

## An article on the Global Governance: The Power and Limits of International Law Jurisprudence

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**ABSTRACT:** International Law's role in shaping global governance is important, yet its powers and limits remain complicated. This article examines the Jurisprudence of international law, probing its capacity to regulate state behaviour, promote human rights and addresses global challenges. The emphasis of this article is to discover how the international law's effectiveness hinges on the interplay between global legal institutions, state consent and normative evolution. Through some selected cases and analysis the article brought into fore international law's potential to shape global governance while acknowledging its structural limitations.

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**KEYWORDS:** Global Governance, International Law Jurisprudence, Power and Limits.

### INTRODUCTION

Global governance relies heavily on international law to address transnational issues, from climate change to human rights abuses. In the course of writing this article, some salient questions were raised: is it the force for justice or a tool for powerful states that drives international law? This article therefore, examines some and explores international Law's power and limits, defining what law and the concept and meanings of international laws and examining its role in shaping global norms and regulating state behavior. The article will navigate the complex interplay between law, politics and power seeking to understand when and how international law matters in global governance.

### Law

According to Austin "Law is a rule of conduct prescribed by a sovereign authority". Hart defined "Law as the union of primary and secondary rules". John saw "Law as the expression of the will of the people". Kant defined "Law as a set of moral law that governs human behaviour".

I will define "Law" as a set of moral standards on how individuals must behave in a given society for the overall interest of all." Practically, Law is the silent voice in man that makes him to obey the positive side of his being for the overall interest of the society as a whole. Also, I identify Law as Law, be it constitutional, spiritual or moral compass which all must dance to its rhyme and any who disobeys must face some penalties.

Ibeanu defined Law as a body of rules designed, reorganized and applied by the state in the administration of justice. Law is like a guide which sets the rules, keeps everyone in check and ensures fair play in dealing with each other. In Nigeria, Law is a mix of tradition, culture and modern governance. It is the backbone of society guiding how we live, work and interact.

The Nigerian legal system is a complex one drawing from the English common Law which expressly was adopted into the Nigeria's legal system following the Status of General Application (SOGA) of 1800, the customary Law and Islamic Law. The constitution of the federal republic of Nigeria (FRN) 1999 as amended is the ground norm of Law, overriding every other laws of the country. Laws in Nigeria are made by the National Assembly and state legislatures, enforced by the Executive and interpreted by the Judiciary. Law is not all about rules but it is about the assurance of justice, fairness and protecting human rights.

Nigeria as an international community operating within the rules of law in global governance is inherently limited with corruption, inequality and insecurity in its adjudication of justice. Law in Nigeria needs to adapt to contemporary challenges like tech advancements, environmental

protection and human rights.

For Law to work, everyone must play a role. Government, institutions and citizens must be accountable and transparent in dealing with each other allowing room for a strong and independent Judiciary.

### **International Law**

International Law is like the rule book and legal compass for countries, covering treaties, customs and principles that govern state interaction. It is divided into public international law i.e (state and international organizations) and private international law (cross-border disputes). International Law governs interactions between states and international organizations covering areas like treaties, diplomacy and human rights. The key aspects of international law are:

Treaties which cover the agreements between states (bilateral/multilateral)

Customary Law; practices that State follows as law.

The general principles of law which highlights the fundamental principles such as good faith. "Brownlie defines International Law as the 'body of rules that governs relations between states and other entities with international personality.

The relationship between the global governance and the International Law can be expanded to include the fundamental principles which reflect the principles and values of human rights, the prevention of genocide and the promotion of international peace and security.

Also, the global governance limit State Sovereignty as individual States are bound by these international laws regardless of their consent as domestic Laws".

Global governance has also played an important role in the development of international law particularly in the areas of human rights laws, trade laws, environmental laws, international finance laws, international humanitarian law and international criminal law. The impact of global governance on international law, according to some notable writers are categorized into three viz:

It helps in strengthening international accountability as states and individuals can be held accountable in the breach of the internal laws.

It promotes international co-operations as states are encouraged to work together to uphold and enforce these key areas such as international trade laws, humanitarian laws and others.

Protection of human rights: International Law provides a framework through some of its treaties like the Vienna Conventions on the Law of Treaties (VCLT) of 1969 where Jus Cogens norms was universally adopted as a peremptory norm overriding every other norms that comes into conflicts with it such; right like right to life and the protection of civilians in armed conflicts are products of international laws.

However, despite the above mentioned impacts, the global international laws are faced with a lot of challenges and controversies but however, Global governance has played a key role in shaping international laws development and implementation.

