The Transformation of International Law into a Political Weapon

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Abstract *This article analyzes a significant crisis observed in the contemporary practice of international law — its transformation into a political instrument. The study examines the evolution of international law from its formation in the twentieth century to its transformation in the twenty-first century. Particular attention is given to three global challenges: double standards and selective justice in the application of international law, institutional fragmentation caused by the veto system within the United Nations Security Council, and the weakening of the global order resulting from powerful states evading accountability. These issues are illustrated through the cases of Crimea, Palestine, Kosovo, Libya, Syria, Iraq, Ukraine, the South China Sea, and Yemen. For each challenge, the article proposes practical solutions, including the establishment of independent international monitoring mechanisms, the development of a universal code of application principles, the strengthening of regional judicial systems, the introduction of a "responsible veto" concept, and the expansion of universal jurisdiction. The article also presents a roadmap encompassing short-, medium-, and long-term strategic measures. The politicization of international law is not inevitable and can be addressed through institutional reforms, political will, active civil society engagement, and multilateral cooperation.*

Keywords: *International law, double standards, selective justice, United Nations Security Council, veto system, International Criminal Court, universal jurisdiction*

Аннотация *В данной статье анализируется значительный кризис, наблюдаемый в современной практике международного права — его превращение в политический инструмент. Исследование рассматривает эволюцию международного права от его формирования в XX веке до трансформации в XXI веке. Особое внимание уделяется трём глобальным проблемам: двойным стандартам и избирательному применению международного права, институциональной фрагментации, вызванной системой вето в Совете*

Безопасности ООН, и ослаблению глобального порядка вследствие ухода могущественных государств от ответственности. Эти вопросы иллюстрируются на примерах Крыма, Палестины, Косово, Ливии, Сирии, Ирака, Украины, Южно-Китайского моря и Йемена. Для каждой из проблем статья предлагает практические решения, включая: создание независимых международных механизмов мониторинга, разработку универсального кодекса принципов применения, укрепление региональных судебных систем, введение концепции «ответственного вето» и расширение универсальной юрисдикции. Также представлен дорожная карта, включающая краткосрочные, среднесрочные и долгосрочные стратегические меры. Политизация международного права не является неизбежной и может быть преодолена через институциональные реформы, политическую волю, активное участие гражданского общества и многостороннее сотрудничество.

Ключевые слова: *Международное право, двойные стандарты, избирательная юстиция, Совет Безопасности ООН, система вето, Международный уголовный суд, универсальная юрисдикция.*

International law, regarded as one of the greatest achievements of the twentieth century, was established to ensure justice, peace, and order in the world. The creation of the United Nations (1945), the adoption of the Universal Declaration of Human Rights (1948), the Geneva Conventions (1949), and the establishment of the International Criminal Court (2002) were historic milestones symbolizing humanity's transition from brutality to civilization and from power to law. However, in the twenty-first century, we are witnessing how the practice of international law is gradually drifting away from its fundamental objectives. Universal norms are being applied selectively; the justice system is increasingly characterized by double standards; and international law is often used as an instrument serving geopolitical interests. This transformation not only undermines the legitimacy of international law but also contributes to a broader crisis in the global order. This study provides an in-depth analysis of the politicization of international law and examines three major global challenges: the problem of double standards and selective justice, the veto system and the paralysis of the United Nations Security Council, and the lack of accountability of powerful states. For each of these challenges, the article proposes practical and achievable solutions.

