



PUNE INTERNATIONAL CENTRE

APRIL 2026

**Rule of Law or Rule by Law?
Reimagining Global Norms in a Fragmented World
Order (Practice & Perception)**

Arpan A Chakravarty







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Finally, my parents, who are my first and truest Gurus. And Tejusvi, my better half in every sense, who's quiet, unwavering support in my academic pursuit feels less like a solitary endeavour and more like a shared one.

**Rule of Law or Rule by Law? Reimagining Global Norms in a Fragmented World Order
(Practice & Perception)**

Contents

List of Abbreviations	6
Figures	7
I) Introduction.....	8
II) Structural Weaknesses of the Rules-Based International Order	10
III) Navigating the Contested Territories of the Rule of Law.....	12
A. The Ideal Versus the Application of Rule of Law	13
B. The ‘Rule of Law with Chinese Characteristics’: An alternate paradigm	18
IV) The Need to Address the Deficit of Normative Principles of Accountability, Inclusion, and Justice	22
V. Recommendations for Navigating the Future of Global Governance	24

**Rule of Law or Rule by Law? Reimagining Global Norms in a Fragmented World Order
(Practice & Perception)**

List of Abbreviations

AIIB	Asian Infrastructure Investment Bank
APG	Asia-Pacific Group
ASEAN	Association of Southeast Asian Nations
BRI	Belt and Road Initiative
BRICS	Brazil, Russia, India, China, South Africa
CCP	Chinese Communist Party
EEG	Eastern European Group
EU	European Union
GRULAC	Group of Latin American and Caribbean Countries
ICC	International Criminal Court
ICJ	International Court of Justice
ILC	International Law Commission
IMF	International Monetary Fund
OEWGs	Open-Ended Working Groups
PRC	People's Republic of China
SRs	Special Rapporteurs
UN	United Nations
UNGA	United Nations General Assembly
UNSC	United Nations Security Council
WB	World Bank
WEOG	Western European and Others Group
WG	Working Group
WTO	World Trade Organization

Rule of Law or Rule by Law? Reimagining Global Norms in a Fragmented World Order (Practice & Perception)

Figures

Figures	Page Nos.
Structural Weaknesses of the Rules-Based International Order	8
Regional Distribution of Special Rapporteurs	12
Chairs of the Long-Term Programme of International Law Commission's Working Group	12
Regional Distribution of Chairship for Open-Ended Working Groups	13
UN Regular Budget Assessment Rates (2015-2025)	17

Rule of Law or Rule by Law? Reimagining Global Norms in a Fragmented World Order (Practice & Perception)

“It has been said that a victor can dispense to the vanquished everything from mercy to vindictiveness, but the one thing the victor cannot give to the vanquished is justice. At least, if a tribunal be rooted in politics as opposed to law, no matter what its form and pretences, the apprehension thus expressed would be real, unless justice is really nothing else than the interests of the stronger.”

-- Justice Radhabinod Pal, Indian Judge, one of the three Asian judges appointed to the International Military Tribunal for the Far East, famously known as the ‘Tokyo Trials’, while he wrote his dissenting judgement (1946-48)ⁱ

Rule of Law or Rule by Law? Reimagining Global Norms in a Fragmented World Order (Practice & Perception)

I) Introduction

The contemporary world is undergoing significant transformation with economic volatility, political fragmentation, escalating conflicts, and technological disruptions as its byproducts. At the core of this crisis is a fundamental challenge to the existing World Order, largely established post-World War II and championed by the United States and its European alliesⁱⁱ. This architectural framework, built upon the tenets of liberalism, led to the creation of international organisations like the United Nations (UN), World Trade Organization (WTO), International Monetary Fund (IMF), and the World Bank (WB) as its pillars. However, recent events reveal that these post-War ideals are struggling to keep pace with calls for reform and nations advocating for a more inclusive and representative system in light of shifting global power dynamics.

The legitimacy of these institutions is anchored in the established rules, norms, and procedures designed to promote cooperation, resolve disputes, and uphold shared values. Yet, these tenetsⁱⁱⁱ are increasingly contested as states navigate the complexities of a multipolar world. Institutions designed to uphold international order through the "*Rule of Law*" are now often perceived as exclusive, captured by the interests of a few, and no more effective than the United Nation's 'peacekeeping' forces in the 21st Century. At the heart of this churn lies a paradox: despite unprecedented global interconnectedness, the world stands increasingly fragmented in its politics and identities.

It is worth acknowledging, of course, that this architecture was never neutral in its creation. The UN, the WTO, and the IMF were built by victors, and the rules they enshrined often reflect the interests of the states that designed them. The Vietnam War proceeded despite the UN Charter's prohibition on the use of aggressive force; Apartheid endured for decades despite the Universal Declaration of Human Rights. It would be right to point out that the 'Rule of Law' has always been selectively applied. Yet, this imperfection does not negate the framework which was created at these international organisations. Even if a norm is applied, its most important function would be to bring the language of accountability. This is, however, not to reject the liberal legal framework, but to use such

**Rule of Law or Rule by Law? Reimagining Global Norms in a Fragmented World Order
(Practice & Perception)**

architecture which has been publicly professed, taught, and most importantly, disseminated as 'international law' across the globe.

This leads us to understand that when law is purely an instrument of state power, there is no higher principle to which the oppressed can appeal. The distinction, then, is not between a perfect system and a flawed one, but between a framework that is capable of self-correction and one that is not. In today's time, we have the latter.