It has facilitated cooperation on transnational issues such as climate change and human trafficking, sets standards for national laws and provided mechanisms for resolving disputes between states. International law also has raised concerns about sovereignty and often struggles with enforcement compliance. A crucial challenge is balancing state interest with global norms. An institution such as the United Nations, World Trade Organization and International Criminal Court contributes in shaping norms but effectiveness entirely depends on state cooperation. For instance the United Nations resolutions, World Trade organization agreements and International Criminal Court status has contributed in setting standards by creating benchmarks for state behaviors. Also, Global governance institutions have contributed to influencing state practice which countries often align national laws with international norms. (Example Nigeria's anti-corruption laws influenced by the United Nations Convention against corruption (UNCAC)). Again, in the interpretation of laws, global institutions like the ICC clarify international law's applications. In all of these global

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institutions, Nigeria's trade policies have adapted to the World Trade Organization (WTO) rules in such specific trade areas like Tariff reduction and customs reforms.

However, despite the above mentioned impacts, International Law are faced with a lot of challenges and controversies identified by some jurists and authors. Such challenges are:

Identification of jus cogens norms which is an important part in International Law which has led to critical debates and controversy surrounding its identification with some arguing that the list of this norms should be expanded or clarified.

Enforcement mechanisms: The enforcement of some International Law remains a challenging one as there is no centralized authority to enforce these norms of international Law as some states may be reluctant to take action against other states that breach this norm.

Conflicts with State Interest: Some norms of international law may conflict with state interest leading to tensions and challenges in their implementations and enforcement.

In summary, international law occupies the highest positions at the hierarchy of laws providing a basis for accountability and developments of various domestic legal frameworks.

### CONCEPT AND MEANING OF INTERNATIONAL LAW

International Law are the set of rules, agreements and treaties that are binding between countries whose aim is to maintain international peace and security, promote peace and friendly relationship and protect Human Rights.

International Law also known as public International Law or the Law of Nations is a collection of rules, norms, legal customs and standards that states and other non-state actors feels an obligation to and generally do obey in their mutual relationships.

According to the English philosopher and jurists Jeremy International Law is the body of legal rules, norms and standards that apply between sovereign states and other entities that are legally recognized as international actors.

The concept of international law is to actualize through law of the common interest of international society, (society of all societies). The legal relationship of international law organizes the potential writing and acting of all human beings and all humans & its inhabitants, including the forms of society conventionally known as States.

According to the Oxford Dictionary, defines international law as the system of law regulating the interrelationship of Sovereign States and their rights and duties with regard to one another.

Grotius in his seminal paper "Mare Liberum" (The free sea 1609) and the "De Jure Belli ac Pacis" on the law of war and peace, defined international law as the "law which governs the relations between states or nations" Grotius definition emphasized that international law are based on:

Natural Law: Grotius believed that international law is derived from natural law, which is universal and applies to all human beings.

Voluntary Law: He posited that international law is derived from nature based on the consent of nations which voluntarily agreed to abide by its rules.

Customary Law: Grotius recognized the importance of customary law which is based on the practices and traditions of nations.

Grotius work laid the foundation for contemporary international law emphasizing the importance of sovereign equality meaning the equality and independence of nations. He laid the foundation of this principle of law and of non-interference of nations and the domestic affairs of one another and Pacta Sunt Servanda which emphasizes on the principle that treaties and agreements must be respected and fulfilled.

Grotius definition of international law has led to lasting impact on the development of international law shaping the way nations interact and co-operate with each other".

Some notable jurists who defined international law are: Oppenheim who defined International Law as "the name for the body of customary and conventional rules which are

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considered legally binding by civilized States in their intercourse with each other."

Brierly defined International Law as "the body of rules and principles of action which are binding upon civilized States in their relations with one another."

For Hackworth defines it as a body of rules governing the relations between States."

Fenwick describes International Law as the body of general principles and specific rules which are binding upon the member of international community as a whole in their mutual relations. "

Cobbe defines international law as the sum of the rules accepted by civilized states as determining their conduct towards each other and towards each other subject.

Kelsen offers a similar definition emphasizing "the rules that regulate the conduct of states in their intercourse with each other"

Stark defines international Law as "the body of rules which are legally binding on states in their intercourse with each other"

The above Jurists in their definition of international Law emphasized on the relationship and non-interference into the domestic affairs of each state.

Much emphasis is laid on the sovereignty of each state without bringing into fore, the interdependency on each other for trade and economic relationships. Therefore, I will define international law as a binding force between states bringing it into focus the political, social, cultural, trade and economic wellbeing of their citizens which have bequeathed their rights to their various states with the expectation of their overall well-being.

Malcolm defines international law as a body of rules, norms and principles that govern the relation between states, international organizations and individuals with the aim of promoting peace, stability and co-operations among nations while protecting sustainable sovereignty, non-interference and self-determination. Malcolm definition incorporates various aspects of international law which includes:

Sources: International law is derived from various sources including customs, general principles and judicial decisions.

