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EDITORIAL ANALYSIS

"International Law, Optional for Powerful States": The Crisis of the Rules-Based Order

THE HINDU

30 May 2026 · IR · GS2 · GS4

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"International Law, Optional for Powerful States": The Crisis of the Rules-Based Order

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GS2

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INTERVIEW ANGLE



"The Hindu argues that selective compliance with international law by powerful states is eroding the rules-based order. As an Indian diplomat at the UN, how do you balance principled adherence with realpolitik when other states treat international law as optional?"

Argues that selective compliance with international law by powerful states (ICJ rulings ignored, ICC warrants defied, UN Charter contraventions normalised, WTO appellate body sidelined) is eroding the — disadvantaging the Global South including India, and forcing a recalibration of how middle powers engage international institutions.

THE ARGUMENT IN ONE LINE

International law is **only as binding as the most powerful actors choose to make it** — and when the US, Russia, China, and Israel openly defy ICJ/ICC/UN Charter obligations without consequence, the rules-based order shifts from a normative architecture to a tool of selective application — leaving Global South states like India to navigate by **strategic autonomy rather than principled multilateralism**.

WHAT THE EDITORIAL DIAGNOSES

INSTITUTION	RECENT EROSION
International Court of Justice (ICJ)	South Africa v Israel (Gaza genocide case) — provisional measures from January 2024 onward; Israel/US compliance contested
International Criminal Court (ICC)	Arrest warrants vs Israeli/Russian leaders; major powers refuse cooperation; US sanctions on ICC officials (2025)
UN Security Council	Veto deadlock — Russia (Ukraine), US (Gaza), China (Myanmar) — paralyzes Chapter VII action
WTO Appellate Body	Defunct since December 11, 2019 (US blocking judge appointments); ~31 WTO members operate via Multi-Party Interim Appeal Arbitration Arrangement (MPIA, April 2020) — India has not joined and questions its WTO-legitimacy
UNCLOS	China's defiance of 2016 Permanent Court of Arbitration ruling (Philippines v China, South China Sea)
Non-Proliferation Treaty (NPT)	Erosion via US-Saudi/UAE deals; Iran nuclear standoff

WHY IT MATTERS FOR INDIA

India occupies a **structurally ambiguous position**:

INDIA'S LOCATION	IMPLICATION
Largest Global South democracy	Has historical investment in UN-system multilateralism (G77 co-founder, NAM original)
Non-permanent UNSC member (multiple terms; pushing for permanent seat)	Needs the UNSC to be legitimate
Treaty-respecting actor	India accepts ICJ compulsory jurisdiction (with reservations); is at ICJ in some cases
Strategic autonomy practitioner	Refuses to be bloc-captured; preserves Russia/Iran ties despite Western pressure
Beneficiary AND target of selective law	E.g., on Kashmir, Aksai Chin — India insists these are integral; faces Western/UNSC second-guessing

THE EDITORIAL'S KEY CLAIM

When **international law becomes optional for the powerful**, three consequences follow:

- ❶ **Norm-erosion cascades** — once one power defies, others follow (“if the US can ignore the ICJ, why must India accept WTO?”)
- ❷ **Compliance asymmetry** — middle and small states bear higher cost of compliance while major powers don't.
- ❸ **Institutional decay** — ICJ rulings without compliance become advisory rather than binding; the architecture survives in form but not function.

WHAT INDIA SHOULD DO — EDITORIAL'S IMPLIED PROGRAMME

TRACK	ACTION
Principled position	Continue treaty fidelity (NPT-equivalent restraint, Geneva Conventions, IHR-2005); refuse to mirror powerful states' defiance
Multilateral reform	Push UNSC reform (G4 with Japan, Germany, Brazil); WTO Appellate Body revival; ICJ/ICC accessibility
South-South diplomacy	Lead Global South coalitions on selective issues (climate finance, vaccine access, debt relief)
Hybrid order	Engage minilaterals (Quad, BRICS, SCO) while preserving UN-based multilateralism as default
Strategic autonomy	Reject bloc-capture; maintain Russia, Iran ties alongside US, Israel

COUNTER-VIEW

Realist scholars (Mearsheimer, Walt) argue that **international law has always been epiphenomenal** — what powerful states allow. The editorial's premise of an earlier “golden age” of compliance is somewhat romantic. India's response is therefore not to mourn a rules-based order that never fully existed but to **build leverage within institutions** — UNSC seat, WTO position, BRICS NDB, etc.

UPSC HOOKS

PAPER	ANGLE
GS2	International institutions; UN reform; ICJ; ICC; WTO; rules-based order; selective compliance; treaty law (VCLT)
GS4	Ethics of state conduct; integrity vs realpolitik; institutional fidelity
Essay	“International law is what international politics allows it to be” — discuss with examples
Mains	“India’s foreign policy must balance principled multilateralism with strategic autonomy. Discuss with reference to the contemporary crisis of the rules-based international order.”

CROSS-LINKS

- South Africa v Israel ICJ case (Jan 2024 ongoing)
- ICC warrants on Netanyahu, Hamas leaders (Nov 2024)
- WTO Appellate Body suspension (Dec 2019)
- Permanent Court of Arbitration South China Sea (2016)
- Quad “Different Directions” editorial (May 30, 2026 — companion piece)
- VCLT Articles 60, 62 — material breach + fundamental change of circumstances (cited in India’s IWT abeyance, 2025)

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