

Extrapolating the Significance of International Law and Organisations and the Logic of World Order in the 21st Century

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Abstract

The paper focused on the importance and significant roles of international law and organisations in promoting world order in the twenty-first century. It posits that both serve as instruments for promoting global peace and order in the anarchical world, protecting collective goods, social regulation of international actors, and the handling of global problems, amongst others. The paper adopted a descriptive research design and expressive data collected from secondary sources such as books, journals, periodicals and other published materials. Data analysis involved the use of a prescriptive-interpretive approach. The paper discovered that international law and organisations are indispensable in the management of global affairs as they create room for global understanding, global economic development and platforms for solving mutual problems that are beyond the capacity of a single state. The paper recommended that through constant reviews of international law, the strengthening of international law and organisation with institutional financing and increased enforcement capability and sustainable diplomatic relations with states, the world order will be stable and predictable.

Keywords: International law, international organisation, global, global system, world order.

Introduction

The importance of international organisations and law in the global system in the twentieth century cannot be overemphasised. Fundamentally, both are mutually dependent and interrelated; they enrich each other. The proliferation of international organisations has expedited the robust development of international law. Notably, the law of international organisations has become a specialised component of general international law (Akindele, 2011). Instructively, international law exists in forms of rules and norms guiding the behaviours of states and non-state actors, while international organisations are entities with visible structures, emblems and personnel, but those entities are regulated by the dictates of international law. Indeed, both are concerned with the processes of the global system in the contemporary world. They provide the legal frameworks and instruments for regulating global affairs in the twenty-first century. International organisations are corporate entities that are not nation-states within the global system, and their processes are distinct international identities, different from the identity of the group of states' actions or actors that compose them (Akinboye, 2015). Their processes are conducted within their charter, which must align with the dictates of international law. Hence, the paper interrogates the growing relevance of

international law and organisation in the social-political processes of international relations in the twenty-first-century global system.

Conceptual Clarification

International Law

International law has traditionally been defined as the rules and principles that govern states in their relations (Umuzorike, 2010). Akinboye (2015) contends that international law is the body of legal rules which apply between states and such entities that have been granted international personality. International law is different from international morality and usages because its absence will bring chaos and anarchy into the global system. Hugo Grotius did his pioneering work in the field of international law by dividing it into two parts: the law of war and peace, and the scope of international law has been expanded to accommodate many issues that are dominant in the global system (Palmer & Perkins, 2001). These include international business law, the law of outer space, diplomatic law, and the law of armed conflicts, amongst others. International law derives its sources from treaties, international customs, systems, and writings of legal humanities, amongst others (Ogboye, 1998). Subjects of international law are states, international organisations, multinational corporations, liberation movements, etc.

International Organization

According to Goldstein & Pevehouse (2011), international organisations are concrete, tangible structures with specific functions and missions. International organisations include intergovernmental organisations such as the UN, and non-governmental organisations such as the International Committee of the Red Cross, and they have proliferated rapidly in recent decades and continue to play an increasing role in international affairs.

Rourke (2008) explains how international organisation manifested due to the awareness that many issues are transnational, advancement in transportation and communication that made traditional contact easy and rapid, the failure of the states to manage some issues and the failure of small states to gain strength through joint action of the international organization constitute one of the area of the platforms to achieve state global order in the twenty-first century. Another avenue to achieving a predictable global order is international opinion, amongst orders. International organisations play important roles in the global system by providing an interactive arena for member states. It serves as a centre of cooperation between states and other actors, it serves as a large independent international actor that can act on its own initiatives, and sometimes it serves as an institution in specialised areas such as international activities (Goldstein & Pevehouse, 2011).

The essential conditions that explain the continued existence of an international organisation are: (i) the existence of independent political communities, (ii) rules agreed amongst such communities, their purpose to regulate their relations with each other, and (iii) a formal structure to implement and enforce the rules. International organisations have played an increasingly significant part in the shaping of the modern world order (Armstrong, 2004). The ever-increasing complexity and intensity of international transactions in the era of globalisation and administering many global regulations is facilitated by the intergovernmental organisation and non-governmental organisations (Armstrong 2004).

