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Governance of global peace and security through the international courts: Serving a holistic purpose or maintaining hegemony?

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Abstract
This paper examines the role of the international courts in the governance of global peace and security, and whether they serve a holistic purpose or maintain hegemony. It argues that the international judicial system is not a neutral arbiter of justice, but rather a political instrument that reflects and reinforces the interests and values of the dominant powers. The paper analyzes the jurisdiction, composition, and decision-making processes of the main international courts, such as the International Court of Justice, the International Criminal Court, and the WTO. It also explores the challenges and limitations that these institutions face in addressing complex and multifaceted issues of peace and security. The paper concludes that although these international courts have made some positive contributions to the promotion of global peace and security, they also suffer from serious flaws and biases that undermine their legitimacy and effectiveness.

Keywords: International courts, ICC, ICJ, WTO, Governance of peace and security, Criticisms, Hegemony.

Introduction

The act of controlling or supervising the direction and control of anything is referred to as governance. Hence, the governance of global peace and security pertains to the process of governing and maintaining peace and security in the international arena. The importance of such governance needs no description as it protects lives, promotes economic development, and fosters international cooperation and collaboration. Again, international courts (ICs) play a crucial role in achieving, maintaining, and governing global peace and security. In the words of Gentian Zyberi, *"International courts and tribunals are an important component of that ever-evolving system of global governance"* [1]. Lauterpacht recognizes that the primary objective of the international courts rests in operating as one of the tools for safeguarding peace [2].

ICs offer a forum for peaceful dispute settlement and thus play an important role in settling disputes between nations, upholding international laws and treaties, promoting diplomacy and averting military conflicts. Furthermore, their rulings and judgments serve as a deterrent against acts of aggression, ensuring that nations abide by the principles of international law and contribute to global stability. In short, ICs are serving a holistic purpose in securing and maintaining global peace and security. However, ICs are not free from criticisms and backlashes. One of the greatest criticisms is that they are promoting and establishing Western hegemony over other States.

Klamberg addressed the question of whether the international criminal justice system acts as a hegemonic tool for States [3] while Michael Baines addressed the hegemony of the ICC through its very architecture [4]. Moreover, the ICs have been alleged to be targeting African States and African offenders as easier targets as opposed to other States and offenders. Such practice has also been linked to the hegemonic structure of the ICs. And so, analyzing and assessing the roles of the ICs in achieving and maintaining global peace and security is crucial for overall global governance, especially in light of the accusations of hegemonic practices.

Against this backdrop, the main objective of this research is to examine the role and impact of the ICs in the governance of global peace and security. The research is focused on whether these institutions serve a holistic purpose of promoting justice, human rights, and cooperation, or whether they maintain and reinforce the hegemony of powerful states and actors. However, the research is not inclusive of all existing ICs. Rather, it will focus on three major courts namely; the International Court of Justice (ICJ), the International Criminal Court (ICC), and the World Trade Organization or WTO dispute settlement system. The paper first highlights the role of ICJ, ICC, and WTO in the governance of global peace and security, and then proceeds to analyze the extent of the truthfulness of the allegations of hegemony against these courts and the reasons thereof.

Overview of ICC, ICJ, and WTO Judicial Systems

The ICJ, established in 1945 by the UN Charter, acts as the principal judicial body of the UN. It operates under the Statute of the International Court of Justice which is also the source for its jurisdiction and judicial powers. All Member States of the UN are *ipso facto* parties to the Court. It plays a dual role by settling contentious cases between Member States, and by providing advisory opinions on legal issues. The court lacks compulsory jurisdiction over international disputes and the basis of its jurisdiction is the consent of States. States must agree to submit to the court's jurisdiction, either generally or for specific cases on an ad hoc basis. Jurisdiction may also be derived from treaties and conventions. However, its decisions don't have much binding force and it does not have any enforcement mechanism. Rather, it relies on the UN Security Council (UNSC) to enforce the decisions.

The ICC was established in 2002 at the Hague, Netherlands under the Rome Statute (RS). Unlike the ICJ, it focuses on prosecuting individuals and not States. It investigates and prosecutes individuals accused of the most serious crimes:

genocide, crimes against humanity, war crimes, and the crime of aggression. Its jurisdiction is mainly limited to States Parties, i.e., crimes committed on the territory of or by nationals of States parties. It can prosecute crimes referred to it by the UNSC or on ad hoc basis where States not party to the RS can accept the Court's jurisdiction for specific cases. The Court relies heavily on the cooperation of States for arrests and evidence gathering, and under the *Complementarity Principle*, it can only intervene when national courts are unwilling or unable to prosecute. Moreover, the Court lacks jurisdiction over crimes committed by nationals of or in territories of states not party to the RS.

