



The Weaponization of International Law: *Analyzing Lawfare in Contemporary Global Politics*

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Abstract: This study explores how international law, originally designed to restrain conflict and promote justice, is increasingly being manipulated to serve geopolitical strategies—a phenomenon often referred to as lawfare. Grounded in realist theory and legal instrumentalism, the paper argues that international law is no longer a neutral arbiter but a contested terrain where power dictates interpretation. It concludes by recommending reforms to enhance the credibility, accessibility, and enforceability of international legal norms, emphasizing the urgent need to reclaim law as a shield for justice rather than a sword of power.

Keywords: Lawfare, International Law, Sovereignty, Geopolitics, Legal Instrumentalism, Humanitarian Law, UN Charter, Global Governance, Conflict Legitimacy, International Institutions.

I. Introduction

International law was envisioned as a universal framework to uphold justice, ensure peaceful coexistence, and safeguard the rights of all people and nations. Built on the premise of neutrality and collective enforcement, institutions like the United Nations (UN), the International Court of Justice (ICJ), and the International Criminal Court (ICC) were designed to transcend political interests and offer legal redress in moments of conflict and crisis. However, in the complex and shifting terrain of 21st-century geopolitics, international law has increasingly become a tool of strategy, rather than a shield of justice.

The concept of lawfare¹—coined to describe the strategic use of legal systems to achieve military or political objectives—has gained prominence in academic and policy discourse. Far from being a peripheral concern, lawfare now sits at the heart of international relations, where legal language, frameworks, and institutions are wielded by states not just to defend their actions, but to justify aggression, manipulate narratives, and undermine accountability. The blurred boundaries between legality and political expediency threaten the foundational ideals of the international legal order.

This paper critically examines the weaponisation of international law in contemporary global politics through a detailed analysis of several ongoing and recent conflicts. Russia's legal justifications for its annexation of Crimea and its full-scale invasion of Ukraine illustrate how international legal norms—particularly around sovereignty and self-determination—are selectively invoked to defend territorial aggression. Similarly, Israel's extensive use of Article 51 of the UN Charter to justify military operations across Gaza, Syria, Iraq, and more recently Iran, highlights how legal narratives of "self-defense" are deployed even in highly asymmetrical conflicts, raising critical questions about proportionality, occupation, and humanitarian law.

¹ Dunlap, C. J. (2001). Law and military interventions: Preserving humanitarian values in 21st-century conflicts. Carr Center, Harvard University.

Recognition debates, and the lack of a unified legal stance demonstrate how law is subordinated to politics when global power interests are at stake.

Together, these cases reveal a concerning global pattern: the increasing instrumentalisation of international law by both state and non-state actors.²

Through a multi-case analysis, this paper argues that lawfare is not a side-effect but a central feature of contemporary geopolitics, necessitating a re-examination of how legal norms are formed, interpreted, and enforced. As the lines between law and politics continue to blur, it becomes imperative to ask:

Is international law still a neutral arbiter of justice, or has it become yet another battlefield in global power struggles?

II. Research Methodology

This research adopts a qualitative, analytical approach to examine how international law is being strategically employed as a tool of political and military power. The study is primarily based on secondary data, including legal documents (UN Charter, ICJ/ICC rulings, Security Council resolutions), policy briefs, official statements, academic journals, and credible news reports. A comparative case study method has been used to analyze selected geopolitical conflicts—namely Russia–Ukraine, China–South China Sea, Israel’s strikes in Gaza and Iran, and the Taliban’s takeover of Afghanistan—where legal frameworks were invoked to justify controversial actions.

The analysis focuses on identifying recurring patterns in the interpretation and application of international law, particularly how legal narratives are constructed to serve strategic interests. Each case is evaluated through the lens of three criteria: (1) the nature of the legal justification used, (2) the political or military objective served, and (3) the response of international legal institutions and the global community. This methodological structure allows for both thematic synthesis and critical interpretation, aiming to understand lawfare as a broader phenomenon rather than isolated events.

III. Theoretical Framework

This study is grounded in the intersection of Realist theory in International Relations and Legal Instrumentalism in international law.³ Political realism posits that in an anarchic international system, states act primarily in pursuit of power and security, often subordinating legal norms to strategic interests.⁴ From this perspective, international law is not an objective constraint on state behavior but a tool manipulated by powerful actors to legitimise pre-existing political aims. This aligns closely with the phenomenon of lawfare, wherein legal language and institutions are selectively employed to serve national interests.

Complementing this is the lens of Legal Instrumentalism, which views law not as an autonomous moral system but as a flexible mechanism shaped by those in power. Within this framework, legal norms are interpreted in ways that best support political objectives, especially during conflict. Lawfare exemplifies this instrumentalist view, where actors co-opt legal narratives—such as “self-defense,” “sovereignty,” or “humanitarian intervention”—to frame aggressive or controversial actions as lawful and necessary.

