

Who Rules the World? The Crisis and Reinvention of International Law in a Fractured Global Order

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INTRODUCTION

In an era marked by armed conflict, mass displacement, climate collapse, and techno governance, international law finds itself in a profound identity crisis. Once hailed as the normative framework to prevent war, protect rights, and uphold global order, it now faces accusations of irrelevance, hypocrisy, and impotence. In 2025, what do we mean by "international law"? Is it a coherent legal system grounded in shared values, or a patchwork of norms invoked selectively by powerful actors? Traditionally, international law referred to treaties, conventions, and principles governing the conduct of sovereign states. But today, that definition feels increasingly inadequate. The global stage is no longer shaped solely by nation-states. Multinational corporations, billionaire technocrats, and transnational platforms exert influence that challenges the foundations of state-centric legal systems. And states, even those states breaching international law, employ its logic to defend themselves against accusations (Bertamini, 2024). As power becomes more fragmented and legal norms more contested, International Law appears to oscillate between symbolic invocation and strategic manipulation. This paradox is particularly evident in how states and non-state actors alike selectively embrace legal language: not as a commitment to shared principles, but as a tool for legitimacy or deflection. The result is a global legal order marked by fragmentation, contested authority, and growing cynicism.

At the same time, the foundational values of international law, such as sovereignty, human rights, and the prohibition of force, are no longer universally accepted or equally applied. Rising authoritarianism, the erosion of multilateralism, and the normalization of exceptionalism challenge both the moral and practical foundations of the system, putting the whole system under threat, as when there is neither community of interests nor balance of power, there is no international law (Morgenthau, 1940). Meanwhile, new domains of power operate largely beyond the reach of traditional legal mechanisms, raising urgent questions about accountability and norm creation in the 21st century.

International law is not a fixed or static framework. It is derived from a range of dynamic sources. The most prominent source remains international treaties concluded between states. However, the conduct and practices of states, when carried out with a sense of legal obligation, also contribute to the development of customary international law. As a result, international law evolves not only through formal treaty-making, but also through consistent state behavior in response to new circumstances and developments in the international system (Heinze, 2011). While this adaptability is one of international law's strengths, allowing it to evolve and respond to shifting global dynamics, it also presents a significant challenge. What does international law represent in an era where it is frequently undermined, or even invoked to justify actions that contradict its core principles? Once the exclusive domain of sovereign states, international law has always been deeply political, maintaining fragile balances and remaining highly susceptible to changes not only in legal

frameworks but also in social, political, economic, media, and technological landscapes. If state power is increasingly shaped by these evolving factors, the legitimacy and effectiveness of international law are inevitably affected as well. Evidence suggests this is indeed the case. Emerging technologies have been used to commit grave violations of international law. Political alliances and global power dynamics influence how conflicts unfold and determine the degree to which certain crimes are condemned or overlooked, especially when committed by strategic partners. This selective application weakens the consistency and perceived inviolability of international legal norms. At the same time, power is no longer concentrated solely in the hands of states. Transnational corporations, digital platforms, and billionaire individuals now wield global influence, shaping public discourse, mediating access to information, and even participating in diplomacy. This shift prompts a fundamental question: can a legal system designed around state sovereignty still function in a world where the most influential actors are not bound by it?

However, assessing the current state of international law is a necessary exercise. First, engaging seriously with the argumentative dimension of international law demonstrates respect for those impacted by legal and political decisions. It acknowledges that individuals are not merely passive subjects within geopolitical dynamics but agents whose perspectives and experiences matter. Even when compliance is not the primary concern, offering reasons for decisions reflects a commitment to transparency and dialogue. This practice affirms people's capacity for reasoned understanding and opens space for meaningful exchange, rather than closing it off. In this way, law serves not only to govern but to recognize and include (Hakimi, 2020). Furthermore, examining the current state of international law offers a crucial opportunity to assess whether adjustments, interventions, or enhanced accountability mechanisms are needed. It provides a lens through which the international community can better understand global dynamics, evaluate the trajectory we are following, and identify areas requiring reform. This reflection is not an abstract exercise, it is deeply connected to the state of the world and affects all of us.

1. INTERNATIONAL LAW IN CRISIS

1.1 THE RISE OF ASYMMETRICAL POWER STRUCTURES

Significant transformations in the architecture of global governance, particularly the rise of new actors, mechanisms, and models, have rendered longstanding assumptions increasingly obsolete. The major multilateral institutions that formed the backbone of the postwar international order are no longer the sole, or even primary, platforms for global governance. Instead, we are witnessing a fragmentation of authority, marked by a diverse array of international frameworks that vary widely in form, along with their constituencies, which now include public, private, and hybrid actors. These frameworks also differ in geographic scope, from bilateral to global, and in thematic reach, from narrow technical issues to broad systemic concerns.

This diversification has been accompanied by a proliferation of regional and plurilateral arrangements, private sector-led initiatives, and multistakeholder partnerships involving governments, corporations, and civil society groups. The cumulative effect has been a weakening of the visibility, influence, and perceived legitimacy of traditional multilateral institutions, generating growing uncertainty and unease among those who have long championed the postwar global governance system (Acharya, 2016). Moreover, a system designed to be completely equal is today confronted with a reality in which not only is the power exercised by states unequal, but in which power asymmetry also manifests between states and non-state actors. In this context, interests that diverge from those underpinning international law are able to steer it in directions that best serve their own agendas.