Subjects: International Law applies to states, international organizations and individuals including corporations and non-state actors.

Purpose: The primary purpose of International Law is to promote peace, stability and cooperation among nations while protecting human rights and promoting sustainable development.

Principles: International Law is guided by various principles including sovereignty, non-interference, self-determination and the protection of Human rights.

Malcolm's advanced definition of International Law expanded to address new challenges and issues such as:

Globalization: International Law has adapted to the increasing globalization of trade, finance, and communications.

Human rights: International Law has placed greater emphasis on protecting human rights, including the rights of women, children and marginalized communities.

Sustainable development: International Law recognized the importance of sustainable development including the protection of the environment and the promotion of economic developments.

Non-state actors: International Law has acknowledged the growing role of non-state actors including corporations, non-governmental organizations and terrorist organizations.

In conclusion, International Law operates largely through consent as there is no universally accepted authority to enforce it upon sovereign states, instead state and non-state actors may choose to abide by international law and violations can be met with disapproval diplomatic pressure, economic trade and trade sanctions or even wars.

### **The Interplay between International Law, Politics and Power**

International Law, politics and power constitute an interdependent relationship rather than separated from each other. Each of them shapes each other, thereby producing a system where

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legal norms are both products of power. The international Law, politics and power are not separate entities because they are entangled with each other, shaping one another: each shapes one another and it is difficult to understand one without the others.

Power is the epicenter that creates international law because States with the most military, economic or diplomatic clout usually creates international law. For example the United Nations Security Council's five permanent members and their veto power can frustrate any substantive resolution no matter how many other States agree.

The political wills of the most powerful states influences international Law as they regulate international trade, international criminal Laws and the rest.

The dynamics of international economic operations as it affects the entire world is regulated by the most powerful nations. For instance, the international Laws are created favoring the most powerful States. The United Nations charter gives five States (U.S.A, Russia, Great Britain, France and China) a veto power in decision making in the Security Council. In terms of international finance and Trade, Breton woods institutions such as the International Monetary Funds (IMF) and World Bank were designed by the Allied powers in 1944, with voting shares tied to economic size. The great advantage of these Breton woods belongs to those who won the last war (WWII) or control the most capital and Trade. The post-World War II rules prioritized sovereignty, open markets and collective security with all aligning with the interest of the United States and its allies. There is no global enforcement mechanism as enforcement is political as most enforcement against defaulters are done through diplomatic and trade sanctions. International Law is not anyway above politics and power because it is embedded in them power constantly is a determinant force on what Laws get created and when it is enforced. Law in its every ramification constantly channels power into rules, procedures and legitimacy. Politics in the international law becomes a diplomatic and constant negotiation over which one wins in any given moment. For example, the Nigeria's regional power was instrumental for the creation of the ECOWAS and its Court of Justice but that the ECOWAS court of Justice now hears SERAP v Nigeria cases where citizens and NGO's now challenges the government on the Ban on twitter or demand accountability on corruption. Here, power built the institution but the tool built by power now constrains it.

In summary, International Law does not function as an autonomous force above power and politics but serves as their instruments and constraints. Power constantly contributes in shaping the content and enforcement of legal rules with a typical examples in the design of the United Nations security councils and Breton woods institutions despite the above strengths of the powerful States in the creations of institutions serving as a tool of enforcement by the international Law, the Law seriously provides weaker States and civil society with a mechanism to contest power and demand legitimacy as demonstrated by the Gambia's ICJ case against Myanmar and the Nigeria's citizens and NGO's use of ECOWAS court against their own government. Politics remains the decisive energy that propels power in determining if legal norms are upheld or bypassed in practice.

Ultimately, the interplay between law, politics and power reveals that international law is less a shield against power than through which power is constantly contested, justified or constrained.

### CONCLUSION

International law is neither autonomous nor limited to power but is embedded within political processes that reflect power configurations while simultaneously seeking to regulate them. The relationship is interwoven and propels laws to function as a form of power allowing it to operate through law.

### REFERENCES

Amelia, I., Hasanah, D., & Yahya, M. M. (2026). Strategies of Moral Faith Teachers in Integrating SDGs-Based Character Education in Islamic Boarding Schools. *Profetika: Jurnal Studi Islam*, 27(01), 135-154. <https://journals2.ums.ac.id/profetika/article/download/14952/5590>

**Osita Okechuku Wizer** - An article on the Global Governance: The Power and Limits of International Law Jurisprudence

Austin J. The Province of Jurisprudence Determined (1832)

Bentham, J. (1843). Principles of International Law (published posthumously, Oxford) University Press.

Brierly, J.L (1928). The Law of Nations: An Introduction to the International Law of peace (Clarendon Press, Oxford).

