a decentralized or multi-polar system, enforcement may become even more selective. Powerful regional actors could enforce norms within their spheres of influence while ignoring violations elsewhere, leading to double standards. [144] The African Union's interventionist doctrine under Article 4(h) of its Constitutive Act, for example, represents a progressive enforcement mechanism, yet its implementation has been uneven and constrained by political considerations. [145]

The challenge, therefore, is to develop credible enforcement mechanisms that avoid both hegemonic domination and paralytic fragmentation. Strengthening the International Court of Justice (ICJ), expanding the jurisdiction of the International Criminal Court (ICC), and empowering regional organizations with clearer mandates may help, but only if coupled with greater legitimacy and universality. [146] Otherwise, international law risks remaining a system where compliance is optional for the powerful and obligatory only for the weak.

VII. CONCLUSION

The project of reconstructing the international legal order beyond the paradigm of globalistic hegemony is both urgent and fraught with complexity. The existing

[136] South China Sea Arbitration (Phil. v. China), PCA Case No. 2013-19, Award (July 12, 2016).

[137] Michael Byers, *Custom, Power, and the Power of Rules: International Relations and Customary International Law* (Cambridge University Press,1999)88–92.

[138] Andrew Hurrell, 'Hegemony, Liberalism and Global Order: What Space for Would-Be Great Powers?', (2006)82 *Int'l Aff.* 1, 7–10.

[139] Louis Henkin, *How Nations Behave: Law and Foreign Policy* (2d edn. Columbia University Press,1979) 41–44.

[140] Simon Chesterman, *Just War or Just Peace? Humanitarian Intervention and International Law* (Oxford University Press, 2001)147–49.

[141] Michael Doyle, '*The Politics of Global Humanitarianism: The Responsibility to Protect and Its Promise*,' (2009) 23 *Int'l Security* 37, 40–45.

[142] Joost Pauwelyn, *The WTO Dispute Settlement System: Characteristics and Achievements*, (2002)1 World Trade Rev. 131, 137–40.

[143] Philip Alston & Ryan Goodman, *International Human Rights: The Successor to International Human Rights in Context* (Oxford University Press, 2013)65–69.

[144] Shirley V. Scott, *International Law, U.S. Power: The United States' Quest for Legal Security* (Cambridge University Press, 2012)119–21.

[145] African Union, Constitutive Act of the African Union, art. 4(h), July 11, 2000, 2158 *U.N.T.S.* 3.

[146] Yuval Shany, *Assessing the Effectiveness of International Courts* (Oxford University Press, 2014) 233–38.

order, shaped predominantly by hegemonic powers, has achieved significant successes in institutionalizing norms and maintaining a degree of stability, yet it has done so unevenly, privileging the interests of the powerful while marginalizing weaker actors.[147] The legitimacy crisis of international law—manifested in selective enforcement, structural inequality in global institutions, and the persistence of double standards—underscores the necessity of moving toward a more inclusive, pluralist, and multi-polar legal system.[148]

This study has demonstrated that the persistence of globalistic hegemony not only undermines international law's claim to universality but also impedes its capacity to adapt to twenty-first-century challenges.[149] From climate change and pandemics to cyber governance and transnational inequality, the issues confronting humanity cannot be addressed effectively through hegemonic unilateralism or through legal regimes skewed to favor dominant states.[150] A reconstructed order, grounded in pluralism, subsidiarity, and genuine multilateralism, offers a pathway toward greater equity and legitimacy.

Yet the path forward is riddled with obstacles. As examined in Section VI, fragmentation, multi-polar rivalry, hegemonic resistance, and enforcement gaps all threaten to derail efforts at reconstruction. Fragmentation risks creating incoherence and normative clashes, while multi-polarity may degenerate into bloc rivalry reminiscent of a Neo-Cold War. [151] Hegemonic states, benefiting from entrenched asymmetries, are likely to resist reforms that dilute their authority. [152] And without effective enforcement, even the most progressive reforms may remain aspirational. [153]