Together, these theories help explain the core argument of this paper: that international law is increasingly being used not to restrain power, but to serve it. The legal justifications surrounding Russia’s annexation of Crimea, China’s maritime claims, Israel’s regional strikes, and the international response to the Taliban’s resurgence illustrate how law has become a strategic asset in modern geopolitical conflict. By applying these theoretical frameworks, the study highlights how the credibility of international legal institutions is challenged when law becomes a battlefield of competing narratives rather than a neutral ground for justice.

² Goldsmith, J., & Posner, E. (2005). *The limits of international law*. Oxford University Press.

³ Koh, H. H. (1997). Why do nations obey international law? *Yale Law Journal*, 106(8), 2599–2659.

⁴ Goldsmith, J., & Posner, E. (2005). *The limits of international law*. Oxford University Press.

IV. Case Studies: The Weaponisation of Law in Global Conflicts

4.1 Russia annexed Crimea under the pretext of protecting ethnic Russians and upholding the right to self-determination, citing a contested referendum. While these justifications appeared to align with international legal principles, they directly violated Ukraine's sovereignty under the UN Charter and the Budapest Memorandum.⁵ Similarly, Russia's ongoing war in Ukraine continues to be defended using selective legal narratives around NATO expansion and national security. These moves reflect how international law is manipulated to lend legitimacy to military aggression, with limited consequences due to structural constraints like Russia's veto in the UN Security Council.

4.2 China's assertive claims in the South China Sea, based on its "Nine-Dash Line," stand in direct violation of UNCLOS, as confirmed by the 2016 Permanent Court of Arbitration ruling. Yet, China continues to build military infrastructure on disputed islands while rejecting the tribunal's jurisdiction.⁶ By invoking historical rights and ignoring binding legal verdicts, China challenges the authority of codified international law and exemplifies how powerful states reinterpret norms to suit their geopolitical ambitions, knowing that enforcement is weak and international response fragmented.

4.3 Israel has repeatedly cited Article 51 of the UN Charter to justify strikes in Gaza, Iran, Syria, and Iraq under the banner of self-defense, despite questions of proportionality and civilian harm. In April 2024, Israel launched a missile strike near Iran's Isfahan in response to a large-scale drone and missile attack, framing it under Article 51 of the UN Charter as an act of self-defense. While the strike was calibrated to avoid casualties and signal restraint, it raised concerns about proportionality and the legality of cross-border use of force.⁷ The incident reflects how legal justifications are strategically employed to legitimize militarized responses, even in volatile, high-stakes contexts. Once again, law is invoked not merely as a protective measure but as a tool to shape global perception and deflect criticism.

4.4 The Taliban's return to power in Afghanistan, and the absence of a unified legal response regarding recognition, frozen assets, and humanitarian obligations, further illustrates how international law is selectively applied depending on political interest. These cases underscore a growing trend where international law is no longer a neutral framework but a strategic weapon in power politics, deployed to legitimize force, avoid accountability, and reshape global norms.⁸

V. Analysis and Discussion

Across the examined cases, a consistent pattern emerges: international law is strategically invoked by powerful states to justify premeditated actions, not necessarily to comply with legal norms, but to cloak political or military objectives in legal legitimacy. Whether through referenda (as seen in Crimea), reinterpretation of historical claims (China), or expansive readings of self-defense (Israel), law is being reframed not as a constraint but as a tool of narrative control. This strategic legal framing—lawfare—helps actors shape public opinion, pre-empt international criticism, and stall legal accountability.

The repeated misuse or selective application of international law has led to a gradual erosion of the credibility and authority of institutions such as the ICJ, ICC, and UNSC.⁹ While these bodies were established to uphold global justice and resolve disputes impartially, their decisions are frequently ignored, undermined, or obstructed, especially by states with geopolitical clout or Security Council veto power. The paralysis in enforcing rulings against Russia or compelling compliance from China reveals the limits of international legal enforcement, particularly in a multipolar world where power politics supersede legal norms. This trend fuels

⁵ International Crisis Group. (2024). Lawfare in Ukraine: Legal rhetoric and strategic aims.

<https://www.crisisgroup.org>

⁶ Permanent Court of Arbitration. (2016). South China Sea Arbitration (Philippines v. China), PCA Case No. 2013-19. <https://pca-cpa.org>

⁷ International Criminal Court. (2023). Statement on jurisdiction over war crimes in Palestine.

<https://www.icc-cpi.int>

⁸ BBC News. (2021, August 15). Taliban takeover and global legal response. <https://www.bbc.com/news>

⁹ Koskeniemi, M. (2005). From apology to utopia: The structure of international legal argument.

Cambridge University Press.

a legitimacy crisis for global governance institutions, deepening North–South distrust and weakening faith in a rules-based order.