World Order

In the view of Raymond Aaron, world order deals with minimal conditions for coexistence, an arrangement of reality and relations between the parts of the world polity, the conditions for existence and the conditions for a good life (Woods, 2007). In the view of Nye (2007), world order, in the analysis of international relations, is used from the standpoints of liberal and realist schools. To the liberal, world order can be attained from the sustenance of broad values in the global system, and such values consist of democracy, human rights, international law and

institutions. On the other hand, realists contend that it can be sustained by a structure of power within and outside the state. Integrating the views of the two schools, Rosenau (1992) asserts that world order consists of those routine arrangements through which world politics gets from one moment to another, as part of the arrangement may be self-consciously made, while others represent the aggregation of individual decisions designed to serve certain sub-systems that have implications for global arrangement.

The European world order de-emphasised religion as the basis of recognition of states, making sovereignty the foundation of the world order (Akinyemi, 2022). The Treaty of Westphalia in 1648 established the fact that the *raison d'être* of any government is the maintenance and defence of their interests, sovereignty, and territory, and this subsisted till 1945 when bipolarity manifested, making capitalism and socialism competing ideologies till 1991, when the Cold War ended, and the consequent demise of the USSR (Ojo and Sessay, 2011).

The new world order then emerged with the creation of the United Nations Organization (UNO) in 1945 and world order was to be preserved by the organization as stated in its charter, stipulating that the organisation was to maintain global peace through unanimity or consensus without the security council and was sustained till the advent of unipolarism instigated by the collapse of USSR (Akinyemi, 2022). Indeed, the new world order is accompanied by new issues such as human rights, democratisation, free market liberalism, environmental issues, the challenge of sustainable development, amongst others (Oyediran, 2003). In fact, the entrenchment of the democratic ethos within the states and in the operations of multiple international institutions is one of the fundamental issues that have attracted attention in the twenty-first century.

Globalization

According to Sholte (2007), globalisation refers to an increase in interaction and interdependence between people in different countries. He explains globalisation as liberalisation, that is, a globalised world, the one without regulatory barriers to transfers of resources between countries, and globalisation as universalisation, which denotes a situation where people and cultural phenomena, than ever, spread to all habitable corners of the planet. Keohane & Nye (2007) posit that globalisation is a state of the world involving networks of interdependence of actors at continental distances, and these linkages occur through flows and influences of capital, goods, information, people and ideas. A globalised world is one in which political, economic, cultural and social events become more and more interconnected; they have an impact and societies are affected and move more extensively and deeply by events of other societies. They further note that globalisation is propelled by the pace of economic transformation, which is a greater and faster impact of communication on the global process, the development of global culture, homogeneous material and the increasing collapse of time and space (Lamy, 2011).

Hence, globalisation became a popular discourse after the emergence of a new world order, ushered in by the collapse of the Cold War and the disintegration of the socialist bloc and the eventual triumph of global capitalism championed in the United States of America and its close allies in Europe and beyond.

Theoretical Framework

Liberal Institutional Theory

Institutional theory formed part of the old theory of politics and has commanded attention from the classical era to the present day. Scholars and researchers of this school have classified institutional theory into two periods: Classical and modern institutionalism. Prominent political institutions have been grouped as classical and contemporary institutionalists. Woodrow

Wilson and Norman Angeli belong to the classical school, while Gabriel Almond, Harold Laski, Beth Sermon, Lisa Martins, amongst others, are contemporary/modern institutionalists. Classical institutionalists believed that the formal, legal structures and functions are a traditional feature of political institutions. That is, every political institution must have the above-stated characteristics to ensure effective performance, while contemporary institutionalists believed in the existence of rules, norms and procedures as basics for performance and productivity (Rhode, 2009; March & Oslen, 2009). In the context of liberal institutionalism theory, the anarchic pre-1914 system led the process of international relations to undermine the prospects for peace and secret diplomacy and ushered in an alliance system, as there was a need for the establishment of new principles of international relations (Adegbulu, 2006).

Furthermore, liberal theories treat rational actors as capable of forging short-term interests to further the long-term well-being of a community to which they belong. The core principle of reciprocity is paramount to this approach, and international institutions operate by reciprocal contribution and concessions amongst their members (Goldstein & Pevehouse, 2011). International law and international organisations are key instruments used by adherents of institutional theory to advance their mutual interest in the global system with the advent of the League of Nations and its successor, the United Nations Organisation.