The WTO is an international organization dealing with the rules of trade between nations. Its primary purpose is to facilitate smooth, predictable, and free trade by providing a forum for trade negotiation. However, it also acts as a dispute settlement body for resolving trade-related disputes and has an elaborate judicial dispute settlement mechanism [5]. WTO members can request consultations with other members if their benefits are nullified by another member's measure, or, if the consultation fails, they may request an adjudicatory panel of three people to examine the matter. After hearing the case, the panel compiles a summary of facts, arguments, findings, and conclusions. The parties may appeal to the WTO's Appellate Body, which issues a report, and the Dispute Settlement Body (DSB) adopts the reports unless agreed otherwise. Such adopted reports are legally binding.

ICC, ICJ, and WTO as Tools for Governing Global Peace and Security

ICs play a pivotal role in maintaining global peace and security by promoting justice, facilitating peaceful dispute resolution, and contributing to the development of international law and norms. Their contribution is crucial in maintaining international order and addressing conflicts and human rights violations. The following arguments highlight their significance in governing global peace and security.

Facilitation of Peaceful Dispute Resolution between States

The ICC, ICJ, and WTO help resolve disputes peacefully through legal means rather than through military conflict. By providing a neutral platform for adjudication, they reduce the likelihood of conflicts escalating into violence. In Luis Drago's words *"civilization … supported by weapons [was replaced by] a civilization founded on arbitration of justice"* [6]. Again, their decisions are binding on States that have accepted the jurisdiction, providing a clear and enforceable resolution to disputes. This contributes to international stability and predictability. Moreover, by providing consistent and well-reasoned judgments, these institutions establish legal precedents that guide states in their interactions, promoting a rules-based international order.

For example, the ICJ has successfully adjudicated disputes between States, such as the peaceful resolution of the border dispute between Burkina Faso and Mali in 1986. The ICJ has helped avert future conflicts by giving States a judicial platform to settle disputes. Its decisions often set legal precedents that clarify international law, thus preventing future disputes. Again, the WTO has successfully resolved approximately 300 disputes, demonstrating its impartiality and effectiveness, notably in cases like *'Standards for Reformulated and Conventional Gasoline'* and *'Import Prohibition of certain shrimp and shrimp products'.*

Promotion of justice and accountability and deterrence of international crimes

By holding individuals accountable for atrocities such as genocide, war crimes, and crimes against humanity, international courts deter potential perpetrators. The establishment of the ICC serves as a warning that the international community will not tolerate impunity [7]. This court reinforced the importance of human rights and the rule of law, sending a strong message that violations will be prosecuted and peace will be promoted. Elihu Root in his 1912 Nobel Peace Prize lecture asserted that the establishment of a permanent court was *"the best efforts of those who wish to promote peace"* [8]. Moreover, the Court's jurisdiction was expanded to cover crimes like aggression and war crimes.

The Court has been conducting trials and investigations concerning some of the most horrific conflicts in the world since it started operation in 2003 and has not hesitated to look into those in positions of authority, including sitting presidents. The ICC has successfully prosecuted several high-profile cases. For instance, the conviction of Thomas Lubanga Dyilo in 2012 for recruiting child soldiers in the DRC was a landmark verdict. The ICC's existence and ongoing investigations can deter potential perpetrators of international crimes by signaling that they may be held accountable.

Contribution to the Development of International Law and Norms

The ICC, ICJ, and WTO interpret and apply treaties and conventions, helping to clarify and develop international law. Their rulings contribute to the body of international jurisprudence, influencing future cases and legislation [9]. Through their decisions, they create norms and standards that states are expected to follow, fostering a cohesive and unified legal framework globally. These courts promote fundamental legal principles such as accountability, justice, and the protection of human rights, which are essential for a stable and just international order. For example, the ICC's interpretations of the Rome Statute have contributed to the understanding of crimes like genocide and crimes against humanity. The ICJ strengthens the international rule of law by upholding treaties and conventions, contributing to a more predictable and stable international system. The ICJ's advisory opinions, while non-binding, have provided authoritative guidance on international legal issues, contributing to global stability.