II) Structural Weaknesses of the Rules-Based International Order

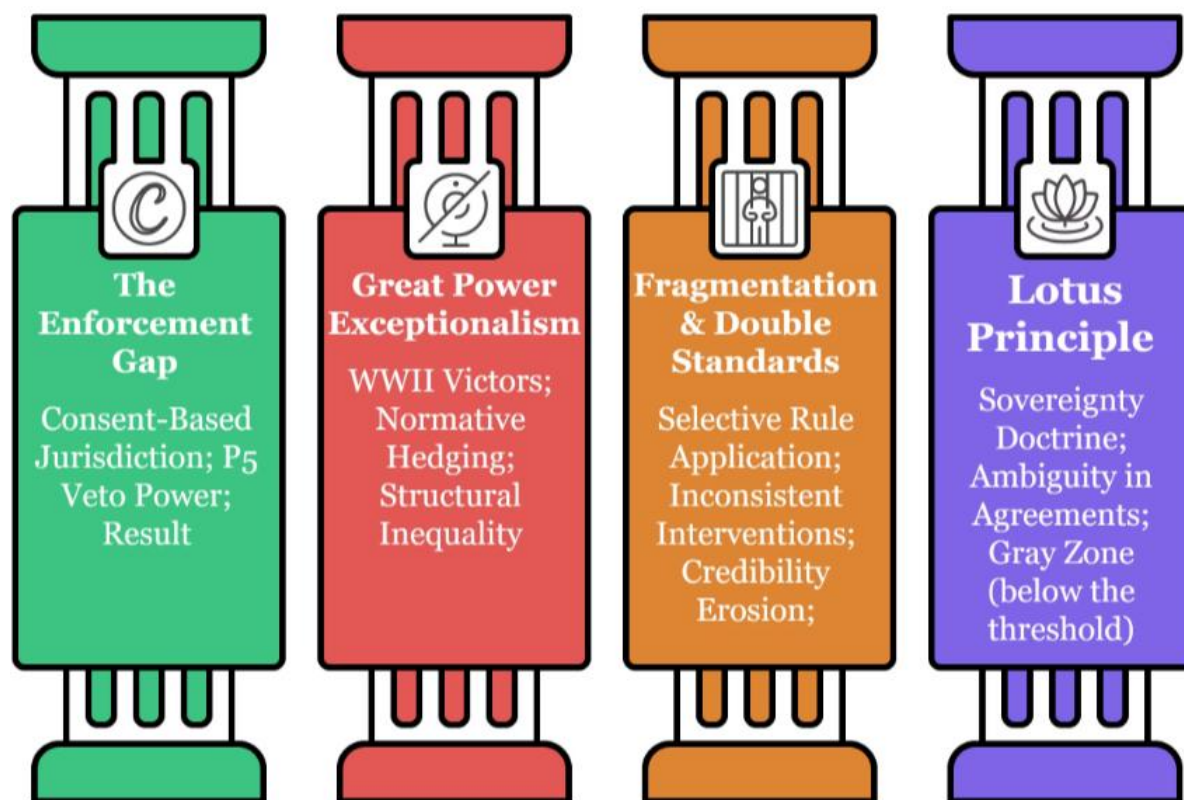


Figure1: (Above) This is Author's assessment of the structural weaknesses of the Rules-Based International Order.

Historically, we have often seen and identified how these four interconnected pathologies have undermined the liberal international order's claim to universal and impartial governance.

The Enforcement Gap cuts through the heart of international law's foundational limitation: one which is jurisdictional and consent-based—meaning that states cannot be compelled to submit to rulings which they do not accept. Combined with the P5 veto power in the UN Security Council (UNSC), this creates a system where enforceability is structurally impossible against the powerful actors, rendering the system's failure of accountability—one that is selective by design rather than accident.

Great Power Exceptionalism traces this problem back to its origin. The post-World War II order was architected by the victors; structural inequality was baked in from the start. The European Union (EU) had suffered greatly, leading to the concept of 'normative

Rule of Law or Rule by Law? Reimagining Global Norms in a Fragmented World Order (Practice & Perception)

hedging’, which captures how great powers simultaneously champion the rules-based order in rhetoric while carving out exceptions for themselves in practice—one that involves international law when convenient and dismissing it when it is costly.

Fragmentation and Double Standards describe the consequences of the exceptionalism: one that includes selective rule application and inconsistent interventions which erode the Order’s credibility over time. When the same conduct is condemned in one context and ignored in another, the normative framework loses its legitimacy and universality—the very qualities that gave international law a face.

The Lotus Principle addresses how the sovereignty doctrine and deliberately ambiguous treaty language create exploitable ‘grey zones’ in international law, areas below the threshold of clear violation where state behaviour evades accountability entirely. Actors operating in this grey zone can destabilise the order without technically breaking it.

Thus, these four pillars illustrate that the order’s weakness is not merely a matter of political will, but of structural design, which needs reform.

III) Navigating the Contested Territories of the Rule of Law

In recent decades, the concept of the 'Rule of Law' has acquired universal appeal, with diverse political systems, including democracies, autocracies, and oligarchies—all claiming adherence to its principles. Despite this widespread adoption, the interpretation of the 'Rule of Law' remains abstract and heavily contested^{iv} among scholars, particularly when confronted with the realities of geopolitical power. This contestation deepens when the concept is used by both "*liberal democratic countries*" and "*authoritarian regimes*" to serve their own interests.

To move beyond simply cataloguing this contestation, it deserves a more precise analytical distinction. 'Rule by Law', in its modern authoritarian form, is not merely characterised by flouting of rule, which could simply be condemned. It is more of a sophisticated and dangerous expression, which in legal terms is called '*legislative engineering*'. It involves deliberate crafting of domestic statutes, constitutional amendments, and regulations designed to create a veneer of legal compliance while systematically hollowing out international obligations; in this way, law is used to constrain but not insulate power. By contrast, the 'Rule of Law' framework depends on subordination to legislative will, ensuring a free judiciary and higher normative order. Thus, the concept of 'Rule by Law' deploys the architecture of legality to pre-empt, circumvent, or formally absorb international norms without ever honouring their intent. The distinction, therefore, is not simply one of compliance versus non-compliance; it is a structural one, concerning whether law functions as an independent check on power or as its most refined instrument.

