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THE QUEST FOR ACCOUNTABILITY: INTERNATIONAL JUSTICE AND CONTEMPORARY GLOBAL GOVERNANCE

~Sana Ali

"Justice may be delayed by politics, but legitimacy cannot survive without it."

INTRODUCTION

The twenty-first century has witnessed remarkable developments in international law, human rights protection, and global governance. Yet, despite the existence of sophisticated legal institutions and regulatory frameworks, armed conflicts, humanitarian crises, and violations of international law continue to challenge the international community. From contemporary conflicts in Eastern Europe and the Middle East to persistent concerns regarding crimes against humanity and war crimes, the pursuit of accountability remains one of the defining challenges of modern international order. The central question therefore remains: can international justice effectively constrain power, or does accountability continue to depend more upon political will than legal obligation?¹

FROM SOVEREIGNTY TO ACCOUNTABILITY: THE HISTORICAL EVOLUTION OF INTERNATIONAL JUSTICE

Historically, the notion of justice in international affairs was closely linked to state sovereignty. States enjoyed broad discretion in conducting warfare and managing their internal affairs, often without meaningful external scrutiny. While ethical and religious traditions condemned unnecessary violence, there existed few institutional mechanisms capable of holding leaders accountable for violations committed during armed conflict.² The principle of sovereignty

¹ Antonio Cassese, *International Criminal Law* 3-5 (3d ed. Oxford Univ. Press 2013).

² Hedley Bull, *The Anarchical Society: A Study of Order in World Politics* 52-73 (4th ed. Palgrave Macmillan 2012).

frequently outweighed concerns regarding individual responsibility, creating a system in which power often determined outcomes.

A significant transformation emerged following the devastation of the Second World War. The establishment of the Nuremberg and Tokyo Tribunals introduced a revolutionary principle into international law: individuals, including heads of state and military leaders, could be held personally responsible for crimes committed under international law.³ The Nuremberg process fundamentally challenged the idea that state authority alone could shield perpetrators from accountability and laid the foundations for the contemporary international justice system.

The significance of this development extended beyond criminal punishment. It reflected a broader shift in international thought, one that increasingly viewed legitimacy as deriving not solely from sovereignty or military power but from adherence to universal principles of justice and human dignity.⁴ This transformation continues to influence contemporary approaches to international governance and legal accountability.

THE UNITED NATIONS AND THE INSTITUTIONALIZATION OF INTERNATIONAL JUSTICE

The establishment of the United Nations further strengthened this normative framework. The UN Charter sought to replace unilateral uses of force with a collective security system founded upon international cooperation, peaceful dispute resolution, and respect for international law.⁵ By prohibiting the unlawful use of force and promoting peaceful settlement mechanisms, the Charter attempted to create a rules-based international order capable of reducing conflict and fostering stability.

Within this framework, the International Court of Justice (ICJ) emerged as the principal judicial organ of the United Nations. Through its judgments and advisory opinions, the Court has played a crucial role in clarifying international legal obligations and reinforcing the principle that states remain subject to legal constraints. The Court's landmark judgment in *Military and Paramilitary Activities in and Against Nicaragua* (*Nicaragua v. United States*) reaffirmed the prohibition on the unlawful use of force and strengthened the legal foundations of

³ Charter of the International Military Tribunal art. 6, Aug. 8, 1945, 82 U.N.T.S. 279.

⁴ Hersch Lauterpacht, *The Grotian Tradition in International Law*, 23 *Brit. Y.B. Int'l L.* 1, 24-37 (1946).

⁵ U.N. Charter arts. 1-2.

contemporary international order.⁶ Although the Court lacks direct enforcement powers, its jurisprudence contributes significantly to the development of international norms and expectations concerning state conduct.

THE INTERNATIONAL CRIMINAL COURT AND INDIVIDUAL ACCOUNTABILITY

The pursuit of accountability expanded further with the adoption of the Rome Statute and the establishment of the International Criminal Court (ICC) in 1998. Unlike the ICJ, which adjudicates disputes between states, the ICC focuses on individual criminal responsibility for genocide, crimes against humanity, war crimes, and the crime of aggression.⁷ The Court embodies the principle that perpetrators of the gravest international crimes should not escape accountability simply because of political influence or official position.

CHALLENGES TO INTERNATIONAL JUSTICE IN CONTEMPORARY GLOBAL GOVERNANCE

Despite these developments, international justice remains subject to substantial criticism. Scholars and practitioners frequently argue that international legal institutions suffer from selective enforcement, political influence, and unequal application of legal principles.⁸ Questions continue to arise regarding why some conflicts receive extensive international attention while others remain largely neglected. Such concerns have generated debates regarding the legitimacy and effectiveness of international justice mechanisms within a politically unequal international system.