1.1.1. Growing nationalism and erosion of multilateralism

Another key dimension of international law's threat is the erosion of multilateralism and the resurgence of nationalist politics. Once seen as the cornerstone of global cooperation, multilateral institutions now face declining influence as states increasingly turn inward, prioritize domestic agendas, and question the legitimacy or utility of international commitments. This shift not only weakens collective responses to global challenges but also undermines the legal frameworks built to support them. A clear example of this trend is the growing mistrust toward international organizations, institutions originally established to promote peace and foster dialogue among nations, but which are now increasingly viewed with suspicion. Representatively, the US President Trump views the world not as a "global community" but as a competitive arena where states, businesses, and non-state actors vie for advantage, an arena in which the U.S. asserts itself through military and economic strength. His approach is transactional and adversarial, marked by a deep skepticism of multilateralism and little regard for institutions like the United Nations or the carefully constructed international order (Cofman Wittes, 2017). Consistent with this view, in February 2025, the US President signed an executive order withdrawing Washington from some United Nations bodies, including its Human Rights Council (UNHRC), and setting up a broader review of US funding for the multilateral organization. The executive order said it withdrew Washington from UNHRC and the main UN relief agency for Palestinians (UNRWA), and

would review involvement in the United Nations Educational, Scientific, and Cultural Organization (UNESCO). This striking action aligns not only with Trump's policies but also with a broader trend of growing distrust toward the very institutions that states themselves once created, envisioned, and endorsed to uphold the international system, institutions they now seem to disown, like an estranged child. Indeed, the United Kingdom's exit from the European Union was driven by concerns over national sovereignty, specifically, the reluctance to be constrained by EU regulations and the ambition to negotiate independent free trade agreements. In both the UK and US cases, these moves reflect a deliberate withdrawal from long-established international frameworks. Despite the promises of benefits tied to nationalism, both countries are likely to face substantial repercussions as a result of these decisions (McCorriston and Sheldon, 2021). Global institutions have struggled to adapt to modern challenges like finance-led globalization and the rise of non-Western powers, who are now establishing parallel institutions (e.g., the Asian Infrastructure Investment Bank) that often exclude full Western involvement. Multilateral cooperation is weakening at precisely the moment it is most needed to address transnational issues. The broader wave of nationalism and populism reflects growing skepticism toward globalization and established institutions. While rooted in legitimate grievances, populist and nationalist movements often lack coherent policy solutions and are fueled by cultural anxieties, economic frustration, and distrust of political elites. These movements are ideologically flexible and can be directed by leaders from either the left or right, with similar patterns seen globally, from Trump's U.S. to Putin's Russia, Erdogan's Turkey, and beyond. In each case, populism serves both as a tool for elite consolidation and as a reflection of popular disillusionment with existing power structures (Calhoun, 2020).

1.1.2 Fragmentation of the global order

While populist and nationalist movements are often rooted in cultural anxieties and economic frustrations, they also reflect broader changes in how states position themselves within the international system. These shifts are not merely reactions to failed leadership or disillusionment, but strategic responses to a world in transition. As emerging powers assert themselves and established powers reevaluate their roles, the global order becomes increasingly fragmented. Intensifying geopolitical and economic rivalries, and deepening disagreement over the norms governing state behaviour, have contributed to what UN Secretary-General António Guterres has described as a world "*gridlocked in global dysfunction*." (Guterres, 2024). This breakdown is occurring at a time when the need for coordinated action is more urgent than ever. Nations are increasingly turning inward, the global economy is splintering, and trust in multilateral institutions continues to erode. These trends are hampering collective responses to critical transnational threats. Russia's invasion of Ukraine, following closely on the heels of the COVID-19 pandemic, has only reinforced the perception of a world fractured and adrift. Worryingly, global divides are widening not only along the traditional East–West axis, but also between the Global North and South.

The term *world order* suggests a level of stability and predictability in international relations. Historically, lasting global orders have depended not just on power balance, but also on shared norms among key states. This consensus helps prevent chaos by fostering

mutual expectations, restraint, and a sense of international society grounded in common interests, basic rules, and supporting institutions. Ultimately, a durable order depends on perceived legitimacy (Stewart, 2023).

In the EU, representatively, this phenomenon has led to growing calls for greater strategic autonomy (Grevi, 2019), driven by concerns over excessive dependence on external powers. In an era of heightened global competition and resurgent nationalism, such dependence is seen as politically unsustainable and potentially destabilizing for the Union itself. This push reflects a broader awareness of the fragmentation of the liberal international order, accelerated by events like the Trump presidency, the COVID-19 pandemic, and Russia's invasion of Ukraine. While the concept of strategic autonomy remains broad and fluid, varying across time, actors, and policy areas, it also underscores that not only individual states but also federations like the EU are seeking ways to respond to global fragmentation. However, this trend may embody a paradox, where, in the face of growing fragmentation, states and federations try to assert their independence, and, in doing so, they may reinforce the fragmentation they are trying to assess, leading to greater division.

1.2 CONTESTED NORMS, LEGAL CYNICISM: THE NEW POLITICAL DISCOURSE

These evolving trends in international law, marked by resurgent nationalism and the prioritization of unilateral state interests, have contributed to a dramatic shift in the tone and content of international discourse. Ideas once deemed unthinkable are now not only expressible but increasingly normalized in global debate. The very act of articulating these positions, particularly by powerful actors, gives them a degree of legitimacy that would have been unimagined in previous eras.