By participating in international courts, States demonstrate their commitment to upholding international law and cooperating in addressing global challenges. This cooperation strengthens diplomatic relationships and collective security efforts. These institutions often work with national judicial systems like the International Crimes Tribunal Bangladesh to build capacity, improve legal frameworks, and support domestic prosecutions of international crimes, enhancing overall legal standards globally. International trials and judgments raise global awareness about serious crimes and human rights violations, educating the public and promoting a culture of accountability and respect for the rule of law [10]. Again,

they provide valuable training and experience for legal professionals worldwide, contributing to developing a skilled international legal community dedicated to justice. For example, The ICC Institute of World Business Law is a think tank that offers research, training, and information to lawyers, business professionals, and law students interested in the advancement of international business law.

4. Are ICs a Hegemonic Tool? Analysis of ICC, ICJ, and WTO

"Hegemony" usually means the leadership or dominance of one state or social group over others. In this paper, the concept of hegemony is used in the same sense as Antonio Gramsci proposed which is, "*a system of class alliance where a dominant class exerts political leadership over subordinate classes*" [11]. In this context, ICs, when viewed through the lens of hegemonic tools, demonstrate how powerful states can leverage these institutions to maintain or extend their influence. The paper will focus on three key institutions: the ICC, the ICJ, and the WTO, highlighting their roles and the associated criticisms regarding hegemonic practices, and will focus, in particular, on the allegations of Western hegemony. Emeritus scholar M Rafiqul Islam, argues that the post-war organizations were created to maintain a Western hegemonic world order and contends, *"…the purpose was neither to promote democratic decision-making, nor the maintenance of world peace and security, but to advance the powerful minority-dominated world order by making the rest of the world powerless"* [12].

The ICC and its Western Hegemony

While ICC's establishment was a milestone in international justice, criticisms have emerged regarding its operations and perceived biases. The ICC has the mandate to prosecute criminals but not States although a State or even a third party State can be a party to a proceeding. However, the crimes tried by the ICC are of such nature that an individual cannot commit them without the help of State organs. This gives the powerful nations the scope to evade responsibility and is the main source of hegemonic criticism against the ICC.

The ICC jurisdiction is flawed by an overabundance of systemic, west-centric bias, which is evident in its orientations. Its indictments of Sudanese President Omar al-Bashir and Kenyan leaders Uhuru Kenyatta and William Ruto highlight its controversial interventions in African politics, with some arguing it selectively prosecutes African cases while overlooking atrocities committed by the US and its allies in countries such as Syria, Iraq, and Afghanistan [13]. This selective focus has resulted in allegations that the ICC is a tool of the western hegemony. At the heart of these accusations is the influence of the UNSC and the interests of its five permanent members (P5).

The UNSC can refer or defer any situation to the ICC which allows the ICC to exercise jurisdiction over non-party States. This is notable as major UNSC members; the US, China, and Russia are not ICC members. However, the problem with the UNSC making judicial decisions is that it leads to the *"politicization of the ICC"* [14]. This places the ICC under the influence of the dominant UNSC States leading to claims that the powerful nations manipulate the ICC and target countries or individuals who pose a threat to their interests [15]. Many African States already contend that politics is the main determining factor in ICC investigation and prosecution [16]. Moreover, the ICC's legitimacy as an independent court of law is called into question by the UNSC's interventions. For example, despite several resolutions, the UNSC failed to take action in the Syria situation due to the veto of its members. The problematic role of the UNSC in the ICC jurisdiction justifies it as being a hegemonic tool [17].

In addition, the fact that most powerful states are not members of the ICC renders its' jurisdiction inoperative. The reluctance of major powers like the US, Russia, and China to ratify the Rome Statute complicates the ICC's legitimacy as these are the same powers that exercise veto power in the UNSC. Their ability to influence the ICC's operations particularly, its investigation and prosecution, without being subject to its jurisdiction exemplifies the asymmetrical power dynamics at play. For example, the US recently imposed sanctions on some military and police officials of Bangladesh for corruption and grave human rights violations [18]. It will not be surprising if these individuals face ICC trials in the future as the same thing happened in the case of the African leaders. Again, the ICC is empowered to investigate Israeli atrocities against the Palestinians on the same grounds as the Bangladesh/Myanmar situation. However, the ICC appears to be unable to exert its power due to Western political pressure. Moreover, Fatou Bensouda, former ICC chief prosecutor, faced threats when she sought an arrest warrant against Netanyahu [19] and faced visa restrictions from the US due to her independent investigation into alleged war crimes in Afghanistan involving US military personnel [20].