Power dynamics play a crucial role in influencing the development and enforcement of legal norms. Historically, great powers have engaged in international legal commitments either to resolve global cooperative problems or to advance collective state interests. Today, however, the instrument of law is frequently used to shape policy in a specific country's favour; for instance, the threat of tariffs by head of state on trade partners can undercut/influence a government's ability to create opportunities for itself. This in itself results in states becoming unaccountable and creating space for both state and non-state actors to exploit measures such as short wars. This becomes particularly evident

Rule of Law or Rule by Law? Reimagining Global Norms in a Fragmented World Order (Practice & Perception)

when powerful states avoid liability, even after court rulings, due to their economic and political alliances. The South China Sea dispute between China and the Philippines^v serves as a stark example: while the Philippines may have won the case on paper, China continues to control a majority of the maritime boundaries that overlap claims by various nations^{vi}.

A. The Ideal Versus the Application of Rule of Law

The Rule of Law is a multifaceted ideal deeply embedded in liberal political morality. Its governance emphasises established norms rather than the arbitrary exercise of power. At its core, it aims to secure a non-arbitrary form of government, ensuring laws are open, clear, general in form, universal in application, knowable to all, and applied consistently across equivalent cases, without regard to class, status, or power^{vii}. A fundamental tenet is that no one, including the highest-placed official, is above the law.

However, the practical application of this ideal often deviates from its theoretical tenets. In practice, legal mechanisms are sometimes used to legitimise the actions of those in power, even when these actions may violate fundamental rights and principles. For instance, the United Nations' involvement in the lead-up to the invasion of Iraq^{viii} through Resolution 1441, or the Security Council's Resolution 1973 authorising military intervention in Libya (Operation 'Unified Protector')^x, illustrates how legal frameworks can be instrumentalised to justify actions that serve specific interests rather than truly upholding universal justice and equality.

This instrumental approach often manifests as the selective application or manipulation of legal provisions to suppress, marginalise, or consolidate political power. Instead of functioning as an impartial arbiter, the judiciary may operate as an extension of the ruling authority, ensuring judicial decisions align with the interests of those in power. This undermines the credibility and integrity of the legal system, leading to the consolidation of power, perpetuation of injustice, and erosion of fundamental principles such as justice, equality, and accountability.

Rule of Law or Rule by Law? Reimagining Global Norms in a Fragmented World Order (Practice & Perception)

Furthermore, when we reflect on the core principles of justice as applied internationally, a striking pattern emerges. Of the 33 ongoing cases before the International Criminal Court (ICC)^x, all but one (filed from the Philippines) are directed at African individuals. Most of these are former leaders or officials swept from power in the wake of regime changes, facing grave charges such as crimes against humanity, war crimes, genocide, and offenses against the administration of justice. This pattern raises profound questions—not only about accountability, but also about whose justice is being served, and for whom.

The ongoing debates about the selective application of international law extend even to its foundational bodies. For instance, the International Law Commission (ILC), a principal body of the United Nations dedicated to the development and codification of international law, recently marked its seventy-fifth anniversary^{xi}. Through its system of appointing Special Rapporteurs (SRs) and Chairs for quinquennial terms to study complex legal questions and draft international legal principles, the ILC plays a significant role in shaping the very norms under scrutiny. This highlights the inherent tension: while dedicated to universal principles, the outcomes and priorities of such bodies are invariably influenced by the prevailing power dynamics and the historical legacy of international law.

Rule of Law or Rule by Law? Reimagining Global Norms in a Fragmented World Order (Practice & Perception)