One striking example is the growing erosion of the long-standing norm prohibiting the use of force to acquire territory. From Russia's annexation of Crimea to rising tensions over Taiwan, and US President Donald Trump openly suggesting the use of force to seize territories like Greenland, we are witnessing a rollback of foundational principles underpinning the international legal order. The unthinkable is becoming thinkable, and in some cases, actionable (Hathaway, 2025).

1.2.1. Selective application of international law

Furthermore, consider the extraordinary proposal by former President Trump to forcibly transfer Palestinians from Gaza to other countries, framed under the assumption that they would willingly relocate, and to transform Gaza into a luxury tourist destination, a sort of "Riviera."¹ The mere suggestion of forced population removal and ethnic cleansing, presented as a legitimate post-conflict solution, reveals the extent to which ideas once deemed unthinkable can now be openly proposed by global leaders. That such a notion could be placed on the table by a former U.S. president speaks volumes about the erosion of

¹ See Collinson, "Trump's Gaza 'Riviera' plan is the most outlandish idea in the history of US Middle East peacemaking" (*CNN*, 5 February 2025)

normative boundaries and the alarming normalization of extreme measures in international political discourse. This shift represents more than just a challenge to international law; it signals a deeper crisis of legitimacy and stability within the global legal framework. Commitments once considered bedrock, e.g., sovereignty, territorial integrity, peaceful resolution of disputes, are now contested in both rhetoric and practice, placing the entire legal order under profound threat. Furthermore, international law has increasingly been weaponised to serve interests, often through selective interpretations and politically motivated appeals to its principles. For example, international lawyers have long criticized Israel's reliance on selective and highly contested interpretations of international law to legitimize specific military actions and foreign policies². These interpretations include, for example, the justification for annexing territory seized in a defensive war (as claimed regarding the Golan Heights), the assertion that the Fourth Geneva Convention does not apply to the territories occupied in 1967, and a restrictive reading of the prohibition against transferring populations into occupied territories (as in the case of Israeli settlements). Israel has also advanced the view that international humanitarian law entirely displaces international human rights during armed conflicts, and that the use of force against protests along the Gaza border is governed solely by the law enforcement provisions of international humanitarian law, the scope and clarity of which remain contested (Cohen and Shany, 2023).

These positions have not only drawn consistent criticism from scholars and civil society organizations but have also been explicitly rejected by key international bodies. Institutions such as the International Court of Justice, the UN Security Council, the International Criminal Court, and the Human Rights Committee have all dismissed these interpretations in their assessments of the Israeli-Palestinian conflict. What stands out is the legal inconsistency and departure from widely accepted interpretive principles and the persistent reluctance to engage with prevailing international legal consensus.

2. NEW ACTORS IN THE INTERNATIONAL ARENA

In addition to international law's internal changes, the architecture of international norm-making is undergoing a profound transformation. Traditional state-centric models of governance are no longer sufficient to address the complexity and speed of global change. Today, multinational corporations, especially Big Tech firms, along with private foundations, expert networks, and algorithmic systems, are emerging as powerful actors shaping behaviour across borders. These entities exert influence over domains once reserved for states: from regulating speech and data flows to setting ethical standards for artificial intelligence and content moderation.

² See e.g. Kretzmer "The law of belligerent occupation in the Supreme Court of Israel", (*International Review Of the Red Cross*, 2012); Ben Naftali and Shany "Living in Denial: The Application of Human Rights in the Occupied Territories", (*Israel Law Review*, 2004); Gil and Ellis "Israeli Settlements under International Law", (*Les clés du Moyen Orient*, 2021).

2.1 BIG TECH AND DIGITAL SOVEREIGNTY: RULE-MAKERS WITHOUT BORDERS

The concept of international personality remains loosely defined, largely shaped by case law and evolving practice. Its interpretation is flexible, granting different entities varying degrees of legal recognition depending on the context. Traditionally, international law has been firmly rooted in a state-centric framework, shaped by the emergence of sovereignty and the modern territorial state system. Since Jean Bodin's formulation of sovereignty in 1586, states have remained at the heart of international legal theory (Bianchi, 1997). International law has historically been created by states, for states, emphasizing their role as public, sovereign actors. This view is reflected in classical definitions of international law as a system of binding customs and treaties established through state consent, designed to promote order, peace, and commerce among "civilized" nations (Mazower, 1996). However, this traditional state-centric model is increasingly being challenged, especially with the rise of new technologies, data governance, and the power of non-state actors. The rapid expansion of digital platforms, artificial intelligence, and transnational corporations has introduced new players into the global arena, often possessing more influence than many nation-states in certain domains. Big tech companies, for instance, exert significant control over information, communication, and even economic systems, shaping global norms and behaviours in ways that traditional states can no longer fully regulate. Similarly, the issue of data sovereignty has blurred the lines of legal jurisdiction, as information flows freely across borders, often without sufficient oversight or accountability. These technological advancements have created a new reality where the role of states in shaping international law is no longer as dominant as it once was. Instead, global governance is increasingly shared with private actors, expert networks, and international organizations that shape the rules of conduct in areas once reserved for sovereign states.

The concept of sovereignty faces new challenges in the digital age, particularly with the rise of data as a key resource. Don Tapscott argues that data will be the most valuable commodity in the digital era. Essentially, data is a specific type of information created when fragmented details are digitized, organized, analyzed, and processed. Unlike general information, which reflects individual circumstances and has a smaller impact on economic activities, data is collected and processed to form comprehensive indicators or generalizations about groups, allowing for more accurate and systematic decision-making in the economy.