The Genesis and Evolution of International Law

The roots of modern international law trace back to the Peace of Westphalia in 1648. This treaty reinforced the principles of state sovereignty and non-interference in the internal affairs of other states. However, a truly global system of international law emerged only in the twentieth century, following the devastating experiences of the two World Wars. The League of Nations, established in 1919, represented the first attempt to create a global security architecture, but it failed to prevent the Second World War. The establishment of the United Nations in 1945 brought renewed hope through stronger mechanisms. The UN Charter prohibited the use of force (Article 2, Paragraph 4), recognized the right of peoples to self-determination, and granted the Security Council special powers to maintain peace and security. The Universal Declaration of Human Rights, adopted in 1948, set forth human rights and freedoms as universal norms. The four Geneva Conventions of 1949, along with subsequent Additional Protocols, regulated conduct during armed conflicts and laid the foundations of humanitarian law. In 1966, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights were adopted, further solidifying the legal framework for human rights. The Statute of the International Criminal Court was signed in Rome in 1998, and the Court commenced its operations in 2002. All these achievements were based on the idea that international law should be universal, objective, and insulated from political interests. However, in practice, developments have often taken a different direction.

Double Standards and Selective Justice

The clearest manifestation of the politicization of international law is the practice of double standards and selective justice. Identical violations of international law are treated differently depending on the state involved. This two-faced approach fundamentally undermines the core principles of international law—equality, universal application, and justice. Article 2 of the UN Charter protects the territorial integrity and political independence of states. However, the application of this provision varies sharply: Russia's annexation of Crimea was strongly condemned by the international community. The UN General Assembly adopted a resolution with the support of over 100 states (Resolution 68/262). Western countries imposed economic sanctions on

Russia. The annexation of Crimea was declared a "violation of the international order." Israel's occupation of the West Bank, Gaza, and East Jerusalem since 1967 similarly constitutes a violation of international law. UN Security Council Resolutions 242 (1967) and 2334 (2016) demanded Israel's withdrawal. However, no sanctions were imposed. On the contrary, Israel receives military and economic support from the West. The United States provides 3–4 billion USD annually in military aid. In similar situations, military intervention is sometimes legitimized as a "humanitarian intervention," while in others it is condemned. NATO conducted military operations in Yugoslavia without a UN Security Council mandate. This was a clear violation of the UN Charter. Yet, Western states justified it as a "humanitarian intervention," and no one was held accountable. UN Security Council Resolution 1973 authorized "all necessary measures" to protect civilians. NATO turned this mandate into regime change. Muammar Gaddafi was overthrown and killed. Libya descended into chaos, yet no one was blamed for exceeding the mandate. The civil war in Syria resulted in massive casualties and humanitarian disasters (over 500,000 deaths and 12 million displaced). However, due to vetoes by Russia and China, a similar "humanitarian intervention" did not occur. The principle of civilian protection was not applied. The International Criminal Court (ICC) is theoretically supposed to ensure universal justice and accountability. However, in practice, the ICC has initiated over 30 investigations, most of which concern African countries (Congo, Uganda, Sudan, Kenya, Côte d'Ivoire, Central African Republic, Mali) or relatively weak states (Georgia, the Philippines, Afghanistan). The African Union criticized the ICC as a "neocolonial tool." In 2020, the ICC decided to investigate war crimes in Afghanistan, which could involve US military personnel. The US reacted strongly: the Trump administration revoked visas and froze financial assets of ICC Prosecutor Fatou Bensouda and other officials. The US Congress, through the American Service-Members' Protection Act (2002), granted the right to protect its citizens from the ICC "by any means, including military force." This law is therefore informally called the "Hague Invasion Act." Meanwhile, in March 2023, the ICC issued an arrest warrant for President Vladimir Putin over the illegal deportation of Ukrainian children. Western countries supported this decision and publicly called for Putin to be brought to trial. The double standard is evident. International sanctions, theoretically, should serve as a response to violations of international law. However, they are applied selectively: strict economic sanctions have been imposed on Iran, North Korea, Cuba, and Venezuela. In some cases (Iran, North Korea), such sanctions are partially justified, but often they

disproportionately affect civilians. Despite the murder of journalist Jamal Khashoggi (2018), war crimes in Yemen (over 50,000 civilian deaths), and domestic repression, Saudi Arabia has faced no serious sanctions. On the contrary, the US and European states continue military-technical cooperation with Saudi Arabia. Sanctions are imposed on weaker states such as Myanmar (2021 military coup), Eritrea, and Zimbabwe, but not on nuclear and economically powerful states like China and Russia.