ICJ and its inaction in certain situations promote hegemony

ICJ, in practice, is not hegemonic, it nonetheless, has failed in many instances to uphold its decisions and rulings made against the powerful Western superpowers. One fundamental reason for such failure is that the ICJ does not have any mechanism to enforce its decisions; rather the UNSC has the authority to enforce ICJ rulings, although any attempt at enforcement may be blocked by the P5. Furthermore, the UNSC has been criticized for executing "*the will and desires of some States*" [21].

Countries like the US and Israel most often disregard international law and defy ICJ rulings made against them. For example, Israel defied the 2024 ICJ order in taking immediate and effective measures to protect the Gaza people and obstructed humanitarian aid from reaching Gaza [22]. Again, the ruling of the ICJ in the 2004 Wall case was rejected by Israel, and instead of fulfilling its obligation to cease the works of the wall, it has further extended the wall. Hence, questions keep arising as to the inaction of the ICJ in bringing powerful nations to the book. The Nicaragua case provides a comprehensive understanding of how the inaction and inefficiency of the ICJ maintain and promote Western hegemony.

The Nicaragua vs. United States case is a glaring example of the powerful States using the ICJ on their whim, and only resorting to the Court when they feel it to be right but refusing when anything goes against their interests. In this case, the US had challenged the ICJ's jurisdiction when it was held responsible by the Court and refused to appear before it although the US did acknowledge the Court's authority in situations like the 1948 case regarding *the*

Rights of Nationals of the United States of America in Morocco, and the 1984 decision regarding *the Bay of Maine dispute with Canada*. However, after the ICJ confirmed its jurisdiction over Nicaragua's claims, the US chose not to participate in the merits phase and further demonstrated its disapproval by terminating the 1955 Treaty on Friendship, Commerce, and Navigation with Nicaragua and withdrawing its declaration under Article 36(2) of the ICJ Statute, which together formed the basis for the court's jurisdiction [23]. In its 1986 ruling, the ICJ found the US guilty and ordered the US to cease its actions and compensate Nicaragua [24]. Nonetheless, the US ignored Nicaragua's requests for compensation negotiations and continued supporting the Contras (Rebel group).

Nicaragua sought to enforce the judgment through the UNSC. However, multiple UNSC draft resolutions were blocked by US veto. Nicaragua then turned to the UNGA which passed four resolutions calling for compliance with the ICJ judgment. Despite this, the US never complied with ICJ rulings and continued to assert that the ICJ lacked jurisdiction. The case stands as a significant example of a State openly defying the ICJ's decisions. Moreover, one important question remains! If the ICJ or the UN can't really implement their decisions against any powerful States, then how is justice supposed to be truly achieved, and international peace and security be ensured? Since the answer cannot be ascertained, the hegemonic criticism against the ICJ is sustained.

There are problems in the selection of ICJ judges as well as it is disproportionately influenced by the UNSC [25]. The Statute requires the 15 judges of the ICJ to be elected by the UNGA and the UNSC and such elections are done on the basis of an absolute majority of votes in both bodies. There is also scope for re-election of the judges which is held in the UNGA. It has thus been speculated that a member of the Court seeking re-election will, like any true politician, be overly swayed by the possibility of garnering enough votes in the UNGA, rather than by the merits of the case. The provision of ad hoc or national judges is another issue of criticism against the ICJ. An ad hoc judge will, almost undoubtedly, end up favoring their national State. This poses a serious threat to the requirement of impartiality of the ICJ judges. For example, it was reported that one ad hoc judge from Israel, sitting in the Genocide case against Israel, has been bypassing international norms for a long time in order to maintain Israeli apartheid [26].

WTO and its Role in Economic Hegemony

While the WTO has a Dispute Settlement Mechanism (DSM), enforcing compliance with its rulings can be challenging, particularly when powerful States or countries are involved. Critics argue that the WTO's rules and policies often favor developed countries while developing and least-developed countries struggle to benefit equally from the global trading system [27]. The WTO also faces criticism for a perceived lack of transparency and accountability in its operations, leading to questions about its legitimacy and relevance in the modern global economy.

The DSM is often perceived as biased towards developed countries, which have more resources and expertise to navigate complex legal procedures. This has led to a perception of economic hegemony, where powerful nations can shape trade rules to their advantage. Joseph A. Conti made an analysis of the cases brought before the WTO dispute settlement system and recognized the *"hegemony of the economically powerful in the WTO proceedings"* [28]. It is frequently noted that a major drawback of the WTO dispute settlement system for developing countries is their inability to enforce favorable rulings against powerful WTO members. Moreover, the dispute settlement process of the WTO is facing a significant crisis. The appeals mechanism is currently non-functional due to the US blocking appointments to the Appellate Body. Consequently, most panel reports are being appealed without resolution, leaving disputes unsettled which makes it very challenging for WTO members to enforce obligations by filing complaints against measures they consider to be violations. Additionally, a WTO Report reveals that powerful countries frequently violate agreements with smaller nations [29]. But, the WTO remains silent in such violations which can be seen and interpreted as one kind of hegemony.