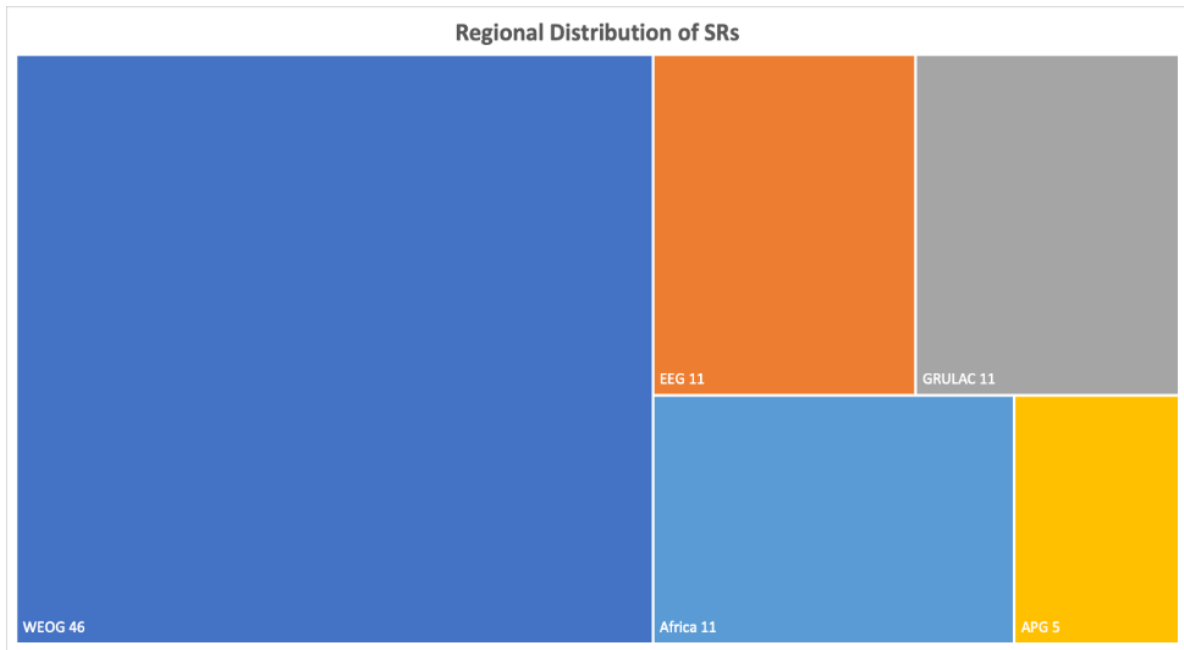


Figure 2: Prof Bimal N Patel Statement on Regional Representation at the United Nations International Law Commission for AALCO Annual Session 2023 showcasing the regional distribution of Special Rapporteurs in International Law Commission.

(SRs: Special Rapporteurs; WEOG: Western European and Others Group; EEG: Eastern European Group; GRULAC: Group of Latin American and Caribbean Countries; APG: Asia-Pacific Group)

A study^{xii} examining fifteen quinquennia (representing 75 years of data) revealed a concerning trend in the regional distribution of Special Rapporteurs (SRs). Of the 84 individuals appointed to this position since the ILC's inception, 55% were from the Western European and Others Group (WEOG) and Latin American and Caribbean Group (GRULAC). In contrast, Africa and Eastern Europe had only 11 SRs each (13%), and Asia had the least representation, with just five SRs, accounting for only 6% of the total. This underrepresentation suggests that the WEOG has

Rule of Law or Rule by Law? Reimagining Global Norms in a Fragmented World Order (Practice & Perception)

consistently been at the forefront of determining what is codified in international law, raising questions about the inclusivity and global balance of the ILC's agenda^{xiii}.

The imbalance is similarly reflected in the selection of Chairs for the Long-Term Programme of Work, a key position that shapes the ILC's forward-looking priorities. Since the 1990s, Chairs have been appointed four times from WEOG, three times from GRULAC, once from the Asia-Pacific Group, and not even once from the Africa Group. This uneven distribution underscores a broader lack of equitable representation and indicates the urgent need for Asia and Africa to assume a more proactive and assertive role in the commission's leadership.

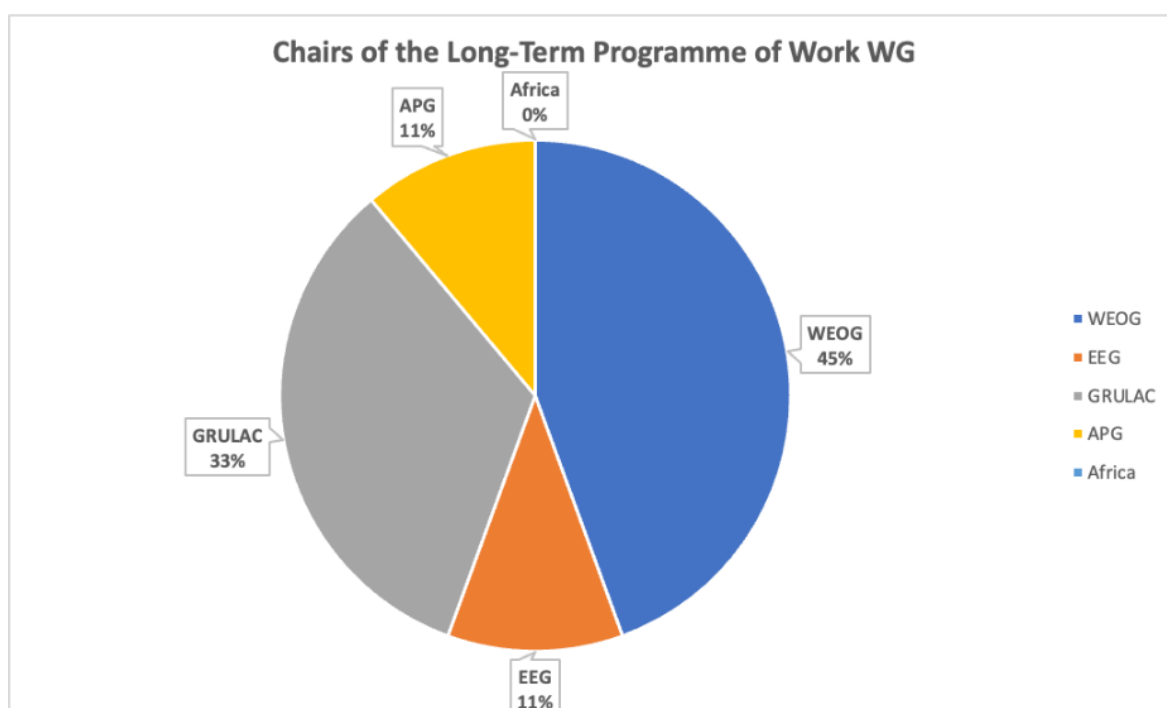
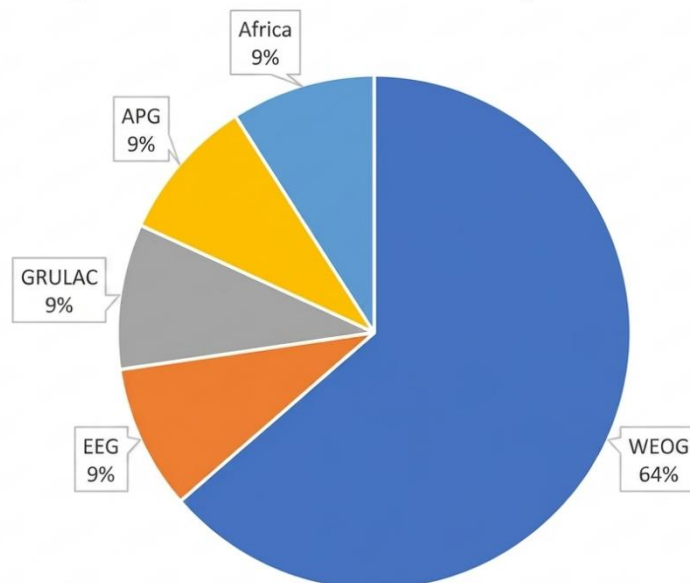