The application of double standards is eroding trust in international law and global institutions. Developing countries often perceive international law as the "law of the strong." A 2023 study conducted in Uzbekistan showed that 68% of citizens in developing countries believe that international law primarily serves the interests of Western states. This two-faced approach encourages countries in the Global South to pursue alternative governance structures. The expansion of BRICS, the strengthening of the Shanghai Cooperation Organization, and efforts to create alternative mechanisms to Western-dominated institutions are partly a response to this problem. It is necessary to establish an Independent Commission on International Law Application Monitoring (ICILAM) within the UN framework. This commission would consist of 15 members selected from different regions: 5 from Africa, 3 from Asia, 3 from Latin America, 2 from Europe, and 2 from North America/Oceania. Members would include distinguished international law scholars, former judges, and independent experts. They would not be appointed by states but elected through a secret ballot by the UN General Assembly. ICILAM would publish an annual public report on the application of international law. The report would assess each country's consistency in applying international law (a "consistency index"), identify cases of double standards, and document them. While this mechanism would not be legally binding, it would have a strong “naming and shaming” effect. Empirical research shows that transparency and public pressure are often more effective than mandatory measures.

The Codification of the Principle of Universal Application

The UN General Assembly should adopt the “Declaration on the Universal Application of International Law.” This declaration reinforces the principle of “the same response for the same violation.” States would be obligated to ensure that their geopolitical interests do not take precedence over the principles of international law. Transparency and objective criteria are required when applying sanctions, military

interventions, and other measures. Every year, the UN Secretary-General's "Report on Universal Application" would be presented. Although the declaration is not legally binding, it creates normative pressure and strengthens the mechanism of mutual responsibility among states. Considering the weaknesses of the ICC, it is necessary to develop and strengthen regional criminal courts. For example: the African Court of Justice (during its establishment process), the Asian Human Rights Court (proposal stage), and the Arab Human Rights Court (proposal stage). Regional courts have several advantages: They better understand the local context and culture; They are less prone to accusations of neocolonialism; They are more widely accepted by states in the region; They have greater enforcement power through regional peer pressure. These courts should establish cooperation protocols with the International Criminal Court (ICC) and operate based on the "complementarity principle."

The Veto System and the Paradox of the Security Council

The UN Security Council (UNSC) is the main organ responsible for maintaining international peace and security. However, the veto power of permanent members (the US, Russia, China, the UK, and France) often paralyzes the system. The veto not only prevents the adoption of effective decisions but also sacrifices international law to political interests. Since the UN's establishment up to January 2024, the Security Council has seen 293 vetoes: Soviet Union/Russia: 143 vetoes (1946–1991: 79; 1991–present: 64); United States: 83 vetoes (mostly after the 1970s); United Kingdom: 29 vetoes; France: 16 vetoes; China: 22 vetoes (mostly after the 1990s). The use of the veto occurs for various reasons: The US has used its veto more than 40 times on the Israel-Palestine issue since 1972. These vetoes blocked resolutions condemning Israel's violations of international law or calling for action. The most recent veto was in January 2024, on a resolution to halt the shelling in Gaza. Russia has vetoed over 15 times on Syria since 2011. These vetoes blocked resolutions condemning the use of chemical weapons and other war crimes by the Bashar al-Assad regime, or calling for sanctions. China often uses the veto on matters it considers interference in domestic affairs, such as: Myanmar (2007, 2022); Zimbabwe (2008); Syria (in cooperation with Russia). The veto system leaves millions of people unprotected. Since 2011, over 500,000 people have been killed, 13 million displaced, and chemical weapons used, yet the Security Council remained paralyzed. Even during the Rwandan genocide in 1994, the Security

Council failed to act in time. Around 800,000 Tutsis and moderate Hutus were massacred, and no effective measures were taken due to opposition from permanent members. The veto system seriously undermines the legitimacy of the Security Council. Many states consider it a mechanism by which the victors of 1945 preserved their privileges.