The long-standing dispute between the EU and the US over banana imports from former European colonies in the Caribbean aka Banana Trade Disputes exemplifies the use of the WTO as a hegemonic tool. The conflict, which involved complex legal battles and trade sanctions, demonstrated how powerful countries leverage the WTO to protect their economic interests. The conflict arose when the US argued that the EU's policy, which granted banana producers from former Caribbean colonies special access to European markets, violated free trade principles. The EU justified this favor asserting that the export of bananas to the European market is the only source of income for these small economies. Nonetheless, the US complained to the WTO against the EU and won the case in 1997, resulting in the WTO directing the EU to revise its regulations. However, the fact that the dispute took a long time to be resolved shows the slow demise of the DSM and the hegemony by the largest trading countries and blocks leading to claims that the DSU was being intentionally used to delay politically challenging compliance. This was seen as undermining the purpose of the DSM and even the WTO itself [30].

The hegemonic use of the DSU and the DSM is even more evident from an analysis of the cases filed by the US as this powerful State has shown a tendency to argue all the cases in its favor. For example, in the *Tuna-Dolphin case* brought by the US, it had justified its import embargo on Mexico on the grounds of environmental protection and this wasn't questioned by the WTO either. However, when the EU banned EC hormone-injected beef export due to health concerns, the WTO ruled in favor of the US and put the evidentiary burden on the EU. Hence, the WTO's dispute settlement system is put under scrutiny as a body promoting Western hegemony.

Challenges and Limitations in Addressing Complex Issues

The effectiveness of the ICC, ICJ, and WTO as ICs is hindered by a range of structural and operational challenges. Addressing these issues requires concerted efforts to enhance jurisdictional reach, ensure impartiality, secure adequate resources, and foster greater international cooperation. However, balancing the pursuit of justice with political and diplomatic realities remains a delicate and ongoing task for these institutions.

The connection of the ICC, ICJ, and WTO to political or executive institutions poses great challenges to their functioning and efficacies. However, the idea that law is separate from politics is misguided, as law originates from political decisions and legal language is a form of politics [31]. Law and international justice are intertwined with politics as they reflect the outcomes of political systems and reinforce existing power dynamics and interests [32]. All courts and trials are political to some degree although international criminal trials are particularly politically charged due to the highly disputed facts, causal relationships, and contexts involved in these trials leading to the courts unavoidably adopting a political position [33]. Therefore, political decisions about prosecution made by the ICC, ICJ, and WTO are not intrinsically problematic; rather, the problem is the lack of transparency and democracy around these decision-making processes.

The effective functioning of justice institutions requires political cooperation among member States for evidence gathering and arrests. Without effective cooperation, it is nearly impossible for these institutions to achieve their goal of delivering justice. The reach and impact of international courts are significantly curtailed in the absence of widespread participation. Cooperation levels can also vary widely, with some States fully supporting international courts and others actively obstructing their work like the US. States are often reluctant to cede sovereignty to international courts, fearing loss of control over national matters. In many cases of the ICC against African leaders, the ICC couldn't achieve the desired success due to the lack of support and cooperation from those States. This again was the consequence of the claims of hegemony. Inconsistent cooperation from powerful as well as influential states like the US can lead to fragmented support for international judicial mechanisms, weakening their overall effectiveness. Thus, it is a challenge for these courts to balance their work and also ensure cooperation and compliance. Imperialism is another great challenge as scholars have generally assumed that these institutions are the product of major-power interests [34]. Imperialism doesn't always imply economic or territorial control; it can also be viewed as a method for the dominant power to create a hierarchy that limits the independent decision-making abilities of other states and international organizations, posing challenges in the context of the international justice system [35].

