

# The Strategic Weaponization of Law: Legalese and Lawfare in International Relations

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## Abstract

This paper examines the transformation of international legal mechanisms from neutral dispute resolution tools into sophisticated instruments of statecraft. Since the end of the Cold War, states, corporations, and advocacy groups have increasingly deployed complex legal language (legalese) and strategic litigation (lawfare) as alternatives to traditional military force and economic pressure. Through analysis of over 2,180 climate lawsuits, UN sanctions regimes affecting all 193 member states, and record-breaking investment arbitration cases, this research reveals how legal mechanisms have fundamentally altered the nature of international competition. The paper identifies systematic power imbalances that disadvantage developing nations, documents the emergence of a Global South counter-movement, and analyzes the role of artificial intelligence in reshaping legal complexity. While lawfare offers alternatives to kinetic conflict, the research demonstrates concerning limitations in effectiveness alongside significant impacts on traditional diplomacy and global justice access.

The paper ends with “The End”

## 1 Introduction

International relations has undergone a profound transformation since the Cold War’s conclusion, with legal mechanisms evolving from neutral dispute resolution tools into sophisticated weapons of statecraft. This shift represents one of the most significant changes in how nations compete, cooperate, and project power in the 21st century. States, corporations, and advocacy groups now deploy complex legal language (**legalese**) and strategic litigation (**lawfare**) as alternatives to traditional military force and economic pressure, fundamentally altering the nature of international competition.

The stakes of this transformation are substantial. Research reveals that over 2,180 climate lawsuits now span the globe, UN sanctions regimes bind all 193 member states regardless of individual consent, and investment arbitration cases have reached record levels exceeding 1,000 total registered disputes [1]. This legal arms race, however, comes with serious costs: more than 5 billion people lack meaningful access to justice, smaller states face systematic disadvantages in complex legal proceedings, and traditional diplomacy increasingly suffers from what scholars term “regulatory chill” [2].

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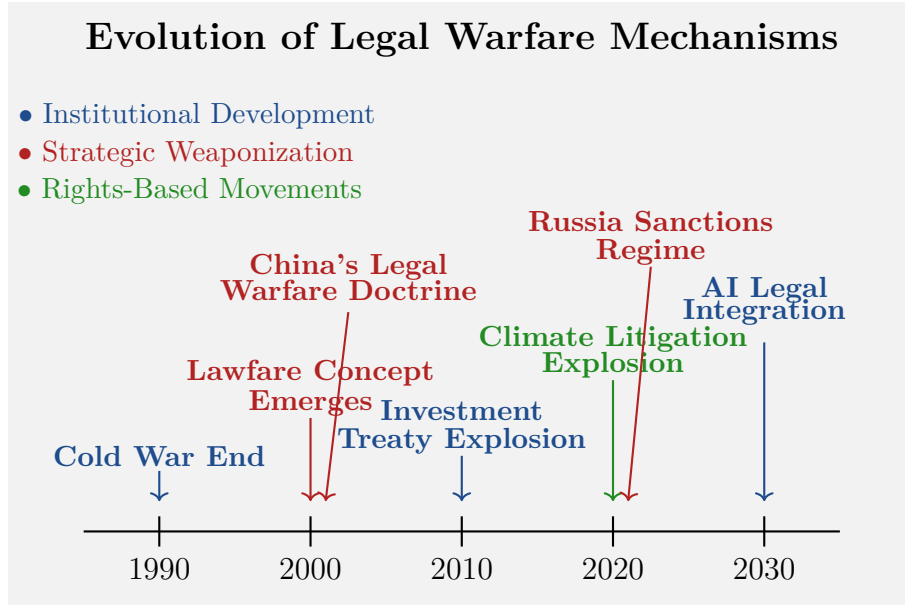


Figure 1: Timeline of Legal Warfare Evolution in International Relations

## 2 Conceptual Foundations: Weaponizing Words and Courts

The modern conception of lawfare emerged from Major General Charles Dunlap Jr.'s prescient 2001 analysis of the Kosovo campaign, where legal constraints shaped military operations in unprecedented ways. He defined lawfare as “the use of law as a weapon of war,” employing legal mechanisms to achieve objectives that might otherwise require kinetic force [3]. This concept gained urgency following the September 11 attacks as both state and non-state actors discovered law’s strategic potential.