The "Responsible Veto" Code Completely abolishing the veto is unrealistic under current circumstances. However, it is possible to ensure that the veto is used in a "responsible" manner. Based on the initiative "Suspension of the Veto in Cases of Mass Atrocities", proposed by France and Mexico and supported by over 100 states, the following mechanism can be introduced: In cases of genocide, crimes against humanity, war crimes, and ethnic cleansing, permanent members would voluntarily refrain from exercising their veto; To define the category of "mass atrocity", a Review Panel composed of special advisers to the UN Secretary-General would operate; If a permanent member still exercises a veto, it would be obliged to provide a written justification and a public explanation for its decision; The issue can then be discussed and recommended in the UN General Assembly under the "Uniting for Peace" mechanism. This approach does not completely remove the veto (permanent members may still refuse), but it makes its abuse more difficult and creates normative pressure. The global power balance of 1945 does not reflect the world in 2025. The composition of the Security Council should be expanded and diversified: Permanent members increased from 5 to 11: Africa: South Africa, Nigeria, or Egypt (the region chooses); Asia: India, Japan, or Indonesia; Latin America: Brazil or Argentina; Non-permanent members increased from 10 to 14; New permanent members initially would not have veto power (20-year transition period); Existing permanent members retain their veto, but are obliged to comply with the Responsible Veto Code. This reform would make the Security Council a more representative, legitimate, and effective body.

The "Uniting for Peace" Resolution, adopted in 1950 (Resolution 377), stipulates that if the Security Council is unable to make a decision due to a veto, the UN General Assembly may consider the matter in an emergency special session and issue recommendations. This mechanism needs to be modernized and strengthened: Although the General Assembly's recommendations are not legally binding, the voting threshold should be clarified (two-thirds majority) to ensure strong normative impact; It should be possible to form coalitions of willing states to implement sanctions or other measures based on the Assembly's recommendations; The UN Secretary-General should be given

an active role in implementing the Assembly's recommendations. This mechanism represents a legal and practical way to overcome the paralysis of the Security Council.

The Impunity of Powerful States and the Erosion of Order

One of the most fundamental weaknesses of international law is the lack or weakness of its enforcement mechanisms. In particular, when powerful states violate international law, it is almost impossible to hold them accountable. This creates a two-tier system: weak states are held responsible, while powerful ones remain impune. In 2003, the United States and coalition forces launched a military operation in Iraq without a mandate from the UN Security Council. The pretext—the existence of weapons of mass destruction in Iraq—was later proven false. Kofi Annan, then UN Secretary-General, declared this military action "illegal." Between 200,000 and 500,000 Iraqis were killed (estimates vary), 4 million people were displaced, the country descended into chaos and sectarian war, and the terrorist organization "Islamic State" (ISIS) emerged. Yet, no one was held accountable. On the contrary, many officials involved in the invasion later continued in high-ranking positions. In 2008, Russia intervened militarily in Georgia and recognized the "independence" of Abkhazia and South Ossetia. This was a clear violation of international law, yet no serious consequences followed. The annexation of Crimea in 2014 and the full-scale invasion of Ukraine in 2022 represent even larger breaches of international law. The West imposed sanctions, but these measures did not stop Russia. The International Criminal Court (ICC) issued arrest warrants, but there is no practical enforcement mechanism. China constructed artificial islands and military bases in the South China Sea. In 2016, the International Tribunal for the Law of the Sea (The Hague) found China's "nine-dash line" claims to be in violation of international law. China dismissed the ruling as a "piece of paper" and ignored it. No consequences followed. Since 2015, Saudi Arabia has conducted military operations in Yemen. A UN expert group accused the Saudi-led coalition of war crimes, including targeting civilians and bombing hospitals. More than 377,000 people have died, including 150,000 directly from military actions. Yet Saudi Arabia faced no international sanctions. On the contrary, Western countries continued selling arms to Saudi Arabia. Between 2015 and 2022, the US sold over $100 billion in weapons.