These challenges become even more pronounced within the broader context of contemporary global governance. Issues such as terrorism, cyber threats, transnational organized crime, climate-induced displacement, and humanitarian emergencies increasingly transcend national borders. Consequently, accountability is no longer merely a judicial concern; it has become a governance imperative requiring cooperation among states, international organizations, and legal institutions.⁹

CAPITALISM, GLOBALIZATION, AND THE ACCOUNTABILITY DEFICIT

⁶Military and Paramilitary Activities in and Against Nicaragua (Nicar. v. U.S.), Judgment, 1986 I.C.J. 14, 176-201 (June 27).

⁷ Rome Statute of the International Criminal Court arts. 5-8, July 17, 1998, 2187 U.N.T.S. 90.

⁸ Thomas M. Franck, *The Power of Legitimacy Among Nations* 24-41 (Oxford Univ. Press 1990).

⁹ Malcolm N. Shaw, *International Law* 889-917 (9th ed. Cambridge Univ. Press 2021).

The contemporary international order is shaped not only by states and international institutions but also by the forces of global capitalism. Emerging from the expansion of market economies and accelerated by globalization, capitalism has transformed the structure of international relations by facilitating unprecedented economic interdependence, technological innovation, and cross-border investment.¹⁰ While these developments have contributed significantly to global economic growth, they have also generated complex challenges concerning accountability and governance.

Unlike states, multinational corporations often operate across multiple jurisdictions, making it difficult to assign responsibility for environmental degradation, labor exploitation, human rights violations, and economic inequality. The growing influence of private actors in global affairs has created what scholars describe as an "accountability deficit," where economic power frequently transcends the reach of domestic legal systems.¹¹

The consequences of this phenomenon are evident in contemporary debates surrounding supply chain ethics, climate responsibility, digital surveillance, and corporate influence over public policy. As globalization deepens, traditional mechanisms of accountability struggle to keep pace with increasingly transnational forms of economic activity. This has led to growing calls for stronger international regulatory frameworks capable of ensuring that economic power remains subject to legal and ethical constraints.

From a governance perspective, the challenge is not capitalism itself but the absence of effective accountability mechanisms capable of regulating its excesses. Just as international law seeks to constrain the arbitrary use of force by states, contemporary global governance increasingly seeks to regulate the exercise of economic power by non-state actors. In this sense, the pursuit of international justice extends beyond war crimes and interstate disputes; it also encompasses broader questions regarding economic fairness, corporate responsibility, and the equitable distribution of global opportunities.¹²

Consequently, the legitimacy of the contemporary international order depends not only upon the accountability of states but also upon the accountability of powerful economic actors whose decisions increasingly shape global political, social, and environmental outcomes.

¹⁰ David Held & Anthony McGrew, *Globalization/Anti-Globalization: Beyond the Great Divide* 1- 24 (2d ed. 2007).

¹¹ Joseph E. Stiglitz, *Globalization and Its Discontents Revisited* 23-49 (2018).

¹² Thomas Pogge, *World Poverty and Human Rights* 13-31 (2d ed. 2008).

RESPONSIBILITY TO PROTECT AND THE FUTURE OF ACCOUNTABILITY

The Responsibility to Protect (R2P) doctrine illustrates the evolving relationship between sovereignty and accountability. Developed in response to failures to prevent atrocities in Rwanda and the Balkans, the doctrine emphasizes that sovereignty entails responsibilities as well as rights. Where states fail to protect populations from genocide, war crimes, ethnic cleansing, and crimes against humanity, the international community may possess a collective responsibility to act.¹³ While the implementation of R2P remains controversial, it reflects a growing recognition that legitimacy depends upon the protection of human life and fundamental rights.

CONCLUSION

At its core, the quest for accountability seeks to reconcile two competing realities. On one hand lies the traditional principle of state sovereignty, a cornerstone of the international system. On the other lies the growing recognition that certain violations are so grave that they demand international scrutiny regardless of territorial boundaries. Balancing these concerns remains one of the defining challenges of contemporary international law and international relations.

Ultimately, international justice is neither perfect nor politically neutral. Yet its significance extends beyond the punishment of wrongdoing. It serves as an affirmation of a broader principle: that power must remain subject to law. In an increasingly interconnected world, the legitimacy of global governance depends not merely upon institutional authority but upon the willingness of international actors to uphold accountability, protect human dignity, and ensure that justice remains central to the international order. As contemporary challenges continue to test the resilience of international institutions, the enduring relevance of international justice lies in its capacity to remind the world that legitimacy cannot be sustained through power alone, it must also be earned through accountability.

¹³ 2005 World Summit Outcome, G.A. Res. 60/1, 138-39, U.N. Doc. A/RES/60/1 (Oct. 24, 2005).