Legalese, meanwhile, traces its historical roots to medieval England’s linguistic fusion of Latin, Norman French, and Anglo-Saxon English. What began as domestic legal precision has evolved into International Legal English, a specialized register that dominates global treaties, commercial agreements, and diplomatic frameworks [4]. The complexity is intentional, serving dual purposes: ensuring precision in high-stakes international agreements while creating barriers that favor parties with superior legal resources and expertise.

Professor Orde Kittrie of Arizona State University systematized these concepts, identifying two primary lawfare categories: instrumental lawfare (using legal tools to achieve military-like effects) and compliance-leverage disparity lawfare (exploiting differences in legal compliance between adversaries) [5]. This theoretical framework now appears in military curricula worldwide, from the United States Army War College to NATO strategic discussions.

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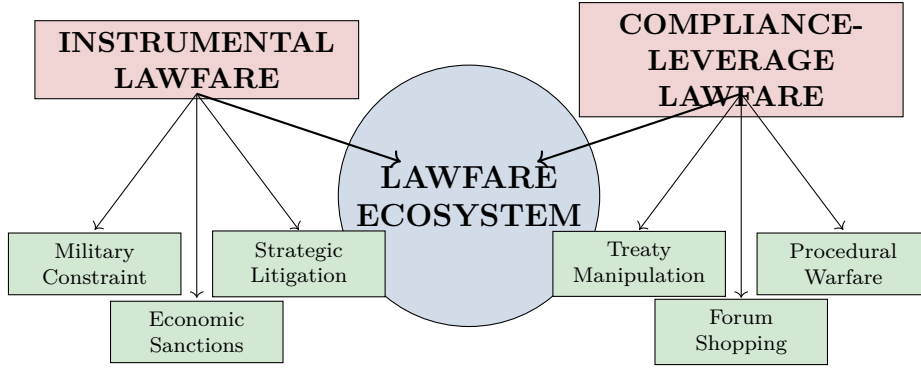


Figure 2: Conceptual Framework of Modern Lawfare Strategies

### 3 The Post-Cold War Legal Explosion

The collapse of superpower ideological competition created unprecedented space for international legal mechanisms to flourish. The 1990s witnessed an explosion of international courts, tribunals, and regulatory frameworks that formed the infrastructure enabling contemporary lawfare tactics.

The quantitative evidence is compelling. The International Centre for Settlement of Investment Disputes registered its first case in 1972; by 2024, it had processed over 1,000 disputes with record-breaking annual filings of 66 cases in 2021 [6]. The World Trade Organization’s dispute settlement system has handled over 631 consultation requests since 1995, establishing it among the world’s most active international legal mechanisms. The International Court of Justice has experienced increasing complexity in multi-party interventions, with seven states joining recent genocide proceedings [7].

This institutional proliferation reflected several converging factors: globalization’s demand for legal coordination, the United States’ emergence as sole superpower creating both opportunities and vulnerabilities through legal channels, and technology enabling real-time documentation of legal violations. Most critically, the end of Cold War constraints allowed international law to expand beyond traditional state-to-state relations into areas previously considered domestic jurisdiction.

