

Beyond Adherence: Reevaluating the True Significance of International Law

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Abstract : The theoretical and, more recently, practical examination of compliance has emerged as a key focus and possibly the most rapidly expanding subfield in international legal academia. The writers aim to challenge this tendency. They contend that examining the goals of international law solely through the perspective of rule adherence results in insufficient analysis and comprehension of the varied, intricate purposes and initiatives that different actors impose and translate onto international legality, often leading to oversimplification or distortion of the relationship between international law and politics. By referencing various examples across several fields of international law -spanning from international trade and investment to international criminal and humanitarian law- the authors aim to illustrate how the notion of compliance (particularly seen as adherence to rules) falls short in explaining the normative impact of international law. A key weakness of compliance studies lies in their neglect of the interpretation issue: interpretation significantly influences the fate of legal rules in real-world situations, but 'compliance' studies start with the assumption that rules have a fixed and universally accepted meaning, requiring only observation of their adherence.

Keywords : adherence, international, law, human rights, politics

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