Figure 3: Prof Bimal N Patel Statement on Regional Representation at the United Nations International Law Commission for AALCO Annual Session 2023 showcasing the regional distribution of Chairs of Working Group in International Law Commission. (WG: Working Group)

Moreover, on eight occasions, the ILC has constituted Open-Ended Working Groups (OEWGs) to study emerging and complex legal issues. These topics include the Fragmentation of International Law, Most-Favoured-Nation clauses, the Obligation to Prosecute or Extradite (twice), Sea-Level Rise in Relation to International Law, Succession of States to State Responsibility, and the Prevention and Repression of Piracy and Armed Robbery in the Sea. Again, the distribution of leadership has been skewed, with seven out of the eight working groups (64%) chaired by members from WEOG, and only one chair (9%) each held by representatives from other regional groups.

Rule of Law or Rule by Law? Reimagining Global Norms in a Fragmented World Order (Practice & Perception)

Regional Distribution of Chairships for OEWG



Picture 4: Prof Bimal N Patel Statement on Regional Representation at the United Nations International Law Commission for AALCO Annual Session 2023 showcasing the regional distribution of Chairs for Open-Ended Working Groups (OEWGs: Open-Ended Working Groups)

This consistent imbalance, visible across various dimensions of international legal bodies like the ICC, highlights a systemic underrepresentation, particularly for Asia and Africa. It reinforces the urgent call for greater geographical diversity, equitable participation, and more inclusive leadership in shaping international law^{xiv}. After all, if these are truly bodies of the United Nations, they should reflect the world they serve. Moreover, existing multilateral institutions frequently find themselves paralysed by great power rivalry, procedural inertia, and political interference. The UNSC, for instance, has been deadlocked over critical situations, such as the crisis in Haiti, rendering it unable to act effectively as the country descends into chaos. Similarly, the WTO is increasingly being sidelined, bogged down by internal procedural issues and political interventions, leading to stagnation in global trade negotiations and a breakdown in adherence to established rules. It is truly striking that a country like India, with the world's largest population, isn't even a permanent member of the UNSC. These factors, alongside the resurgence of geopolitical rivalry between the United States, China, and Russia, directly undermine every effort these institutions make towards world peace.

B. The 'Rule of Law with Chinese Characteristics': An alternate paradigm

The inherent weaknesses and perceived selectivity of the established international legal order, particularly within the multipolar landscape, have paved the way for the emergence of alternative paradigms. A prominent example is the 'Xi Jinping Thought on the Rule of Law,'^{xvi} which represents China's distinct approach to international legal norms. Beijing's extensive interaction with and participation in international institutions appears to have fostered a belief that it can influence, deliberately undermine, and selectively interpret these norms to achieve its strategic objectives. This approach involves not only discrediting established international principles but also actively exporting authoritarian elements of its domestic legal system^{xvi}, framed as offering 'mutual benefit' while fundamentally aiming to redefine and align global governance with China's strategic interests and governance philosophy.

Crucially, China anchors its own understanding of legitimacy within international law frameworks to its specific interpretation of the 'Rule of Law.' The 'Xi Jinping Thought on the Rule of Law' officially became the People's Republic of China (PRC)'s guiding doctrine for comprehensively promoting the rule of law in 2020^{xvii}. This doctrine is not merely an isolated legal concept but an integral and pivotal pillar of the broader 'Xi Jinping Thought,' designed to ideologically support the country's trajectory. Its institutionalisation was further solidified with the establishment of the Research Center for Xi Jinping Thought on the Rule of Law within the China Law Society in June 2021, approved by the Chinese Communist Party (CCP) Central Committee.

Despite its nomenclature, the 'Rule of Law with Chinese Characteristics' fundamentally embodies the principles of 'Rule by Law,' characterised by its explicit assertion of Party supremacy and the instrumental use of law to achieve political objectives. Historically, the CCP maintained a technical *de jure* separation between itself and the state, including the legal system, even while *de facto* controlling the state apparatus and often disregarding the law throughout much of the People's Republic of China's 70-year rule. The strategic utilisation of law for the legitimation and institutionalisation of power is a defining characteristic of this approach. The recent push to codify Party leadership directly into law suggests a profound appreciation for the legitimating power of legal frameworks, even within an authoritarian

Rule of Law or Rule by Law? Reimagining Global Norms in a Fragmented World Order (Practice & Perception)

system. The CCP recognises that operating within a legal framework^{xviii}, however instrumental, can enhance stability and acceptance, both domestically and internationally. This strategic deployment of law, therefore, serves to solidify political control rather than constraining it, aligning directly with the principles of 'Rule by Law' as distinct from the Western 'Rule of Law.'

This instrumental nature of China's legal system is further highlighted by its inherent contradiction: a 'dual legal system.' While the Party delegates day-to-day matters to state legal institutions for professional, efficient, and fair resolution—aiming to maintain social stability and promote economic development—it simultaneously bypasses state legal requirements or adopts illiberal ones when dealing with 'sensitive matters.' This calculated approach underscores how law serves as a flexible tool for political control.