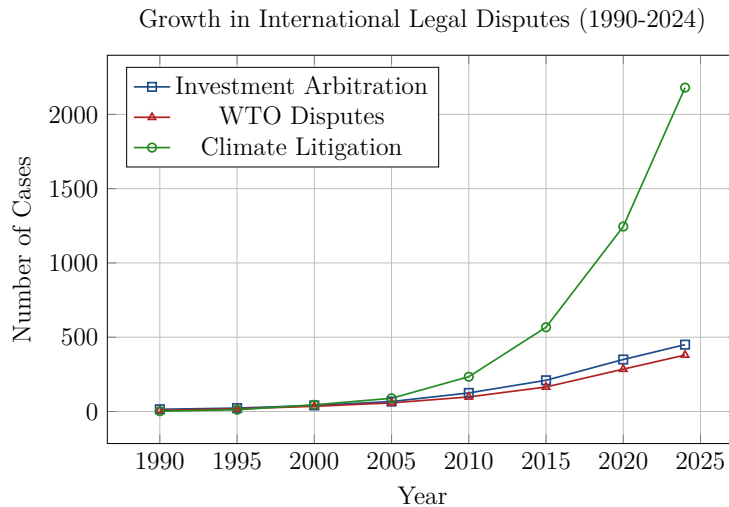


Figure 3: Exponential Growth in International Legal Mechanisms

China formalized this evolution by adopting “legal warfare” as one of its “three war-fares” doctrine in 2003, while Russia integrated legal dimensions into hybrid warfare strategies [8]. The United States, initially reactive, now calls for comprehensive national lawfare doctrine under the Biden Administration, representing the institutionalization of legal competition at the highest levels of statecraft.

## 4 Modern Legal Battlegrounds in Action

Contemporary lawfare manifests across diplomatic, economic, and security domains through increasingly sophisticated mechanisms. Recent cases illuminate the strategic deployment of legal instruments for explicitly political objectives.

### 4.1 Judicial Lawfare: South Africa’s Genocide Case

South Africa’s genocide case against Israel exemplifies modern judicial lawfare. Filed at the International Court of Justice in 2023, the case seeks provisional measures requiring Israel to facilitate humanitarian aid and prevent genocide in Gaza [9]. Regardless of ultimate legal outcomes, the proceedings have achieved significant political impact by legitimizing genocide accusations in an international forum and generating pressure on Israel’s allies. Nicaragua followed with similar charges against Germany for supporting Israel, demonstrating coordinated legal strategies that transcend individual bilateral disputes.

### 4.2 Investment Treaty Warfare

Investment treaty arbitration has evolved into a sophisticated tool for challenging regulatory measures, particularly in technology and national security contexts. Huawei’s ongoing ICSID case against Sweden challenges 5G infrastructure bans, potentially creating precedent limiting states’ ability to exclude foreign technology companies on national security grounds [10]. This represents broader Chinese strategy: since 2020, Chinese investors have filed nine new treaty-based cases, doubling their previous total and evolving from “rule-taker” to “rule-maker” in international investment law.

### 4.3 Economic Sanctions as Legal Warfare

The unprecedented Russia sanctions regime following Ukraine’s invasion demonstrates legal frameworks for economic warfare. Coordinated measures by the United States, European Union, and allies have frozen over 300 billion in Central Bank assets, disconnected Russian banks from SWIFT using legal authorities, and implemented complex secondary sanctions threatening third-party compliance [11]. Russia responded by enacting comprehensive anti-sanctions framework legislation, illustrating the legal arms race in economic coercion.

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## 5 The Infrastructure Enabling Legal Warfare

International legal institutions have evolved into sophisticated infrastructure enabling strategic manipulation alongside legitimate dispute resolution. Multiple overlapping venues with different procedures create opportunities for forum shopping, while procedural complexity favors well-resourced repeat players.