System Theory

David Eastern popularised the idea of system analysis in political science and international relations. His propositions under system theory (inputs, gatekeepers, conversion and outputs) have been equally useful to the understanding of the various structures and components of the international system in global politics (Akinboye & Ottoh, 2015).

In a broader context, the international political system is made up of actors that include states, international organisations, multinational corporations, liberation movements, and influential individuals, amongst others. One of the most popular instruments for regulating international intercourse is international law. The international system of law has developed institutions and attitudes necessary for activities in the international system, such as the International Court of Justice, amongst others (Rourke, 2008). Hence, international law and international organisations constitute critical institutional dimensions for maintaining peace and progress in the global system in the twenty-first century.

In essence, liberal institutional theory provides an intellectual prism for the analysis of the nuances, issues and processes of international organisations in the contemporary world. Also, international organisations constitute part of international actors whose operations and activities are regulated by the instrumentality of international law in the global system.

Methodology

The researcher adopted a descriptive research design, and expressive data was collected from secondary sources such as books, journals, periodicals and other published materials. Data analysis involves the use of a prescriptive-interpretive approach that is commonly adopted in qualitative research to probe into the efficacy of international law and organisation in preserving world order in the twenty-first century.

Discussion of Findings

First, both international law and organisations are deployed for the promotion of global order and peace. The most potent and non-violent means of maintaining global order and peace are the instrumentalities of international law and international institutions and their bureaucracies, right from their advent in the twentieth century. Their importance is unparalleled in the anarchical global system characterised by growing intra- and interstate conflicts across

different historical periods of human history. Examples include the formation (ECOMOG), the military wing of the Economic Community of West African States (ECOWAS) to intervene in the Liberian and Sierra Leone crises in the 1990s and the international peacekeeping forces of the United Nations serving on different continents of the world. The advent of these global instruments has had a positive impact on the functioning of the global system over time. Lamy (2011) explicates that international organisations exist to promote international order in the anarchical world. According to him, states have devoted, if not more, efforts to liberating themselves from the condition of war and embroiling themselves in violent conflicts by creating some modicum of international order arising out of the abiding common interest. To achieve international order, states have created international institutions, a set of norms, rules and practices to facilitate diverse goals ranging from order, peaceful coexistence, justice and human development, and they are achievable on the platform of international organisations because they are physical entities. These have staff, head offices, and official emblems.

The relevance of international organisations as they represent a commitment by member-states to behave in a way they would not have behaved, as their existence expresses the attainment of a minimum level of intentional cooperation at any given time. Also, international organisations are a product of two opposed forces: (a) centripetal forces such as scientific inventions, the spread of education and modern communication technology, amongst others; (b) centrifugal forces such as conflicts and wars, ethnic differences, cultural differences, and clashes of civilisation. International organisation, in this way, is the reconciliatory medium of the two opposing forces in international relations (Ekpebu, 1999).

Second, the existence of both international law and organisation has instigated the promotion of collective good in the management processes of global affairs. The global concerns consist of collective goods that tend to sustain human lives, animals and other resources of the ecosystem. Such common global goods are the atmosphere (the gaseous environment of man), the hydrosphere (the ocean, rivers and seas, aquatic animals and other naturally endowed resources that sustain man) and the need to regulate the behaviour of actors that utilise them. There have been cases of violations, such as the French test of an atomic bomb in the Sahara Desert, the dumping of toxic materials in Koko Village in Nigeria, and the initiation of Strategic Arms Limitations Talks, among others. It is a truism that limitations must be placed on human behaviour and interactions, as this is germane to attaining a peaceful and predictable human experience in the universe. Also, they guard against animalistic tendencies, unbridled natural desires and national egoism; legal and institutional arrangements must be put in place to sustain humanity and to prevent the misuse of the human environment.

Hardin (1968), in this classic proportion of collective good metaphor, described the need for the presentation of common, global resources such as the ocean, Antarctica and outer space that are not owned by anyone but belong to all humanity in the universe. His description and explanation of the tragedy of the commons depict a situation where the state's activity must be regulated to avoid destructive consequences arising from the production of harmful goods. Various international organisations exist to monitor the use of chemical and nuclear weapons in the global system and the human environment. An example is the United Nations Commission for Sustainable Development. Due to the exponential explosion in world population that has reached over 6 billion in 1999, the judicious use of the environment and its varied resources has been advocated over time. Starting with the making of the Briand-Kellong pact by the defunct League of Nations in 1928, followed by the signing of the Signing of Strategic Arms Limitation Talks I and II (1972 and 1979), Strategic Arms Reduction Treaty I and II (1991 and 1993), and the convening of Earth Summit I and II (1992 and 2002), and accompanied, global policy of Sustainable Development Goals in Durban South Africa, the world is positioned to protect the common goods and sustain the potentials that have been

naturally endowed for the humanity through the instrumentality of international law and organization.