Furthermore, China is actively projecting its legal concepts and governance norms globally through its 'foreign-related rule of law' policy^{xix}, explicitly aimed at reshaping global governance in line with its vision. This ambitious policy seeks not only to integrate more foreign law into the Chinese legal system but, critically, to also incorporate more Chinese law into foreign and international legal frameworks. This extends beyond mere rhetoric, manifesting in tangible effects on legal practices and institutions. Chinese legal organs are actively establishing transnational networks with lawyers, judges, and businesspeople in host states, facilitating investment risk mitigation, resource sharing, and problem-solving, particularly as part of its Belt and Road Initiative (BRI) projects^{xx}.

Beyond simply influencing existing norms, China is now actively and deliberately seeking to diffuse its own legal concepts, policies, and standards globally. This proactive norm diffusion, notably through extensive economic initiatives and lending activities, clearly suggests a calculated effort to shape the international legal landscape in a manner conducive to its national interests and ideological framework. Such actions directly contribute to the formation of an alternate world order. Practical manifestations include Chinese lawyers serving as international commercial arbitrators and Chinese judges participating in international tribunals. Moreover, China is actively enhancing its capacity to establish new international organisations^{xxi} that align more closely with its political and

Rule of Law or Rule by Law? Reimagining Global Norms in a Fragmented World Order (Practice & Perception)

economic power, with the Asian Infrastructure Investment Bank (AIIB), among others, serving as a prominent example.

Furthermore, in order to reshape the aspects of global governance, it is observed that China uses three instruments that are particularly illustrative. The first is *extraterritoriality through domestic legislation*. China's National Security Law^{xxii}, its Data Security Law^{xxiii}, and its Personal Information Protection Law^{xxiv} collectively impose obligations on international corporations operating within or even transacting with China. The transactions require data localisation, mandatory disclosure to state authorities, and compliance with Chinese jurisdictional demands that frequently conflict with the legal obligations these same corporations hold under Western regulatory frameworks. This is not merely a domestic regulatory matter; it is the outward projection of Chinese legal sovereignty on to global commercial actors, effectively forcing multinational firms to choose between regulatory regimes and, in doing so, normalising Chinese legal standards as a parallel pole of global governance.

The second mechanism is *standard-setting through the BRI*. Far from being purely an infrastructure programme, the BRI functions as a vehicle for embedding Chinese technical, financial, and legal standards across participating states. From telecommunications infrastructure built on Huawei architecture, which carries with it Chinese data governance assumptions, to loan agreements drafted under Chinese legal jurisdiction with sovereign asset clauses, the BRI exports a governance template that bypasses the traditional multilateral forums where Western liberal norms have historically been codified. In the Chinese standard-setting, participating states do not merely receive Chinese investment but also inherit Chinese regulatory logic.

Rule of Law or Rule by Law? Reimagining Global Norms in a Fragmented World Order (Practice & Perception)

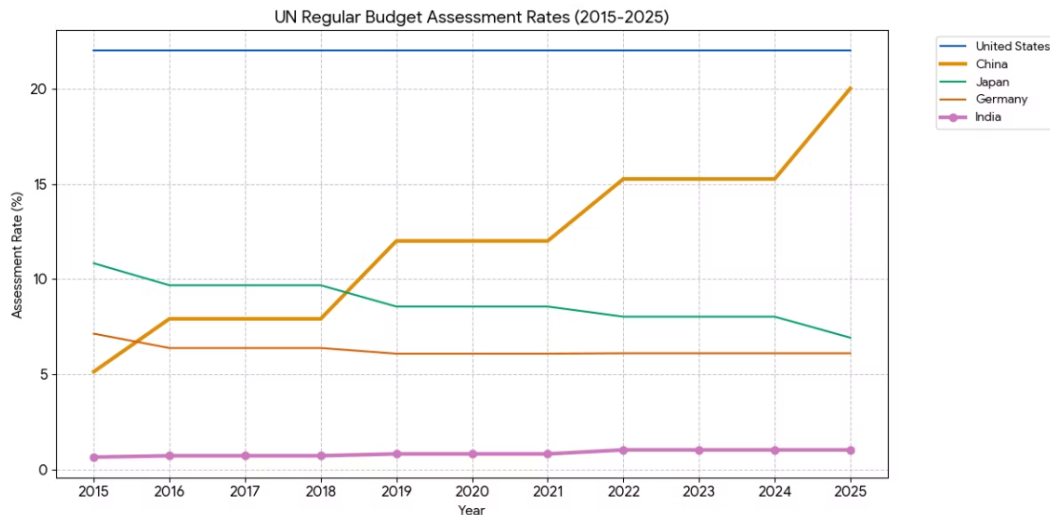


Figure 5: United Nations General Assembly Committee on Contributions (2024)

The third mechanism is *institutional capture within multilateral bodies*. China has systematically increased its representation in UN specialised agencies, most notably securing the leadership of four of fifteen such agencies by 2020^{xxv}, and has leveraged these positions to shift agenda-setting, normative language, and operational priorities in ways more compatible with a sovereignty-first, non-interference framework than with the liberal human rights architecture these institutions were originally designed to advance. Taken together, these three instruments reveal that China's challenge to the rules-based order is not frontal or revolutionary. It does not seek to abolish existing institutions but to act architecturally: reshaping the standards, incentives, and interpretive frameworks that give those institutions their normative content. This is, in the most precise sense, governance transformation by stealth, until this current order collapses.

