

The Third World...or is it not?

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The term "Third World" was popularised during the Cold War era and was used to define countries that remained non-aligned with either the NATO, or the Communist Bloc. The United States, Canada, Japan, South Korea, Western European nations and their allies represented the First World, while the Soviet Union, China, Cuba, and their allies represented the Second World. This terminology provided a way of broadly categorizing the nations of the Earth into three groups based on political and economic divisions. In the final analysis, the category "third world" reflects a level of unity imagined and constituted in ways which would enable resistance to a range of practices which systematically disadvantage and subordinate an otherwise diverse group of people.

On the other hand, Third World Approaches to International Law (TWAIL) is a critical school of international legal scholarship and an intellectual and political movement.¹ It is a "broad dialectic opposition to international law", which perceives international law as facilitating the already in motion process of exploitation of the Third World by the West via the method of subordination. TWAIL-ers reject the idea that after the end of the World War II international law has moved on from its imperialistic origins, although the system appears to be legitimized by identifying human rights and the right to self-determination. TWAIL-ers also believe that international law is still a tool of oppression and that decolonization processes were merely illusory.² They strongly argue that domination is expressed in the language of international law, has displaced legal systems in their importance and impacts the life of ordinary people. TWAIL-ers also put forth the argument that the North (first world countries) uses the the powers of international financial and trade institutions to propagate and enforce the North's neo-liberal agenda. Such measures extirpate the inherent meaning of democracy. Even the Human Rights discourses propagated by the North, legitimizes neo-liberal goals. Not only this, it is also evident even today that, the economic and political independence of the third world is being undermined by laws dictated by the first world and the international organizations it controls.

Moving on, we try to come to terms with a new theory being proposed i.e. whether the concept of the third world is really coming to a conclusion. Scholars usually say that the "Third World" category compromises specificity for generalizability and is relevant as a

¹ M. Mutua, (2000) "What is TWAIL?", Proceedings of the 94th Annual Meeting of the American Society of International Law: pp.31-40, p. 38

² J. T. Gathii (2011) "TWAIL: A Brief History of its Origins, its Decentralized Network and a Tentative Bibliography", Trade, Law and Development, 3 (1): pp. 26-48, p. 39

category only because of past subjugation and continuing domination exercised through the medium of international law and for the need for unified intransigence. However, it is seen here that B.S. Chimni disagrees with this theory. According to him, diversity still exists, but it's inside the structure of global capitalism that continues to bind together and unite these diverse nations and the same structures which produced colonialism are not producing neo-colonialism. The influence being exerted on the third world countries by the first world countries is similar to the age old policy of divide and rule that was previously used by the colonial powers to subjugate the native colonials as highlighted in the subaltern studies.

Moving on, we examine the change brought about by "Globalization" on the relationship between these above mentioned States and international law. Measuring and tracing the changes which are visiting the relationship between State and international law and getting a hold on the consequences of evolution/metamorphosis is the most crucial task before third world international law scholars. Moreover, we see that "globalisation" is not at all autonomous. It is constantly facilitated and a collective action by the dominant States. International law is steadily moving towards the creation of a unified global economic space. This has driven international law to go as far as to set new definitions of what a new democratic state should be. This so called democratic state requires periodic and genuine elections but excludes large marginalized groups from decision making. However, the spread of democracy has been hampered in these countries due to the influence of the ruling elites (involvement of the first world countries). Apart from this, via the medium of international institutions, the property rights of these third world countries have been internationalized. International financial institutions have further moved on to privatize State property and have also allowed for the operation of the transnational corporate sector. Overall, this has been justified by the ideological apparatus of the North. Hence the task now remains, is to expose this to the citizens of the third world countries and educate them about this.

It therefore becomes important to extend the scope of our studies of the international. Simultaneously, it becomes crucial to start identifying the many other practices and objects that may be unrelated to the international, but which may be understood critically as the expressions, apotheosis and depictions of international law. The critique must be hand-in-hand with a link to the struggles of the people. However, there needs to be a middle path between liberal optimist and left wing pessimism. Also, partnership with feminists and their critique of international law must be encouraged. Apart from this, a demand must be made for increased clarity and accountability of international institutions such as the IMF, World Bank, World Trade Organization etc. to the poor people of the third world countries. Also, the notion of Sovereignty must be propagated as a right of the people and not the State. There must be Sovereignty over natural resources too as opposed to the propaganda of the ruling first world countries.

Apart from this, the importance of monetary sovereignty must not be forgotten. Along with this, there must be an effective use of language of rights and the interests of the minority and poor people must always be prioritized. In learning to locate the international legal project on the material plane of life, as well as within and beyond international law's traditional historical confines, modes of self-representation, and sites of enactment and performance, we

can become more effective in the profanation of those sites, objects and subjectivities³ or in the re-embedding of these in alternative political, juridical and emotional economies.⁴

³ GIORGIO AGAMBEN, *WHAT IS AN APPARATUS? AND OTHER ESSAYS* (Stanford Univ. Press 2009).

⁴ J. K. GIBSON-GRAHAM, *A POST-CAPITALIST POLITICS* (Univ. of Minnesota Press, 2006).