Third, the sustenance of both international law and organisation promotes mechanisms for social regulation of actors in the global system. International law and organisation provides the pathway for regulating international intercourse by various international actors whose activities impact the socio-political of the global system in the contemporary period. The scope of international organisations is broad, as they provide an effective legal basis for international interactions of various kinds and serve as a guide against arbitrariness in business transactions across state boundaries. Concomitantly, international organisations provide the institutional media for the realisation of global policies and objectives in the contemporary period.

Egbewole (2013) explains that the fact that some states are belligerent in nature is incontestable, and hence, the need to put in place some mechanisms to regulate affairs between them and the world at large. They struggled to acknowledge that the existence of wars, crises and civil strife in various parts of the world today actively justifies the relevance of international law. An example in this regard is the Kellogg-Briand Pact of 1928, which put in place a legal mechanism to eliminate war as an instrument of national policy by the United States of America and France. This position is equally supported by Article 33 of the United Nations charter, which demands negotiation, arbitration and judicial settlement as peaceful means of resolving conflicts rather than the employment of brutal forces by member states.

Akinboye & Ottoh (2003) submitted that international law promotes order and peaceful organisation in the global system. According to them, international law is about society and the ways people interact (politically, economically, culturally) and is concerned with how men in society set out certain norms to determine their ways of interaction. He adds that the rules and regulations of international law are informed by behavioural norms and ethical codes that regulate the conduct of men in organised society, and also on the international scene. Noting that modern international law originates as a matter of urgency of human survival in the mid twentieth century, in fact, humanitarian considerations are inspirational reasons for the rule of international law and a primary need of our time to control the environment, for the benefit of man (O'Connell, 1970).

International law regulates much of the behaviour of states; in that it is a compelling norm, as well as utilitarian motives in the form of compliance. This is because states are often sensitive to international pressures and embarrassing censures that may accompany their "illegal behaviour". In fact, the day-to-day activities that are essentially non-crisis business, such as international trade travel, economic assistance, diplomacy, international communication and other important activities of the contemporary international system, are equally regulated by international law (Ojo & Sessay, 2014).

Fourth, both legal entities are equally involved in the handling of global problems confronting states in the contemporary period. It is an undeniable fact that the global system is filled with cross-border challenges that appear to be beyond the capacity of a single state. In essence, international arrangements involving states, non-state actors, international business groups, international commissions and individuals with international legal personality are necessary to combat such legal challenges in the twenty-first century. Lamy, et al. (2015) contend that both international law and international organisations are critical in responding to problems of the 21st-century global system. First, they both coordinate global linkages by providing rules and laws for managing the exchange of information, products, services, money and finance in the international political system. Such examples include Chapter ix, Article 55 of the United Nations empowers the organization to be involved in global economic development being handled by ECOSOC across the continents of the world, Article 4 (2) of the African Union Charter makes provision for African Economic Community in the continent, and the sub-regional level ECOWAS Protocol on Democracy and Good Governance of 2001

makes provision for social dialogue and poverty eradication. Second, they both respond to common problems such as global warming, poverty, human rights abuses, refugees and pandemics that require collective policy response. Third, they both protect core values like human equality, liberty, democracy and justice across the world. Such can be seen in election monitoring by international organisations and promotion of cosmopolitan democracy through the activities of regional and sub-regional international organisations. Hence, the global system is a global order with enforcement mechanisms and institutions capable of coordinating the responses to the global crisis of the twenty-first century.

