

International Laws and the Discontented: How the West Underdeveloped International Laws

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The paper intended to be a thought provoking submission will examine aspects of the contents of contemporary international laws that are threatening the legitimacy of public international law as well as International Commercial Law. It would seek to present evidence of the manifestation of the sectional and parochial interests of the developed western states in the corpus of international laws in a general sense. This includes an enquiry into the means and strategies that have been employed in at least the last century to make international laws serve western interests and indeed permanently work against the interests of the vast majority of developing states in order to perpetuate their subjugation. The paper will present the theory that as a result of an intricate web of strategic engagement and disengagement with the discourse, diplomacy and actual process of legislation of international laws, the specific regimes of Public international law and International commercial law are deliberately left in a state of underdevelopment. The strategies of deliberate underdevelopment of international regulatory regimes will be explored and the hypothesis to be tested include the propositions that the same methods are employed to under-develop both public international law and international commercial law and that the state of underdevelopment of international laws is indeed a permanent state. In other words, the paper will test the propositions that there has been a permanent damage to the regimes of public and private international laws which was deliberately orchestrated and that the underdevelopment of the law works to the advantage of a small clique of interests best represented by certain few privileged corporate and state interests.

The paper would consider the broad issues around the age-old controversy of whether international law does indeed qualify as law. The paper would examine the view that the foundation of international law especially the rules on the use of force did solidify into law gradually in the 19th to 20th centuries primarily for the advancement of western business. The hypothesis to be tested include whether in the last quarter part of the 20th century there was a deliberate stultification of the advancement of international law on many grounds and particularly with respect to the use of force. The proposition to be advanced is that the underdevelopment of international law by certain powerful states was achieved through deliberate actions and inactions for the protection of western interests. The continuation and manifestations of Public International Laws despite substantial and increasing strains experienced under its various sub categories and allied areas (private international law, international trade, intellectual property etc.) would be reflected upon. The paper will seek to establish the proposition that intellectual and doctrinal acrobatics engineered by the leading western states, their statesmen and the majority of writers therefrom has in recent times been accelerated through various corporate, institutional and political actors under an orchestrated agenda in order to further fine tune the use of international laws as a tool of maintaining legal and political hegemony in the international system.

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