Lawfare also has profound implications for state sovereignty and accountability. On one hand, it enables dominant states to violate sovereignty under legal pretexts; on the other, it obstructs weaker states from seeking justice, as international forums become battlegrounds of influence rather than neutral arbiters. As such, lawfare increasingly resembles a contemporary form of imperialism, where legal tools are co-opted to entrench asymmetries of power—mirroring the realist view that law follows power, not the other way around.

VI. Suggestions for Reforms:

1. Reform the United Nations Security Council

- Introduce restrictions on veto power, especially in cases involving humanitarian crises, genocide, or war crimes.
- Consider rotational membership models or weighted voting systems to reduce dominance by P5 states.¹⁰
- Strengthen the UN General Assembly’s role in legal interpretation when the UNSC is blocked.

2. Strengthen the Autonomy of Legal Institutions

- Ensure the International Criminal Court (ICC) and International Court of Justice (ICJ) are shielded from political influence through independent funding and enforcement mechanisms.¹¹
- Expand jurisdiction and cooperation mandates so powerful states cannot easily opt out of accountability.

3. Codify Ambiguous Legal Doctrines

- Clarify terms like “self-defense”, “anticipatory defense”, and “humanitarian intervention” in the UN Charter and related treaties.
- Establish an international interpretive body or council that provides binding or semi-binding interpretations on contested legal terms.

4. Enhance Legal Accountability Mechanisms

- Develop regional legal tribunals or hybrid courts with faster response mechanisms for conflict zones where global bodies fail to act.
- Promote universal jurisdiction where applicable, allowing third-party states to prosecute clear violations of international humanitarian law.

5. Democratize International Lawmaking

- Include Global South voices and smaller states in legal norm development to counter hegemonic legal narratives.
- Encourage multi-stakeholder treaties involving civil society, indigenous groups, and NGOs in legal reforms.

¹⁰ Akande, D., & Tzanakopoulos, A. (2018). The UN Security Council and the international rule of law. *American Journal of International Law*, 112(1), 109–118.

¹¹ Schabas, W. A. (2016). Strengthening the International Criminal Court. *Leiden Journal of International Law*, 29(1), 1–10.

6. Increase Transparency and Public Legal Literacy

- Encourage states and international bodies to publish legal justifications for major military actions.
- Invest in legal diplomacy, training, and capacity building in underrepresented countries to reduce legal dependence on major powers.

VII. Way Forward

The increasing use of lawfare in global politics underscores the urgent need to strengthen the legitimacy, consistency, and enforceability of international law. First, legal institutions such as the ICJ, ICC, and UNSC must undergo structural reforms to reduce political paralysis—especially in cases involving permanent Security Council members. Transparent procedures, limits on veto use in humanitarian crises, and mechanisms for independent review could help restore trust and reduce politicisation.¹²

Second, there is a need to develop clearer, universally accepted definitions of contested legal concepts such as "self-defense," "sovereignty," and "humanitarian intervention" to prevent strategic misuse.¹³ This includes reinforcing compliance with established frameworks like UNCLOS, the Geneva Conventions, and ICC mandates, especially by powerful states.

Finally, civil society, regional alliances, and emerging powers must play a more active role in challenging selective legal interpretations and advocating for equal accountability across the international system. Strengthening legal education, promoting multilateral legal cooperation, and democratizing access to international legal platforms can help ensure that law remains a means of justice—not a mask for aggression.

VIII. Conclusion:

The strategic use of international law as a political and military instrument—what we now recognize as lawfare—reveals a troubling shift in the global legal order. Through case studies ranging from Russia's annexation of Crimea to China's maritime expansion, Israel's regional strikes, and the world's uncertain stance on the Taliban, this paper has shown how legal frameworks are increasingly shaped not by principles of justice, but by the ambitions of power. The selective invocation and manipulation of legal norms undermine the very foundations of international law: neutrality, accountability, and equal protection for all.

As law becomes a language of legitimisation rather than a force of restraint, global institutions face a deepening crisis of credibility. If legal mechanisms are only enforceable when convenient for the powerful, then the rule of law risks giving way to the law of rulers. The challenge ahead is not merely legal or political—it is moral. For international law to regain its authority, it must speak not only to state interests but to human dignity, civilian protection, and the shared humanity that transcends borders.

Ultimately, the task is not to abandon international law, but to reclaim it—to resist its weaponisation and restore its essence as a shield for the vulnerable, a check on unrestrained power, and a promise of fairness in an often unfair world. In a time where legality is too often confused with legitimacy, the real test of global justice lies in whether we can uphold laws that serve people—not just politics.

When law bends to power, justice becomes a casualty; but when law rises for the powerless, it becomes hope.

¹² Bianchi, A., & Hirsch, M. (Eds.). (2021). International law's invisible frames: Social cognition and knowledge production in international legal processes. Oxford University Press.

¹³ International Commission of Jurists. (2021). Enhancing access to international justice for Global South countries. <https://www.icj.org>

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