IV) The Need to Address the Deficit of Normative Principles of Accountability, Inclusion, and Justice

A fundamental structural weakness of the current international order is the supremacy of power politics over legal principles, primarily due to weak enforcement mechanisms. Powerful states often disregard international law, confident that they will have limited enforcement available, leading to them taking advantage of this system. The ability of the UNSC permanent members to use their veto power to avoid legal consequences is just a prime example. This practical limitation creates a credibility gap, leading to perceptions of double standards and undermining the legitimacy of international law. In such an environment, states like China, which operate under a 'Rule by Law' paradigm, can present their alternative legal orders as more pragmatic or effective or more attractive, particularly to states frustrated by the perceived hypocrisy or ineffectiveness of the existing system. This has led to different groupings, one of them being BRICS+, among others, which now showcase an alternate vision for the world.

Despite the pressing need for adaptation, international organisations often demonstrate significant structural resistance to reform^{xxvi}. The very design of many institutions, particularly the United Nations, requires broad consensus for significant changes. For instance, reforming the UNSC to reflect current geopolitical realities faces persistent roadblocks due to the veto power held by its permanent members. This inertia limits the ability of these bodies to adapt to shifting power dynamics and effectively address contemporary challenges. To make International Law more relevant in this churning world, there's an urgent need to establish and strengthen accountability mechanisms^{xxvii} that apply consistently across the globe, ensuring that all states, regardless of their power, adhere to the same standards. Without such reforms, the perceived legitimacy and efficacy of international law will continue to be questioned.

These overarching challenges severely constrain the efficacy of key international organisations in conflict resolution, particularly the United Nations, International Court of Justice (ICJ), and the International Criminal Court (ICC)^{xxviii}. While the UN is crucial for maintaining peace, its Security Council frequently faces significant challenges owing to great power rivalries and the veto power of its permanent members, often leading to

Rule of Law or Rule by Law? Reimagining Global Norms in a Fragmented World Order (Practice & Perception)

delays and inaction. Similarly, the ICJ, which adjudicates legal disputes between states, is hampered by its voluntary jurisdiction and the absence of robust enforcement mechanisms, making compliance difficult, as observed in the Russia-Ukraine conflict or the Israel-Gaza conflict. The ICC, designed as a court of 'last resort' to prosecute individuals for grave international crimes, finds its effectiveness undermined by certain countries' rejection of its authority and the politicisation of its cases in highly publicised conflicts^{xxix}.

Furthermore, the very essence of multilateralism, a concept whose historical importance is underscored by agreements ranging from the Treaty of Versailles and the League of Nations to the United Nations Charter and the Bretton Woods Financial Conference, appears to have been diminished to mere symbolic gestures. The Global South, historically marginalised in decision-making processes, now faces renewed challenges in fostering unity. Yet, amid this decline, emergent blocs such as BRICS+, ASEAN, and the African Union are beginning to articulate an alternative vision for the world—one that is more pluralistic, potentially post-Westphalian, and critically scrutinising of 'developmental' loans. This marks a significant shift in the global power architecture.

Fundamentally, this global churn highlights a crucial shift: the ability to *define* global problems is becoming less consequential than the *authority to genuinely resolve them*. While this legitimacy was historically assumed by the Global North, it now necessitates negotiation not only with traditional European allies but also with a global majority that no longer accepts historical and colonial hierarchies. This evolving dynamic creates a crucial opening for reimagining global governance in ways that are more inclusive, representative, and just. Indeed, at the heart of this transformation, calls from the international community echo the urgent need for a more equitable, inclusive, and effective global order, especially amidst the decline of traditional multilateralism and growing trust deficits in existing institutions.

V. Recommendations for Navigating the Future of Global Governance

The current global turmoil, marked by pervasive conflicts and escalating geopolitical tensions, starkly exposes the profound vulnerabilities and inherent limitations of the existing international legal order. A critical concern is the demonstrated supremacy of power politics over legal principles, primarily due to weak enforcement mechanisms, which has facilitated the erosion of international humanitarian law through the dangerous conflation of *jus ad bellum* and *jus in bello*. Compounding this, the structural limitations of international organisations—including the paralysing effect of the UNSC veto and the voluntary nature of the ICJ jurisdiction—further exacerbate the challenges of upholding universal legal principles. This fundamental friction between national sovereignty and universal norms, alongside the increasingly contested nature of concepts like the 'rules-based international order,' inevitably contributes to a less predictable and potentially fragmented global legal landscape.

These dynamics suggest a move towards a more pluralistic and potentially fragmented international legal order, where different legal philosophies compete for influence. The existing liberal international order faces increasing challenges from states that prioritise national sovereignty and instrumentalise law, necessitating a potential renegotiation of global norms.

This culmination of challenges signifies a 'Janus moment' for global governance; while participation in international frameworks remains high, their performance visibly falters. This phenomenon underscores a concerning shift from genuine collaboration to strategic contestation within the existing structures. This dynamic is undeniably driven by intensified great power competition, the unsettling rise of nationalism and protectionism, and inherent institutional flaws that foster pervasive trust deficits.

- In response to this critical impasse, the imperative for a more inclusive, accountable, and effective global order becomes undeniable. The United Nations, was founded on the principles of equality and representation, and to foster international peace, security, and human rights. It has been an instrument for

Rule of Law or Rule by Law? Reimagining Global Norms in a Fragmented World Order (Practice & Perception)

shaping international law and fostering cooperation among nations. Similarly, the ICJ serves as a principal organ of the United Nations for providing legal mechanism for dispute resolution and settlement through international law. However, both these institutions have been facing limitations in terms of their effectiveness and legitimacy in the current global situation. Strengthening regional organisations may be the route to finding primacy in cooperation among nations.