Brownlie, I. (2008). Principles of public international law (Oxford unit Press)

C. G FENWICK, International Law [vol. 1, U.S. Govt.] (Appleton - Century - Crafts, New York) 1948, p 89.

Cobbeh, P. (1985). Leading cases on international Law (Sweet and Maxwell London), P. 19.

Constitution of the federal republic of Nigeria (FRN) 1999 as amended.

Elesin, A. M. J., & Yahya, M. M. (2018). An Overview of Islamic Guidance and Counselling. KWASU Journal of Religious Studies, 2(2), 41-51.

FENWICK, C.G (1948). International Law [vol. 1, U.S. Govt.] (Appleton - Century - Crafts, New York), p 89.

G.H Worth, (1940). Digest of International Law (United States Government Printing Office).

Goggle < www, oxford reference com 17, 05.25

Grotius H., (1609). Mare Liberum (pub, Lodewyk Elzevir) pp 1-5.

Grotius H., (1625). De Jure Belli ac Pacis (On the Law of War and Peace) pp 625-700

H. Grotius, (1609). Mare Liberum (pub, Lodewyk Elzevir) pp 1-5.

H. Grotius, (1625). De Jure Belli ac Pacis (On the Law of War and Peace) pp 625-700

H. Kelsen, (1952). Principles of International Law (Reinheat and Coy, New York).

H.L.A HART, (1961). The concept of Law (Oxford University press).

I. Kant Metaphysics of morals (1797)

J. Jonathan, (2022). Oxford University Dictionary of Law (10th edition, Oxford University Press) 800

J. Lock, (1689). Two Treaties of Government.

J.G. Starke, (1958). An Introduction to international Law (Butterworth & Coy, London).

J.L Brierly, (1928). The Law of Nations: An Introduction to the International Law of peace (Clarendon Press, Oxford).

Jonathan J., (2022). Oxford University Dictionary of Law (10th edition, Oxford University Press) 800

Kelsen, H. (1952). Principles of International Law (Reinheat and Coy, New York).

Maisuna, M. Y., & Aliyu, M. M. (2025). Pros and Cons of Artificial Intelligence (AI) in the Light of Islamic Laws' Verdicts (Fatawa). Journal of Development and Society, Faculty of Social Science, 7(1). <https://uniabujafsos.com.ng/index.php/jdsfoss/article/download/25/19>

Maisuna, M. Y., Tambiyi, G. Y., & Gall, M. ICT and the Enhancement of English Language and Literature-in-English. [https://www.academia.edu/download/79911115/Tambiyi Michael Jesus in the Old Testament.pdf](https://www.academia.edu/download/79911115/Tambiyi_Michael_Jesus_in_the_Old_Testament.pdf)

Malcolm, N.S (2017). International Law (8th edition, Cambridge University Press) pp 1-30

Mohamed, A. A., Yahya, M. M., & Sabir, M. R. (2026). Evaluating Vygotsky-Based Professional Development Models for Islamic Educators. Amandemen: Journal of Learning, Teaching and

**Osita Okechuku Wizer** - An article on the Global Governance: The Power and Limits of International Law Jurisprudence

Educational Studies, 4(1), 35-51.  
<https://amandemen.my.id/index.php/i/article/download/114/48>

N.S Malcolm, (2017). International Law (8th edition, Cambridge University Press) pp 1-30

O. Ibeanu, (2007). Beyond Ballot Box (Limo Nigeria Dike)

P. Cobbeh, (1985). Leading cases on international Law (Sweet and Maxwell London) P. 19.

Starke, J.G. (1958). An Introduction to international Law (Butterworth & Coy, London).

Vienna Conventions on the law of Treaties (1969)

Worth, G.H (1940). Digest of International Law (United States Government Printing Office).

Yahya, M. M., & Adedeji, O. A. (2024). Global Collaboration and Partnerships in Poverty Alleviation: Islamic Legal Perspective. Journal of Islamic Studies and Arabic Language, 3(2), 148-165.

[https://www.researchgate.net/profile/Alwy-](https://www.researchgate.net/profile/Alwy-Mohamed/publication/399984800)

[Islamic Law and English Law as Sources of Nigerian Law An Analytical and Comparative Study/links/6971ef5bf5b9fd48849b4409/Islamic-Law-and-English-Law-as-Sources-of-Nigerian-Law-An-Analytical-and-Comparative-Study.pdf](https://www.researchgate.net/profile/Alwy-Mohamed/publication/399984800)

Yahya, M. M., & Adedeji, O. A. (2024). Global Collaboration and Partnerships in Poverty Alleviation: Islamic Legal Perspective. Journal of Islamic Studies and Arabic Language, 3(2), 148-165.

<https://journals.iuiu.ac.ug/index.php/jisal/article/download/718/522>