In theory, data sovereignty implies that any data stored within a country's borders is subject to that nation's laws. While this concept holds true in the physical world, it becomes much more ambiguous in the online environment. The global and fragmented nature of data, along with its mobility, makes it difficult to confine within geographical borders. Furthermore, the long-standing tradition of self-regulation within cyberspace has kept sovereign governments from fully participating in global data governance (Gu, 2023). Although the underlying infrastructure remains rooted in the physical world, the wave of digital globalization has created conditions for the cross-border flow of vast amounts of data and information. In this virtual space, the movement of information is nearly unrestricted by borders. Digital

technology is also reshaping the geographical boundaries of warfare (Shaoguang, 2019), blurring the lines between international and domestic security norms (Tegmark, 2017).

Despite the traditional understanding of sovereignty, Hans Morgenthau argued that "sovereignty is not the actual independence in politics, military, economy, or technology," as countries often maintain complex relationships with others through data exchanges. Emerging technologies embody a dual role: they can enhance and support traditional geopolitical power while simultaneously challenging and transforming the conventional functions of sovereign states.

2.1.1. Online governance, content moderation, platform ethics: the Rohingya and META case

As digital technology redefines sovereignty and security, it also challenges how we govern online spaces. Private actors, especially through AI-driven content moderation, are increasingly setting the rules for speech and information access, often without democratic oversight. This raises concerns about bias and a lack of transparency in decision-making processes. AI's role in content moderation presents ethical challenges, particularly in balancing automation with human oversight.

One notable example of AI and online platforms interfering with international law is Facebook (Meta) and its role in the Myanmar crisis. In 2017, the Myanmar military's campaign against the Rohingya Muslim minority led to widespread human rights violations, including violence and forced displacement. During this time, Facebook became a key platform for the dissemination of hate speech and incitement to violence, with AI algorithms struggling to prevent the spread of harmful content. Facebook's algorithms, designed to prioritize engagement, inadvertently amplified posts that incited violence and hatred against the Rohingya (Time, 2018). International law, particularly the Genocide Convention and International Humanitarian Law, prohibits incitement to violence and hate speech, especially when it leads to atrocities like those witnessed in Myanmar. The United Nations later accused Facebook of being complicit in allowing the platform to be used to promote ethnic hatred (The Guardian, 2018). Although Facebook responded by increasing human oversight and AI content moderation, the case highlighted how the lack of clear regulations and the influence of private tech companies can undermine international law protections, particularly in conflict zones. Amnesty International's 2022 report concluded that Facebook's algorithms promoted violence against the Rohingya, stating that the company's systems amplified hate speech and failed to act on warnings. This case highlights how AI-driven content moderation and platform policies can intersect with international human rights law, raising questions about accountability and the responsibilities of tech companies in preventing harm.

This case is a prime example of how AI, content moderation, and private tech platforms can complicate the enforcement of international law, especially when tech companies operate without sufficient oversight and accountability from governments or international bodies.

3. TECHNOSOVEREIGNTY AND GEOPOLITICAL TECH POWER

3.1. BLURRING PUBLIC-PRIVATE SOVEREIGNTY

Technosovereignty, as the ability of a state to control its digital assets, infrastructure, and data, is now a defining issue. Countries like China, the United States, and the European Union are no longer competing solely over territory or resources, but over networks, algorithms, cloud services, and semiconductors. These assets shape global influence, economic dependency, and even the terms of political discourse. However, this technological arms race often unfolds beyond the scope of international law, with governments exploiting digital tools for strategic advantage while avoiding accountability under existing legal frameworks.

But this new issue is perhaps made even more complex by the fact that much of this technological power is not directly in the hands of states, but in those of private actors who have upended the rules of the game and made power balances far more fragile and complex. Representatively, Elon Musk's owned Starlink constellation has the potential to bridge the global digital divide, empower remote communities, and support communication in conflict zones or under authoritarian regimes. However, this same global reach raises serious concerns about national security, surveillance, and control over information flows, prompting geopolitical tensions with countries like China and Russia. As more states and corporations enter the satellite internet race, competition intensifies and risks fragmenting the global internet. These developments expose the inadequacy of existing international space laws and underscore the urgent need for new governance frameworks to ensure equitable access, manage orbital and spectrum resources, and address the dual-use nature of space technologies (New Space Economy, 2024). This immense power, holding in his hands the potential to shape the future of the international legal order, has elevated him into a pivotal figure in global diplomacy, blurring the lines between private influence and public, diplomatic authority. But how free or equal can a system truly be when billionaires, as owners of powerful tech companies and controllers of critical digital and space infrastructure, possess the capacity to influence and even redefine international order?

Elon Musk's expanding international role, particularly through Starlink, reflects a new form of technological diplomacy that blends private enterprise with geopolitical influence. His 2024 meeting with Iran's UN ambassador symbolized how his satellite network could bypass sanctions-era communication barriers, raising questions about private actors sidestepping traditional diplomacy³. In the Indo-Pacific, Musk's connectivity tools offer the U.S. a strategic alternative to China's Belt and Road Initiative, potentially extending U.S. influence through digital infrastructure. However, his deep ties to China, controversial handling of global issues like antisemitism and online moderation, and a preference for tech-driven solutions over nuanced diplomacy present risks. While SpaceX's growing government contracts and Starlink's market dominance position Musk as a key player in U.S. foreign policy and military strategy, his techno-centric and sometimes erratic approach may

³ See e.g. The Guardian "Elon Musk met Iran's UN ambassador in New York", 15 November 2024
<https://www.bbc.com/news/articles/c0mzk7e31pjo>

oversimplify complex geopolitical landscapes, challenging the effectiveness of technocratic diplomacy in regions like the Middle East and Indo-Pacific (Geopolitical Monitor, 2024).