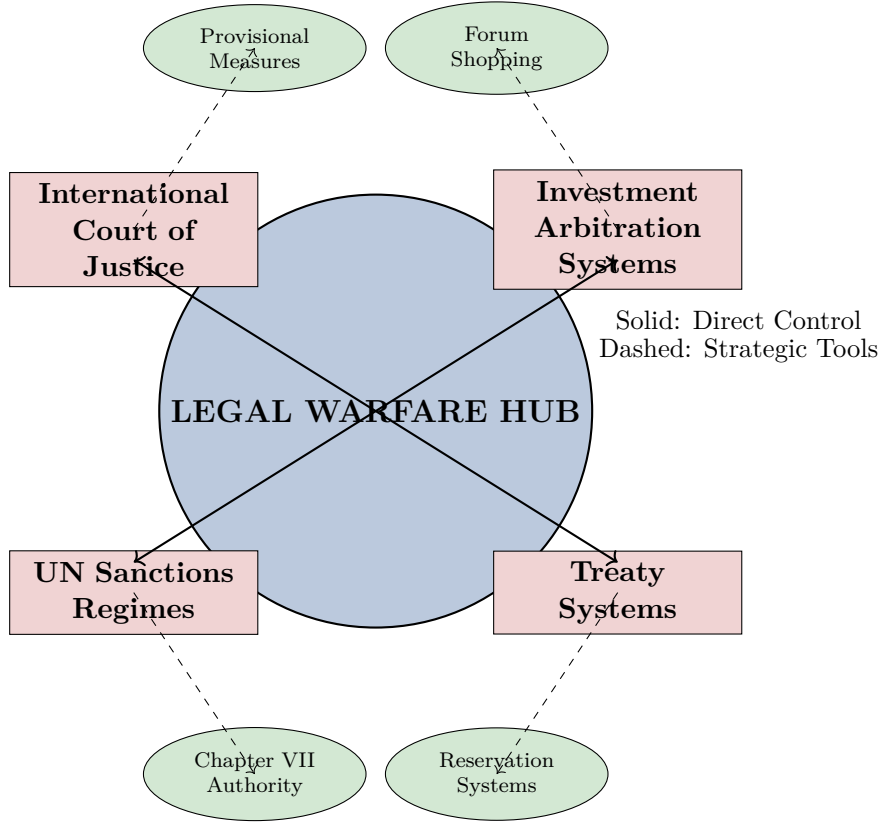


Figure 4: Infrastructure of International Legal Warfare

The International Court of Justice has become a primary lawfare venue through intervention mechanisms allowing state coalition-building, provisional measures enabling rapid legal action for political impact, and advisory opinions providing political legitimization despite lacking binding force. Investment arbitration systems show explosive growth enabling investor lawfare, with ICSID cases spanning all global regions and strategic selection among multiple procedural rules maximizing advantage through jurisdictional manipulation [12].

UN sanctions regimes represent sophisticated lawfare tools with 31 regimes established since 1966 and 14 currently active. Chapter VII authority provides universal binding effect on all 193 UN members regardless of individual agreement, while limited judicial review creates what scholars describe as “striking absence of general, judicially backed mechanism for challenging designations.”

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## 6 Mixed Results and Mounting Criticism

Research reveals sobering limitations in lawfare effectiveness alongside concerning impacts on international relations. Success rates remain disappointingly low: UN targeted sanctions achieve at least one stated purpose only 22 percent of the time, with coercion succeeding in merely 10 percent of cases [13]. A systematic review of over 250,000 international treaties found most fail to produce their intended effects, raising fundamental questions about legal instrument effectiveness [14].

Power imbalances systematically disadvantage smaller states. International economic law prioritizes sectors where industrialized countries excel (industrial products, capital, services) while de-emphasizing areas beneficial to developing countries (agriculture, labor mobility, technology transfer) [15]. High costs and specialized expertise requirements create de facto exclusion for countries lacking legal infrastructure.

### Global Justice Access Gap

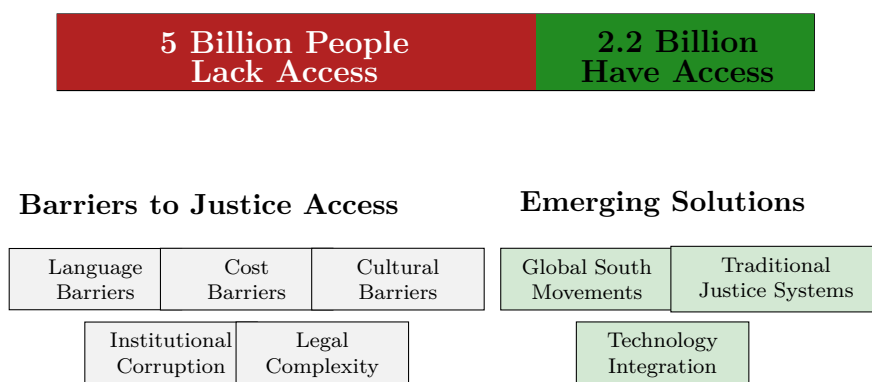


Figure 5: Global Distribution of Justice Access and Emerging Solutions

Legitimacy concerns challenge the system’s foundation. Third World Approaches to International Law scholars argue international law remains “firmly rooted in western colonialism” with fundamental principles designed to accommodate colonial interests rather than genuine equality [16]. The UN Security Council’s permanent member structure exemplifies this dynamic, privileging few powerful countries over the majority of world states.