- In the United Nations, each vote should have its meaning. There is an urgent need for expansion of permanent and non-permanent seats in the United Nations, including countries such as Brazil, Germany, India, and Japan, plus representation from the African Union as well. While nations who have veto power generally remain skeptical of expansion of the permanent seats, this ‘veto’ mechanism should be structurally reformed in a way that if 2/3rd of the total countries’ vote against something, it should constitute an automatic veto or cancellation of a veto. This approach will significantly increase equality and efficiency within the Council; either this, or complete abolition of veto power should be discussed as well.
- The greatest challenge to reform in the UNSC is the permanency of the veto members and rights associated with it. Formal amendment of the UN Charter is ‘nearly impossible—as it requires unanimous P5 consent, which would ultimately dilute power—and no P5 nation would attempt to reform it. Thus, the lack of this necessary institutional evolution is blocking the much-needed reforms in the United Nations. A normative pressure needs to be created to address the under-representation of major countries in the Permanent Veto Member nations.
- Furthermore, the ICJ, established in 1945, comprises of 15 judges for the elected term of nine years by parallel voting in the UN General Assembly (UNGA). The purpose of this is to ensure representation from the world’s main legal systems and civilisations. Its jurisdiction is two-fold: one, wherein disputes between states

Rule of Law or Rule by Law? Reimagining Global Norms in a Fragmented World Order (Practice & Perception)

are settled; and second, it confers advisory opinions for UN organs. However, with no accountability after the opinions are given, this in itself reduced the effectiveness of the Courts. Furthermore, the ICJ's Statute intends the selection of Judges to be independent and impartial; however, the process of selection of judges involves the role of the UNSC, which has considerable political influence on which country's judge would be selected. This in itself raises questions regarding the impartiality and objectivity of the Court. In the past, when a nation believed that it would not get a favourable judgment, it had the ability to decline or withdraw its consent from cases against it. Take for instance, the United States withdrawing their consent post the Nicaragua Case, which was not in the former's favour. At this point, it is important to have a compulsory jurisdiction clause—a fundamental limitation of the court, where the mechanism is designed to ensure that the international arbiter can give its opinion, but the applicability of the decision remains contested.

- Thus, reforms are very much required—first, in how the judges are elected, and second, in the jurisdiction for applicability of judgements/advisory opinions given by the judges. A parallel can be drawn from the WTO's success after it introduced compulsory dispute settlement and appellate review of cases. This would not only encourage nations to take the Court's jurisdiction seriously but also to have 'checks and balances' for the UNSC, especially the P5.
- While there are some perceived challenges to the existing world order, many nations from the Global South, the BRICS+ countries, are calling for reforms and demonstrating their desire to make their 'vote' more valuable through collective influence and institutional rebalancing. We often perceive that some challenges to the Global Order arise because the older World Order requires reforms. One of the calls by BRICS+ has been to consistently reform the UN and Bretton Woods institutions. Thus, the challenges faced by Global Governance need to be addressed through a more inclusive, democratic, and integrated system rather than a dominance model. The acknowledgement of the rise of new powers and

Rule of Law or Rule by Law? Reimagining Global Norms in a Fragmented World Order (Practice & Perception)

groupings such as BRICS+, and their demand for a voice and representation in the international system, cannot be overlooked.

- The UNGA Dialogues should be conceived as a living framework for discussion and voluntary adoption, a space where participation is earned through engagement, not granted by status. Each segment remains open to states, institutions, civil society groups, and individuals who align with its ethic: that global cooperation must grow from mutual respect and tangible action. This initiative seeks to build bridges where walls once stood, creating pathways for participation, defined by contribution rather than affiliation.
- The first pillar should be the UNGA Dialogue Series—Balance Without Blocs, consisting of rotating annual forums hosted across regions, with India as the inaugural host. These gatherings will emphasise inclusive dialogue over division, showcasing how nations can collaborate without aligning rigidly into power blocs. They will encourage countries and communities to explore balance as a shared pursuit—an act of equilibrium rather than ideology.

Complementing this is the South Star Commons, a multi-partner digital and resilience platform designed for the Global South. It will serve as a collaborative hub where governments, innovators, and citizens can exchange data, build capacity, and co-develop solutions for climate resilience, health security, and equitable growth. Membership in the Commons will not depend on treaties or declarations but on voluntary action and demonstrated intent to contribute to shared goals.

- Furthermore, in terms of India's role, our understanding is that India does not seek to lead for the sake of power; rather, it offers to hold a place to create, connect, and to steady the world's shifting centre of gravity. Between rupture and rebalance lies the United Nations, which is, and will be, the workshop of the future, a place where old orders would be examined and new understandings are

Rule of Law or Rule by Law? Reimagining Global Norms in a Fragmented World Order (Practice & Perception)

forged. For that, it needs to change/reform. Between memory and momentum lies the pulse of continuity and change: a recognition that the past, with all its lessons and scars, must inform the future we dare to reshape.

Together, these initiatives reflect a vision of international engagement rooted in humility and partnership. There is no single route forward to improving global cooperation. It will take a great deal of pragmatism, patience, and diplomatic ingenuity to make progress. But, given the realities of the world in churn, there should be no agenda more urgent than to improve the rule of law.

Rule of Law or Rule by Law? Reimagining Global Norms in a Fragmented World Order (Practice & Perception)

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Rule of Law or Rule by Law? Reimagining Global Norms in a Fragmented World Order (Practice & Perception)

concerning why and how law-based governance should be advanced, representing the latest achievement in adapting Marxist theories on the rule of law to the Chinese context. Under the guidance of the thought, the socialist rule of law with Chinese characteristics is enjoying vibrant development, laying a solid foundation in the pursuit of national rejuvenation."

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