Moreover, these courts have limited jurisdiction restricted to States that have consented to their authority or to only some specified crimes. This restricts their ability to address all potential international crimes and disputes. Consequently, only certain cases come under their purview, leading to allegations of selective justice. Selectivity and inconsistency can erode the legitimacy and authority of these international legal institutions. For example, The AU Summit 2009 decision suggests a sentiment that African leaders should not face trials under non-African jurisdictions [36]. Furthermore, the perceptions of bias against the judges and prosecutors in these ICs undermine their legitimacy. This causes the affected parties and the international community like the AU to lose trust in the impartiality and fairness of these ICTs [37]. These institutions also need to deal with the problems of limited financial and human resources, which restricts their capacity to take on and thoroughly investigate a large number of cases. It is difficult for these institutions to navigate complex diplomatic landscapes while prosecuting certain cases as legal actions might exacerbate conflicts or lead to retaliation, affecting regional and global stability.

Recommendations for Improvement

In light of the aforementioned challenges, these international courts must adopt some measures both for their institutional development and for better governance of global peace and security.

First and foremost, the ICC, ICJ, and WTO need to focus on strengthening their enforcement mechanisms. As already discussed, these institutions lack strong enforcement mechanisms and mostly depend on other political bodies for the enforcement of their decisions which raises concerns regarding their integrity and impartiality and allows the powerful States to bypass jurisdiction or evade responsibility. Thus, having strong enforcement mechanisms will not just ensure that justice is served but also save these institutions from hegemonic criticisms. Additionally, there needs to be repercussive measures whenever any party to a dispute, irrespective of whether it's a powerful one or not, defies the court decision as such defiance will only pose more questions as to the inefficiency of the court and make the hegemonic claim stronger.

Moreover, these courts should strictly adhere to their founding principles and uphold international legal norms. In particular, the ICC should follow the complementary principle to avoid pushback and backlashes and should rather focus on enabling the national courts to handle the cases and enhance their national prosecution systems [38]. This principle dictates that the ICC should only intervene when national jurisdictions are inactive, unwilling, or unable to prosecute. It also needs to be ensured that national jurisdictions are respected. The ICC can provide resources and training to the countries for this purpose. It should also encourage the dualist States to integrate the Rome Statute into their national laws [39]. Without such integration, perpetrators cannot be prosecuted at the national level.

These institutions also need to expand their jurisdiction and resources to cover all aspects of the international justice system. They need to eliminate the perception that they are some external entity. For these ICTs to be widely accepted, it is crucial to involve regional entities such as ECOWAS, SADC, SAARC, and OIC [40]. A method should be devised to enable these institutions to connect the political and judicial agendas within their respective regions. Moreover, they need to promote judicial independence and impartiality at levels of justice. The central role of the UNSC remains a point of contention at both the ICC and the ICJ as its political dynamics threaten the actual and perceived independence of these courts. Thus the institutional role of the UNSC needs to be balanced and the UNSC's interventions should be dealt with extreme caution, particularly concerning regions that are under-represented within the Council.

Conclusion

The role and contribution of international courts to global peace and security can be evaluated from several points of view, such as jurisdictional authority, judicial activities, and stakeholder, considering their intended functions, actual performance, and perceived relevance in upholding peace. It is challenging to measure their efficacy as the public

benefits they generate, like justice, peace, and legal certainty, are hard to quantify, and this is made more difficult by the different ways that people comprehend the idea of peace [41]. The creation of ICs, with their focus on individual accountability for mass atrocities, has sparked a debate on peace versus justice yet the ICTY and ICTR have been pivotal in investigating and prosecuting perpetrators of genocide, war crimes, and crimes against humanity. It is only natural that there would be many criticisms of the ICC, ICJ, and WTO as none of these courts is a "purely legal institution" and there is always international politics and power play. Nevertheless, it is impossible to disregard the role of these institutions as a paramount component of global governance or their success.

For example, the ICC is the "first permanent international criminal court" in history which is now continuing the legacy of the ICTY and the ICTR. The ICC has been endeavoring to ensure independent prosecution, fair trials, victims and witness protection, and also to make sure that defendant rights are upheld, and victims' voices are heard. Again, the hegemonic criticism against the ICC is not always justified considering that thirty-three AU countries are members of the ICC. Furthermore, African States had a significant involvement in drafting the RS and many AU States like Uganda, DRC, and the CAR utilized the ICC referrals [42]. Additionally, it is speculated that African States try to use the ICC for political motivations. The success stories of ICJ are also many as it has been described as *"one of the most effective organs of the UN"* [43] while the WTO dispute settlement system is said to be far more effective than the earlier systems [44]. Moreover, the WTO dispute settlement system's obligatory framework and enforcement mechanism make it stand out when compared to other multilateral dispute resolution systems under international law.