3.1.1. Who governs the digital-global space?

In February 1996, John Perry Barlow, at the World Economic Forum in Davos, wrote the famous "Declaration of the Independence of Cyberspace" in response to the U.S. government's attempt to regulate the Internet through the Communications Decency Act. Barlow, a libertarian and Internet activist, argued that the emerging digital world should remain free from government interference, calling for a new, unregulated cyberspace. His manifesto gained viral attention and became a key document advocating for Internet autonomy.

Although governments initially took a hands-off approach, the rise of issues like data manipulation and online power has led to increasing regulation, questioning the dominance of Big Tech and its control over digital spaces. The Internet's decentralized roots are challenged today, as questions about who controls the digital world and its impact on our lives persist.

In contrast to Barlow's market-driven utopianism, modern digital activists call for government regulation, especially in light of rising concerns about "*technofeudalism*"⁴ and the impact of artificial intelligence. Over the last decade, efforts to balance the power of Big Tech have gained momentum, with proposals like deprivatising the Internet or creating platform co-ops. However, despite these ideas, the nation-state has emerged as the primary counterforce to corporate dominance. Governments, while promising to protect users' privacy, have also begun engaging in surveillance practices, raising concerns about the balance of power. The global digital landscape is further complicated by competing regulatory regimes, with the U.S. maintaining a market-driven approach, China advocating for a state-driven model, and the EU promoting a rights-driven approach. This global tension was epitomized by the 2019 proposal of a "New I.P." by Chinese engineers, which envisioned a more controlled, fragmented Internet. This vision, supported by countries like Russia and Iran, clashed with the more open model favored by the U.S. and EU, highlighting the geopolitical struggles over the future of the Internet. The story of the Internet is usually centered on the U.S. and Europe, with occasional mentions of China. However, India has recently emerged as a key player in a new model for the Internet, one that is spreading across the Global South in regions like Africa, Latin America, and Asia. Over the past decade, India has launched a digital revolution through its "India Stack," a digital public infrastructure that integrates services like online payments, welfare delivery, banking, and document storage, all built on a national ID system called Aadhaar. This initiative has had a profound impact, reducing corruption, boosting financial inclusion, and transforming daily life for millions of Indians.

⁴ Technofeudalism is the idea that the world is not transitioning from capitalism to something better, but slipping into a system where tech companies function like modern feudal lords. Since the 2008 financial crisis, the economic system has fundamentally changed. The cloud, big data and digital platforms have become the "land" of this new era, controlled by tech giants like Google, Amazon and Meta.

The India Stack has not only revolutionized the Indian economy but is also being adopted globally, with countries like the Philippines, Morocco, and Jamaica using elements of it. India's approach, which emphasizes a balance of public and private sector roles, has the potential to shape the future of the Internet in a way that ensures greater equity and safety for citizens.

These developments are reshaping not just digital governance, but the very foundations of international law, human rights, and the global order as we knew it. The Internet is no longer a borderless utopia but a contested space where states, corporations, and civil societies vie for control. While a return to the past is no longer possible, this does not mean the state should fade into the background. On the contrary, as the digital world becomes ever more central to political, economic, and personal life, nation-states must remain at the heart of global governance, responsible not only for protecting rights and freedoms online but for ensuring that the Internet serves democratic values and the public good.

4. CASE STUDIES: DIGITAL POWER AND DISRUPTED SOVEREIGNTIES

4.1 UKRAINE: CYBERWARFARE AND THE MILITARISATION OF TECH PLATFORMS

The war in Ukraine marks a significant turning point in the evolving relationship between digital technologies and international conflict, highlighting the increasing militarisation of cyberspace and the emerging influence of private tech platforms in warfare. Since the full-scale invasion launched by Russia in February 2022, Ukraine has been subjected to an unprecedented series of cyberattacks orchestrated by Russian state actors and affiliated non-state hacker groups. These attacks have targeted key pillars of Ukraine's national infrastructure most notably its energy networks, financial institutions and communication systems resulting in operational disruptions and heightened vulnerability among civilians (Greenberg, 2022).

The sophistication of these attacks reflects a broader strategy of digital destabilisation. They build upon earlier precedents, such as the 2015 and 2016 cyber assaults on Ukraine's power grid, which are now widely regarded as early warnings of the integrated cyber warfare tactics being employed in the current conflict. These incidents demonstrated how cyberspace could be weaponised to undermine national resilience, exert psychological pressure and complement kinetic military operations.

In navigating this hostile digital landscape, Ukraine has turned to private technology providers to bolster its communications infrastructure and operational capabilities. Chief among these is Elon Musk's Starlink satellite internet system, deployed to ensure continuous connectivity for both civilian populations and military personnel. Starlink's low-latency satellite network has proven critical for maintaining secure lines of communication,

supporting remote drone operations and facilitating real-time intelligence sharing. However, while this technological support has enhanced Ukraine's defensive posture, it simultaneously raises profound ethical, legal and strategic dilemmas.