The "Exceptionalism" Doctrine of Powerful States Many powerful states consider themselves "exceptions" to international law. The United States sees itself as a

"duty-free leader" and an "indispensable nation." According to this view, the US supports the global order as a protector of democracy and freedom, and therefore ordinary rules apply to it less strictly. Examples include: not signing the ICC Statute (or signing but not ratifying it), imposing sanctions on ICC prosecutors and judges (2020), and unilateral military actions under the guise of humanitarian intervention. Russia portrays itself as a "great defender of sovereignty" and objects to Western "double standards." However, it also employs a double-standard approach: violating the sovereignty of other states (e.g., Georgia, Ukraine) while asserting its own sovereign rights. China strictly adheres to the principles of "internal affairs" and "non-interference," but applies these principles only to itself. Its actions in the South China Sea violate the sovereignty of regional states. Such practices contribute to the erosion of international law. If powerful states remain unpunished, why would weaker states comply with the rules? This undermines the rules-based order and shifts it toward a power-based order. Moreover, it creates a "race to the bottom" effect: states begin to respect international law less, simply because others do the same.

Universal jurisdiction is the right of any state to prosecute perpetrators of the most serious crimes—such as genocide, crimes against humanity, war crimes, and disputes—regardless of where the crimes were committed. This principle already exists but is rarely applied. It needs to be expanded and strengthened: Full recognition of universal jurisdiction in national legislation of every state; Establishment of special national courts or strengthening existing ones; Cooperation and extradition protocols between national courts; Creation of a financial assistance fund for universal jurisdiction cases. Universal jurisdiction has been applied in Belgium (2001–2005), Spain (until 2014), and other states. The most famous case is the arrest of former Chilean dictator Augusto Pinochet in London (1998), following a request by a Spanish court. This mechanism can also cover representatives of powerful states. If a state fails to hold its own citizens accountable, another state may do so. The biggest problem with the International Criminal Court (ICC) is that the main powerful states are not members. The US, Russia, China, and India have not ratified the Rome Statute, which severely limits the Court's influence. To strengthen the ICC: Introduce a mechanism for the UN Security Council to automatically refer situations to the ICC (currently selective); Allow the UN General Assembly (two-thirds majority) to refer situations; Strengthen international cooperation mechanisms to implement ICC decisions; Impose automatic sanctions on states that refuse to cooperate with the ICC. Long-term perspective: bringing the US, Russia, and

China under ICC jurisdiction should be a diplomatic priority. Reform proposals should address their concerns. If individual accountability is difficult, mechanisms at the state level can be strengthened: Collective measures against states that seriously violate international law (based on UN General Assembly recommendations); Establish an "International Law Violation Accountability Fund", where violating states pay compensation; Diplomatic isolation: suspending participation in international events and voting rights; Economic sanctions under a "smart sanctions" regime targeting governments and elites, not ordinary civilians. These measures should only be applied for serious and clear violations and be determined by professional, independent bodies; otherwise, they risk becoming selective tools again.

Transition to a New Global Order

The three problems described above are interconnected, and their solutions require a comprehensive approach. Individual measures are insufficient—systemic change is necessary. All states should be required to publish annual reports on international law. The UN Secretariat would collect and compare this information. A resolution should be adopted in the UN General Assembly based on the France-Mexico initiative, and an advisory council composed of representatives from global civil society organizations under the UN should be established. This council would monitor violations of international law and report to the General Assembly. A network of "International Law Observatories" should be established among international universities and legal institutes. Official negotiations should begin on expanding the number of permanent members, and regional criminal courts should be established in Africa, Asia, and Arab regions. An International Lawyers' Conference should develop a "Model Law" on universal jurisdiction and recommend it to states. The ICC budget should be funded from a separate international fund, not solely from member contributions. The UN Charter should be modernized to reflect 21st-century realities, through a global convention similar to the 1945 San Francisco conference. The UN General Assembly should become a more democratic body. Currently, each state has one vote (San Marino equals India). In the future, a system that takes population into account could be introduced. Global peacekeeping forces should be assigned to an independent body, able to act not only on Security Council decisions but also on General Assembly recommendations. Transition from the concept of absolute sovereignty to