However, these success stories don't imply that all the criticisms can be overlooked or be taken lightly. Due to the power politics at the international justice levels, it is crucial that these ICTs thrive to overcome these criticisms and instead of denying influence of politics, can try to explain their choices. Moreover, the provisions of equity and good science, as applied by the ICJ in maritime delimitation [45] can be more utilized by these ICTs as that will contribute in sweeping away the flaws and biases that undermine their legitimacy and effectiveness. Furthermore, they need to take effective actions in overcoming the challenges and seek international cooperation in doing so. Hence, despite all the hegemonic claims, these institutions have contributed far more in global governance of peace and security.

References

1. Gentian Zyberi, "The Role and Contribution of International Courts in Furthering Peace as an Essential Community Interest" in Bailliet, Cecilia Marcela, and Kjetil Mujezinovic Larsen ed., Promoting Peace Through International Law (Oxford Academic 2015) 1.
2. Hersch Lauterpacht, "The Development of International Law by the International Court" (Steven & Sons Limited, 1958, 3.
3. Mark Klamberg, "Rebels, the Vanquished, Rogue States and Scapegoats in the Crosshairs: Hegemony in International Criminal Justice" (Torkel Opsahl Academic E-Publisher, 2020.
4. A. Michael Baines, "Hegemony through the Architecture of the International Criminal Court" (International Gramsci Journal, 2021, 4(3).
5. Yuji Iwasawa, "Third Parties before International Tribunals: The ICJ and the WTO", (Kluwer Law International, Netherlands, 2002).
6. Luis Drago, as quoted in William I Hull, "The Two Hague Conferences and Their Contributions to International Law" (Ginn and Company 1908) 340.
7. Heinz Gerhard Justenhoven, "World Peace through International Adjudication?" in Heinz Gerhard Justenhoven *et al* (eds), Peace Through Law: Can Humanity Overcome War? (Nomos/Bloomsbury 2016) 215.
8. The Nobel Prize organization, Elihu Root, Nobel Lecture, "Towards Making Peace Permanent" (1914) <https://www.nobelprize.org/prizes/peace/1912/root/lecture/> accessed 19 October 2024.
9. Karen J Alter, "The Multiplication of International Courts and Tribunals after the End of the Cold War", (Oxford University Press December 2023).
10. Jochen von Bernstorff, "The Public International Law Theory of Hans Kelsen: Believing in Universal Law" (CUP 2010) 195.
11. Valeriano Ramos Jr., "The Concepts of Ideology, Hegemony, and Organic Intellectuals in Gramsci's Marxism", (Theoretical Review No. 27, 1982).
12. M Rafiqul Islam, "The hegemonic Western world order in crisis in Gaza", May 3, 2024, The Daily Star, Dhaka, <https://www.thedailystar.net/law-our-rights/news/the-hegemonic-western-world-order-crisis-gaza-3600791> accessed 1 November 2024.
13. Ronald Chipaike, Nduduzo Tshuma and Sharon Hofisi, "African Move to Withdraw from the ICC: Assessment of Issues and Implications", (India Quarterly 2019), 338.
14. Mehari Taddele Maru, "The International Criminal Court and African leaders: Deterrence and general shift of attitude", (ISPI Analysis No.247, 2014).
15. Hans-Peter Kaul, "The International Criminal Court – Current Challenges and Perspectives", (Salzburg Law School on International Criminal Law 2011).
16. Benson Chinedu Olugbuo, "The African Union, the United Nations Security Council and the Politicization of International Justice in Africa", (African Journal of Legal Studies 2014) 351.
17. Lea Ina Schneider, "The International Criminal Court (ICC) – A Postcolonial Tool for Western States to Control Africa?" (Journal of International Criminal Law 2020) 91.
18. Ali Riaz, "US sanctions on Bangladesh's RAB: What happened? What's next?" (16 December 2021), <https://www.atlanticcouncil.org/blogs/southasiasource/us-sanctions-on-bangladeshs-rab-what-happened-whats-next/> accessed 7 November 2024.
19. Harry Davies, "Revealed: Israeli spy chief 'threatened' ICC prosecutor over war crimes inquiry", The Guardian, May 28, 2024, <https://www.theguardian.com/world/article/2024/may/28/israeli-spy-chief-icc-prosecutor-war-crimes-inquiry?CMP=share_btn_url> accessed 7 November 2024.
20. Human Rights Watch, Questions and Answers Segment, "US Sanctions on the International Criminal