For instance, reports of Musk's unilateral decision to restrict Starlink services over Crimea allegedly to prevent potential escalation exemplify the disproportionate influence now wielded by private actors in matters of international security (Reuters, 2023). This action, taken without the consent of sovereign governments or multilateral institutions, underscores a troubling shift in the locus of power: from state-centric governance to corporate discretion. In such scenarios, technology companies effectively become arbiters of geopolitical decisions, blurring the boundaries between commercial enterprise and foreign policy.

The implications for digital sovereignty are far-reaching. In a time of war, who legitimately controls the infrastructure underpinning national defence and societal resilience? Is it the affected state, the international community or the corporations that own and operate the necessary technologies? These questions remain unresolved, pointing to a significant gap in international humanitarian law (IHL). Traditional legal frameworks are ill-equipped to address the complexities of hybrid warfare where physical aggression is interlaced with digital offensives and where private entities play decisive roles in military outcomes.

The International Committee of the Red Cross (ICRC) has acknowledged the urgent need to adapt IHL to reflect these realities (ICRC, 2021). Current conventions do not adequately consider the role of digital platforms or the accountability mechanisms for non-state actors engaged in cyber operations. Moreover, the transnational nature of digital technologies complicates the enforcement of state sovereignty and challenges conventional understandings of neutrality, responsibility and proportionality in conflict.

In this context, the war in Ukraine serves as more than a tragic humanitarian crisis it is a wake-up call for global policymakers, legal scholars and civil society. It demands a critical reassessment of how power is distributed and exercised in the digital age, and a reimagining of the legal and ethical frameworks that govern warfare. As technology continues to reshape the landscape of conflict, the international community must urgently address these normative gaps to ensure that emerging digital battlefields do not erode the foundational principles of international law and human dignity.

4.2 ISRAEL–GAZA: SURVEILLANCE, CENSORSHIP AND INFORMATION WARFARE

The ongoing Israel–Gaza conflict underscores how digital technologies are increasingly central to modern conflict, especially in relation to information control, surveillance and the erosion of digital rights. In this context, cyberspace becomes not only a tool for mobilisation and communication, but also a domain where power is exerted, narratives are contested and freedoms are restricted.

A key concern has been the widespread censorship of Palestinian voices online. Digital rights organisations and activists have reported the systematic removal of Palestinian content on platforms such as Meta (Facebook and Instagram) and X (formerly Twitter). Posts documenting human rights violations, protests or civilian experiences are often taken down, and entire accounts suspended without due explanation. These patterns have led to accusations of biased moderation, with critics arguing that platform policies may reflect broader geopolitical alliances rather than consistent standards (Hassan, 2022). Such dynamics threaten the principle of digital neutrality and silence marginalised communities during times of crisis.

Surveillance technologies have also played a major role. The use of Pegasus spyware developed by the Israeli NSO Group has been reported across the region, targeting journalists, political figures and human rights defenders in both Israel and Palestine (Beaumont, 2021). The spyware's capabilities to access private messages, cameras and microphones without detection raise serious ethical and legal questions. These practices violate the rights to privacy and free expression as enshrined in international human rights law and demonstrate how state and corporate actors exploit digital tools for political and strategic advantage.

The situation is further complicated by the digital divide between Israel and Palestine. Israel benefits from sophisticated digital infrastructure and global tech partnerships, while Palestinians frequently face restricted internet access, degraded infrastructure and limited digital freedoms. This disparity contributes to what some describe as a “digital occupation,” where not only land but also online spaces are controlled and surveilled. For Palestinians, digital repression mirrors the broader realities of physical occupation and statelessness.

In such asymmetrical conditions, traditional notions of sovereignty are increasingly inadequate. The Israel–Gaza conflict exposes the urgent need for international governance that protects digital rights, especially in conflict zones. This includes regulating surveillance technologies, demanding transparency from tech platforms and ensuring equal access to online spaces. As warfare increasingly moves into the digital realm, protecting the rights and dignity of vulnerable populations must become a priority in both policy and practice.

4.3 CLIMATE JUSTICE: YOUTH ACTIVISM, ISLAND NATIONS AND TRANSNATIONAL LITIGATION

Climate justice stands at the forefront of 21st-century global challenges, demanding urgent legal, political and ethical responses. At the intersection of digital mobilisation and international law, a new generation of actors, youth, Indigenous communities and climate-vulnerable nations are challenging the global status quo through creative and

courageous means. The crisis is not merely environmental but one of justice, equity and accountability in an increasingly interconnected world.,

Small island developing states (SIDS), particularly in the Pacific, have taken the lead in pushing the boundaries of international environmental law. Countries such as Vanuatu, Tuvalu and the Maldives, which face existential threats from rising sea levels and extreme weather, are spearheading efforts to hold major polluting nations accountable. Vanuatu's successful campaign for an advisory opinion from the International Court of Justice (ICJ) marks a historic turning point. It seeks to clarify the legal obligations of states under international law to prevent climate harm and protect the rights of present and future generations (Farand, 2022). While advisory opinions are not legally binding, they carry significant normative weight and could shape future treaty interpretation and state conduct.

In parallel, transnational youth-led litigation is reshaping the legal landscape from the ground up. Landmark cases like *Urgenda Foundation v. State of the Netherlands* in 2019 saw the Dutch government ordered to reduce greenhouse gas emissions in line with human rights obligations an unprecedented victory that inspired similar cases across Europe and the Global South. Likewise, the Torres Strait Islanders' complaint to the UN Human Rights Committee foregrounded the disproportionate impact of climate change on Indigenous communities, resulting in a ruling that Australia had violated their rights under the International Covenant on Civil and Political Rights.