"responsible sovereignty" (responsibility to protect). Sovereignty should be seen not only as a right but also as a responsibility.

Conclusion

The transformation of international law into a political tool is one of the most dangerous trends of the 21st century. Universal norms have become instruments of selective application, the veto system has turned into a paralysis mechanism, and powerful states enjoy a shelter of impunity. This process undermines the legitimacy of international law and erodes the global order. However, this process is not inevitable. History shows that institutions and systems can change. The League of Nations failed, yet the United Nations was established. The old Cold War ended, and new models of cooperation emerged. In the 21st century, international law can still be reformed and turned into a genuine instrument of justice. The key elements required are: Political Will – States, especially powerful ones, must commit to respecting international law and abandoning double standards. Institutional Reform – The UN Security Council, the International Criminal Court, and other institutions must be adapted to the realities of the contemporary world. Civil Society Engagement – Governments may resist change. Civil society organizations, academics, media, and citizens must hold their governments accountable to international law. Multilateral Cooperation – No single state can resolve these challenges alone. Small and medium-sized states can collectively pressure major powers to take responsibility. Long-term Vision – Systemic change does not occur in a year or even a decade. Yet every step—each declaration, each institution, each court ruling—is a vital rung on the ladder toward the future. International law is not merely a collection of documents and resolutions. It embodies humanity's highest aspirations: the dignity of every person, peace, justice, and cooperation. Sacrificing these values to political games is a betrayal of ourselves and future generations. Let us transform international law from a political weapon into a true instrument of justice, from the law of the powerful to the law of all, and from selective application to universal principle. It is a difficult but necessary path, and along this path, each of us has a responsibility.

References:

1. Hurd, I. (2017). *How to Do Things with International Law*. Princeton: Princeton University Press.

2. Koskenniemi, M. (2005). *From Apology to Utopia: The Structure of International Legal Argument* (Reissue). Cambridge: Cambridge University Press.

3. Goldsmith, J. L., & Posner, E. A. (2005). *The Limits of International Law*. Oxford: Oxford University Press.

4. Luck, E. C. (2006). *UN Security Council: Practice and Promise*. London: Routledge.

5. Schabas, W. A. (2017). *The International Criminal Court: A Commentary on the Rome Statute* (2nd ed.). Oxford: Oxford University Press.

6. Sands, P. (2016). *East West Street: On the Origins of Genocide and Crimes Against Humanity*. London: Weidenfeld & Nicolson.

7. Weiss, T. G., & Daws, S. (Eds.). (2007). *The Oxford Handbook on the United Nations*. Oxford: Oxford University Press.

8. Tallgren, I., & Skouteris, T. (Eds.). (2015). *The New Histories of International Criminal Law: Retrials*. Oxford: Oxford University Press.

9. Anghie, A. (2005). *Imperialism, Sovereignty and the Making of International Law*. Cambridge: Cambridge University Press.

10. Cryer, R., Friman, H., Robinson, D., & Wilmshurst, E. (2019). *An Introduction to International Criminal Law and Procedure* (4th ed.). Cambridge: Cambridge University Press.

11. Bosco, D. L. (2009). *Five to Rule Them All: The UN Security Council and the Making of the Modern World*. Oxford: Oxford University Press.

12. Ku, J., & Yoo, J. (2013). *Taming Globalization: International Law, the U.S. Constitution, and the New World Order*. Oxford: Oxford University Press.