International law/organisations are equally involved in promoting the human condition across different continents of the world. This has featured prominently on the agenda of both International Governmental Organisations (IGOs) and International Non-governmental Organisations (INGOs). Very visible in this regard are human rights organisations such as Human Rights Watch and Amnesty International, among others, that handle humanitarian promotion across different continents of the world. For example, the United Nations Development Program has been actively involved in the Disaster Relief Model of assistance to people affected by famine, flooding, and war in countries around the world. Since the making of the Universal Declaration of Rights in 1948 by the United Nations, human rights issues have been championed through instruments such as conventions, statutes, and physical activities of international organisations in this regard. International organisations, in recent times, have provided platforms for international dialogue on human rights issues. Hence, the function of the existing international law and customs is to ensure that states do things together and that they pursue policies that are in the interest of most nations. They are activities in the economy, religion and culture and the promotion of services and technology with some degree of collaboration, and they are on the basis of certain regulations and conventions (Adeniran, 2007).

Mba (2013) accounts that the nation-building efforts, as part of the reforms of the United Nations in 2002, involve an agenda of protecting opposition factions, the political mobilisation of marginalised groups, such as women and indigenous peoples, and the restoration of judicial institutions to ensure the rule of law and defence of individual liberty. Consequent to this development, the United Nations Development Programme spent 300 million dollars on democratic governance projects in 145 countries in 2001. At the continental level, the principles of the African Union, constituted in 2001, are that Durban, South Africa, demand respect for democratic principles, human rights and the rule of law, good governance and condemnation of and rejection of unconstitutional changes to governance on the African continent (Shaw, 2011). Fifth, the maintenance of global peace and security in the contemporary period is equally the concern of international law and organisations. The high proportion of trans-border insecurity in the contemporary period points to the importance of international law and institutions in the twenty-first century (ISWAP), a case in point, disturbing peace in the West African sub-region. The operation of Islamic states in West African states, the high level of poverty, scarcity of needed social services, social exclusion and denials, identity issues, and the high spate of nationalist agitations have fanned the embers of insecurity that have manifested in information about terrorist acts, armed banditry, insurgencies, and guerrilla warfare, amongst others, across the globe.

Akindele (2011) notes that both international law and international organisations exist for building and strengthening institutional cooperation for the maintenance of peace and security in the global system. He explains that both have symbolic relationships with the management of peace, order and security and the promotion of sustainable development in the global system in the twenty-first century. A practical example is the codification and development of international law, such as the law of diplomatic practice, the legal basis for the management of international organisations, disarmament and arms control (SALT 1 and SALT

II, and the 1995 Comprehensive Nuclear Test Ban Treaty facilitated by the United Nations. In addition, certain core values being provided in the post-Cold War, twenty-first century are championed by global bodies. Such core values include the free market system, human rights issues, rule of law, democracy, and gender, amongst others (Akindele, 2011). In our contemporary world of thermo-nuclear power and interplanetary travel, international law has been the main bulwark against arbitrary and instrumental for maintaining international peace and security. In addition, the frightening mass poverty and widespread hunger ravaging the developing countries, coupled with drought and climate change that require international action and collaboration, underscore the necessity for a legal framework which international law and international organisations offer (Oyebode, 2011).

Conclusion and Recommendations

From the foregoing, it is incontrovertible that international organisations are indispensable to the contemporary global system due to the fact that they promote global understanding and predictability in inter-state relations. They also helped in protecting the global environment so that human sustainability can be assured. They equally constitute instrumentality for solving contemporary global challenges arising daily, some of which are beyond the unilateral ability of a single state to solve, thereby making collective action essential in today's world.

This paper therefore recommends the under-listed strategies to strengthen the instrumentalities of international law and organisations in the twenty-first century. First, the paper suggests a prompt, adequate review of international law to cover the scope of the contemporary global challenges of the contemporary period of digitalisation of social interaction that have further integrated people of the world. Second, it is equally necessary to strengthen its enforcement, with adequate sanctioning of erring states or international entities that come under its purview. Third, we advocate constructive reciprocal behaviour by members of international organisations, as this would reduce frictions in the global system. Also, demonstration of a sense of identity in solving global challenges such as health, malnutrition, political conflicts, and cultural issues is essential. Fourth, effective and sustainable political relations among states that constitute membership of international governmental organisations is essential. Effective diplomatic relations are advocated to make the enforcement of international law real and efficacious by international organisations. Fifth, the management of international institutions and organisations should be strengthened through adequate finance, recruitment based on expertise, and geographical representation to enhance their operations. Lastly, international organisations should rightly focus on their assigned roles by actualising the dictates of their charters and constitutive acts without any prejudice, curing undue favour of the hegemonic forces in international organisations.

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