Digital technologies have proven indispensable in these movements. Platforms such as TikTok, Instagram and Twitter/X are used for climate storytelling, online petitions and mass mobilisation, enabling youth activists from the Global South to reach international audiences and decision-makers. Virtual conferences and digital diplomacy have made it possible for island nations and grassroots groups to participate in forums previously dominated by wealthy states. These tools have democratised climate discourse and helped challenge the perception that climate leadership is a preserve of the Global North.

Yet, digital inequality and algorithmic biases present formidable obstacles. Many activists in the Global South contend with inadequate internet access, poor digital infrastructure and content moderation practices that marginalise climate-related voices. In addition, disinformation campaigns, often funded or amplified by fossil fuel interests, distort climate science and undermine trust in advocacy efforts. These digital barriers reflect deeper structural inequities that persist in both the environmental and technological spheres.

Furthermore, international environmental law remains largely fragmented and lacks strong enforcement mechanisms. Most climate-related treaties and agreements, including the Paris Agreement, rely on voluntary commitments rather than binding sanctions. There is currently no global mechanism to compel polluters to pay climate reparations or to recognise the legal personhood of nature concepts increasingly advanced by activists and some governments. As a result, litigation remains an important but limited tool, often accessible only to those with sufficient legal and financial resources.

The growing convergence of youth-led activism, island state diplomacy and transnational litigation demands a fundamental rethinking of sovereignty and legal responsibility. These

actors are advancing a vision of sovereignty that includes not only territorial control, but also ecological stewardship, intergenerational equity and participatory justice. In this emerging paradigm, climate justice is not simply a matter of policy or charity, but a binding obligation grounded in human rights, environmental integrity, and global solidarity.

In this sense, the climate justice movement is not just reacting to crisis it is proactively reshaping the contours of international law and digital governance. It challenges traditional power structures and places those most affected by the crisis at the centre of the legal and moral debate. The path forward demands that international institutions, governments and technology platforms recognise and respond to this new era of digitally empowered, legally astute and globally connected climate leadership.

5. POST-COLONIAL CRITIQUES AND LEGAL DISENFRANCHISEMENT

International law, as it stands today, cannot be fully understood without reckoning with its colonial origins. A growing body of Global South scholarship has critically interrogated the ways in which the discipline emerged hand in hand with imperial expansion. Scholars such as Antony Anghie (2005) have argued that international law was not simply a neutral system of rules between sovereign equals, but rather a mechanism used to structure and legitimise unequal relations between colonisers and the colonised. Historical milestones, such as the 1884–85 Berlin Conference which codified the partition of Africa among European powers exemplify how legal instruments were used to formalise dispossession, justify occupation and exclude non-Western voices from the international legal order.

These colonial legacies persist in the contemporary digital era, albeit in reconfigured forms. The term “digital colonialism” has gained traction to describe how technology, data and digital infrastructures are now leveraged to perpetuate forms of economic dependency and epistemic control. Transnational technology corporations predominantly headquartered in the Global North exercise disproportionate control over data governance, internet access, algorithmic design and platform moderation. As Couldry and Mejias (2019) contend, data extracted from users in the Global South is often commodified and monetised without meaningful participation, benefit-sharing or sovereignty over how it is used or stored. Much like the extraction of natural resources during colonial rule, data has become a new frontier of exploitation less visible, but equally powerful in its implications.

Moreover, this structural imbalance extends into the formulation of legal norms governing the digital realm. International digital governance frameworks such as the Budapest Convention on Cybercrime or the EU’s General Data Protection Regulation (GDPR) were largely developed without adequate input from the Global South. These instruments, while well-intentioned in their efforts to safeguard rights and regulate misuse, often impose

normative and procedural standards rooted in Euro-American legal traditions. As such, they may not always align with the socio-political realities, legal cultures or developmental priorities of countries outside the West.

The result is a profound legal disenfranchisement. Many states in the Global South are left with the choice of either adopting external standards wholesale potentially at the expense of their own values and interests or being excluded from shaping the rules that govern global digital spaces. This exclusion is exacerbated by limited representation in key multilateral institutions, technical standard-setting bodies, and policy forums where digital norms are debated and defined. In essence, Global South actors are often rule-takers rather than rule-makers in the digital sphere.

This post-colonial critique thus reveals an urgent need to democratise international law, particularly as it relates to digital sovereignty. Calls for a more inclusive, multipolar digital order have been growing, with some Global South coalitions advocating for new international instruments or reforming existing ones to reflect a wider range of perspectives. There is also increasing support for regional data governance frameworks such as the African Union's Digital Transformation Strategy or Latin America's efforts to protect data as a human right as a means of reclaiming agency and asserting normative autonomy.

Ultimately, a Global South perspective challenges the presumption that technological progress or legal modernisation must follow Northern templates. Instead, it argues for a pluralistic legal order one that acknowledges historical injustices, centres the voices of marginalised communities, and ensures that digital futures are shaped through equitable, participatory and context-sensitive processes.

5.1 WHOSE VALUES DEFINE “INTERNATIONAL LAW”?

The perceived neutrality of international law often masks deep-rooted value systems that shape its foundations and implementation. Historically, international law has evolved alongside the expansion of European empires, embedding Western philosophical and legal principles into its core. This has led to an imbalance in which the norms and priorities of Western liberal democracies are disproportionately reflected in what is considered “universal” legal standards. Such dominance raises critical questions about whose interests and worldviews are truly being served by international legal regimes.