Nonetheless, the challenges of reconstruction should not obscure its transformative potential. If properly managed, fragmentation can yield pluralism and normative innovation. Multi-polarity, far from being merely destabilizing, may open space for coalition-building and alternative voices in norm creation. [154] Resistance by hegemonic states, though formidable, can be gradually overcome through incremental reforms that align decentralization with shared interests, such as climate security, financial stability, or pandemic preparedness. [155] And while enforcement will always remain partial in a decentralized system, mechanisms of accountability can be strengthened through judicial dialogue, regional courts, and the gradual empowerment of global institutions like the ICJ and ICC. [156]

The ultimate objective is not to dismantle existing institutions wholesale but to re-imagine their foundations. The post-1945 order was constructed under specific historical conditions—namely, U.S. hegemony, decolonization, and bipolar rivalry. [157] Today's context of interdependence, technological disruption, and multi-polarity demands a re-calibration. A reconstructed order would center not on domination but on legitimate authority derived from inclusivity, mutual respect, and shared responsibility. [158]

This vision aligns with the broader theoretical debates in international law. Pluralist scholars have argued that law need not be coherent in the constitutionalist sense but can thrive through managed diversity. [159] Similarly, global governance theorists emphasize that authority in a complex world must be distributed and networked, not monopolized. By moving beyond the paradigm of globalistic hegemony, international law can embrace this reality, ensuring that no single actor dictates the rules unilaterally.

In practice, this reconstruction requires a combination of institutional reform, doctrinal innovation, and political will. As proposed in Section V, reforms must include restructuring voting power in global institutions, empowering regional organizations, integrating non-state actors, and adopting principles of subsidiarity and pluralism in norm-making. [160] The legitimacy of international law will increasingly depend on whether these reforms materialize in ways that address the glaring inequities of the current system.

At the same time, humility is essential. International law has always operated under conditions of contestation, compromise, and imperfection. [161] The aspiration to reconstruct the order beyond hegemony should not be seen as a utopian project but as a pragmatic

147 Robert Cox, *The Political Economy of a Plural World: Critical Reflections on Power, Morals and Civilization* (Routeledge, 2002) 45–48.
148 Martti Koskenniemi, (Ibid n, 10).
149 Anne Orford, *International Authority and the Responsibility to Protect* (Oxford University Press, 2011) 29–32.
150 Benedict Kingsbury, *Global Administrative Law in the Institutional Practice of Global Regulatory Governance*, (2005) 68 Law & Contemp. Probs. 15, 18–22.
151 G. John Ikenberry, *Liberal Leviathan: The Origins, Crisis, and Transformation of the American World Order,* (Princeton University Press, 2011) 335–39.
152 Michael Byers, (Ibid n. 137).
153 Yuval Shany, (Ibid n. 146).
154 Nico Krisch, (Ibid n. 120).
155 Andrew Hurrell, (Ibid n. 138).
156 Karen Alter, (Ibid n.119).
157 Eric Hobsbawm, *The Age of Extremes: The Short Twentieth Century, 1914–1991,* (1994) 255–57.
158 Jürgen Habermas, (Ibid n. 114).
159 Anne-Marie Slaughter, (Ibid n.113).
160 Martti Koskenniemi, 'International Law and the Rise of Legal Pluralism', (2019) 60 Harv. Int'l L.J. 1, 3–6.
161 Thomas M. Franck, (Ibid n. 53).

reorientation—an effort to balance power with principle and to align legal norms with the realities of an interconnected world. [162]

In conclusion, reconstructing the international legal order beyond globalistic hegemony is not merely an academic exercise; it is a normative and practical imperative. The legitimacy and survival of international law depend on its ability to adapt to shifting power dynamics while upholding the principles of justice, fairness, and collective responsibility. [163] While the journey will be contested and incremental, the alternative—continued reliance on hegemonic dominance—risks perpetuating illegitimacy, exacerbating inequality, and undermining the very idea of international legality. A reconstructed, post-hegemonic order offers not a panacea, but a more balanced, pluralistic, and resilient framework for governing the challenges of our time.

[162] Shirley V. Scott, (Ibid n.144).
[163] Amitav Acharya, *The End of American World Order* (Ibid n.129).