## 7 The Emerging Counter-Movement

Despite these challenges, a powerful counter-movement is emerging from the Global South. The Hague Group, a coalition of eight Global South states, has become “a powerful voice from the Global South committed to defending international law,” representing coordinated efforts by historically marginalized states to assert legal norms over raw geopolitics [17].

Alternative approaches are gaining traction worldwide. Many Global South countries rely on customary and informal justice systems that demonstrate capacity to “close the justice gap,” though these remain misunderstood by international legal practitioners. Rights of nature movements originating in Latin America increasingly influence

global environmental jurisprudence, while African legal traditions emphasizing community decision-making shape international transitional justice approaches.

Reform proposals focus on democratization and inclusion. Legal scholars advocate enhanced participation of Global South countries through capacity building, financial support, and procedural reforms. Institutional reforms include expanding permanent membership in international bodies, limiting veto powers, and strengthening accountability mechanisms for international organizations and transnational corporations.

## 8 Technology Reshaping Legal Complexity

Artificial intelligence is revolutionizing international legal practice across five critical dimensions: identifying contents of international law through large dataset analysis, interpreting existing law with enhanced precision, formulating new legal instruments, assessing international legality of specific acts, and collating massive datasets for international courts and tribunals [18].

This transformation carries significant risks. “Automation bias” may cause legal practitioners to defer to AI outputs even when human analysis would yield different results, effectively realigning international law based on AI training datasets and creating incentives for states to manipulate these datasets. Research warns this could fundamentally alter how international law develops and is applied globally.

Cyber lawfare exploits legal ambiguities in “grey zones” between inaction and outright aggression, enabling states to pursue strategic objectives while avoiding conventional war thresholds. Climate litigation has exploded exponentially from 884 cases in 2017 to 2,180 in 2022, with courts increasingly finding strong human rights linkages to climate change [19].

## 9 The Trajectory Toward 2030

Research indicates all identified trends show acceleration rather than stabilization, suggesting continued intensification of legal complexity, technological disruption, and competitive lawfare through 2030. The period 2020-2025 represents a watershed characterized by strategic institutionalization of lawfare, technological transformation of legal practice, and crisis-driven innovation in global governance.

The COVID-19 pandemic catalyzed unprecedented legal innovation. The World Health Assembly’s 2025 global pandemic agreement represents significant expansion of international health law, while amendments to International Health Regulations strengthen global health governance [20]. These developments demonstrate the international legal system’s enhanced capacity for rapid adaptation during global crises.

Major powers are formalizing lawfare strategies as integral foreign policy components. China and Russia have developed comprehensive “grand lawfare strategies,” while the Biden Administration calls for integrated American lawfare strategy incorporating multilateral cooperation, national security integration, and both offensive and defensive capabilities. This evolution from ad hoc tactics to systematic strategic frameworks marks a fundamental shift in international relations practice.

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## 10 Conclusion: An Uncertain Legal Future

The trajectory suggests movement toward more distributed, technologically-mediated, and culturally diverse international legal orders. Legal authority is increasingly distributed among multiple centers with reduced Western dominance and enhanced Global South participation in norm creation. Success in managing this transformation requires balancing technological innovation with human oversight, competitive dynamics with cooperative frameworks, and Western legal traditions with Global South perspectives.

The stakes extend beyond academic interest. As traditional military conflict becomes increasingly costly and dangerous in an era of nuclear deterrence, legal mechanisms offer attractive alternatives for pursuing strategic objectives. Yet the current system's legitimacy deficit, access barriers, and power imbalances threaten to undermine the rule of law principles these institutions ostensibly serve.

The international community faces a critical choice: reform international legal institutions to address documented failures in accessibility, legitimacy, and effectiveness, or risk continued fragmentation into competing legal orders serving narrow interests rather than global justice. The decisions made in the next decade will determine whether law serves as a tool for genuine international cooperation or merely another domain of great power competition.

The emergence of lawfare and strategic legalese in international relations reflects both humanity's progress toward rule-of-law governance and the persistent reality that power shapes legal outcomes. Understanding these dynamics proves essential for anyone seeking to navigate, reform, or comprehend the increasingly legalized landscape of contemporary international relations. This complete analysis reveals not merely how law has become warfare by other means, but why this transformation may prove irreversible and what that reality means for the future of global governance.

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