Critics argue that international law often privileges liberal individualism, focusing on personal rights and freedoms while neglecting the communal values that underpin many non-Western legal traditions. For instance, collective rights, customary law and the spiritual or relational conceptions of land, nature and governance are frequently marginalized. In

practice, this can manifest as a preference for market freedoms over social protections or state sovereignty over indigenous autonomy and self-determination (Fitzpatrick, 1992). This not only skews the enforcement of international norms but also limits the scope of justice available to communities operating under different value systems.

The digital context further amplifies these disparities. Governance frameworks for data and digital technologies often stem from Western models that prioritize commercial use and individual privacy, sidelining other ways of understanding data ownership and use. For example, indigenous data sovereignty the right of Indigenous peoples to govern the collection, ownership and application of data about their communities is scarcely recognized in international frameworks. Yet for many Indigenous groups, data is not merely information but a component of cultural identity and spiritual life, tied to collective memory and ancestral knowledge. The absence of recognition for such perspectives reveals a structural blind spot in global governance mechanisms.

Addressing these imbalances requires a fundamental reimagining of international law one that embraces pluralism, respects legal diversity and fosters genuine inclusivity. This involves recognizing hybrid legal orders that blend customary, religious and state-based systems ensuring the meaningful participation of marginalized groups in international legal processes and rethinking foundational legal concepts through intercultural dialogue. Only by doing so can international law evolve into a more equitable framework one that not only accommodates but also values the richness of the world's legal traditions.

5.2 PATHS TOWARD DECOLONISATION AND INCLUSIVITY

Decolonising international law is not a matter of minor institutional reform it calls for a transformative shift in how global norms are conceived and implemented. At its essence, decolonisation challenges the dominance of Western legal traditions and seeks to make space for a broader range of legal philosophies, knowledge systems and cultural experiences. This shift involves recognising that international law, in its current form, often fails to represent or accommodate the realities of the Global South and other historically marginalised communities.

A critical step in this transformation involves embracing legal pluralism. Rather than privileging Western state-centric models, international law should acknowledge the validity of customary, religious and Indigenous legal systems. These systems are often deeply embedded in the daily lives, governance practices, and spiritual identities of communities, especially in post-colonial contexts. Recognising them not as exceptions or informal customs, but as equally legitimate sources of legal authority, would enhance the relevance and accessibility of international legal norms. Such pluralism not only affirms the dignity of diverse traditions but also allows for more contextually appropriate interpretations of justice.

Equally important is the shift toward participatory lawmaking. International legal frameworks must be shaped by inclusive processes that actively involve actors from the Global South, Indigenous groups, and other underrepresented voices. This means creating space for broader consultation, increasing representation in global governance bodies particularly those addressing emerging fields like digital policy and fostering support for scholarship and advocacy rooted in non-Western perspectives. When lawmaking becomes participatory rather than prescriptive, it reflects a shared ownership of global norms and becomes more responsive to the lived realities of diverse populations.

Decolonisation also requires a reimagining of digital sovereignty. The current framing often focuses solely on the rights of states, but this overlooks the collective rights of communities, especially those whose knowledge, cultures and data are at risk of exploitation. Recognising digital sovereignty as a collective right involves securing equitable access to digital infrastructure, protecting Indigenous knowledge systems and addressing the growing asymmetries in global data economies. In an era where digital technologies shape every aspect of life, ensuring fair and ethical governance of the digital realm is vital to achieving justice and equity.

Finally, creating more equitable structures of accountability within international law is essential. This includes ensuring that all actors whether states, corporations, or international organisations are held accountable for actions that impact human rights, the environment and community well-being. Mechanisms for redress must be accessible, transparent and culturally sensitive, enabling those affected by injustice to assert their rights and seek justice on their own terms.

Through these interrelated strategies, international law can evolve into a truly inclusive and just system one that not only honours the sovereignty and diversity of all peoples but also meets the complex demands of a rapidly changing, interconnected world.

CONCLUSION

Since international law, as it has evolved over the years, rests not only on formal rules but even more so on consensus, power balances, and is deeply shaped by global transformations, it is worth asking whether the current trajectory is still aligned with the original purpose of the international legal system. Mechanisms of oversight must be strengthened where they already exist and created where they are lacking, with a renewed commitment to the values of international law, values that today often seem like those of a disowned child. Waiting for future elections to determine who will lead the world no longer holds the same weight, as other actors increasingly weave the threads of a global system where our rights are meant to be protected.

Furthermore, the digital space is no longer a neutral arena but a dynamic, fragmented, and politicized space that is reshaping global governance. As this digital reordering unfolds, it is crucial that states reassert their centrality, not to dominate, but to steward a system rooted in legitimacy, equity, and the rule of law. If the future of international law is to remain consistent with the spirit of international law, it must be anchored in a shared commitment to human dignity and collective responsibility, not left adrift in the wake of unchecked technological and corporate power.

To ensure that international law does not become obsolete in the face of shifting power dynamics and digital disruption, there must be a deliberate effort to infuse it with the lived experiences and aspirations of historically marginalised communities. The future of international law hinges on its ability to adapt not by erasing difference in pursuit of uniformity, but by embracing legal pluralism, participatory governance, and digital justice as foundational principles. True legitimacy will not arise from procedural formality alone, but from a system that reflects the diversity of the global community and actively dismantles structures of exclusion. In reimagining international law, we are called not only to protect rights but to co-create a legal order rooted in mutual respect, cultural recognition, and shared stewardship of both our digital and physical worlds.

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