Court", (Dec 14, 2020), <https://www.hrw.org/news/2020/12/14/us-sanctions-international-criminal-court> accessed 8 November 2024.
21. Prof. Aman Mishra, "Problems in Enforcing ICJ's Decisions and the Security Council", (Global Journal of Human-Social Science: F Political Science, Volume 15, Issue 5, 2015).
22. Amnesty International, "Israel defying ICJ ruling to prevent genocide by failing to allow adequate humanitarian aid to reach Gaza", (26 February 2024), <https://www.amnesty.org/en/latest/news/2024/02/israel-defying-icj-ruling-to-prevent-genocide-by-failing-to-allow-adequate-humanitarian-aid-to-reach-gaza/> accessed 10 November 2024
23. Lan Nguyen And Truong Minh Vu, "After The Arbitration: Does Non-Compliance Matter?" (22 July 2016), <https://amti.csis.org/arbitration-non-compliance-matter/> accessed 10 November 2024.
24. Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America) Jurisdiction and Admissibility, Judgment, I.C.J. Reports 1984, p. 392.
25. S. Gozie Ogbodo, "An Overview of the Challenges Facing the International Court of Justice in the 21st Century", (Annual Survey of International & Comparative Law, Vol. 18, Issue 1, 2012).
26. Dr Mazen Masri, "Aharon Barak and Israel's legal illegality", (Aljazeera Opinions, 11 January 2024), <https://www.aljazeera.com/opinions/2024/1/11/aharon-barak-and-israels-legal-illegality> accessed 15 November 2024.
27. Kyle Bagwell, Petros C. Mavroidis and Robert W. Staiger, "The Case for Tradable Remedies in WTO Dispute Settlement" (World Bank Policy Research Paper No. 3314, Washington, DC, 2004), 14–15.
28. Joseph A. Conti, "The Good Case: Decisions to Litigate at the World Trade Organization", (Law & Society Review 2008) 145 - 182, p 177.
29. World Trade Report 2007, WTO, 284.
30. Case study on the World Trade Organization, <https://www.globe-project.eu/case-study-on-the-world-trade-organization_11312.pdf> accessed 5 December 2024.
31. Wouter Werner, "The Use of Law in International Political Sociology", (International Political Sociology 2010) 305.
32. Westen K. Shilah, "The International Criminal Court and the African Union: Is the ICC a bulwark against impunity or an imperial Trojan horse?" (African Journal on Conflict Resolution 2018) 130.
33. Martti Koskenniemi, "Between Impunity and Show Trials", (Max Planck Yearbook for United Nations Law 2002) 29–30.
34. Kenneth W. Abbott and Duncan Snidal, "Why States Act through Formal International Organizations", (Journal of Conflict Resolution, 1998 vol. 42, no. 1) 24.
35. Michael W. Doyle, "Empires", (Cornell University Press, London 1986) 31–37.
36. AU Assembly, Decision on the Meeting of African States Parties to the Rome Statute of the International Criminal Court (ICC), Assembly/AU/Dec 245(XIII), (July 2009).
37. Christopher Gevers, "International Criminal Law and Individualism: An African Perspective" in Schwöbel Christine (ed.), Critical Approaches to International Criminal Law, An Introduction (2014), 221–245, 221, 229.
38. Charles Chernor Jalloh, "Africa and the International Criminal Court: Collision Course or Cooperation", (North Carolina Central Law Review 2012) 203.
39. Michelle Nel and Vukile Ezrom Sibiya, "Withdrawal from the International Criminal Court: Does Africa have an alternative?" (African Journal on Conflict Resolution 2017) 91.
40. Jeremy Sarkin, "The Role of the International Criminal Court (ICC) in Reducing Massive Human Rights Violations Such as Enforced Disappearances in Africa: Towards Developing Transitional Justice Strategies", (Studies in Ethnicity and Nationalism 2011) 130.
41. David P. Barash, "Approaches to Peace: A Reader in Peace Studies", (Oxford University Press, 2nd ed. 2010).
42. Thomas O. Hansen, "Africa and the International Criminal Court", in Murithi Tim ed., Handbook of Africa's International Relations (2013), 165–179
43. ICJ Success Stories, <https://www.unfoldzero.org/wp-content/uploads/ICJ-Success-Stories-1.pdf> accessed 20 December 2024
44. WTO, Dispute Settlement System Training Module: Chapter 12, "Evaluation of the WTO dispute settlement system: results to date", <https://www.wto.org/english/tratop_e/dispu_e/disp_settlement_cbt_e/c12s3p1_e.htm> accessed 20 December 2024
45. Maritime Dispute (Peru v. Chile), Judgment, I.C.J. Reports 2014, p. 3, para. 180.